

**CHAPTER 8235**  
**SECRETARY OF STATE**  
**RECOUNTS**

8235 0500 SECURING VOTING SYSTEMS

8235 1000 ELECTRONIC VOTING SYSTEMS

**8235.0500 SECURING VOTING SYSTEMS.**

Where electronic voting systems are used, the systems must remain sealed and locked under the supervision of the municipal clerk. No one except an election official carrying out election responsibilities may be granted access to the voting systems. The election official having custody of the systems is responsible for security of the systems and restricting access to them. All counting programs for electronic voting systems must be preserved in the manner required for voted ballots, and the official in charge of the jurisdiction shall certify that the true program used in the election has not been altered in any way and is available for the recount.

**Statutory Authority:** *MS s 204C 361*

**History:** *23 SR 459*

**8235.0900** [Repealed, 23 SR 459]

**8235.1000 ELECTRONIC VOTING SYSTEMS.**

In precincts in an election jurisdiction where an electronic voting system is used, the recount official shall determine if the ballots are to be recounted on the electronic voting system or manually. If the ballots are recounted on the electronic voting system, a test of the program and the voting system must be made immediately prior to the recount, and a test sample of the ballots must also be counted manually. Unless the jurisdiction has only one precinct, the test sample shall be from at least two precincts, one selected by each candidate. In each of the precincts selected, the sample shall be at least three percent of the ballots cast or 50 ballots, whichever is greater. The test sample must also be counted on the voting system. Access to the immediate area of the voting system is limited to the recount official and legal adviser, officials of the election jurisdiction, the candidates and their representatives, and the technical persons necessary to the operation of the counting equipment. An observation area must be provided for the public. Ballots must be recounted by precinct. A report of recount results must be provided for each precinct. After the count of ballots for a precinct has been determined, all ballots must be resealed in the ballot container and returned with the other materials to the custodian of the ballots.

**Statutory Authority:** *MS s 204C.361*

**History:** *23 SR 459*