

8220.0650 APPROVAL OF SYSTEMS.

Subpart 1. **Certification.** If, from the reports of the demonstration and testing, the secretary of state determines that the system complies with chapters 8220 and 8230 and Minnesota Statutes and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the system. No certification may be issued until the vendor has:

A. paid all costs of the examination required under the agreement submitted with the application;

B. certified that the vendor and any agent acting on behalf of the vendor will offer the system for use or sale only according to chapters 8220 and 8230 and Minnesota Statutes and any stipulations of the certification;

C. certified that the vendor will immediately notify the secretary of state of any modifications to the system and will not offer for sale or provide for use in Minnesota any modified system if the secretary of state advises the vendor that, in the opinion of the secretary, the modifications constitute a significant change requiring that the system be reexamined;

D. deposited with an escrow agent a copy of all programs, documentation, and source codes; and

E. deposited with the secretary of state a bond in the amount specified in Minnesota Statutes, section 206.57, subdivision 4, conditioned on the vendor offering the system for sale in the manner required by chapters 8220 and 8230 and any conditions under which the system is certified for use in Minnesota. The form and execution of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

Subp. 2. **Decertification.** If a voting system no longer meets the standards of chapters 8220 and 8230 or Minnesota Statutes, the secretary of state may withdraw certification of the voting system. The vendor must be given written notification of intent to withdraw certification and may within ten days of receipt of the notification submit a written request to the secretary of state for a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62.

Subp. 3. **Forfeiture of bond.** If the secretary of state determines that a vendor has offered for sale or use at an election a voting system in a manner other than that required

by chapters 8220 and 8230 or any conditions under which the system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No system may be subsequently offered for sale or use at an election by the vendor who has received a notice of intent to forfeit the bond or whose bond has been forfeited, until the vendor has submitted an additional bond in the amount of \$50,000. The secretary of state shall notify each official on the user list of a receipt, forfeiture, or restoration of these bonds.

Statutory Authority: *MS s 206.57; 206.81; 206.82*

History: *10 SR 1690; 12 SR 1712; 12 SR 2426; 23 SR 459; 25 SR 616*

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