

(2) the defendant and child can view each other by video or television monitor from separate rooms.

Approved March 19, 1986

CHAPTER 362—H.F.No. 2023

An act relating to elections; changing certain procedures in absentee voting; increasing minimum number of election judges in certain precincts; changing certain official ballots for judicial candidates; requiring vendor bonds for certain voting systems; requiring public notice and demonstration for new voting equipment; authorizing standard ballot format; limiting number of ballots at single counting centers; amending Minnesota Statutes 1984, sections 203B.08, subdivisions 1a and 3a; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204D.14, subdivision 2; 206.56, by adding a subdivision; 206.57, by adding a subdivision; 206.58, subdivision 1; 206.82, by adding a subdivision; 206.84, subdivision 3; and 206.85, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 203B.08, subdivision 1a, is amended to read:

Subd. 1a. **ELECTRONIC VOTING SYSTEM AUTHORIZED.** An electronic voting system approved and authorized for use under chapter 206 may be used for absentee voting when the voter applies in person to the municipal clerk for an absentee ballot and chooses to vote at the time of application. The municipal clerk designated under the provisions of section 203B.05 must give written notice to the county auditor prior to each state primary election that an electronic voting system will be used for absentee voting. The county auditor may provide that an electronic voting system approved and authorized for use under chapter 206 may be used for absentee voting when the voter applies in person to the county auditor for an absentee ballot and chooses to vote at the time of application. Paper ballots must be used ~~when applications for absentee ballots are submitted to the county auditor;~~ when ballots are delivered to temporary or permanent residents or patients in a health care facility as provided in section 203B.11, or when applications are submitted by mail.

Sec. 2. Minnesota Statutes 1984, section 203B.08, subdivision 3a, is amended to read:

Subd. 3a. **PROCEDURES FOR SAFEGUARDING ELECTRONICALLY MARKED BALLOTS.** When the voter has completed marking the ballot as authorized under subdivision 1a, the voter shall remove the ballot card from the electronic voting device, insert it in a security envelope, and place the security envelope in an absentee ballot return envelope which is to be signed by the voter and witnessed as provided in section 203B.07, subdivision 2. The return enve-

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lope in which a ballot card is returned shall be dated and initialed by hand by the auditor or clerk and placed in a secure location with other absentee ballot cards marked under subdivision 1a.

Sec. 3. Minnesota Statutes 1984, section 204B.22, is amended by adding a subdivision to read:

Subd. 3. MINIMUM NUMBER REQUIRED IN CERTAIN PRECINCTS. At each state primary or state general election in precincts using lever voting machines or an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

Sec. 4. Minnesota Statutes 1984, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **JUDICIAL CANDIDATES.** The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term" or "to which (name of justice)..... was appointed" "Chief justice (or associate justice) - supreme court (last name of incumbent) seat";

(b) In the case of the court of appeals:

"For the office of judge of the court of appeals to which (name of judge) was elected for the regular term" or "to which (name of judge) was appointed" "Judge - court of appeals (last name of incumbent) seat";

(c) In the case of the district court:

"For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed" "Judge - (number) district court (last name of incumbent) seat"; or

(d) In the case of the county court:

"For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed." "Judge - (number) county court (last name of incumbent) seat."

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

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"Successor to (name)....., elected (or appointed)."

Sec. 5. Minnesota Statutes 1984, section 204D.14, subdivision 2, is amended to read:

Subd. 2. **UNCONTESTED OFFICES.** ~~Nonpartisan~~ County offices for which there is only one candidate shall appear after all contested county offices on the canary ballot. Judicial offices for which there is only one candidate shall appear after all contested judicial offices on the canary ballots.

Sec. 6. Minnesota Statutes 1984, section 206.56, is amended by adding a subdivision to read:

Subd. 16. **USER LIST.** "User list" means a list of the chief election officials of each county and municipality responsible for preparation of a program to be used with an electronic voting system or for administration of a counting center.

Sec. 7. Minnesota Statutes 1984, section 206.57, is amended by adding a subdivision to read:

Subd. 4. **VENDOR BONDS.** Vendors of lever voting machines or electronic voting systems shall certify to the secretary of state that they will not offer for sale any voting machine or system which is not certified for use in Minnesota elections. The vendor shall furnish a bond in the amount of \$5,000 along with the certification to the secretary of state conditioned on offering the equipment for sale in accordance with Minnesota election laws and any conditions of the approval of the equipment granted as provided in this section.

Sec. 8. Minnesota Statutes 1984, section 206.58, subdivision 1, is amended to read:

Subdivision 1. **MUNICIPALITIES.** The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of lever voting machines or, by the affirmative vote of two-thirds of its members, may provide for the use of an electronic voting system, in one or more precincts and at all elections in the precincts. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting machine or device in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

If a machine is designed in a way that does not allow voting on all candidates and issues pursuant to this chapter, the machines may be used to the extent compliance with this chapter is possible and paper ballots complying with election laws shall be used for all other offices and issues. No machine or system shall be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

Sec. 9. Minnesota Statutes 1984, section 206.82, is amended by adding a subdivision to read:

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Subd. 3. BOND. Before a contract is awarded to any vendor for preparation of a program for use with an electronic voting system, the vendor shall furnish the secretary of state with a sufficient bond conditioned on preparing the program in conformity with Minnesota election law and the instructions delivered to the vendor by the county auditor or municipal clerk who is responsible for the conduct of the election. The secretary of state shall send notice of the receipt or forfeiture of any such bond to each official on the user list. On or before March 15 of every even-numbered year the county auditor shall send to the secretary of state the current user list for the county.

Sec. 10. Minnesota Statutes 1984, section 206.84, subdivision 3, is amended to read:

Subd. 3. **BALLOTS.** The ballot information, whether placed on the ballot card or on the ballot booklet must, as far as practicable, be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems.

The pages of a partisan primary ballot booklet may be different colors or may otherwise differentiate between the parties. All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

Sec. 11. Minnesota Statutes 1984, section 206.85, subdivision 2, is amended to read:

Subd. 2. **COUNTING CENTER IN MORE THAN ONE MUNICIPALITY.** If a counting center serves more than one municipality, the county auditor of the county where the center is located is in sole charge of overall administration of the center and must

(a) establish procedures to implement the timely and lawful completion of the counting center proceedings;

(b) coordinate training of all counting center personnel and require additional training as needed;

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(c) ask the county attorney, at least 30 days prior to an election, whether circumstances require that the municipalities sharing the use of a counting center resolve their respective duties and financial responsibilities by execution of a joint powers agreement pursuant to section 471.59; ~~and~~

(d) coordinate, and if necessary, exercise the duties imposed by this section on the official in charge of elections in a municipality where an electronic voting system is used; and

(e) limit the number of ballots to be counted at a single counting center to no more than 100,000.

Sec. 12. **EFFECTIVE DATE.**

Section 10 is effective January 1, 1987, and sections 7 and 9 are effective January 1, 1988.

Approved March 19, 1986

CHAPTER 363—H.F.No. 2185

An act relating to state government; providing for the purchase, use, administration, or disposal of certain fees, services, and property within the jurisdiction of the commissioner of administration; amending Minnesota Statutes 1984, sections 16B.07, subdivisions 3 and 4; 16B.08, subdivision 4; 16B.09, subdivision 1; and Minnesota Statutes 1985 Supplement, sections 16B.29; 16B.42, subdivision 4; and 16B.48, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 16B.07, subdivision 3, is amended to read:

Subd. 3. **PUBLICATION OF NOTICE; EXPENDITURES OVER ~~\$5,000~~ \$15,000.** If the amount of an expenditure or sale is estimated to exceed ~~\$5,000~~ \$15,000, sealed bids must be solicited by public notice inserted at least once in a newspaper or trade journal not less than seven days before the final date of submitting bids. The commissioner shall designate the newspaper or trade journal for that publication, and may designate different newspapers or journals according to the nature of the purchase or contract. The commissioner shall also solicit sealed bids by sending notices by mail to all prospective bidders known to the commissioner, and by posting notice on a public bulletin board in the commissioner's office at least five days before the final date of submitting bids. All bids must be sealed when they are received and must be opened in public at the hour stated in the notice. All original bids and all documents pertaining to the award of a contract must be retained and made a part of a permanent file or record and remain open to public inspection.

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