

**CHAPTER 8230**  
**SECRETARY OF STATE**  
**OPTICAL SCAN VOTING SYSTEMS**

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

**8230.0050 APPLICABILITY.**

Chapters 8220 and 8230 apply to optical scan voting systems.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8230.0150 PROCEDURES.**

Unless otherwise provided for in chapters 8220 and 8230 or in Minnesota law, paper ballot procedures as provided in Minnesota election law must be followed to the extent possible.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8230.0200** [Repealed, 10 SR 1690]

**8230.0250 ARRANGEMENT OF VOTING STATIONS.**

Election jurisdictions may provide self-contained voting stations for use by voters in casting their ballots. If a voter claims that the arrangement of the stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the stations to provide for increased secrecy.

**Statutory Authority:** *MS s 206.57; 206.81; 206.84*

**History:** *10 SR 1690; 17 SR 8; 20 SR 2787; 23 SR 459; 25 SR 616*

**8230.0300** [Repealed, 10 SR 1690]

**8230.0350** [Repealed, 23 SR 459]

**8230.0400** [Repealed, 10 SR 1690]

8230.0450 [Repealed, 23 SR 459]

8230.0500 [Repealed, 10 SR 1690]

8230.0550 [Repealed, 23 SR 459]

**8230.0560 BALLOTS.**

Ballots 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 equipment manufacturer's recommended standards and specifications for ballot printing.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. Only an electronically readable precinct identifier or ballot style indicator is required on a presidential or federal absentee ballot.

Voting instructions must be printed at the top of each side of the ballot that contains one or more offices or questions to be voted on. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for the initials of at least two election judges must be printed on one side of the ballot.

The vendor must deliver ballots in shrink-wrapped packages of 25, 50, or 100 ballots. The ballots must be stored in a manner to protect against moisture.

The local election official must certify to the county auditor the number of ballots received for each ballot style. The local election official or county auditor shall package the ballots for each precinct in groups of 25, 50, or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

**Statutory Authority:** *MS s 206.84*

**History:** *23 SR 459; 25 SR 616*

**8230.0570 BALLOT SECRECY COVERS.**

The ballot secrecy cover must be of sufficient size and construction so that when the ballot is inserted in it all portions indicating voting marks are hidden from view.

**Statutory Authority:** *MS s 206.84*

**History:** *23 SR 459; 25 SR 616*

**8230.0580 SUPPLIES.**

A ballot box must be provided to each precinct for the deposit of voted ballots.

The following items must be included in the precinct supplies:

- A. the sample ballot for the precinct;
- B. ballot secrecy covers;
- C. envelopes marked "spoiled ballots," "write-in ballots," and "ballots for which duplicates were or are to be made";
- D. a form to record write-in votes if needed; and
- E. a set of instructions for operating the precinct on election day.

In election jurisdictions using central count voting systems, an envelope marked "defective ballots" also must be provided to each precinct.

**Statutory Authority:** *MS s 206.57; 206.84*

**History:** *23 SR 459; 25 SR 616*

**8230.0650 VOTING PROCEDURE.**

Every voter at the polling place must be offered a demonstration of how to mark the ballot and use the voting system.

The election judge shall not deliver a ballot to a voter until the judge has received a voter receipt. The voter receipt may contain an example of the target used on the ballot. The election judge must state or demonstrate how to complete the target as the ballot is handed to the voter. A writing instrument without an eraser that will produce marks that can be accurately read by the ballot counter must be provided to each voter.

Upon being issued a ballot and offered a ballot secrecy cover, the voter shall go to an unoccupied voting station and vote.

Upon leaving the voting station, the voter shall insert the ballot into the ballot counter or ballot box. The voter may choose to hand the ballot to an election judge who shall insert the ballot into the ballot counter or ballot box.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8230.0750** [Repealed, 23 SR 459]

**8230.0850 SPOILED BALLOTS.**

If a voter spoils a ballot by inadvertently defacing it or requests a new ballot, the voter shall hand the ballot to the election judge. The election judge may look at the ballot if necessary to determine what style of replacement ballot to give the voter. The election judge shall place the ballot in the spoiled ballot envelope and give the voter another ballot.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.0950** [Repealed, 23 SR 459]

**8230.1000** [Repealed, 10 SR 1690]

**8230.1050 BALLOTS FOUND IN VOTING STATIONS.**

Any ballot found in a voting station must be marked "found in voting station." The ballot must be placed in the spoiled ballot envelope. 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 incident report.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.1100** [Repealed, 10 SR 1690]

**8230.1130 EXAMINING AND PROCESSING ABSENTEE BALLOTS.**

The election judges shall examine the absentee ballots as they are removed from the secrecy envelopes. Ballots requiring duplication in a precinct using a central count voting system must be duplicated as provided in part 8230.3850. Ballots requiring duplication in a precinct using a precinct count voting system must be duplicated as provided in part 8230.4360.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.1150 PROCEDURES FOLLOWING CLOSE OF POLLS.**

Subpart 1. **Ballots not issued, secured.** All ballots 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. [Repealed, 23 SR 459]

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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 summary statement.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

8230.1200 [Repealed, 10 SR 1690]

8230.1250 [Repealed, 23 SR 459]

8230.1300 [Repealed, 10 SR 1690]

### 8230.1350 WRITE-IN VOTES.

At a general election, each ballot must be examined either electronically or manually for write-in votes.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

8230.1400 [Repealed, 10 SR 1690]

### 8230.1450 USING A STICKER TO CAST A WRITE-IN VOTE.

To be counted as a write-in vote, a sticker containing the name of a write-in candidate must be placed on the ballot in the area under the office title of the office for which the vote is cast.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

8230.1500 [Repealed, 10 SR 1690]

8230.1550 [Repealed, 23 SR 459]

8230.1600 [Repealed, 10 SR 1690]

8230.1650 [Repealed, 23 SR 459]

8230.1700 [Repealed, 10 SR 1690]

8230.1750 [Repealed, 23 SR 459]

8230.1800 [Repealed, 10 SR 1690]

### 8230.1850 DEFECTIVE BALLOT.

If a ballot has been damaged, the election judges may duplicate and count it. The damaged ballot must be placed in the duplicate ballot envelope. If it is clearly evident from examination of the ballot that the ballot has been damaged or marked for the purpose of distinguishing it, then the ballot is defective and may not be counted. The ballot 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; 206.81; 206.84*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

### 8230.1860 EXPERIMENTAL PROCEDURES.

The secretary of state may authorize the experimental use of alternate procedures for optical scan voting systems.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

8230.1900 [Repealed, 10 SR 1690]

**8230.1950** [Repealed, 23 SR 459]

**8230.2000** [Repealed, 10 SR 1690]

**PROCEDURES FOR CENTRAL COUNT  
OPTICAL SCAN VOTING SYSTEMS**

**8230.2010 APPLICABILITY.**

Parts 8230.2010 to 8230.4150 apply to central count optical scan voting systems used in central counting centers.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2020 ELECTION JUDGE DUTIES.**

The vote totals for central count optical scan voting 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 central counting center. When the polling place closes, the election judges designated by the official conducting the election shall complete the steps in parts 8230.2030 to 8230.4150. If the vote totals are to be certified by the central counting center election judges, all processing of the ballots and certification of the returns at the central counting center must be done by the central counting center judges.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2030 POLLING PLACE PROCEDURES.**

A. At the polling place after voting hours have ended, the election judges shall open the ballot box, remove the ballots, and determine the total number of ballots in the box. If the number of ballots is greater than the number of persons voting and it is impossible to reconcile the numbers, 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. The excess ballots must be marked "excess" and placed in an envelope. The envelope then must be sealed. The judges shall write "excess ballots" on the outside of the envelope and put it in the transfer case. A notation of the pertinent facts must be made on the incident report. If the number of ballots counted is less than the number of persons voting, the reason for the discrepancy must be noted in the incident report. If the judges are unable to explain the discrepancy, they shall so state in the incident report.

B. The election judges must identify ballots that will need to be duplicated at the central counting center or process ballots requiring duplication prior to transporting them to the central counting center. Ballots requiring duplication must be duplicated as provided in part 8230.3850.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2040 RECORDING VALID WRITE-IN VOTES.**

If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

If the write-in vote does not cause an overvote for that office, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet. The ballot must be placed with the other valid ballots for tabulation.

If the write-in vote causes an overvote for that office and the target next to the write-in vote is not completed, the election judges shall place the ballot in the envelope

marked "ballots for which duplicates were or are to be made." The manner of duplication is prescribed in part 8230.3850.

At the discretion of the county auditor, the processing of write-in ballots may be done at the central counting center or at the office of the local election official or county auditor rather than at the precinct polling place.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2050 ITEMS IN TRANSFER CASE.**

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

- A. valid voted ballots;
- B. envelope containing spoiled ballots;
- C. envelope containing defective ballots;
- D. envelope containing ballots for which duplicates were or are to be made for any reason;
- E. envelopes with notations concerning any other issued ballots contained which are not to be counted;
- F. certificate signed by the judges indicating number of ballots received, issued, and used;
- G. summary statement or part of the summary statement provided to the election judges at the polling place;
- H. incident report; and
- I. write-in vote tally sheet if write-in votes were counted at the polling place.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second ballot box, transfer case, or 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.

Subp. 3. **Other containers.** Any materials not listed in subpart 1 that the official conducting the election has designated for return to the official conducting the election or the central counting center must be placed in a separate container for delivery.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.2100** [Repealed, 10 SR 1690]

**8230.2150 CERTIFICATE OF ELECTION JUDGES.**

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

- A. the number of persons voting as shown on the summary statement;
- B. that the order of the offices and questions to be voted on and the candidates' names on the ballots were the same as on the sample ballot;
- C. the number of ballots being submitted for tabulation;
- D. that the ballots have been counted and agree with the number of names as shown on the summary statement;
- E. the number of excess ballots, if any;
- F. that all ballots requiring duplication are in the proper envelope;
- G. that all write-in votes have been properly recorded, if this process was done on election night;
- H. that all ballots used in the election and all ballots that have been or need to be duplicated have been placed in the transfer case and that the case was securely

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sealed in such a manner as to render it impossible to open the case without breaking the seal; and

I. the numbers of any seals used to seal the transfer case or cases.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**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. Within or attached to the transfer case must be a certificate signed by the judges indicating its content, the precinct name, and the number of any seal used to seal the case.

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 official conducting the election, central counting center, or collection point for transportation to the official conducting the election or central counting center by two election judges, not of the same political party.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459*

**8230.2300** [Repealed, 10 SR 1690]

**8230.2350** [Repealed, 23 SR 459]

**8230.2400** [Repealed, 10 SR 1690]

### **8230.2450 RETENTION OF BALLOTS.**

Ballots which are not issued to voters must be returned to the official conducting the election who shall retain them by precinct until the time for contest has expired.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**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]

**8230.3050** [Repealed, 23 SR 459]

**8230.3150** [Repealed, 23 SR 459]

**8230.3250** [Repealed, 23 SR 459]

**8230.3300** [Repealed, 10 SR 1690]

**8230.3350** [Repealed, 23 SR 459]

**8230.3450 PRELIMINARY PROCEDURES.**

The operators of the central count voting system 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 central count voting system 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 voting system or ballot materials.

Persons assigned to administer the central counting center shall compare the seal number on the container containing the 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; 206.81*

**History:** *10 SR 1690; 17 SR 1279; 23 SR 459*

**8230.3500** [Repealed, 10 SR 1690]

**8230.3550 TEST OF PROGRAM BEFORE AND DURING TABULATION.**

Prior to the tabulation of ballots, the central counting center personnel shall test the voting system as to its accuracy and certify the results. The accuracy test must be conducted with the test deck designated in parts 8220.1050 and 8220.1150. 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.

Before tabulating the ballots, central counting center personnel shall run a zero report to verify that the initial counts for each precinct are zero.

Authorized central counting center personnel may at their discretion test the program using the official test deck periodically throughout the tabulation of ballots to verify that the voting system is operating accurately.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3560 USE OF PRECINCT COUNT VOTING SYSTEMS AT CENTRAL COUNTING CENTERS.**

Central count voting systems must be used in central counting centers. One precinct count voting system and one memory unit may be used at a central counting center to count ballots for up to ten precincts with a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.3600** [Repealed, 10 SR 1690]

**8230.3650** [Repealed, 23 SR 459]

**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 central 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 8230.4150. Authorized central counting center personnel must then sign a certificate acknowledging receipt of all materials delivered by the election judges.



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

Subp. 3. [Repealed, 23 SR 459]

Subp. 4. **Sealing after count.** Immediately upon the completion of the counting of a precinct, all ballots for the precinct 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. The number of any seal used on a container must be written on the summary statement.

Subp. 5. **Verifying number of ballots.** The election official in charge of the central counting center shall determine whether the number of ballots tabulated by the central count voting system agrees with the number of ballots submitted by the election judges at the precinct. If a discrepancy exists, authorized central 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; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3800** [Repealed, 10 SR 1690]

### **8230.3850 DUPLICATION OF BALLOTS.**

Any ballots requiring duplication at the polling place or central counting center must be duplicated in the following manner:

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

C. The reason for duplication must be written on the duplicate ballot. The election judges duplicating the ballot shall initial the duplicated ballot and the original ballot.

D. When duplicating a ballot, one election judge shall call from the original ballot the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. The duplicate ballot must be compared against the original ballot to ensure it has been accurately duplicated.

E. All original ballots which require duplication must be placed in an envelope marked "ballots for which duplicates were or are to be made." The duplicate ballot must be placed with the other valid ballots to be tabulated.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3900** [Repealed, 10 SR 1690]

### **8230.3950 SUMMARY STATEMENTS.**

The election official in charge of the central counting center must prepare two or more summary statements. The summary statement must state the name of the county; the name of the municipality, school district, or special district; precinct name and code; offices; names of candidates; number of persons registered at 7:00 a.m. on election day; number of ballots counted; vote totals; and any other data required by the secretary of state. Authorized personnel in the central counting center shall enter this data into the election reporting system established by the secretary of state for the

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purpose of state reporting of election results. The summary statement may be a computer printout as well as any forms designated by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459; 25 SR 616*

8230.4000 [Repealed, 10 SR 1690]

## 8230.4050 DISTRIBUTION OF SUMMARY STATEMENTS.

The summary statements referred to in part 8230.3950 must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459; 25 SR 616*

8230.4100 [Repealed, 10 SR 1690]

## 8230.4150 RETENTION OF BALLOTS.

After the last precinct has been counted, the election official in charge of the central counting center shall retain ballots and related documents for one year for local elections and 22 months for federal elections unless otherwise ordered by a court order or recount procedure pursuant to Minnesota election laws.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

8230.4200 [Repealed, 10 SR 1690]

8230.4250 [Repealed, 23 SR 459]

8230.4300 [Repealed, 10 SR 1690]

## PROCEDURES FOR PRECINCT COUNT OPTICAL SCAN VOTING SYSTEMS

### 8230.4325 APPLICABILITY.

Parts 8230.4325 to 8230.4395 apply to precinct count optical scan voting systems used in precinct counting centers.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

8230.4350 [Repealed, 23 SR 459]

### 8230.4355 BALLOT BOXES FOR PRECINCT COUNTING CENTERS.

Ballot boxes used with precinct count voting systems may be separate or part of the ballot counting equipment provided that the ballot is fed directly into a locked or sealed ballot box. At a general election, the ballot box must have two separate compartments into which the ballot counting equipment can feed ballots. One compartment must receive ballots on which all votes have been counted and recorded. The other compartment must receive ballots on which all votes have been counted except those for offices for which the write-in target has been completed. An auxiliary ballot box, that may be separate or an additional compartment, must be supplied to be used if

the voting system fails to function or for ballots that cannot be read by the ballot counter.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

#### **8230.4360 DUPLICATION OF BALLOTS.**

Any ballots requiring duplication at the polling place must be duplicated in the manner described in part 8230.3850.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616*

#### **8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

**Subpart 1. Number of ballot counters and memory units.** At least one precinct count voting system and at least one memory unit must be used in each precinct. One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the same county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct.

**Subp. 2. Procedure before polls open.** 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 polling place 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 are zero, that the public counter is set at zero, and that the order of the offices and questions to be voted on and the candidates' names on the zero tape is the same as their order on the ballot for that precinct.

**Subp. 3. Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an overvote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically. If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. Election judges monitoring the depositing of ballots into the ballot counters must be stationed no closer than six feet from the ballot counter. 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 or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does 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. An override message must be printed on the results tape, or be displayed electronically while the voting system emits an audible signal, each time the override is operated.

**Subp. 4. Error messages.** The following messages are sufficient for optical scan voting systems to print or display for the described errors or actions:

- A. overvote for (voting system will supply and print the name of the overvoted office);
- B. overvote for multiple offices;
- C. crossover vote; and
- D. ballot overridden.

Subp. 5. **Opening ballot box during voting hours.** In precincts with more than 1,500 registered voters at 7:00 a.m. on election day, two election judges of different political parties may open the ballot boxes between 1:00 p.m. and 3:00 p.m. on election day and remove the voted ballots but they shall not count or inspect the ballots. The election judges shall put the ballots taken from the ballot box's main compartment into containers and seal them. The judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and the numbers of any seals used to seal the ballot containers.

Subp. 6. **Procedures after voting has ended.** 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 must inspect the seals on each ballot counter to ensure that they have not been altered and are intact and that the seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy must be noted in the incident report.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616*

#### 8230.4370 COUNTING BALLOTS.

The election judges shall open the ballot box and any overflow containers, remove the ballots, and determine the total number of ballots. If the election judges determine that the total number of ballots is greater than the number of persons voting and that it is impossible to reconcile the numbers, the judges shall follow the procedures in Minnesota Statutes, section 206.86.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

#### 8230.4375 WRITE-IN VOTES.

A. 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 remove the ballots.

B. If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

C. If 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 vote tally sheet.

D. At the discretion of the county auditor, the processing described in items B and C may be done at the office of the local election official or county auditor rather than at the precinct polling place.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

#### 8230.4380 SUMMARY STATEMENT.

One unbroken tape that includes the 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 official conducting the election. In the event of equipment or power

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. The election judges shall prepare the number of summary statements directed by the official conducting the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** 23 SR 459

### 8230.4385 TRANSFER CASE PROCEDURES.

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

- A. valid voted ballots;
- B. envelope containing spoiled ballots;
- C. envelope containing ballots for which duplicates were made; and
- D. envelopes with notations concerning any other issued ballots contained which are not to be counted.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second ballot box, transfer case, or 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.

Subp. 3. **Other containers.** The summary statement, incident report, write-in vote tally sheet if write-in votes were counted at the polling place, and any materials not listed in subpart 1 that the official conducting the election has designated for return to the official must be placed in a separate container or containers for delivery.

Subp. 4. **Sealing transfer case.** A transfer case must be sealed with a seal so that it is impossible to open the case or to insert or remove ballots without breaking the seal. Within or attached to the transfer case must be a certificate signed by the judges indicating its contents, the precinct name, and the number of any seals used to seal the case or cases.

Subp. 5. **Delivery of transfer case.** The transfer case containing the required items as identified in this part must be delivered by one or more election judges to the official conducting the election or to the collection point for transportation to the official.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** 23 SR 459

### 8230.4390 CERTIFICATE OF ELECTION JUDGES.

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

- A. the number of persons voting as shown on the summary statement;
- B. that the order of the offices and questions to be voted on and the candidates' names on the ballots was the same on the zero tape and the sample ballot;
- C. the number of ballots in the transfer case;
- D. that the ballots have been counted and agree with the number of names as shown on the summary statement or that any discrepancy has been noted on the incident report;
- E. the number of excess ballots, if any;

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F. that all ballots requiring duplication were duplicated and are in the proper envelope;

G. that the number of write-in votes for each office has been properly recorded, if this process was done at the polling place;

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

I. the numbers of any seals used to seal the transfer cases.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616*

## 8230.4395 RETENTION OF BALLOTS.

Ballots which are not issued to voters must be returned to the official conducting the election who shall retain them by precinct until the time for contest has expired.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

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]