

**Sec. 9-242a-16. Voting tabulator tenders and voting tabulator malfunction**

The voting tabulator tenders shall be stationed approximately three to four feet from the voting tabulator. They shall control access to the voting tabulator and shall prevent anyone from tampering with the voting tabulator. They shall instruct electors in the proper method for inserting the ballot. They shall ascertain that the ballot has been accepted by the voting tabulator before a voter leaves the polling place. The voting tabulator tender shall advise the elector of any error messages displayed by the voting tabulator. If a ballot is rejected by the voting tabulator they shall advise the elector how to correct the problem. They shall not look at the markings on an elector's ballot. If a new ballot is needed, the voting tabulator tender shall direct the elector to the ballot clerks. If the voting tabulator jams or malfunctions, the voting tabulator tender shall summon the moderator or another election official before any corrective action is taken. An election official shall clear any jammed ballots in accordance with instructions provided for the voting tabulator and shall avoid looking at the markings on the ballots. The voting tabulator shall not be opened unless one election official from an opposing political party is present. The moderator shall make a memorandum as to whether the voting tabulator indicates that it has counted the ballot. If the jam cannot be cleared or the voting tabulator malfunction cannot be resolved, the moderator shall call the registrars and shall substitute a perfect voting tabulator for the malfunctioning voting tabulator. Ballots shall continue to be issued, and voted ballots shall be placed in the auxiliary bin. The Secretary of the State shall prescribe the procedure to substitute a voting tabulator for the malfunctioning voting tabulator. When the voting tabulator is repaired or replaced or after the close of the polls, the election officials shall (1) process the ballots from the auxiliary bin through the voting tabulator, (2) return overvoted ballots to the auxiliary bin to be processed and overridden at the end of the day, and (3) return ballots rejected as blank ballots to the auxiliary bin to be hand counted at the end of the day. The moderator shall make a memorandum of such incidents. If the ballot box becomes full, officials of opposing political parties shall empty or replace the ballot box in the manner prescribed by the Secretary of the State. No person shall be permitted to leave the polling place with a ballot, either marked or unmarked. When an elector's ballot has been accepted by the voting tabulator, the elector shall be directed to immediately leave the polls.

(Adopted effective October 1, 1999; Amended March 27, 2008)