IN THIS ISSUE:

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State Register

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Judicial notice shall be taken of material published in the *State Register*.

Contents

List of MSAR Rules Affected*

List of rules within the Manual of State
Agency Rules affected by documents published
in the *State Register* during the current quarter
beginning July 1, 1976:

*New rules, both proposed and adopted, and which have never
been disseminated, or published, are not included in the List
of MSAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MSAR.

Rules

DEPARTMENT OF PUBLIC WELFARE

INCOME MAINTENANCE DIVISION

EMERGENCY RULE CONCERNING AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

DPW Rule 44 (Aid to Families with Dependent Children) Part E.1. is amended as follows:

E. AFDC family allowance.

1. Standards of need.

a. The need standards set forth in this section are to be used to determine the grant for every AFDC family in Minnesota (except AFDC-FC).

b. Definitions.

(1) An "eligible person" is one who is eligible for and receives AFDC; in most circumstances it means one caretaker relative and the dependent children he/she cares for (more than one caretaker may be included when eligibility is based on parental incapacity or unemployment of the father). All "eligible persons" receiving one AFDC grant constitute one "recipient unit".

[(2) A "non-shared household" is one in which all persons in the household are eligible for and receive assistance in one AFDC check, if two AFDC checks are received by the household because more than one county is financially responsible, the household is "non-shared".]

(2) The "Child Only" applies to a recipient unit in which no adults are eligible persons.

[(3) A "shared household" is one in which AFDC recipients live with one or more persons not eligible for AFDC or who receive AFDC as a separate recipient unit (see exception in definition (b.2.) above.) A shared household's standard of need is less than that of a non-shared household because, on a state wide average, the per capita living costs of shared households have been found to be less than none-shared households; the difference is not due to the income, actual or supposed, of the non-eligible person in a shared household.]

(3) The "Family Standard" applies to a recipient unit in which one or more adults are eligible persons. For purposes of AFDC, an eligible caretaker under age 18 is considered an adult.

[(4) NOTE: If the only non-eligible person

living with an AFDC recipient unit is a boarder (meals only), a foster child placed by a licensed child-placing agency, an agency placed or approved homemaker, housekeeper, or live-in attendant, an unborn child, or an SSI recipient, the household is "non-shared". If the non-eligible person is a roomer or boarder and roomer, the household is "shared".]

[c. Needs standards.

# of Eligible Persons In Recipient Unit	Non-Shared Households	Shared Households
1	136	73
2	272	177
3	330	225
4	385	293
5	432	341
6	479	396
7	526	468
8	566	537
9	607	589
10	641	613
Each person over 10, add	33	24]

c. Family Allowance

Eligible Persons	Child Only Standard	Family Standard
1	136	
2	216	272
3	268	330
4	330	385
5	366	432
6	398	479
7	437	526
8	471	566
9	505	607
10	533	641
Each person over 10, add	33	33

Nothing herein shall prevent the Commissioner of Welfare from lowering or raising the standards set forth above to meet fiscal or legal requirements.

d. Amount of grant. The amount of the AFDC grant for a recipient unit is the difference between the standard of need as determined by the above table and the recipients' non-exempt, non-disregarded income (see Part D. 13.).

OFFICE OF THE SECRETARY OF STATE

· ELECTION DIVISION

ADOPTED RULES REGULATING VOTER REGISTRATION

Table of Contents

KEY: New rules and both proposed and adopted additions to existing rules are printed in boldface. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

Chapter Nine: Annual Report

SecStat 901 Auditor's duties.

SecStat 902 Information on the report.

SecStat 903 Information on the report compiled during years when there is no state primary or general election.

Chapter Ten: Electronic or Automatic Data Processing Systems

SecStat 1001 Approval by [Commissioner] **Secretary of State.**

SecStat 1002 [Compatible with state system] **Compatibility.**

Chapter One: County Auditor's Duties

SecState 101 Delegation of duties. The county auditor may delegate to municipal officials all duties assigned to him by these rules and by Minn. Stat. ch. 201, except [the responsibility to maintain custody of the original file of voter registration.] the preparation and distribution of [precinct] lists of registered voters and the duties assigned to him by Chapter Nine of these rules. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of his duty to accept voter registrations.

SecStat 102 Auditor's rules filed with the [Commissioner] Secretary of State. Whenever a county auditor adopts rules for the delegation of voter registration duties assigned to him, the auditor shall file a copy of the rules with the [commissioner] secretary of state no later than five working days before the effective date of the rules.

SecStat 103-199 Reserved for future use.

Chapter Two: Registration Files

(SecState 201 is repealed.)

(SecStat 202 is renumbered 201.)

SecStat [203] 202 Delivery of duplicate file for elections. The county auditor shall provide for the transportation of the duplicate voter registration file to the precinct polling place [for elections] on election day. The auditor shall prescribe procedures which will insure the safety of the voter registration records and their timely delivery at the precinct polling place on election day. It shall be the duty of the auditor to maintain the dignity and integrity of the voting system.

SecStat [204] 203-299 Reserved for future use.

Chapter Three: Voter Registration Cards

SecStat 301. Specifications.

A. Voter registration cards printed for the purpose of distribution and mailing shall be printed in the following manner:

1. The size shall be 6" X 12¾" (including ¾" stub).

2. The paper shall be **approximately** white [80] 100 lb. offset.

3. The ink shall be [black] **blue** [(face and back)].

4. The duplicate card shall have a very light [grey] **blue** screen.

5. The card shall have three 1/16" perforations that result in the three equal size cards 6" X 4".

6. The top stub shall have a substance applied to it so that the card can be sealed when it is folded together for mailing.

B. The original voter registration card shall be in the following form:

VOTER REGISTRATION CARD
Please type or print in ink
Read instructions before completing

Name_____   W._____ P. _____
   Last   First   Middle

[Mailing Address]

Legal
Residence_____   S.D. No. _____
   Street or Route No. (Do not
   use P.O. box [include coun-
   ty]) Apt. No. and Rural Box
   No.
_____

   [Village] City or Township   OFFICE USE ONLY
   [(if different from above)]

_____
   County   Zip

Telephone Number (optional) _____

Month and Day of Birth (optional) _____

                              Mo.   Day

Previous Name (if changed since last registration) _____
[Last previous registration (if any)]   Most Recent Prior
Residence_____
   Street or Route No.   Apt. No.

   City [, Village] or Township   County   State   Zip
[Address of last previous] **Your Address at Your Most Recent
Prior Registration [(if any)]** _____
                              Street or Route No.   Apt. No.

   City [, Village] or Township   County   State   Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

I certify that I will be at least 18 years old on election day and the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than $5,000, or both.

_____/_____/_____
Date   Legal Signature of Voter
                    Be sure to sign the [duplicate] blue card

In the upper right hand corner of the card there shall be a [1½″ wide by 1″ long] box marked for "office use only". In the box there shall be: "W—", "P—", and "S.D. No.—". (These initials stand for "ward", "precinct" and "school district".) **Other information may also be included.**

C. The duplicate voter registration card shall be in the following form:

DUPLICATE VOTER REGISTRATION CARD
Sign this card — DO NOT COMPLETE

The information will be typed by the voter registration office.

Name_____ | W._____ P._____

Last   First   Middle

[Mailing Address]

Legal
Residence_____ | S.D. No._____
Street or Route No. (Do not use P.O. box [include county]) Apt. No. and Rural Box No.

_____

[Village] City or Township [(if different from above)] | OFFICE USE ONLY

_____

County   Zip

Telephone Number (optional) _____

Month and Day of Birth (optional) _____/_____

                Mo.   Day

Previous Name (if changed since last registration)_____

[Last previous registration (if any)] **Most Recent Prior**

Residence _____
     Street or Route No.   Apt. No.

_____
City [, Village] or Township County State Zip

[Address of last previous] **Your Address at Your Most Recent**

Prior Registration [(if any)] _____
     Street or Route No.   Apt. No.

_____
City [, Village] or Township County State Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER

_____/_____/_____
Date   Legal Signature of Voter
                   (for identification only)

In the upper right hand corner of the card there shall be a [1½″ wide by 1″ long] box marked for "office use only". In the box there shall be: "W____", "P____" and "S.D. No.____". (These initials stand for "ward", "precinct" and "school district".) **Other information may also be included.**

D. The instruction card shall be in the following form:

INSTRUCTIONS FOR VOTER REGISTRATION
READ CAREFULLY BEFORE REGISTERING

[Eligible voter means a person who at the time of any election:

    (a) Is 18 years of age or older;

    (b) Is a citizen of the United States and

    (c) Has resided in Minnesota for 20 days.

The following persons are not eligible voters:

    (a) Any person who has been convicted of a felony or treason, who has not been restored to his civil rights;

    (b) Any person who is under guardianship over his person;

    (c) Any person who is adjudicated to be non compos mentis or insane; and

    (d) Any person who is not properly registered.

GIVING FALSE INFORMATION TO PROCURE A REGISTRATION OR ATTEMPTING TO REGISTER WHEN NOT QUALIFIED ARE FELONIES PUNISHABLE BY NOT MORE THAN 5 YEARS IMPRISONMENT OR A FINE OF NOT MORE THAN $5,000, OR BOTH.]

1. Print in ink or type all information requested on the white card.

2. [Your telephone number is optional.] **Print or type your legal name — Do not use nicknames.**

3. **Your residence should be that place where you actually live — Post Office Boxes cannot be accepted as legal residence.**

[3.] **4.** If your name has been changed through marriage, divorce or decree or order of court since your last voter registration [or residence], print or type your former name on the appropriate line.

[4.] **5.** [Last previous address — Print or type your last address before moving to present address.] **Print or type your most recent prior residence. If you have not had a previous residence, print or type "none".**

[5.] **6.** Address of last previous registration — Print or type the address from which you were last registered to vote. If same as last previous address, print or type "same". If you have never been registered to vote before, print or type "none".

[6.] **7.** After the white card is completed, sign your full name

in ink on the appropriate line on both the white card and the [grey] blue card.

[7.] **8.** The [grey] **blue** card must be signed in ink on the line where it is required, but do not fill [out] in the [grey] **blue** card. It will be typed in by the voter registration office.

[8.] **9.** After the [first] **white** card is completed and both cards are signed, seal using sealing tab attached.

[9.] **10.** Complete the address on the reverse of the white registration card by filling in the name of the county where you reside and the name of the city which is the county seat. Mail or deliver to the [auditor] **office of the county auditor.**

An eligible voter is a person who at the time of any election:

    (a) is 18 years of age or older,

    (b) is a citizen of the United States and

    (c) has resided in Minnesota for 20 days.

The following persons are not eligible voters:

    (a) any person who has been convicted of a felony or treason, who has not been restored to his civil rights;

    (b) any person who is under guardianship over his person;

    (c) any person who is adjudicated to be not mentally competent and

    (d) any person who is not properly registered, in areas that provide for voter registration.

E. The reverse side of the original **(white)** registration card shall be in the following form:

<div align="center">

first
class
postage

RETURN TO:

(here the county auditor shall
supply the address)

</div>

F. The reverse side of the duplicate **(blue)** registration card shall be [in the following form:] **lined horizontally to create spaces ¼″ wide and divided vertically into four sections to allow the judges of election to record the date of the election in which the voter voted.**

(Diagram of the back of the duplicate card in Sec-Stat 301 F. is repealed.)

G. (Unchanged.)

H. (Unchanged.)

SecStat 302 Printing and distribution. Each county auditor in each county with voter registration shall cause to be printed and shall maintain an adequate number of voter registration [forms] **cards** in compliance with Minn. Stat. ch. 201 and these rules. Any election official who causes voter registration cards to be printed shall print the cards in a form prescribed by Minn. Stat. ch. 201 and these rules. The auditor shall [give] **provide voter registration cards** to any person or group who requests [in writing] a reasonable number of [forms] **cards** for the purpose of distribution. In those areas which

have pre-election day registration, the auditor shall encourage pre-election day registration by making registration cards available to persons and groups for distribution.

<div align="center">

SecStat 303-399   Reserved for future use.

Chapter Four: Places of Registration

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SecStat 401 Duties. Each county auditor **in every county with voter registration** shall designate a number of public buildings within the county where persons may obtain, complete and deposit registration [forms] **cards.** The **county** auditor or his designee shall be on duty in the building so designated and it shall be the duty of the person on duty to transmit completed registration [forms] **cards, or copies thereof if the county auditor does not maintain the original registration file,** within two working days after receipt to the **county** auditor.

SecStat 402 Number of buildings. There shall not be in any county **with voter registration** less than one building where voter registration [forms] **cards** may be obtained and deposited, for every 30,000 residents of the county or fraction thereof. The buildings shall be located throughout the county according to population distribution. The auditor may designate more buildings than are required by law.

SecStat 403 Polling Places. Procedures concerning election day registration at the polling place are covered in Minn. Stat. ch. 201 and Chapter Six of these rules.

<div align="center">

SecStat [403] **404-499**   Reserved for future use.

Chapter Five: [Registration] Notifications

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SecStat 501 Properly completed registrations. When [the] **a** county auditor determines that a registration card is not faulty or defective, he shall separate the parts of the card. [The part of the card with instructions on it may be destroyed.] Using the information on the original card, the auditor shall complete, the duplicate card. The auditor shall then file the original card in the original card file and the duplicate card in the duplicate card file. The **county** auditor shall maintain both files in an orderly manner. **The county auditor shall cause a notice to be mailed to each newly registered voter a card indicating the voter's name, address, precinct and polling place. The card shall require that it be returned if not deliverable.**

SecStat 502 Registrations received fewer than twenty days before an election. When an auditor receives correctly completed registrations during the period when registration cannot be accepted for an election, the

auditor shall notify the applicant that he must register on election day to vote at the upcoming election. **In-cluded in this notification shall be information to the voters concerning the manner in which they may register to vote on election day at the polls.** [The auditor shall notify the person of election day registration pro-cedures.] In the notice to the applicant the auditor shall explain that the registration [form] **card** received by the auditor makes the applicant an eligible voter at the **next** election following the upcoming election.

SecState 503 Faulty or deficient registrations. When a person attempts to register prior to election day and the county auditor determines that the registration is faulty or defective, the auditor shall notify the person attempting to register that his registration was not cor-rectly completed. The auditor shall attempt to [get] **obtain** the needed information by mail or by telephone. If a registration card is faulty or defective and the ad-dress or the telephone number cannot be determined, the registration card shall be removed from the files and maintained separately for one year. The applicant shall be allowed to vote only after correctly completing a registration card.

When the auditor notifies a person of an incorrectly completed registration, the auditor shall also notify the applicant of the dates on which registrations cannot be accepted for an election and of the procedures for elec-tion day registration. In the notice to the applicant the auditor shall explain that a correctly completed registra-tion received by the auditor during the period when registrations cannot be accepted for the upcoming elec-tion will make the applicant an eligible voter at the **next** election following the upcoming election.

When an auditor receives a faulty or deficient reg-istration during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that he must register at the polling place of the precinct in which he resides on election day to vote at the election. The auditor shall also notify the ap-plicant of the procedures for election day registration. In the notice to the aplicant the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the ap-plicant an eligible voter at the **next** election following the upcoming election.

SecStat 504 Wrong county. When a county auditor receives a registration card from a person who he has

reason to believe is a resident of another county, he shall within two working days forward the registration card to the auditor of the proper county if it can be ascertained. The auditor shall notify the applicant of the action.

SecStat 505 Ineffective registration. Upon receipt of a voter registration card that is faulty or defective, filed with the wrong office or filed during a period when pre-election day voter registrations cannot by law be accepted, the following notice of ineffective registration shall be mailed to the person requesting to become reg-istered.

NOTICE OF INEFFECTIVE REGISTRATION
IMPORTANT INFORMATION
ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

1. ☐ Wrong County. Your registration has been forwarded

to _____ County.

2. ☐ Incomplete: _____

3. ☐ Your registration was received fewer than 20 days be-fore the upcoming election. It will be effective on __/__/__. (day after next election).

4. ☐ Minnesota law provides that pre-election day registra-tion for the upcoming __/__/__ election be received in this office by __/__/__. You may register to vote at the polling place on election day by using either a valid Minnesota driver's license or receipt thereof or a non-qualification certificate or receipt thereof, or by having a registered voter in your precinct witness your registration, or by having a valid registration in the same precinct under a different address or by presenting this card to the election judges on election day.

Your Polling Place is _____

_____ County Auditor ____/____/_____
(signature)   (date)

(SecStat 505 is renumbered 506.)

(SecStats 506 and 507 are repealed.)

SecStat 507 Auditor's notification form. When a reg-istration is received by a county auditor and the person requesting to register indicates he was previously reg-istered to vote, the county auditor shall notify the coun-ty auditor in the county of previous residence that the voter has changed residency. The form for notification shall be as follows:

KEY: New rules and both proposed and adopted additions to existing rules are printed in **boldface**. Proposed and adopted deletions from existing rules are printed in [single brackets]. Underlining indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

To the Auditor of _____ County
County Courthouse

_____, Minnesota
(County Seat)

The following person has registered to vote in _____
_____ County. You are hereby requested to check your registration files and remove the person's name if it should appear in your file.

Voter's name _____

Voter's former address _____

Auditor of _____ County

Copy of original voter registration card enclosed _____
The county auditor who sends the form may attach a reproduction of the original registration card rather than fill in "Voter's name" and "Voter's former address."

SecStat 511 Removal of cards. Whenever a registration card is to be removed from the registration files, **except that of a deceased person,** the county auditor shall notify the person whose card is to be removed of such action and the reason for such action in writing. The cards removed shall be maintained in separate files for one year.

SecStat 512 Name omitted, emergency voting. When any voter who has registered prior to an election day is challenged because his name does not appear in the duplicate registration file of the precinct in which he desires to vote, he may register on that election day by following the election day registration procedures provided by Chapter Six of these rules; or if it appears upon examination that such name was erroneously omitted from the file, he shall be permitted to vote in the precinct, and an emergency voting card shall be signed by the applicant and the judges, containing [substantially] the following information:

EMERGENCY VOTING CARD

Ward _____   Precinct _____

Voter's name _____

Residence _____

The undersigned judges hereby certify that he above named voter was permitted to vote in this precinct at the election held on _____, 19_____ pursuant to instructions from the office of the county auditor.

(Signature of Voter)	(Judge of Election)
(Signature of judge calling auditor's office)	(Judge of Election)
	(Judges of Election)
	(Authorized by)

SecStat 513-599   Reserved for future use.

Chapter Six: Election Day Registration

SecStat 601 Residence. Any person otherwise qualified but not registered to vote in the precinct in which he resides may register to vote on election day at the polling place of the precinct in which he resides **in areas with voter registration.** To register on election day a person must complete and sign the original card, sign the duplicate card [, make the oath prescribed by SecStat 602,] and provide proof of his residence. A person may prove his residence on election day only by presenting a valid Minnesota drivers license [,] **or a receipt thereof or** a valid non-qualification certificate issued by the Minnesota Department of Public Safety **or a receipt thereof, a valid registration in the same precinct under a different address or an "ineffective registration notice" mailed by the county auditor** or by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the following oath:

I, _____, swear that I am a rgistered voter in

County	City [, Village] or Township	Ward

_____ [.] **and that** I personally know that
Precinct

_____ is a resident of this precinct.
Name of person registering

_____
Signature of Registered Voter

Subscribed and sworn to before me

[this _____ day of _____, 19___]

_____/_____/_____   _____
Date   Signature of Election Judge.

The above oath shall be printed on a 4" X 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

SecStat 602 Swearing to residence. No person in a polling place as a challenger, pursuant to Minn. Stat. § [204.06] **204A.38,** shall be permitted to swear to the residence of any persons attempting to register on election day. A [registered] voter **registered in the same precinct,** including an election judge, may swear to the residence of any person who he [shall] knows to be a resident of the precinct; provided, however, that a judge [shall] swears to [the] **such** residence before another election judge.

(SecState 603 is repealed.)

SecState [604] **603   Election judges.** One judge may

both distribute ballots and register voters during the course of an election day, but one judge shall not perform both functions for the same voter. **Persons wishing to register to vote on election day may determine whether they wish to fill out the voter registration card themselves or request the assistance of an election judge. The judges shall confine their questions to information necessary to complete the voter registration card.**

(SecStat 605 is repealed.)

(SecState 606 is renumbered 604.)

SecStat [607] **605-699** Reserved for future use.

Chapter Seven: Copies of [Precinct] **Lists of Registered Voters**

SecStat 701 Request form. Persons requesting copies of [precinct] lists **of registered voters** shall make the request in [substantially] the following form:

To the Auditor of _____ County
County Courthouse

_____, Minnesota
   County Seat

I hereby request copies of the [precinct] lists **of registered voters**

for the following precincts: _____

_____

(attach additional sheets if necessary)

My name is _____

I reside at _____
  Street address **City (or Township)**

I certify that I am a registered voter in this county. I am aware that using the [precinct] lists **of registered voters** for purposes not related to elections, political activities, or law enforcement is a violation of the law.

____/____/____ _____
 Date   (signature)

SecStat 702 Lists in other forms. A county auditor may make available [precinct] lists **of registered voters** in forms other than paper copies, such as duplicate computer tapes. **The Secretary of State may review and determine satisfactory methods of reproducing lists of registered voters.** This rule does not relieve the auditor of the duty to make paper copies of [precinct] lists **of registered voters** available. **A paper copy of the list of**

registered voters shall **be available for public inspection at all times in the county auditor's office.**

SecStat 703 Cost determination. When a county auditor determines the cost of copies of [precinct] lists **of registered voters,** the auditor shall take into account only the costs of reproduction actually incurred by his office to fill the specific request. The auditor shall not take into account. the general office expenses or other expenses which would have been incurred by the auditor's office even without the preparation of the request.

SecStat 704-799 Reserved for future use.

Chapter Eight: Challenges

SecState 801 [Form for challenges.] **Procedure.** [A petition to challenge a registration shall be in substantially the following form:] **Persons wishing to challenge a voter's registration pursuant to Minn. Stat. § 201.231 shall do so in the following form:**

To the Auditor of _____ County
County Courthouse.

_____, Minnesota
  (County Seat)

1, _____, am a registered voter in
(Name of person making challenge)

_____, County, Minnesota. I reside

at _____
 (Street or Route No.) (City [, Village] or Township)

I challenge the registration of _____
        Name of challenged voter

whose registration lists his residence as _____
       · (Street or Route No.)

_____
   (City [, Village] or Township)

The grounds for my challenge are: _____
_____

(attach additional sheets of signed statement if necessary)

____/____/____ _____
 (Date)   (signature of challenger)

The petition shall be accompanied by an affidavit of the challenger stating the basis for the challenge on personal knowledge.

SecState 802-899 Reserved for future use.

KEY: New rules and both proposed and adopted additions to existing rules are printed in **boldface.** Proposed and adopted deletions from existing rules are printed in [single brackets]. <u>Underlining</u> indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

Chapter Nine: Annual Report

SecStat 901   Auditor's duties.   Each county auditor, **in every county where there is permanent voter registration,** shall file with the [commissioner] **secretary of state** by February 1 of each year a report of the conduct of voter registration and voting in the county **for the period from January 1 through December 31 of the preceding calendar year.** The report shall be on a form provided by the [commissioner] **secretary of state.**

SecState 902   Information on the report. [The annual report shall contain the following:] **In general election years the following information shall be contained on the anual report for the state primary and the state general elections:**

A.1.   The number of registered voters.

2.   An itemized account of the cost of registering voters.

· 3.   The name of each governmental unit having pre-election day registration.

a.   the number of persons registered in each.

b.   the number of persons registered on [each] [election day] **the days of the state primary and general elections.**

· 4.   The name of each governmental unit having only election day registration.

a.   The number of persons registered **in each.**

· b.   The number of persons registered on [each election day] **the days of the state primary and general elections.**

B.1.   The number of persons voting [at each election] **in the state and primary and general elections.**

2.   An itemized account of the cost of elections.

3.   The number of persons voting in each governmental unit having pre-election day registration [at each election] **on the day of the state primary and general elections.**

4.   The number of persons voting in each governmental unit having only election day registration [at each election] **on the days of the state primary and general elections.**

C.1.   The number of requests for copies of [precinct] lists **of registered voters.** The cost charged to each person making the request.

2.   The number of requests for voter registration [forms] **cards** for the purpose of general distribution. The number given for each request. The total number of [forms] **cards** given out for general distribution.

D.1.   The number of persons eligible to register, whether or not registered in each governmental unit (estimated).

2.   A narrative description of any registration drives conducted in the county.

SecStat 903   Information on the report compiled during years when there is no state primary or general election.

A.   The total number of registered voters in the county.

B.   The total cost of registering voters in the county.

SecState [903] **904-999**   Reserved for future use.

Chapter Ten: Electronic or Automatic Data Processing Systems

SecState 1001   Approval by [Commissioner] Secretary of State.   Any county auditor may maintain voter registration records on electronic or automatic data processing systems; provided, however, that the auditor shall obtain the approval of the proposed system from the [commissioner] **secretary of state** prior to its implementation.

SecState 1002 [Compatible with state system.]   **Compatibility.**   Any voter registration records maintained on electronic or automatic data processing systems and provided to [the state of Minnesota shall be provided in a format compatible with the state's computer system.] **registered voters within the county shall include, and be limited to, in this order, horizontally across form: registrant name, address (including street or route number, city or township and zip code) and telephone number when provided by the registrant. Each entry in a precinct shall be arranged in alphabetical order by last name of registrant. Each precinct shall be entered in the municipality listing in numerical order by precinct number. Each municipality shall be entered in alphabetical order by municipality name within the county. Standards for data entry shall be compatible with secretary of state standards.**

SecStat 1003-1099   Reserved for future use.

OFFICE OF THE SECRETARY OF STATE

ELECTION DIVISION

RULES RELATING TO THE CERTIFICATION AND EXPERIMENTAL AND GENERAL USE OF VOTING MACHINES

Table of Contents

KEY: New rules and both proposed and adopted additions to existing rules are printed in **boldface.** Proposed and adopted deletions from existing rules are printed in [single brackets]. <u>Underlining</u> indicates additions from proposed to adopted rules, while [[double brackets]] indicate deletions from proposed to adopted rules. Existing rules are printed in standard type face.

Adopted Rules

Chapter One: Definitions and Other General Matters

SecStat 3101   Conduct of elections. Except as provided in other Minnesota Statutes or in these rules, election judges shall conduct elections in the manner prescribed for precincts using paper ballots in the Minnesota election law.

SecStat 3102   Additional procedures. These rules set minimum standards for procedures in the use of voting machines. An election jurisdiction may by resolution require additional procedures. A copy of such resolution including the procedures shall be filed with the secretary of state within five days after its adoption.

SecStat 3103   Training. The official in charge of the election for the election jurisdiction shall deliver to the secretary of state 60 days before the election the plan and content for the training of election judges as required by Minn. Stat. §§ 206.19 and 206.195. The training shall include but need not be limited to the following procedures:

A. pre-election checkout at the polling place;

B. information and supplies that are to be displayed in the polling place;

C. explanation of the duties of judges including but not limited to:

1. encouraging the voter to practice the method of voting by use of the demonstration model of the voting machine;

2. explaining use of any apparatus necessary to use with the voting machine, such as stylus, marking device, insertion of ballot card;

3. explaining the ballot label and its relation to the ballot card;

4. if a primary election, explaining that a voter may vote in the election of only one party and indicate how that choice may be made;

5. if a general election, indicating the method for write-in votes;

6. indicating how the voter can check his ballot before leaving the voting booth;

7. informing the voter of the proper method of completing the ballot, including use of ballot envelope;

D. activities involved in closing the polls, preparing the ballots for tabulation, and transporting of ballots to the counting center;

E. provision for individualized training for any persons who will serve as judges in the case of emergency when a trained judge is unable to serve.

SecStat 3104   Meanings of terms.

A. As used in SecStat 3101 through 3999, terms defined in Minn. Stat. § 206.01 shall have the meanings given them in that section.

B. The following terms shall have the meanings given them as follows:

1. **Acceptance test.** Initial tests which shall be successfully completed before a vendor shall be licensed to sell voting machines in Minnesota.

2. **Application program.** A computer program that solves a problem posed by a computer user.

3. **Approved computer.** Vendor's model which has been approved by the secretary of state to tabulate official ballots in Minnesota.

4. **Back up (duplicate) program.** An identical computer program for vote-recording and vote-tallying to be prepared and tested and held in readiness should it be needed to replace the computer program prepared for use in the election.

5. **Ballot card.** A data processing card which is preprinted with numbers or names of the offices, candidates for those offices, and propositions to be voted on in an election. The ballot card is used by the voter to designate his choices and is subsequently tabulated by a computer.

6. Ballot envelope: A paper container approved by the secretary of state into which the ballot card is inserted by a voter after voting.

7. Ballot image. A corresponding representation in electronic form on tape or disc of the punch or mark pattern of a voted ballot.

8. Ballot label. That portion of the cardboard paper, or other material within the ballot frames, the cards, papers, booklets, pages, or other material containing the names of the candidate, the official title, party designation, or a statement of a proposed constitutional amendment or other question or proposition, with the word "Yes" for voting for any question or the word "No" for voting against any question.

9. Bit-for-bit comparison. A method for comparison of machine encoded characters.

10. Chad. The pre-scored portion of the ballot card which is removed from the ballot card by the voter when casting his ballot.

11. Combination ballot card. A ballot card with a card attached by perforation for write-ins, containing instructions and spaces for write-ins.

12. Computer. A data processor which can automatically perform a sequence of logical and/or arithmetic operation without human interventions.

13. Computer expert. A person knowledgeable in the engineering, programming, and operation of a computer for the purposes of vote-recording and vote-tallying.

14. Computer facility. The counting center where votes are tabulated from all the precincts included in the election jurisdiction.

15. Computer program. The set of operating instructions for a computer by which it examines, counts, tabulates, and prints votes recorded by a voter on a ballot card or other electronic medium.

16. Console log. (also computer log, log book) Computor generated listing of actions performed by the computer, including both normal and abnormal operations.

17. Counting center. A location selected by the governing body of a municipality subject to approval of the secretary of state where an electronic system is used for the automatic tabulation of ballots.

18. Crimp hinge. A hinge with locking spurs which is attached to the ballot label pages to allow for insertion, proper alignment, and positioning of the ballot label pages in the ballot frame assembly.

19. Damaged ballot. A valid ballot cast by a voter which is mutilated at the precinct, in transportation to the counting center, and/or in processing at the counting center to the extent that it cannot be entered into the computer and must be duplicated.

20. Defective ballot. A voted ballot card which the election judges have determined that the voter either mutilated or placed thereon some mark, printing, or writing, for the purpose of distinguishing it. A ballot may also be declared defective in whole or in part because of the inability of the judges to determine the intent of the voter.

21. Demonstration ballot card. A ballot card of a distinctive color used to instruct voters in the use of the voting device.

22. Demonstration model. An approved copy of the voting machine in use in a precinct containing ballot labels representing offices and containing fictitious names, to demonstrate to voters the method of voting.

23. Detachable stub. A two-part section of each ballot card, each part of which is printed with the identical number, which is part of a serial numbering of all ballot cards assigned to that precinct.

24. Duplicate ballot card. A ballot card on which the word "DUPLICATE" is printed, stamped, or written and which may be of a different color to which election judges transfer a voter's selections from the original ballot card when necessary.

25. Edit listing. A computer generated listing showing the names, rotation sequence, and ballot position numbers for each candidate as they appear in the computer program for each precinct.

26. Election jurisdiction. Any municipality, township, county or special election district holding original responsibility for an election or part thereof.

27. Election official in charge of the counting center. If one election jurisdiction is using the counting center, the official in charge of the election for that jurisdiction; if more than one election jurisdiction is involved, the county auditor of the county in which these jurisdictions are located.

28. End card. A data processing card which instructs the computer program that all ballots of a precinct have been counted.

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29. **Hardware.** Physical equipment, as opposed to computer program, used in vote-recording and vote-tallying by computer.

30. **Header cards.** Data processing cards which contain the necessary data to identify the precinct of the following ballot cards to the computer.

31. **List of persons voting.** The list maintained by election judges in the precinct from the voters certificates completed by voters as they qualify to receive a ballot.

32. **Marking devices.** Either an apparatus in which ballots or ballot cards are inserted and used in conjunction with a punch apparatus for the piercing of ballots by the voter or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment. The mark or punch made by such marking device may be in the form of a round dot, a square, or any other shape that will clearly indicate the intent of the voter.

33. **Municipal corporation.** An election jurisdiction however constituted; same meaning in these rules as "election jurisdiction".

34. **Object code.** The machine code of a computer program on which the computer operates.

35. **Official in charge of the election for the election jurisdiction.** The city or township clerk or a designated official of the special district holding the election.

36. **Operating systems.** Software which controls the execution of computer programs and which provides scheduling, debugging, input/output control, accounting, compilation, storage assignment, data management, and related services.

37. **Overvote.** A condition of a voted ballot in which more votes have been cast for an issue or office than the number of votes which the voter is lawfully entitled to cast.

38. **Precinct certification.** The certification supplied by the election jurisdiction to each precinct on which to record unusual occurrences at the precinct, the number of voters who registered on election day, the number who voted, and other information as may be requested by the election jurisdiction and the secretary of state.

39. **Programmer.** Person, persons, or commercial vendor designated by an election jurisdiction to write a computer program to record and tally votes in an election.

40. **Public accuracy test.** A public test conducted prior to election day for the purpose of demonstrating the accuracy of the computer program and computer which will be used to count the ballots and to demonstrate and explain the testing procedures being used to determine the accuracy.

41. **Rules.** Regulations of procedures for conduct of elections in accordance with Minnesota election law which, when duly promulgated by the secretary of state, shall have the force of law.

42. **Seal.** Device of metal or other material with a number on it. Such a seal is used to secure voting machines. Another seal is used to secure transfer cases.

43. **Self-contained voting station.** A unit which contains a voting machine or marking device having all four sides enclosed and lighted; when assembled the unit creates one individual voting station.

44. **Software.** Computer programs, procedures, rules, and possibly assorted documentation concerned with the operation of a data processing system. Contrast with "hardware". Computer program and paper media used in vote-recording and vote-tallying for computer use.

45. **Source code.** The instructional language in which a programmer writes a computer program. The object code is a translation of this language.

46. **Spoiled ballot card.** A ballot which has been returned to the election judges by a voter and for which a new ballot card may have been issued.

47. **State office.** Any office in nomination or election of candidates for president and vice president, U.S. senate, U.S. congress, state legislature, and state constitutional office.

48. **Stylus.** An instrument which a voter uses to punch out the pre-scored positions of a ballot card.

49. **Support software.** All software, such as an operating system, that does not pertain to any specific user need.

50. **Test deck.** A set of pre-audited mock voted ballot cards used to determine that the computer and software to be used in the election count the votes.

51. **Transfer case.** A container for transporting ballots to the counting center.

52. **Unassigned locations.** Voting positions on the voting machine or data processing card not programmed to receive an indication of votes in the election in progress.

53. **Undervote.** A condition of a voted ballot in which fewer votes have been cast for an issue or office than permitted by law.

54. **Valid vote.** A voted ballot cast according to the instructions on the voting machine in keeping with the Minnesota election law and these rules.

55. Vendor. Organization contracting to supply any elements of a vote-counting and vote-tallying system which can include hardware, support software, and computer program.

56. Vote. An indication by a voter of intent recorded by a variety of mechanical or electronic methods.

57. Vote-recording medium. The material or configuration thereof on which data are recorded, such as paper tape, cards, magnetic tape.

58. Voter registration list. A list of voters registered in that precinct sometimes used for the purpose of checking off each voter who comes to vote in that election.

59. Voting booth. A structure constructed in a manner prescribed in Minn. Stat. § 204A.11, subd. 2 so that the voter while preparing his ballot may be free from observation. Each booth has a facility to hold a voting machine.

60. Voting machine. A lever machine or an electronic or mechanical equivalent thereof utilized by a voter to record his choices relative to candidates and issues to be voted on in an election.

61. Voting system. A system in which votes are recorded and such votes are subsequently counted and tabulated by automatic tabulating equipment.

62. Write-in. A vote for a candidate whose name does not appear on the official ballot for the office for whom a voter elects to vote.

SecStat 3105-3199 Reserved for future use.

Chapter Two: Certification

This chapter pertains to the vendor only. It does not pertain to computer center operators or responsible authorities of election jurisdictions.

SecStat 3201 Acceptance testing.

A. In addition to the general testing of the integrity of the computer program, the voting system (both hardware and software) shall demonstrate its storage requirements and its speed of operation which may include its print-out capability to provide speed for unofficial results and full audit capability for official results to be certified. There shall be demonstrated any special parameter alteration that can be programmed into it and a full explanation of any modification that can be inserted.

B. Test conditions shall involve a simulation of realistic conditions, coupled with a checkoff of the design specifications which were imposed.

C. Vendor of the program shall identify all the hardware configurations with which the computer program is intended to operate and also identify the maximum values of election parameters which the program can support. These parameters shall include the maximum number of precincts, offices and issues, candidates per office, as well as statistical data required by the secretary of state as identified in law and these rules.

SecStat 3202 Simulation & vote counting.

A. Simulation of vote-counting for the purpose of acceptance testing shall involve a configuration of number of voters, precincts, offices, and candidates which involves the largest number of voters in an election in which it is expected to be used. Testing should be in a manner commensurate with the logic of the computer program, the capabilities of the program and storage to correctly tally the quantity of votes anticipated. Simulated ballots may be prepared by use of ballot images on tape or disc. Simulated ballots (however produced) shall include those involving no overvotes or marks in unassigned locations as well as ballots showing overvotes, undervotes, and invalid votes.

B. When the computer program is to be used with several different hardware configurations, a test of the computer program with each configuration shall be completed including the various election arrangements of different numbers of voters, precincts, offices, numbers of candidates, and issues.

C. Use of ballot-generating program;

1. To develop a computer-readable medium of randomly configurated ballot images which is the inverse of the vote-tallying program under test, the secretary of state may begin with a set of results for every precinct and every office and issue and decompose the results into a set of ballots, including some which involve valid votes, overvotes, and undervotes, in many different combinations.

2. Results obtained by the vote-tallying program under test shall match the results of the tape of ballot images at the option of the secretary of state.

3. At the option of the secretary of state the ballot-generating program may also be used to generate actual ballots as well as a tape of ballot images.

SecStat 3203 Audit trail.

A. There shall be a complete printout of overvotes and undervotes as an audit trail.

B. The computer printout containing the tally shall include the following:

1. For each precinct the candidates and issues shall be listed in rotational order given in the instructions for voters in that precinct.

2. The number of ballots counted for that precinct shall be shown.

3. The number of overvotes, the number of undervotes and the number of non-overvoted ballots for each office and issue shall be shown.

4. The program shall be designed so that undervotes are recorded directly from the ballots and not determined by subtraction of candidate totals from non-overvoted ballots.

SecStat 3204 Approval. For certification, the vendor shall deposit with the secretary of state a copy of the source vote-tallying program, documentation describing the program, and copies of all compilers and other support software which are used to convert the vote tallying program to object code. If the vendor considers these data proprietary, the secretary of state shall maintain the integrity and security of the program. The secretary of state shall notify the vendor of decision in the matter of the approval of the voting machine tested within five working days of the completion of the tests described in these rules. Approval shall be valid as long as the voting machine meets the standards set out in the statutes and rules.

SecStat 3205 Decertification. If a voting machine no longer meets the standards of the statutes and rules, the secretary of state may withdraw approval of the voting machine after a hearing.

SecStat 3206-3299. Reserved for future use.

Chapter Three: Pre-election Check Out of Computer Programs

SecStat 3301 Design of computer programs.

A. Computer programs shall be written so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with the laws of the state of Minnesota and these rules.

B. Computer programs shall include instructions requiring that precinct identification be punched on all ballot cards. Two identical header cards may precede the deck of ballot cards of each precinct. The program

may provide that if two identical header cards do not appear in front of the ballot cards of a precinct, no counting of ballots for that precinct shall take place.

C. A data processing card may follow the ballots of each precinct instructing the computer that all ballots of the precinct have been counted. The program may provide that if header cards contain instructions to the computer that all ballots of the preceding precinct have been counted, no separate end card is needed.

D. Computer programs may be contained on data processing cards, magnetic tape, disc, ROM (read only memories), PROM (programmable read only memories), or any combination thereof.

E. The operators shall prepare at least two edit listings from the computer program showing candidates' names and respective ballot position numbers as they appear in the computer program for each precinct. The edit listings shall be delivered to the appropriate election jurisdiction at least 14 days prior to the election.

F. No later than five days after candidates' names are certified by the secretary of state the election jurisdiction responsible for requesting the computed program shall supply any information such as candidates' names and rotation to the programmers designated to write the computer program.

G. The computer program for any election must be completed and delivered to the election jurisdiction or the county auditor when two or more election jurisdictions elect to use a common counting center at least 14 days prior to the election. The programmers shall also prepare and deliver to the election jurisdiction or to the county auditor when two or more election jurisdictions elect to use a common counting center at the same time an exact duplicate or duplicates of the program for use as backup. One duplicate shall be required if county offices are included in the election, and a second duplicate shall be required if state offices and questions are included in the election. Instructions containing the necessary information, steps and procedures required to operate the computer program shall be prepared to accompany the original program and the backup program or programs delivered with them. There shall be at least two copies of the instructions for each computer facility. It shall be the responsibility of the election jurisdiction to see that the instructions are made available to the computer operators.

H. The vote tabulation portion of the computer program shall be written as follows:

1. In nonpartisan races in all elections and in the partisan primary elections, the computer program shall reflect the rotation sequence of the candidates' names and ballot position numbers as they appear on the ballot labels in the various precincts.

2. The computer program shall count valid votes cast by a voter for candidates for an office.

3. The computer program shall count valid votes cast by a voter for or against any question.

4. The computer program shall not count the votes cast by a voter for an office or question if the number of votes cast exceeds the number which the voter is entitled to vote for on such office or question, but it shall record that there is an overvote condition as referred to in SecStat 3203.

5. The computer program shall ignore marks and/or punches in a ballot card in positions where no candidates' names or questions appear on the official ballot; these marks and/or punches shall have no effect on any portion of the ballot.

6. For the purpose of programming, the partisan, non-partisan, and proposal sections of the ballot are to be considered independent ballots. No action of a voter on one such section of the ballot shall affect his action on another section of the ballot.

7. In partisan primary elections, the computer program shall count the votes recorded by a voter for candidates in one political party only and reject all of the partisan section of the ballot if votes are cast for candidates of more than one political party, but count valid votes in the non-partisan section of the ballot.

8. In partisan primary elections the computer program shall check for the situation of a voter casting votes for candidates of more than one political party prior to checking for overvote conditions.

SecStat 3302 Preparation of test deck or ballot image.

A. It shall be the duty of the election jurisdiction requesting the computer program to prepare a test deck of ballot cards to be used to determine that the computer and the computer program will correctly count the votes cast for all offices and/or all proposals in compliance with the laws of the state of Minnesota.

B. Simulated ballots through use of ballot images on tape or disc may be used to evaluate the logic of the computer program.

C. The test deck or ballot image shall include ballots involving no overvotes or marks in unassigned locations as well as ballots involving overvotes, undervotes, and invalid votes in many different combinations.

D. The test deck or ballot image shall test in a manner commensurate with the logic of the computer pro-

gram, the capabilities of the program and storage to correctly tally the maximum number of votes which might be cast for any office or question in the election.

E. The test deck shall conform to SecStat 3104 B. 50. A test deck shall be prepared specifically for each election.

F. The test deck or ballot image prepared shall consist of a pre-audited configuration of ballots to record a pre-determined number of valid votes for each candidate and issue.

G. A documentation, record, chart, or listing shall be prepared indicating the punches recorded in the test ballots. Said documentation shall indicate whether punches are valid or invalid.

H. Ballots shall be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot;

I. For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots shall be prepared with the number of votes allowed by law for that office in that district and also shall include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

J. In partisan primary elections test ballots shall be prepared to check the program for splitting tickets. Test ballots shall be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot shall be prepared with votes for one party and including votes for a non-partisan office in excess of the number permitted by law.

K. Test ballots shall be prepared in which votes appear in positions other than those used for candidates or proposals.

L. In preparing the test deck or ballot image a number of the ballots shall be voted to include valid votes in each section of the ballot, i.e. partisan, nonpartisan, and proposal sections.

M. At least 50 blank ballot cards shall be run before the test deck is run. Blank ballots in which no positions have been voted shall be included in the test deck or ballot image.

N. At least one test ballot shall be prepared with votes in all positions where there is a candidate or measure on the ballot.

O. A duplicate of the test deck shall be prepared to

be used with the duplicate or back-up computer program. The duplicate test deck may consist of standard data processing cards.

SecStat 3303 Preliminary testing of computer programs.

A. Prior to the public accuracy test, the election jurisdiction providing the computer programs shall test the computers and programs to ascertain that they will correctly count the votes for all offices and measures. The computer programs shall be tested on all precincts.

B. The election jurisdiction requesting the computer programs shall compare the edit listing against the ballot labels of all precincts to ascertain that:

1. The appropriate labels are in each precinct.

2. The ballot position numbers for each candidate and proposal appearing on the ballot labels agree with those recorded on the edit listing for each precinct. It shall be the duty of each election jurisdiction to make a certificate as to the above and file it with the county auditor. In elections where state and county officers are to be voted for, an additional certificate shall be filed with the secretary of state.

C. The test shall be conducted using the test deck or ballot image prepared under the direction of the election jurisdiction, and the results shall be compared against the pre-determined results of the test deck or ballot image. For the purpose of this test, the test deck may be reproduced onto standard data processing cards.

D. When an errorless count has been made on all precincts, it shall be the duty of the election jurisdiction providing the computer program to:

1. Secure all computer programs, including the object code, all support software utilized except the operating system, test decks, and pre-determined results of the test decks, in a metal container which shall be sealed with a metal seal and stored in a secured area that is subject to normal computer temperature humidity restraints.

2. Prepare a certificate that all precincts have been tested using the test deck or ballot image prepared under the direction of the election jurisdiction and that the results agree with the pre-determined results of the test deck. The certificate shall also contain the seal number which was used in 1. The certificate shall be attached to the computer results of the test.

3. Deliver the items mentioned in 1. and 2. to the county auditor.

SecStat 3304 Public accuracy test.

A. A public accuracy test shall be held within five days prior to the election for the purpose of demonstrating the accuracy of the computer programs and computers to be used at the election.

B. The public accuracy test shall be conducted according to Minn. Stat. § 206.17.

C. The time and place of the public accuracy test shall be designated by the election jurisdiction providing the computer program, which shall give public notice of the time and place of the test at least 48 hours before by publication in official newspapers.

D. The test shall be open to the public. The chief election official of the election jurisdiction shall explain the methods and test procedures used to determine the accuracy of the computer programs. This will include submitting as public record the certificate prepared in accordance with SecStat 3303 D. 2. of these rules that all precincts have been tested using the test deck or ballot image prepared under the direction of the election jurisdiction.

E. The sealed container containing the computer programs, test deck, pre-determined results, and header cards shall be opened and the computer programs and computers tested to determine their accuracy on the computer on which they are to be used on election night. The initial testing of the computers and programs shall be with the test deck or ballot image prepared under the direction of the election jurisdiction. The number of precincts to be tested shall be at the discretion of the election jurisdiction.

F. Persons allowed in the immediate area of the computer at the public accuracy test shall be limited to those persons allowed in the immediate area on election night provided in Minn. Stat. § 206.185, subd. 3. Each of the above named parties may be accompanied by a computer expert of his choice. In conventional data processing installations, the immediate area of the computer shall mean the room in which the computer is located. All other interested persons may observe from an observation area.

G. Any back-up or duplicate computer programs prepared and delivered according to SecStat 3301 G. shall be tested on the computer on which they would be used on election night. The test decks used in these procedures shall be the ones prepared in accordance with this chapter. Any test cards made under this chapter shall be marked "TEST".

H. If an error is detected in any part of the testing, the cause shall be ascertained, the error corrected, and an errorless count shall be made on all precincts. If determined by the election jurisdiction, the meeting may be adjourned to a time and date certain.

I. The secretary of state may provide a test deck for any computer program. If so, it shall be delivered at the public accuracy test. The computers and computer

programs shall be tested by use of this test deck. There-after, at the discretion of the secretary of state it shall be used in lieu of or in addition to the test deck prepared by the election jurisdiction.

J. After the completion of the public accuracy test and an errorless count has been made, the election jurisdiction shall certify the results of the test conducted. Certification shall be signed by the witnesses specified in Minn. Stat. § 206.17 and shall be attached to or written on the computer results of the public accuracy test; a copy of the certification shall be sent to the secretary of state.

K. Immediately after certifying the results of the public accuracy test, the election jurisdiction shall secure all computer programs, including the object code, software utilized, test decks, certified computer results of the test, and the pre-determined results in a metal container which shall be sealed with a metal seal in a manner so that the container cannot be opened without breaking the seal. Attached to or inside the container shall be a certificate describing its contents and on which the number of the seal has been recorded. The certificate shall be signed by at least two witnesses as specified in Minn. Stat. § 206.17, and if attached to the container in a plastic envelope it shall be attached in such a manner that it cannot be removed without breaking the seal.

L. All computer programs, test decks, and other related materials shall be clearly identified as to the computer on which they were tested and shall be used on no other computer until tested in accordance with SecStat 3304.

M. The election jurisdiction shall immediately deliver to the county auditor or his designee the metal case containing the computer programs and test decks which are to be used to tabulate the results of the election. The county auditor shall retain and secure the programs and deliver them to the counting center on election night no earlier than 6:00 P.M. The container containing back-up or duplicate computer programs and related material shall be delivered to and secured by the county auditor. It shall be the responsibility of the county auditor to store the original and duplicate or back-up computer program in separate locations. If state offices and questions are included in the election, the container containing the second back-up or duplicate computer program and related materials shall be delivered to and secured by the secretary of state.

SecStat 3305-3399   Reserved for future use.

Chapter Four: Security of Computer Programs and Systems for Use in Elections

SecStat 3401   Isolation from other influences.   A computing system shall be set up so that the vote-tallying procedures will function in isolation from other influences while being tested or run.

SecStat 3402   Initialization of system.   Before beginning vote-tallying computer program testing or running on a computer also used for other purposes, make certain that computer programs are not influenced by extraneous peripheral equipment. The erasure of memory locations that are to remain accessible to the system, except those minimally required to load a new operating system, if any, shall be accomplished. Active measures shall be undertaken to assure that all tapes and discs to be used that are supposed to be initially blank are actually blank (except for machine-readable inventory identifiers) and have no defects.

SecStat 3403   Support software.   All the support software used with the vote-tallying computer programs shall be maintained on media under the control of the election administration.

SecStat 304   Physical protection of object codes.   Master copies of all computer programs including support software and application programs shall be retained in secured locations, separate from the location of working copies. Once generated the master copy shall be used in a read-only mode. No writing shall be done on the storage medium of the master copy. Before use of the working copy it shall be compared bit-for-bit against the master copy. Any difference must be explainable.
SecStat 3405   Labeling of discs and tapes.   Discs and tapes employed for any vote-tallying purpose shall have both human-readable and machine-readable labels. When the machine-readable label is read by the operating system, a halt in further operation shall occur until the computer operator enters the human-readable label. A match between the two labels must precede any further computer operation.

SecStat 3406   Control of system control cards. Punched cards used for modification of operating system conditions shall have a use code and version number punched in identification fields of the cards. Each card shall be checked for proper use and version when read by the operating system, and the effect of the card on system operation shall be reported on the system output printer.

SecStat 3407 Logging of operations. The operating system of the computer must be programmed to report automatically on the system printer all actions taken by the operators to change conditions and their times of occurrence. These actions may include mounting and dismounting tapes, connecting or removing peripherals, insertion of data, or a changing of control switch settings.

SecStat 3408. Separation of computer room duties. A basic principle of internal control is to divide the execution of critical functions among two or more persons. One individual shall not be totally responsible for a given activity, such as computer operation.

SecStat 3409 Control of computer program changes.

Every change to a computer program used for vote-tallying and under control of the election jurisdiction, even those involving only one statement shall be authorized, approved, and documented by the responsible authority of the election jurisdiction with no exceptions.

SecStat 3410-3499 Reserved for future use.

Chapter Five: Preparation of Election Supplies

SecStat 3501 Preparation of ballots.

A. Ballot cards. All ballot cards used in an election shall have attached by perforation a detachable stub on which duplicate numbers shall be printed in consecutive order. On all ballot cards, the words "OFFICIAL BALLOT CARD" shall be printed or stamped on the face of the detachable stub. The ballot card shall have a corner cut on one corner. The following statement shall be printed or stamped on the back of the stub of all official ballot cards in bold face capital letters:

STOP
WRONG SIDE
TURN CARD OVER

The precinct number designation shall be printed, stamped, or written and punched on each ballot card used in an election so as to identify in which precinct it originated. In the case of a combination ballot card/write-in ballot, the portion of the ballot for write-ins shall contain instructions and spaces for write-ins. Numbers of the offices to be voted for and of the candidates for those offices shall be printed on the ballot cards and on the ballot labels so that the voter may review his choices before leaving the voting booth or station.

B. Ballot envelopes. The ballot envelope shall be of sufficient size and construction so that when the ballot is inserted in it all portions thereof indicating voting marks are hidden from view. Instructions shall

be printed on the ballot envelope and shall include the following:

1. After you have voted, check your ballot with the ballot label to be sure that your vote is recorded for the candidate and/or question of your choice.

2. Insert ballot in this envelope with the stub exposed.

3. Return this envelope with the ballot enclosed to the election judge.

4. If you spoil your ballot or if you make a mistake in voting, return it to the election judge and receive another ballot.

In voting machine systems where write-in votes are not written on the media contained in the machine or the cards inserted in the machine, the inside flap of the envelope shall contain language which clearly indicates that this is the place to vote for write-in candidates. It shall contain the following language:

A write-in vote will not be counted unless it includes the name of the person voted for and the title of the office.

C. Voting instructions shall be printed on the first page of the ballot label pages. Following each page of the ballot label pages containing candidates or measures, instructions shall be printed as to where the voter is to proceed to continue voting. Additional instructions which conform with the election laws may be printed on the ballot labels when deemed advisable so as to assist the voter in casting his ballot.

D. When a state office or question appears on the ballot, five days before the election the election jurisdiction shall forward to the secretary of state two copies of the sample ballot, two copies of a ballot card, and two copies of a ballot envelope.

SecStat 3502 Preparation of voting machines.

A. All voting machines shall be identified as to the precinct in which they will be used.

B. The election official in charge of the election jurisdiction shall prepare the voting machines so that in every particular they will meet the requirements for voting and counting at such election.

C. All ballot label pages shall have a crimp hinge attached for insertion and positioning in the ballot frame. Ballot label pages attached by tape to a rod or which are placed into a clear plastic envelope through which a rod is inserted are not allowed.

D. If a machine uses masks, the official in charge of the election jurisdiction shall prepare or cause to be prepared the masks to be used. The masks shall have holes punched in appropriate positions for which the elector will be entitled to vote and in no others.

E. Ballot label pages assembly shall be inserted and sealed into each voting machine so that the ballot label pages assembly cannot be removed without breaking the seal. Flat metal or wire seals shall be used for this purpose. On voting machines which do not have permanent rivets on the back or sides which prevent the removal of the ballot label pages assembly, a second seal must be used so that the ballot pages assembly cannot be removed without breaking the seal.

F. The ballot labels in each voting machine of a precinct shall be compared against the edit listing and/or sample ballot for that precinct to ascertain that the offices, candidates' names and ballot position numbers are the same and appear in the same position.

G. The ballot label pages of each voting machine shall be examined to ascertain that holes in the mask appear directly opposite each arrow and that no other holes appear in the mask and that the ballot label pages are in proper sequence.

H. Operation of each voting machine using a ballot card shall be tested by inserting a demonstration ballot card and voting for each candidate and proposition appearing on the ballot. The ballot card shall then be examined to insure that each received a clear punch or mark.

I. The identifying number of the voting machine and the seal number used to seal the ballot label pages assembly to the machine shall be recorded on the precinct certification for the precinct in which the device will be used. The election official who sealed the machine shall also sign the certification.

J. When a voting machine has been prepared for the election, it shall be the duty of the official in charge of the election jurisdiction to make a certificate in writing which shall be filed with the county auditor. This certificate shall contain precinct number, identifying number of the machine, and number of the metal seal or seals used to seal the machine and state that the ballot labels have been compared against the edit list and/or sample ballot for that precinct and that the candidates' names and ballot numbers agree and appear in the same position and that the machine has been properly prepared and tested.

K. In elections where state or county officers are to be voted for, an additional certificate as required in SecStat 3502 J. shall be filed with the secretary of state.

SecStat 3503 Preparation of election supplies.

A. The municipal clerk of the election jurisdiction which owns the voting machines shall prepare and package or place into a transfer case the ballot cards for each precinct. Each package shall be sealed with a red paper seal or, if a transfer case is used, sealed with a metal seal. The package or transfer case shall contain a certificate signed by the municipal clerk setting forth the number of ballots therein and that such ballots were counted, packaged, and sealed by that clerk personally or by his duly authorized assistant. All ballot cards not issued to a precinct or assigned for absentee voting shall be secured and accounted for by the municipal clerk. The municipal clerk shall maintain a record of the number of ballot cards and serial numbers issued to each precinct. The ballot cards shall be delivered to the chief election judge of the proper precinct.

B. The following additional items shall be included in the precinct supplies:

1. edit listing for precinct;

2. ballot envelopes in sufficient quantity to match quantity of ballots;

3. envelopes marked "spoiled ballot cards," "defective ballot cards," "absentee ballots";

4. envelope for "original ballot cards for which duplicates are to be made for any reason";

5. precinct certification form;

6. set of instructions for operating the precinct on election day;

7. copy of current Minnesota Election Laws published by the secretary of state.

C. If the precinct header card is to be sent to the precinct, it shall be contained in an envelope for that purpose, placed into the transfer case of the precinct and delivered to the appropriate precinct.

D. An approved ballot box shall be provided to each precinct for the deposit of voted ballot cards. This ballot box need not be made of metal but must be capable of being sealed during election day.

E. No vendor or vendor's representative shall be present during election day activities in precincts.

SecStat 3504-3599 Reserved for future use.

Chapter Six: Election Judges Duties Prior to Opening of Polls

SecStat 3601 Arrangement of voting machines. Voting machines may be used in voting booths or in self-

contained voting stations. If voting machines are used in voting booths, they shall be arranged so that the activity of the voter while preparing his ballot shall be concealed from all other persons. If voting machines are used in self-contained voting stations, the stations shall be arranged so that the secrecy of the ballot is not violated. Should a voter object to the arrangement of the self-contained voting station at which he has been assigned to vote, claiming that the station is so positioned as to not afford him an opportunity to vote in secrecy, the election judges shall evaluate the claim. If the judges determine that the claim is valid, they shall rearrange said voting device so as to afford the voter the opportunity to vote his ballot in secrecy.

SecStat 3602 Examination of voting machines. The election judges shall inspect the voting machines by:

A. comparing the seal number on the machines 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 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 and attempting to punch or mark in places other than those indicated by an arrow; 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-in for each machine in each voting booth or self-contained voting station;

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

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

SecStat 3603 Discrepancy. In the event of a discrepancy, the election judges shall notify the municipal clerk immediately, and the voting device shall not be used until such discrepancy is resolved.

SecStat 3604 Demonstration voting machine. The demonstration voting machine shall be arranged so as to be able to offer each voter an opportunity to use it prior to voting.

SecStat 3605-3699 Reserved for future use.

Chapter Seven: Conduct of Elections, Including Absentee Voting

SecStat 3701 Election procedures and manner of voting:

A. Unless otherwise provided for in Minnesota law or in these rules, paper ballot procedures as provided in Minn. Stat. ch. 204A shall be followed to the extent possible.

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

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

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

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

F. In precincts where there is voter registration, the election judge shall deliver to the voter his ballot card after the judge receives the certificate of registered voter signed by the voter and initialed by an election judge. The ballot card number shall be recorded on or attached to that certificate. Ballot cards and envelopes are not to be issued until a voting station is vacant.

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

H. 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, he shall be instructed to return to the voting station and place the ballot card in the envelope.

I. 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 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 shall be placed in the spoiled ballot envelope and not counted. In no case shall a spoiled ballot card be placed in the ballot card box.

J. If the numbers compare, 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.

K. If any voter spoils his ballot card by inadvertently defacing it or removing the prenumbered ballot card stub or should the voter request a new ballot card, the voter shall in secret place the ballot card in the ballot envelope and return it to the election judge and the judge shall deliver to him another ballot card and ballot envelope. The spoiled ballot card and ballot envelope shall be placed in the envelope marked "SPOILED BALLOT CARDS". In precincts where there is voter registration, one of the election judges shall note the change in the ballot card number given such voter upon the certificate of registered voter. The method of changing the number of the ballot card issued shall be by drawing a line through the number of the original ballot issued and writing the new number above.

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

M. Any ballot card found in a booth or voting machine shall be marked "found in booth". The card shall be placed in an envelope which shall be placed in the transfer case. In no case shall such ballot be placed with the properly cast ballots. A note of such occurrence shall be made in the remarks section of the precinct certification.

SecState 3702   Absentee ballots.

A. The issuing, receipt, processing, and tabulation of absentee ballots in election jurisdictions using electronic voting systems shall be as provided by law and these rules.

B. Voters requesting absentee ballots shall be supplied with paper absentee ballots, as provided by law.

C. Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered either to an absentee ballot precinct as provided by law or to the polling place in the voter's precinct.

D. Upon receipt of the last mail at the polling place in the precinct on election day, two election judges not of the same political party shall number the absentee ballots, serially, and transfer the intent of the absentee voter and the serial number from the absentee ballot to the official vote-recording medium used in the precinct. In absentee ballot precincts, this procedure may be done during the day.

E. Two election judges not of the same party shall check each absentee ballot with the vote-recording medium to determine that the medium records the absent voter's intent. Any write-in votes shall be recorded as provided in these rules.

F. Vote-recording media processed under SecStat 3702 D. shall be labeled "absentee", inserted in envelopes, stubs removed, and placed with ballot cards cast by voters in person in that precinct.

SecStat 3703-3799   Reserved for future use.

Chapter Eight: Election Judges
Duties after Polls Close

SecStat 3801   Procedures following close of polls.

A. All unused ballot cards and envelopes shall be secured for return to the official in charge of the election for the election jurisdiction.

B. The ballot labels and seals of each voting machine shall be inspected to insure 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 shall be noted in the remarks section of the precinct certification.

C. The election judges shall compare the number of certificates of registered voters with the number of names recorded on voter registration list, voter registration cards, or election register as having voted that day. The number of electors who voted as indicated by these records shall be entered on the precinct certification.

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

box and one of the election judges shall publicly draw out so many ballots as shall be equal to such excess.

Such excess ballots while still in their envelopes shall 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 shall 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 SecStat 3801 C. the reason for the discrepancy shall be noted in the precinct certification. If the judges are unable to explain the discrepancy, they shall so state in the precinct certification.

E. Each ballot in its envelope shall be examined for write-ins. Ballot cards for which no write-in exists shall be separated from their envelopes and placed in appropriate piles.

F. The judges shall examine all ballot cards for ballot cards with chad hanging and for defective ballot cards.

G. The intent of the voter is to be ascertained when processing ballot cards. Ballot cards with chad hanging shall be processed in the following manner:

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

2. Where chad is found hanging by three corners the ballot card shall be defective for that office and shall be placed in the envelope for original cards for which duplicates are to be made at the counting center. (See Chapter Nine, these rules.)

H. Where 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 such ballot card shall be defective and shall not be counted. Such ballot shall be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

I. Where a write-in vote exists, the judges shall determine if it is valid and process it in the manner prescribed in SecStat 3802.

J. 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 SecStat 3801 C. 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 shall be entered in the appropriate place on the precinct certification and on the transfer case certificate.

K. 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 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 unused ballot cards.

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

1. valid voted ballot cards;

2. ballot envelopes used in the election (unless they are placed and sealed in a separate metal container for separate delivery as determined by the election jurisdiction);

3. envelope containing absentee ballots;

4. envelope containing spoiled ballot cards;

5. envelope containing defective ballot cards;

6. envelope containing original ballot cards for which duplicates are to be made for any reason;

7. envelopes with notations of containing any other issued ballot cards which are not to be counted;

8. certificate signed by the judges indicating number of ballot cards received, issued and used;

9. write-in tally return sheet;

10. precinct header card (if included in precinct supplies);

11. precinct certification.

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 is to be used and the sealing and security handled in the same manner as the transfer case.

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

1. the number of electors who voted as shown by the precinct certification;

2. that prior to opening the polls, all voting machines were examined and found to be sealed with metal seals bearing the same numbers as certified by the election jurisdiction;

3. that the ballot labels were in their proper places;

4. 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;

5. that at the close of the polls each voting machine 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;

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

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

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

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

10. 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;

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

N. The unused ballot cards and unused ballot envelopes shall be returned to the election official in charge of the election-jurisdiction who shall issue a receipt therefor.

O. The transfer case shall be sealed with a metal seal in such a manner so as to render it impossible to open, the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal shall be a certificate signed by the judges indicating its content and the number of the metal seal used to seal the said case. The seal number shall also be recorded in the certificate of the election judges. The transfer case certificate shall be in a clear plastic envelope of a type approved by the secretary of state and affixed to the case by the metal seal.

P. The transfer case containing the required items as identified in SecStat 3801 L. shall be delivered to the counting center by two election judges, not of the same political party.

SecStat 3802 Processing write-in votes.

A. The election judges shall check all ballot envelopes (with the ballot card inside) or the write-in ballot portion of a combination ballot card/write-in ballot in which a write-in appears, number the ballot envelope 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.

B. A valid write-in vote shall record on the appropriate designated place for write-ins the following information:

1. an office to be voted on at that election;

2. any name to be considered as a write-in candidate for that office.

Stickers containing the above information are permissible.

C. 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 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 shall not be valid.

D. When a valid write-in exists, the election judges shall determine whether the write-in vote has caused an over-vote. 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.

E. 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 shall be placed with the other valid ballot cards for tabulation. The envelope containing the write-in vote shall be placed in a separate pile containing write-in votes.

F. 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 shall be prescribed in Chapter Nine of these rules.

G. 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.

SecStat 3803-3899 Reserved for future use.

Chapter Nine: Proceedings at the Counting Center

SecStat 3901 Preliminary procedures.

A. The person(s) who shall operate the computer

used for tabulation of ballots on election night shall not be the same person(s) who wrote the computer program. This shall not exclude the official in charge of the election for the election jurisdiction or his authorized assistant. The computer operator(s) shall take and subscribe to the election judges' oath.

B. 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 pre-determined results with that recorded in the certificate of the public accuracy test to see that they agree.

C. 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 shall be conducted with the test deck or ballot image designated in Chapter Three of these rules. Copies of these test results shall be designated "prior to tabulation of ballots" or "after tabulation of ballots". A copy of each test certificate shall 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.

D. 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 insure that the program and computer are operating accurately.

E. A console log including the count and accuracy test and the tabulation of the ballots shall 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 shall 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 shall be maintained.

SecStat 3902   Procedures for transfer cases.

A. 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 shall then be opened and checked to see that it contains the ballots and all other material required by these rules. The opened metal seal from the transfer case shall be placed inside the case. The identification on the case shall be noted on all reporting materials. Authorized counting center personnel shall then issue a certificate to the

election judges delivering the case acknowledging receipt of all materials.

B. The transfer case containing the ballot cards shall 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.

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

D. Immediately upon the completion of the counting of a precinct, all ballot cards for the precinct and precinct header cards shall 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.

E. 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 shall be made of the pertinent facts on the statement of returns.

SecStat 3903   Duplication of ballots.   Any ballots requiring duplication at the counting center shall be duplicated in the following manner:

A. Whenever a ballot card is required to be duplicated, the duplication process shall 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 shall be identified with a single number written on both cards. The number on the duplicate card shall be the same number as on the original. When more than one card is being duplicated in a precinct, the numbering shall be serial.

C. The reason for duplication shall be written on the duplicate ballot card, e.g., write-in, chad, damaged. 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 ballot with the voter's valid selections. Duplicate ballot card shall be compared against the original ballot card to assure it has been accurately duplicated.

E. All original ballot cards which require duplication shall be placed in an envelope marked "original ballot cards for which duplicates have been made. The

duplicated ballot card shall be placed with the other valid ballot cards to be tabulated.

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

SecStat 3904   Copies of returns.   The election official in charge of the counting center shall certify four copies of the returns. The certification shall 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 (in those areas having voter registration), number of ballots counted, vote totals, and any other data defined 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 print-out as well as any form(s) designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

SecStat 3905   Distribution of returns.   Returns as referred to in SecStat 3904 shall be certified to the municipal clerk who shall retain one copy of the statement of returns and send the remaining three copies to the county auditor, along with any forms determined by the secretary of state to be on file with the state. The county auditor shall retain one copy of the statement and forward the two remaining copies 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 determined by the secretary of state for preparation of the state canvassing board report and other public reports of the election shall be completed and returned to the secretary of state.

SecStat 3906   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 as prescribed in SecStat 3905 shall retain ballots and voter certificates for one year unless otherwise ordered by a court order or recount procedure as defined by Minnesota Statutes. Test decks or ballot images, accuracy test results and computer programs shall be delivered to the county auditor.

SecStat 3907   County auditor to maintain materials. The county auditor shall maintain all the materials forwarded as required in SecStat 3905 and SecStat 3906 for a period of one year unless otherwise advised by a court order or recount procedure as defined by Minnesota Statutes.

SecStat 3908-3999   Reserved for future use.

The regulations adopted by the attorney general September 6, 1968, governing the experimental use of electronic voting systems are repealed.

Proposed Rulemaking

DEPARTMENT OF PUBLIC WELFARE

PROPOSED RULES GOVERNING ADMINISTRATION OF RED LAKE
INDIAN APPROPRIATION AND MINNESOTA SENIOR COMPANION PROGRAM

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (Supp. 1975), as amended, regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Friday, September 24, 1976 commencing at 9:00 a.m., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning proposed Rules 60 and 195 by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

Rule 60, Red Lake Indian Payments, governs the administration of the Red Lake Indian Appropriation. It is promulgated under Minn. Stat. ch. 361 (1975).

The Red Lake Indian Payments Rule is intended to determine how much equalization aid is attributable to Red Lake Indians and the method by which the counties apply for Red Lake Indian monies.

Rule 195, Minnesota Senior Companion Program governs the administration of the Minnesota Senior Companion Program. It is promulgated under Minn. Stat. ch. 323 (1976).

The Senior Companion Act is intended to enlarge the authority for, and the funding of, volunteer activities for low-income senior citizens beyond those provided in the predecessor state and federal programs of foster grandparents and senior companions so that these volunteer activities can also be directed to adult, non-institutionalized persons.

Under Minn. Stat. § 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulga-tion of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual. (The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155).

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Steve Mihalchick, Office of Hearing Examiner, 1745 University Avenue, St. Paul, Minnesota 55104, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that at least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains.

Copies of the rules are now available and may be obtained by writing: Leo Fieder, Governor's Citizens Council on Aging, Suite 204 Metro Square, 7th and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Vera J. Likins
Commissioner

Rules as Proposed

DPW 60   Red Lake Indian payments.

A. The state agency shall pay, to the county agencies, 100 percent of the difference between the total cost for payments made in behalf of members of the Red Lake Indian reservation and the federal funds available therefor under the following programs:

1. Aid to Families with Dependent Children;

2. Medical Assistance;

3. Emergency Assistance to needy families with dependent children program;

4. Social Services: and

5. The administrative costs of these programs: The (Red Lake Indian) reservation share of administrative costs is defined as the percentage of the sum of Red Lake costs of AFDC, MA, AFDC-EA, & Social Services divided by the total expenditures of AFDC, MA, AFDC-EA, & Social Services.

B. The funds paid to a county for Red Lake Indians shall be reduced by the amount of equalization aid attributable to the Red Lake Indians for the same period.

C. To determine the amount of equalization aid attributable to the Red Lake Indians, the equalization formula shall be recomputed using the following four per capita factors (income, welfare expenditures, welfare recipient rate, and taxable value) and excluding the (Red Lake Indian) population, income, number of welfare recipients, and taxable value of land. The resulting equalization aid figure (a) shall be subtracted from the original computation (b) and the difference (a-b) shall be defined as the amount of equalization aid attributable to the Red Lake Indians.

D. To receive Red Lake money, affected counties must report both expenditures and numbers of recipients on the form supplied by the state agency.

DPW 195   Senior companion program.

A. Applicability and purpose.

1. Authority. This rule is enacted pursuant to the statutory authority vested in the Minnesota Board of Aging and the department of Public Welfare pursuant to Laws of 1976, ch. 323, establishing a senior companion program to engage the services of low income persons aged 60 or over to provide supportive person to person assistance in health, education, welfare and related fields primarily to handicapped adults and elderly people living in their own homes.

2. Purpose. The purpose of the senior companion program (SCP) is to provide meaningful part-time volunteer opportunities for low-income older persons to render supportive person-to-person services to adults with special or exceptional needs in health, education, welfare and related fields. The services are intended primarily for persons in their own homes, but those in group homes, nursing homes, or other public or private nonprofit institutions or agencies, providing care for handicapped adults or elderly persons may also be served.

B. Definitions.

1. Board on aging — a board established pursuant to Minn. Stat. §§ 256.975 and 256.976, previous-ly titled and known as the Governor's Citizens Council on Aging.

2. Memo of understanding — a written agreement between sponsor and person to be served, appropriate caretaker, or an authorized official of a volunteer station that specifies working relationships, channels of communication, and means of cooperation between the parties to the agreement.

3. Persons to be served — the handicapped and older people who receive the supportive person to person assistance of the volunteer Senior Companions.

4. Project advisory council — the Council established pursuant to this rule to advise and assist the sponsors on matters of planning, community participation and financial support.

5. Project sponsor — the agency or organization awarded the grant and the authority to administer the Senior Companion Program in a specified area pursuant to this rule.

6. Volunteers — as used herein, a person who proffers his or her time and efforts in spportive person-to-person services as a Senior Companion (SC) Volunteers for an agreed upon stipend.

7. Volunteer station — a private home, public or private nonprofit agency, institution or organization, or proprietary health care organization or facility, in which or through which persons to be served by senior companion services are found, or made accessible to these services.

C. Sponsor.

1. To become the sponsor of an SC project for a community, an organization shall submit a grant application, consistent in form and content with these rules, to the Board on Aging for funds to develop and operate an SC project. In order to receive a grant, it is required that the potential sponsor shall:

a. Be a public or private nonprofit agency or organization with the authority to accept and administer such grants.

b. Agree to administer the project in accordance with state legislation and rules, policies and procedures, and the conditions of the grant award set forth by the Board on Aging.

c. Accept full responsibility in the community for the development, implementation, management, and funding of the project.

d. Not be a volunteer station.

e. Provide written assurances that the project will be conducted in consultation with, or with the participation of, an area agency on aging, the regional coordinating agent of the Board.

2. Applications to provide senior companion services to individuals in their homes shall have priority over applications to provide services to those in group homes, or institutions.

D. SCP advisory council.

1. A project advisory council shall be established by the sponsor to meet regularly in order to advise and assist the sponsor on matters concerning planning, community participation, and financial support, and project policies and operational issues.

E. Service area.

1. An SC project shall have an exclusive, geographically defined, service area from which senior companion volunteers are recruited and in which they serve. The service area will be identified in the approved project plan and may not be redefined without the prior written approval of the Board on Aging.

F. Vounteer stations.

1. Vounteer stations shall be within the project's geographical service area as defined in the approved grant application.

2. Each facility other than a private home, serving as a volunteer station, shall be licensed or otherwise certified by the appropriate state or local licensing authority.

3. A volunteer station shall not request or receive any compensation for services of Senior Companions supervised by it.

4. A volunteer station shall not be a project sponsor.

5. Assignment of senior companions to private homes will be made only with concurrence of the project director and after a memo of understanding has been obtained from the person to be served or an appropriate caretaker.

G. Eligibility of senior companions.

1. To be eligible for enrollment as a volunteer, senior companions shall:

a. Be 60 years of age or over.

b. Have an annual income at or below the applicable income eligibility level as established by the Board.

c. No longer be in the regular work force.

2. In computing annual income of married couples prior to enrolling them both as senior companions, one senior companion stipend must be included in the determination of maximum annual income.

3. There are no enrollment barriers for senior companions relating to experience, education, race, sex, creed, national origin, or political affiliation.

4. After enrollment as a senior companion, no person shall be terminated as a result of change in eligibility requirements, nor as a result of a change in his income, marital status, or number of dependents.

H. Service schedule.

1. Senior companions shall be compensated for no more than 20 hours a week, in accordance with the schedule of the persons being served, as approved in the grant application. Exceptions to the service schedule authorized by the grant award may be made by the sponsor for unusual situations but only with the concurrence of the Board on Aging in the form of a project amendment. Twenty hours a week may not be exceeded.

2. Personnel policies for the senior companion's insurance, vacation, sick leave, holiday, etc., shall be consistent with those of the sponsor and be developed in consultation with the project advisory council.

3. Time required for transportation between the senior companion's home and the volunteer station shall not be considered a part of the service schedule. When persons are served in their own homes, transportation time between two or more such assignments is considered part of the service schedule.

I. Adults served.

1. Senior companions may provide frequent supportive person-to-person services on a regular schedule to adults with exceptional needs, especially older persons living in their own homes, in nursing homes and in other institutions. Persons to be served include, but are not limited to, adults receiving home health care and nursing care and those with developmental disabilities.

2. Volunteer stations, with concurrence of project staff, select the adults in need of individual attention and project staff, with concurrence of the volunteer station, assigns senior companions to the adults.

3. Statewide and in each project, at least 50 percent of the persons served by senior companions shall be age 60 or older.

J. Responsibilities of the Board on Aging.

1. Pursuant to the intent of the Senior Companion Act and these rules, the Board on Aging shall, from time to time, develop and promulgate policy guidelines and forms for the administration of uniform and equitable procedures in setting or revising:

a. The level of maximum annual income for determination of eligibility of senior companions, consistent with changing costs of living and the levels prescribed for other federal and state programs using volunteer stipends.

b. Service areas for SCP projects consistent with the availability of funds and coordination with other federal and state programs for older and handicapped people.

c. Levels of stipend, insurance protection, travel expense, or other expenditures that must vary with costs and that are not otherwise prescribed in law or these rules.

d. The provision of technical assistance by the state and area agencies on aging to senior companion projects.

K. Cost sharing.

1. The state will fund up to 90 percent of an approved project budget. Ten percent or more of the total approved budget shall be provided locally by or through the sponsor in the form of cash or in-kind contributions. Actual local expenditures must reach at least the percentage of non-state support identified in the acceptance of the grant award. Sponsors will be encouraged to increase non-state support of the project beyond minimum requirements.

L. Grant awards, suspension, termination.

1. Grant awards made by the Board on Aging:

a. Shall be for one year or less.

b. Shall be used to match other state funds.

c. Shall not be used to replace any staff members of the grantee.

2. Grant applications must specify the geographic area to be served, the number of persons and the kinds of disabilities expected to be served, and the numbers of senior companions to be used, together with the kinds of service they are expected to provide. Project expenditures must be restricted to the persons and services specified for that area.

3. The Board on Aging may suspend further payments to a sponsor or terminate payments under a grant when there is a material failure to comply with its terms and conditions. However, no grant may be terminated without reasonable notice to the sponsor and an opportunity for a full and fair hearing. Suspension, except in emergency situations, as well as the denial of an application for refunding (continuation grant), will only take place after the sponsor has been given reasonable notice and an opportunity to show cause why such an action should not be taken.

4. A record keeping system shall be established by each project to allow for collection and storage of information on senior companions, their assignments, volunteer stations and other necessary information, including senior companion and project costs.

A semi-anual report shall be filed with the board on aging.

Official Notices

ENVIRONMENTAL QUALITY COUNCIL

EQC MONITOR

Actions Taken at August 4, 1976 Meeting

1. Accepted Report of Pesticide Task Force and directed various agencies to report back to EQC in three months with recommendations.

2. Approved fiscal year 1977 Minnesota Environmental Education Board budget.

3. Granted Minnkota Power Cooperative an exemption from the Power Plant Siting Act to build a 230 kV-60 kV substation near Warroad, Minnesota.

4. Issued a Certificate of Corridor Compatibility to to amend the EQC Designated Corridor for MP&L near Brookston so that three alternate sites may be considered. (EQC Docket No. MP&L-TC-1a)

5. Adopted Hearing Examiner's Findings of Fact, Conclusions and Recommendations and issued a Construction Permit in the matter of NSP/MP&L Application for a Construction Permit for a single circuit 500 kV ac high voltage transmission line (HVTL) from near Cromwell to Chisago County; and a double circuit 345 kV ac HVTL from Chisago County to northern suburbs of St. Paul. (EQC Docket No. MP&L-TR-1)

6. Resolved to submit transcripts of alleged incomplete transcripts in the matter of CPA-UPA HVTL to Hearing Examiner Mellby for his review and determination that the alleged missing testimony would have caused him to submit different findings, conclusions and recommendations in the matter. (EQC Docket No. CU-TR-1)

7. Found the Environmental Assessment (EA) adequate and determined no Environmental Impact Statement (EIS) required on the Honeywell proposed expansion in Minneapolis.

8. Found EA adequate and determined no EIS on proposed Stage 3 expansion at U.S. Steel's Minntac plant; U.S. Steel required to submit socio-economic report and advised that any expansion beyond Stage 3 will require further environmental review.

9. Found EA adequate and determined no EIS required on the proposed Jefferson Street widening in Columbia Heights.

10. Found EA adequate and determined no EIS required on Shorewood Yacht Club proposed 125 slip marina on Lake Minnetonka.

11. Found EA adequate on Red Rock Tank Farm and Asphalt plant proposal for Pigs Eye area and determined EIS required designating St. Paul Port Authority responsible agency.

12. Ordered public hearing to determine need for EIS on proposal to close Nicollet Avenue for two blocks in Nicollet-Lake Development District in Minneapolis.

13. Determined to review final EIS on proposed Winona Riverfront development.

14. Granted extension to August 31, 1976 for City of Minneapolis to submit draft EIS on High Density Residential Development within 1000 feet of the City Lakes in the Calhoun-Isles Community; 2900 Dean Parkway.

15. Determined no EA required on Alter Company coal handling facility in St. Paul/South St. Paul.

16. Determined no EA required on proposed Great Lakes Coal and Dock Company coal handling facility near Pigs Eye.

17. Acknowledged petition for EIS and developer's intent to file voluntary EA on Orrin Thompson's proposed Countryside West development in Bloomington.

(End of EQC Monitor)

MINNESOTA STATE AGRICULTURAL SOCIETY

MINNESOTA STATE FAIR

Meeting Notice

The first scheduled meeting of the board of managers of the Minnesota State Agricultural Society during the 1976 state fair will be Saturday, Aug. 28 at 9 a.m. in the Administration Building on the fairgrounds, Falcon Heights.

Additional meetings will be at the call of the society's president as necessary to conduct fair-related business. Dates and times will be available from James Frost at publicity headquarters in the Service Building on the fairgrounds.

DEPARTMENT OF AGRICULTURE

Notice of Intention to Solicit Outside Opinion

Proposed Rules for Governing the Farm Security Program

Notice is hereby given that the Minnesota Department of Agriculture has begun consideration of proposed rules governing the Farm Security Program. In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed rules.

All interested or affected persons/or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

> Mr. D. Daniel Garry
> Minnesota Department of Agriculture
> 510 State Office Building
> Saint Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-8435, and in person at the above address.

All statements of information and comment must be received by September 10, 1976. Any written material received by the Department shall become part of the hearing.

The proposed rules, if adopted, would establish rules setting both criteria, practices, and procedures for administering a 90% guarantee loan program and payment adjustment program to assist Minnesota farmers in acquiring farm land for their own farming purposes.

> Mr. D. Daniel Garry,
> Administrator, Farm Security Program

STATE BOARD OF HEALTH

Notice of Intent to Solicit Outside Information

Procedures for the Awarding of Grants and Subsidies and Establishing Standards under the Community Health Services Act

Notice is hereby given that the Minnesota State Board of Health is considering proposed rules governing procedures for the awarding of grants and subsidies and the establishment of standards pursuant to Laws of 1976, ch. 9 (Community Health Services Act). Any interested persons may submit data or views on this subject in writing or orally to:

> Robert W. Hiller
> Room 244, Minnesota Department
> of Health Building
> 717 Delaware Street S.E.
> Minneapolis, Minnesota 55440
> Telephone: (612) 296-5384

The proposed rules, if adopted, would amend existing State Board of Health grant award procedures and establish subsidy award criteria. Additionally, standards would be established relative to personnel, reporting and participation requirements under the Community Health Services Act.

Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

> Warren R. Lawson, M.D.
> Secretary and Executive Officer

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