

**CHAPTER 8230
SECRETARY OF STATE
POLLING PLACES AND COUNTING CENTERS**

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NOTE: See part 8220.0250 for definitions applicable to this chapter.

CONDUCT OF ELECTIONS IN PUNCH CARD PRECINCTS

8230.0050 APPLICABILITY.

Parts 8230.0050 to 8230.2350 apply to punch card or other electronic voting systems where ballot cards are used with a punch instrument or where ballot cards must be inserted into a marking or voting device.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0150 PROCEDURES.

Unless otherwise provided for in Minnesota law or in parts 8230.0050 to 8230.2350, paper ballot procedures as provided in Minnesota Statutes, chapter 204A must be followed to the extent possible.

Where combination ballot card and write-in ballots are used, all rules relating to write-in, security, and identification apply to the combination ballot card and write-in ballot.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0200 [Repealed, 10 SR 1690]

8230.0250 ARRANGEMENT OF VOTING DEVICES.

Precincts using punch card or optical scan voting systems may provide voting booths or self-contained stations for use by voters in casting their ballots. The booths or stations must be equipped with lights or arranged so that adequate lighting is available for voters to be able to see and mark the ballots. The booths or stations must be arranged so the secrecy of the ballot is not violated. If a voter claims that the arrangement of the booths or stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the device or booth to provide for increased secrecy.

Statutory Authority: *MS s 206.57; 206.84*

History: *10 SR 1690; 17 SR 8; 20 SR 2787*

8230.0300 [Repealed, 10 SR 1690]

8230.0350 EXAMINATION OF VOTING DEVICES.

The election judges shall inspect the voting devices by:

A. comparing the seal number of the devices with seal numbers recorded by the municipal clerk on the precinct certification;

B. comparing the names and ballot position numbers printed on the ballot labels with the edit listing to ascertain that the offices and candidates' names are the same and appear in the same order on each;

C. checking to see that the ballot label pages are in the proper sequence and agree with the sequence indicated on the edit listing;

D. checking that holes only appear directly opposite each arrow and that the arrow points directly to the hole opposite it;

E. placing a demonstration card into each device and punching or marking it for each candidate and proposition on the ballot, attempting to punch or mark in the card places other than those indicated by an arrow, and examining the card to see that each candidate and proposition received a clean punch or mark and that no holes appear in the ballot card in any other position;

F. in an election in which write-ins are permitted, checking that there is a marking pencil provided for write-ins in each voting booth or self-contained voting station;

G. checking each stylus to see that it is not broken and that it has a point; and

H. checking that there is adequate lighting and that the lights are in proper working condition.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0400 [Repealed, 10 SR 1690]

8230.0450 DISCREPANCY IN DEVICE.

In the event of a discrepancy, the election judges shall notify the municipal clerk immediately, and the voting device must not be used until the discrepancy is resolved.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0500 [Repealed, 10 SR 1690]

8230.0550 DEMONSTRATION VOTING DEVICES.

The demonstration voting devices must be arranged so as to be able to offer each voter an opportunity to use it prior to voting.

The election judges shall offer each voter the opportunity to use the demonstration voting device. The judges shall explain that the demonstration voting device is only a sample of the actual voting device.

The election judge shall explain to the voter how to compare ballot card with ballot label pages after voting.

Any voter who requests additional information about the voting system must be instructed by an election judge about the system and counting procedures.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0650 VOTING PROCEDURE.

The election judge shall not deliver a ballot card to a voter until the judge has received a signed voter certificate or a voter receipt. The ballot card number must be recorded on or attached to the certificate or receipt. Ballot cards and envelopes are not to be issued until a voting station is vacant.

Upon being issued a ballot card and envelope the voter shall go to the voting station which is unoccupied and vote. Before leaving the voting station the voter shall place the ballot card in the envelope with the detachable stub exposed.

Upon leaving the voting station the voter shall publicly hand the envelope containing the ballot card with the stub attached to an election judge. If the voter has not placed the ballot card in the envelope before leaving the voting station, the election judges shall instruct the voter to return to the voting station and place the ballot card in the envelope.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0750 DEPOSITING VALID BALLOT.

The judge receiving the ballot card and envelope from the voter shall compare the number on the ballot stub with the ballot card number recorded on or attached to the voter certificate or receipt to determine if the ballot card is the one issued to the voter. If the ballot card number is not the same as that assigned, the ballot card and the certificate must be placed in the spoiled ballot envelope and not counted. In no case may a spoiled ballot card be placed in the ballot card box.

If the numbers match, the judge shall detach the ballot card stub in the presence of the voter and deposit the ballot card in the envelope in the ballot card box.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0850 SPOILED BALLOT CARDS.

If a voter spoils a ballot card by inadvertently defacing it or removing the prenumbered ballot card stub or requests a new ballot card, the voter shall secretly place the ballot card in the ballot envelope and return it to the election judge and the judge shall give the voter another ballot card and ballot envelope. The spoiled ballot card and ballot envelope must be placed in the envelope marked "SPOILED BALLOT CARDS." One of the election judges shall note the change in the ballot card number given the voter upon the voter certificate or receipt. The method of changing the number of the ballot card issued must be by drawing a line through the number of the original ballot issued and writing the new number above.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.0950 REVIEW OF SEALS AND LABEL PAGES.

As frequently as possible and at least every half hour the election judges shall check the seals and ballot label pages of the voting devices to assure that none has been altered or defaced. Should the judges find that the ballot label pages of a device have been altered, mutilated, or damaged in such a manner that the judges cannot correct them without doing damage to the offices and candidates' names appearing on them, the device may not be used until the condition is corrected. A note of the occurrence must be made in the precinct certification.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1000 [Repealed, 10 SR 1690]

8230.1050 BALLOT CARDS FOUND IN VOTING BOOTHS OR STATIONS.

Any ballot card found in a booth or station must be marked "found in booth." The card must be placed in an envelope which must be placed in the transfer case. In no case may that ballot be placed with the properly cast ballots. A note of the occurrence must be made in the remarks section of the precinct certification.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1100 [Repealed, 10 SR 1690]

8230.1150 PROCEDURES FOLLOWING CLOSE OF POLLS.

Subpart 1. **Ballot cards not issued, secured.** All ballot cards and envelopes which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

Subp. 2. **Inspection.** The ballot labels and seals of each voting device must be inspected to ensure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy must be noted in the remarks section of the precinct certification.

Subp. 3. **Total number of voters.** The total number of voters, determined pursuant to Minnesota Statutes, section 204C.20, subdivision 1 must be entered on the precinct certification.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1200 [Repealed, 10 SR 1690]

8230.1250 COUNTING BALLOTS.

The election judges shall open the ballot box and remove the ballots. Prior to removing the ballots from their envelopes they must be counted to determine the total number. The judges shall compare the total number of names recorded in the precinct certification. If the ballots are in excess of the number of electors voting and it is impossible to reconcile the number, the ballots must be replaced in the ballot box and one of the election judges shall publicly draw out a number of ballots equal to the excess.

Any excess ballots while still in their envelopes must be marked "excess" and be placed in an envelope and sealed. The judges shall note on the outside of the envelope its contents and place it in the transfer case. A notation of the pertinent facts must be made in the precinct certification. If the number of ballots counted is less than the number of electors voting according to the count determined in part 8230.1150, the reason for the discrepancy must be noted in the precinct certification. If the judges are unable to explain the discrepancy, they shall so state in the precinct certification.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1300 [Repealed, 10 SR 1690]

8230.1350 WRITE-IN VOTES.

At a general election, each ballot in its envelope or the write-in ballot portion of a combination ballot card and write-in ballot must be examined for write-ins. Ballot cards for which no write-ins exist must be separated from their envelopes. The envelopes must be placed in a sturdy container, which must be marked with the precinct name, and delivered at the same time the voted ballots are delivered to the county auditor or municipal clerk.

If a write-in vote exists, the judges shall number the ballot envelopes serially beginning with number one and place the same number on the ballot card of the voter and then determine whether the write-in vote is valid.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1400 [Repealed, 10 SR 1690]

8230.1450 VALID WRITE-IN VOTE.

A valid write-in vote must have on the appropriate designated place for write-ins the following information: an office to be voted on at that election and any name to be considered as a write-in candidate for that office.

Stickers containing this information are permissible.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1500 [Repealed, 10 SR 1690]

8230.1550 INVALID WRITE-IN VOTE.

All write-in votes which are not recorded in the appropriate designated place for write-ins are not valid unless the number of write-ins exceed the number of spaces allowed for

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write-ins. In such a case, the write-ins in excess of the spaces provided are to be considered valid provided they are contained on the ballot envelope or write-in portion of the ballot card. All write-in votes which do not have an office or candidate's name indicated are not valid.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1600 [Repealed, 10 SR 1690]

8230.1650 RECORDING VALID WRITE-IN VOTES.

When a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the voter who writes in the name of a candidate also votes on the ballot card for that same office, then the ballot is defective for that office only.

When a write-in vote is determined to be valid and no overvote condition exists, the election judges shall enter the candidate's name and the office on the write-in tally return. The ballot card must be placed with the other valid ballot cards for tabulation. The envelope containing the write-in vote must be placed in a separate pile containing write-in votes.

When a write-in vote is determined to be valid and an overvote condition exists for that office, the election judges shall place the ballot card and write-in vote in the envelope of "original ballot cards for which duplicates are to be made." The manner of duplication is prescribed in part 8230.3850.

At the discretion of the official in charge of the election for the election jurisdiction the processing of write-in ballots may be done at the counting center instead of at the precinct.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1700 [Repealed, 10 SR 1690]

8230.1750 DEFECTIVE BALLOT CARD; CHAD.

Subpart 1. **Examination.** The judges shall examine all ballot cards for ballot cards with chad hanging and for defective ballot cards.

Subp. 2. **Hanging chad.** The intent of the voter is to be ascertained when processing ballot cards. A ballot card with a chad hanging must be processed in the following manner:

A. If a chad is found attached to the card by one or two corners, the chad must be removed by the election judge and the ballot card placed with the other valid ballots.

B. If a chad is found hanging by three corners the ballot card is defective for that office and must be placed in the envelope for original cards for which duplicates are to be made at the counting center.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1800 [Repealed, 10 SR 1690]

8230.1850 DEFECTIVE BALLOT.

If it is clearly evident from examination of the ballot card that the ballot card has been mutilated or marked for the purpose of distinguishing it, then the ballot card is defective and may not be counted. The ballot card must be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.1900 [Repealed, 10 SR 1690]

8230.1950 NUMBER OF BALLOT CARDS COUNTED AND RECORDED.

Subpart 1. **Number agreement.** When the ballot cards have been processed and checked, the judges shall determine that the number of ballot cards which they are submitting to the counting center for tabulation agrees with the number of names recorded in part

8230.1700, less any discrepancy for which notations have been made in the precinct certification. The number of valid ballot cards which are being submitted for tabulation must be entered in the appropriate place on the precinct certification and on the transfer case certificate.

Subp. 2. **Entries on precinct certification.** The election judges shall enter in the appropriate place on the precinct certification the number of ballot cards issued to the precinct, the number of ballot envelopes issued to the precinct, the number of ballot cards issued to voters, the number of spoiled ballot cards, the number of defective ballot cards, the number of cards for which duplicates are to be made for any reason, and the number of ballot cards not issued to voters.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.2000 [Repealed, 10 SR 1690]

8230.2050 ITEMS IN TRANSFER CASE.

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the counting center all of the following items:

- A. valid voted ballot cards;
- B. ballot envelopes with write-in votes;
- C. envelope containing paper absentee ballots;
- D. envelope containing spoiled ballot cards;
- E. envelope containing defective ballot cards;
- F. envelope containing original ballot cards for which duplicates are to be made for any reason;
- G. envelopes with notations concerning any other issued ballot cards contained which are not to be counted;
- H. certificate signed by the judges indicating number of ballot cards received, issued, and used;
- I. write-in tally return sheet;
- J. precinct header card (if included in precinct supplies); and
- K. precinct certification.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second transfer case or metal container of a type approved by the election jurisdiction for storage of ballots must be used and the sealing and security handled in the same manner as the transfer case.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.2100 [Repealed, 10 SR 1690]

8230.2150 CERTIFICATE OF ELECTION JUDGE.

The election judges shall sign a "certificate of election judges." The certificate must state:

- A. the number of persons voting as shown by the precinct certification;
- B. that prior to the opening the polls, all voting devices were examined and found to be sealed with metal seals bearing the same numbers as certified by the election jurisdiction;
- C. that the ballot labels were in their proper places;
- D. that the position of candidates' names and ballot numbers on the ballot labels and the ballot cards were the same as appeared in the same position as indicated on the edit listing;
- E. that at the close of the polls each voting device was examined and found to be sealed with the same numbers as verified at the opening of the polls and that the ballot labels were in their correct position;

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F. the number of ballot cards being submitted for tabulation;

G. that the ballot cards have been counted while in their envelopes and agree with the number of names as shown on the precinct certification;

H. that all ballot cards requiring duplication are in the proper envelope;

I. that all ballot cards have been examined for hanging chad;

J. that all write-in votes have been properly recorded;

K. that all ballot cards used in the election and all ballot cards to be duplicated have been placed in the transfer case and that the case was securely sealed with an official metal seal in such a manner as to render it impossible to open the case without breaking the seal; and

L. the number of the seal used to seal the transfer case.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.2200 [Repealed, 10 SR 1690]

8230.2250 DELIVERY OF TRANSFER CASE.

Subpart 1. **Seal and certificate.** The transfer case must be sealed with a seal so that it is impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal must be a certificate signed by the judges indicating its content, the precinct name, and the number of the seal used to seal the case. The seal number must also be recorded in the certificate of the election judges. The transfer case certificate must be in a clear plastic envelope and affixed to the case by the seal.

Subp. 2. **Delivery by two election judges.** The transfer case containing the required items as identified in part 8230.2050 must be delivered to the counting center by two election judges, not of the same political party.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690; 20 SR 2787*

8230.2300 [Repealed, 10 SR 1690]

8230.2350 DELIVERY OF BALLOT ENVELOPE CONTAINER.

The container which holds the ballot envelopes issued to voters but containing no write-in votes must be delivered to the counting center by the same election judges who deliver the transfer case containing voted ballots.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.2400 [Repealed, 10 SR 1690]

8230.2450 RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES.

Ballot cards and ballot envelopes which are not issued to voters must be returned to the election official in charge of the election jurisdiction who shall issue a receipt for them and retain them by precinct until the time for contest has expired.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.2500 [Repealed, 10 SR 1690]

8230.2600 [Repealed, 10 SR 1690]

8230.2610 [Repealed, 10 SR 1690]

8230.2700 [Repealed, 10 SR 1690]

8230.2800 [Repealed, 10 SR 1690]

8230.2900 [Repealed, 10 SR 1690]

8230.3000 [Repealed, 10 SR 1690]

ABSENTEE BALLOTS FOR PUNCH CARD SYSTEMS**8230.3050 APPLICABILITY.**

Parts 8230.3050 to 8230.3250 apply to punch card or other electronic voting systems where ballot cards are used with a punch instrument or where the ballot card must be inserted into a marking or voting device.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3150 ABSENTEE BALLOTS, GENERAL PROVISIONS.

The issuing, receipt, processing, and tabulation of absentee ballots in election jurisdictions using punch card electronic voting systems must conform to law and parts 8230.0050 to 8230.4250.

Voters requesting absentee ballots must be supplied with paper absentee ballots, except as provided by Minnesota Statutes, section 203B.08, subdivision 1a. Absentee votes must be cast on paper absentee ballots and delivered either to an absentee ballot precinct as provided by law or to the polling place in the voters' precinct.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3250 ABSENTEE VOTING, ELECTRONIC VOTING SYSTEM.

Subpart 1. **Applicability.** This part applies only when municipal clerks administer absentee ballots as provided in Minnesota Statutes, section 203B.08, subdivision 1a, for voters applying in person at the clerk's office for an absentee ballot.

Subp. 2. **Ballot cards.** Ballot cards issued to voters under Minnesota Statutes, section 203B.08, subdivision 1a, must conform to all of the provisions of part 8220.3050.

Subp. 3. **Ballot labels and voting devices.** Ballot labels and voting devices must be prepared as provided in parts 8220.3050 and 8220.3350. At least one voting device must be available for each precinct in the municipality and placed in a proper booth or voting station within the building where the office of the clerk is maintained.

Subp. 4. **Demonstrator.** A demonstrator voting device must be available to absentee voters and instructions for casting a ballot on an electronic voting system must be offered to each absentee voter by the municipal clerk or an election judge.

Subp. 5. **Issuing ballot cards.** The municipal clerk shall remove the smaller numbered stub from the ballot card when it is issued to the voter. The smaller numbered stubs must be placed in an envelope marked "Absentee Ballot Stubs" and retained by the municipal clerk in the clerk's office.

Subp. 6. **After voting.** The voter must be instructed to insert the voted card in the ballot envelope and to fold the large numbered stub over the outside of the envelope. The voter shall next insert the ballot envelope in the absentee return envelope and seal it. The certificate of eligibility on the back side of the return envelope must be completed by the voter and a witness, and the voter shall give the municipal clerk the return envelope with the voted ballot card and its envelope sealed inside.

Subp. 7. **Voted ballot cards.** Absentee return envelopes with voted ballot cards must be retained by the municipal clerk in a secure container that will not damage the machine readability of the card. The municipal clerk shall deliver the absentee return envelopes with voted ballot cards to the election judges in the appropriate precinct on election day.

Subp. 8. **Processing.** When election judges have processed the absentee return envelopes as provided in Minnesota Statutes, section 203B.12, the ballot envelopes must be removed from the return envelopes marked "accepted." The large numbered stub must be removed from each ballot card before each ballot envelope is deposited in the ballot box along with the ballot cards of voters voting in person.

Subp. 9. **Disposition of stubs.** The election judges shall attach one large numbered stub to each absentee return envelope marked "accepted" from which a ballot envelope was removed. The stubs may be attached after all of the ballot envelopes have been removed and the large stubs detached.

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Subp. 10. **Reconciliation.** The return envelopes with stubs attached must be placed with the voter certificates or receipts and "accepted" return envelopes of voters casting paper absentee ballots and included in the count to arrive at the total number of persons voting in the precinct. To arrive at the proper number of ballot cards to be tabulated, the "accepted" return envelopes with stubs attached must be counted with the voter certificates or receipts and the total must equal the number of ballot cards to be tabulated. The reconciliation of the ballot cards and number of persons voting must be entered on the precinct certification.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690; 20 SR 2787*

8230.3300 [Repealed, 10 SR 1690]

COUNTING CENTER PROCEDURES FOR PUNCH CARD SYSTEMS

8230.3350 APPLICABILITY.

Parts 8230.3350 to 8230.4250 apply to punch card or other electronic voting systems where ballot cards are used with a punch instrument or where the ballot card must be inserted into a marking or voting device.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3450 PRELIMINARY PROCEDURES.

The persons who operate the computer used for tabulation of ballots on election night may not be the same persons who wrote the computer program. This does not exclude the official in charge of the election for the election jurisdiction or the official's authorized assistant. The computer operators shall take and subscribe to the election judges' oath.

The state chair of a major political party or a designee may appoint by written certificate one person to be present in the immediate area of the computer in the counting center during all activities and operations of the center. The major political party representative may observe all procedures but may not interfere in any way and may not touch any computer or ballot materials.

Persons assigned to administer the counting center shall compare the seal number on the container containing the computer programs, computer center header cards, official test deck, and predetermined results with that recorded in the certificate of the public accuracy test to see that they agree.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690; 17 SR 1279*

8230.3500 [Repealed, 10 SR 1690]

8230.3550 TEST OF PROGRAM BEFORE AND AFTER TABULATION.

Prior to the tabulation of ballots and again after the last precinct has been counted, the counting center personnel shall test the computer program and computer as to their accuracy and certify the results. The accuracy test must be conducted with the test deck or ballot image designated in parts 8200.1100 and 8200.1200. Copies of these test results must be designated "prior to tabulation of ballots" or "after tabulation of ballots." A copy of each test certificate must accompany the results of the tabulation of the ballots and be filed with the county auditor in the county where the precincts are located. When the official in charge of the counting center certifies that the tabulation has been done in isolation, the test after tabulation need not be performed.

Authorized counting center personnel may at their discretion test the program using the official test deck or ballot image periodically throughout the tabulation of ballots to ensure that the program and computer are operating accurately.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3600 [Repealed, 10 SR 1690]

8230.3650 MAINTAINING AND CERTIFYING LOG.

A console log including the count and accuracy test and the tabulation of the ballots must be maintained and certified by the computer operators and the election official in charge of the counting center to the municipal clerk unless it contains information on more than one municipality in which case it must be delivered to the county auditor. In the event the computer is not capable of creating a console log, then a manual log of any abnormal events must be maintained.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3700 [Repealed, 10 SR 1690]

8230.3750 PROCEDURES FOR TRANSFER CASES.

Subpart 1. Identifying case. Upon receipt of the transfer case from the election judges of a precinct, authorized counting center personnel shall check the identification on the transfer case to see that it matches the identification on the judges' certificate. The transfer case must then be opened and checked to see that it contains the ballots and all other material required by parts 8230.0050 to 8230.4250. The opened metal seal from the transfer case must be placed inside the case. The identification on the case must be noted on all reporting materials. Authorized counting center personnel must then issue a certificate to the election judges delivering the case acknowledging receipt of all materials.

Subp. 2. Delivery to counting center. The transfer case containing the ballot cards must then be delivered to the proper counting center personnel for preparation for tabulation. The election official in charge of the counting center shall provide adequate security at the counting center.

Subp. 3. Placing header card. In processing the ballot cards of a given precinct, the computer center header card and the precinct header card must be placed in front of the deck of ballot cards of the respective precinct. The end card must immediately follow the deck of ballot cards.

Subp. 4. Sealing after count. Immediately upon the completion of the counting of a precinct, all ballot cards for the precinct and precinct header cards must be returned to the transfer case or other suitable container and sealed as to make it impossible to open the case without breaking the seal.

Subp. 5. Verifying number of cards. The election official in charge of the counting center shall determine whether the number of ballot cards tabulated by the computer agrees with the number of ballot cards submitted by the election judges at the precinct. If a discrepancy exists, authorized counting center personnel shall correct it. In the event the discrepancy cannot be resolved, a notation must be made of the pertinent facts on the statement of returns.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3800 [Repealed, 10 SR 1690]

8230.3850 DUPLICATION OF BALLOTS.

Any ballots requiring duplication at the counting center must be duplicated in the following manner:

A. Whenever a ballot card is required to be duplicated, the duplication process must be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot card, the duplicate card and the original card must be identified with a single number written on both cards. The number on the duplicate card must be the same number as on the original. When more than one card is being duplicated in a precinct, the numbering must be serial.

C. The reason for duplication such as "write-in," "chad," or "damaged," must be written on the duplicate ballot card. The election judges duplicating the card shall initial the duplicated card and the original card.

D. When duplicating a ballot card, one election judge shall call from the original ballot card the valid selections of the voter; another election judge shall prepare the duplicate

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ballot with the voter's valid selections. The duplicate ballot card must be compared against the original ballot card to assure it has been accurately duplicated.

E. All original ballot cards which require duplication must be placed in an envelope marked "original ballot cards for which duplicates have been made." The duplicated ballot card must be placed with the other valid ballot cards to be tabulated.

F. Any writing required on any ballot card must be done with a soft-tip marking instrument.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.3900 [Repealed, 10 SR 1690]

8230.3950 COPIES OF RETURNS.

The election official in charge of the counting center must certify at least three copies of the returns. The certification must state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day, number of ballots counted, vote totals, and any other data required by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690; 17 SR 8*

8230.4000 [Repealed, 10 SR 1690]

8230.4050 DISTRIBUTION OF RETURNS.

Returns referred to in part 8230.3950 must be certified to the municipal clerk who shall retain one copy of the statement of returns and send at least two copies to the county auditor, along with any forms determined by the secretary of state to be filed with the state. The county auditor shall retain one copy of the statement and forward at least one copy of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms required by the secretary of state for preparation of the state canvassing board report and other public reports of the election must be completed and returned to the secretary of state.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690; 17 SR 8*

8230.4100 [Repealed, 10 SR 1690]

8230.4150 DELIVERY OF MATERIAL AFTER COUNTING.

After the last precinct has been counted and the final accuracy test has been conducted, the election official in charge of the counting center shall deliver all materials to the office of the municipal clerk of each election jurisdiction served by the counting center. That clerk upon filing reports prescribed in part 8230.4050 shall retain ballots and voter certificates for one year unless otherwise ordered by a court order or recount procedure pursuant to the Minnesota election laws. Test decks or ballot images, accuracy test results, and computer programs must be delivered to the county auditor.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.4200 [Repealed, 10 SR 1690]

8230.4250 COUNTY AUDITOR TO MAINTAIN MATERIALS.

The county auditor must maintain all the material forwarded as required in parts 8230.4050 and 8230.4150 for a period of one year unless otherwise advised by a court order or recount procedure pursuant to the Minnesota election laws.

Statutory Authority: *MS s 206.57*

History: *10 SR 1690*

8230.4300 [Repealed, 10 SR 1690]

8230.4350 OPTICAL SCAN VOTING SYSTEMS.

Subpart 1. **Applicability.** This part applies to optical scan voting systems, as defined in Minnesota Statutes, section 206.90, subdivision 1. Parts 8220.0050 to 8220.2850 apply to the use of optical scan voting systems. To the extent possible, parts 8220.3050 to 8230.4250 for use of punch card voting systems apply to the use of optical scan voting systems, unless this part provides otherwise.

Subp. 2. **Ballot cards.** Each ballot card must have printed on it either the name of the precinct and a machine-readable precinct identifier, or a ballot style indicator. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Detachable stubs or consecutive numbers are not required. Lines for the initials of at least two election judges must be printed on one side of the ballot card so that the judges' initials are visible when the ballot is enclosed in a secrecy sleeve.

Ballot cards must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the manufacturer's recommended standards and specifications for ballot printing.

The equipment manufacturer must file with the secretary of state recommended procedures and standards for checking ballot specifications. Upon receipt of the ballots the election jurisdiction must immediately examine the ballot cards to determine that they meet the required specifications. The ballot cards must be packaged and stored in a manner to protect against moisture.

Subp. 3. **Supplies.** Each precinct must be supplied with secrecy sleeves that will shield voting marks from view while the voter deposits the ballot into the ballot box. Ballot boxes must be made of metal or high impact plastic.

Ballot boxes used with counting equipment that reads the ballot as it is inserted into the ballot box may be separate or part of the equipment so long as the ballot is fed directly into a locked or sealed ballot box. At a general election, the ballot boxes must have two separate compartments into which the equipment can feed ballots. One compartment must receive ballots on which all votes have been counted and recorded, and the other compartment must receive the ballots on which all votes have been counted except for those offices for which a write-in indication has been recorded. An auxiliary ballot box, that may be separate or an additional compartment, must be supplied to be used if the equipment fails to function and to receive ballots that cannot be read by the equipment.

A writing instrument without an eraser that will produce marks that can be accurately read by the automatic tabulating equipment must be provided to each voter.

Subp. 4. **Testing.** Computer programs and counting equipment must be tested as required by Minnesota election laws and rules. In addition, as necessary to ensure accuracy of vote counting, diagnostic test capabilities of the equipment and additional test procedures recommended by the equipment manufacturer must be used. The equipment manufacturer must file with the secretary of state recommended test procedures and instructions.

Subp. 5. **Precinct counting equipment.** Precinct counting systems that read ballots as they are inserted into the ballot box may not be used for a central counting center, except that one ballot counter may be supplied for up to ten precincts with a combined total of fewer than 1,500 registered voters. Separate prom packs must be used for each of the precincts. Except as provided in this subpart, at least one ballot counter must be supplied to each precinct.

If the ballot counter will be used to count ballots of only one precinct, machine readable ballot configuration identification may be printed on each ballot card in place of the precinct

name and identification required by subpart 2. A ballot configuration means a unique ballot format prepared for use in one or more precincts in which all ballot information, including offices and questions to be voted on, candidate names, and rotation sequence, is identical.

If the locked ballot box cannot be detached from the ballot counter, the number of ballot counters supplied to the precinct must be sufficient so that the number of ballots expected to be counted on any counter will be at least ten percent less than the maximum capacity of the ballot box. The maximum capacity must be determined on the basis of the size of the ballot to be voted at the election.

The auditor or clerk must test each prom pack individually and, after testing, seal it with a numbered seal. Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts for the voting positions are zero, that the public counter is set at zero, and that the ballot positions and other ballot information for each candidate and proposal printed on the initial tape agree with those on the ballot cards.

If the ballot counter is programmed to return to the voter a ballot having defects, the rejected ballot must be treated as a spoiled ballot and a new ballot must be issued to the voter after the spoiled ballot has been deposited in the spoiled ballot container. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance as provided in Minnesota Statutes, section 204C.15. Election judges monitoring the depositing of ballots into an optical scan precinct counting system must be stationed no closer than six feet from the precinct ballot counter.

If the ballot counter is programmed to return to the voter a ballot having defects, no means of overriding the rejection may be used that do not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. A message, to be initialed by the election judges who activated the override, must be printed on the results tape each time the override is operated.

As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges shall produce a printed record of results and sign the certificate that is part of the printed record.

At a general election, after the ballot counter has been secured against receiving additional ballots, the election judges shall open the write-in compartment and count and record on the summary statement the valid write-in votes.

One unbroken tape that includes the initial zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the county canvassing board. In the event of equipment failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. Additional copies of the record of results must be certified as required by the election jurisdiction.

Subp. 6. Absentee ballots. The election judges shall examine the absentee ballots as they are removed from the ballot envelope and separate any ballots with erasures, marked with a carbonless writing instrument, or otherwise marked so they cannot be read by the counting equipment. The separated absentee ballots must be counted manually and the results added to the printed record of results or duplicated for tabulating as provided in part 8230.3850.

When printing instructions to be supplied with absentee ballots, the election jurisdiction may change item (6) on the instructions to absent voter in parts 8210.0500 and

8210.9920 to include the proper method for marking and folding the optical scan voting system ballot cards.

Subp. 7. **Ballots at counting center.** The vote totals for central count optical scan systems may be certified by either the election judges who served in the precinct or a set of election judges specifically appointed to serve at the counting center. When the polling place closes, the appropriate election judges shall complete the steps in items A to I.

A. At the polling place, count the number of ballots in the ballot box and either identify ballots that will need to be remade at the counting center, or process ballots requiring duplication prior to transporting them to the counting center.

B. Seal the ballots inside the transfer case.

C. Complete the parts of the summary statement indicating the number of ballots in the transfer case and the seal number.

D. Transport the transfer case to the counting center, or to a collection point for transportation to the counting center, by two election judges of different political parties.

E. At the counting center, compare the transfer case seal and the seal number on the summary statement. If the vote totals are to be certified by the election judges at the counting center, all further processing of the ballots and certification of the returns is done by the counting center judges.

F. Remove ballots from the transfer case and read into the ballot counter.

G. Process ballots requiring duplication or manual counting, as needed.

H. Reseal counted ballots in the transfer case and record the seal number on the summary statement.

I. Sign certification of vote totals on the summary statement as recorded by the ballot counter.

Statutory Authority: *MS s 206.57*

History: *11 SR 454; 13 SR 259; 17 SR 8; 20 SR 2787*

8230.4400 [Repealed, 10 SR 1690]

8230.5000 [Repealed, 10 SR 1690]

8230.5100 [Repealed, 10 SR 1690]

8230.5200 [Repealed, 10 SR 1690]

8230.5300 [Repealed, 10 SR 1690]

8230.5400 [Repealed, 10 SR 1690]

8230.5500 [Repealed, 10 SR 1690]

8230.5600 [Repealed, 10 SR 1690]

8230.5700 [Repealed, 10 SR 1690]

8230.5800 [Repealed, 10 SR 1690]