

# MINNESOTA STATUTES 1975 SUPPLEMENT

## VOTING MACHINES 206.08

ter or any name or figure therein, shall be guilty of a felony.

[1975 c 5 s 119]

### 204A.59 Offering duplicate ballots; penalty.

Every person who wrongfully delivers to a judge, to be placed in a box, more than one ballot of the same kind and color, or who fraudulently puts a ballot into any box, or who, not being a qualified voter, votes at any election with unlawful intent, or who votes more than once at the same election, or who procures, aids, assists, or advises another to go into any county, town or precinct for the purpose of voting, knowing that such person is not qualified to vote therein, shall be guilty of a felony.

[1975 c 5 s 120]

### 204A.60 Only election officials may handle ballots; penalty.

Every person, except a judge, who during any canvass of votes shall handle, touch, or interfere with any of the ballots being canvassed, and every judge permitting the same to be done shall be guilty of a misdemeanor.

[1975 c 5 s 121]

### 204A.61 Neglect of officials; penalty.

Every election officer or other person required by law to safely keep and produce on election day the ballots entrusted to him or to perform any other act, who wilfully fails or refuses to do the thing so required, or who is required by law to abstain from any act, and wilfully does such act, or who in either of such cases is guilty of any fraud, corruption, partiality or misbehavior in conducting or aiding in the conduct of any election, or in canvassing or making returns of votes, or who wrongfully refuses to make or deliver any certificate of election, or who falsely or corruptly performs any required act, the punishment whereof has not been otherwise expressly provided for by law, shall be guilty of a felony.

[1975 c 5 s 122]

### 204A.62 Election messenger's failure to deliver returns; penalty.

Every messenger appointed by authority of law to receive and carry a report, certificate, or certified copy of any statement relating to the result of any election, who shall wilfully mutilate, tear, deface, obliterate, or destroy the same, or do any other act which shall prevent the delivery of it as required by law, and every person who shall accept or take away from such messenger any such report, certificate, or copy, with intent to prevent its delivery, or who shall wilfully do any injury or act herein specified, shall be guilty of a felony.

[1975 c 5 s 123]

## CHAPTER 206. VOTING MACHINES

Sec.		Sec.	
206.08	Examination of new voting machines.	206.185	Canvass of electronic voting system results.
206.11	Precincts may be changed.		
206.18	Canvassing board to inspect machines.		

### 206.08 Examination of new voting machines.

#### Subdivision 1. Examination and report by secretary of state; approval of machines.

Any person, company, or corporation, owning or being interested in any voting machine may apply to the secretary of state to examine such machine and to report as to its compliance with the requirements of the law and on its accuracy, durability, efficiency and capacity to register the will of the electors. The secretary of state or his designee shall thereupon examine the machine so submitted, and make and file in the office of secretary of state his report thereon. The examination shall not be required as to each individual machine, but only as to each particular kind or type of machine, before its adoption, use or purchase as provided herein and before any use after significant changes have

## 206.08 VOTING MACHINES

been made in an approved machine.

If, from the report, it shall appear that in the opinion of the secretary of state or his designee, the kind of machine so examined complies with the requirements of this chapter and can be used safely at elections in this state, under the conditions prescribed by this chapter, and by the laws of the state where the same do not conflict herewith, then the said machine shall be deemed approved by the secretary of state, and machines of its kind may be adopted and purchased for use, and may be used at elections in this state as herein provided. No form of voting machine not so approved may be used at any election in this state. The secretary of state shall have authority to adopt regulations, consistent with this chapter, relating to standards for examination and the general use of voting machines.

**Subd. 2. Electronic voting machines; experimental use.** The secretary of state may license any electronic voting machine for experimental use at any election prior to its approval for general use. Such experimental use shall be observed by the secretary of state or any person designated by him and the results so observed shall be considered at any proceedings for approval for general use thereafter. The secretary of state shall have authority to adopt regulations, consistent with this chapter, relating to such experimental use. The extent of such experimental use shall be determined by the secretary of state.

**Subd. 3. Advisory committee.** The secretary of state may appoint a nonpartisan advisory committee to advise him in the examining and reporting duties prescribed in this section.

**Subd. 4. Examination fee.** The secretary of state may assess a fee to accompany the application to cover the actual and necessary costs for the examinations and licenses provided for in this section, which fee shall be deposited in the state treasury. The expenses of administering this section shall be paid from the appropriations made to the secretary of state.

[1975 c 61 s 3]

## 206.11 Precincts may be changed.

The precincts in which voting machines are to be used may be enlarged, reduced or reformed, in the manner prescribed in sections 204A.06 to 204A.08, so that each precinct shall when so first formed, contain not to exceed 600 registered voters for each voting machine to be used therein. More than one voting machine may be used in any precinct.

[1975 c 5 s 128]

## 206.18 Canvassing board to inspect machines.

It shall be the duty of the canvassing board in any municipality of this state wherein voting machines shall be used in any election, at the time it convenes to canvass the election returns of any election wherein voting machines shall have been used within such municipality, or as soon thereafter as it conveniently can do so, and before it proceeds to canvass such returns, to inspect the registering counter, or other recording device on any such voting machine showing the number of votes cast for any candidate or proposition voted on at any such election and any irregular ballots recorded thereon or therein and to compare the number of votes so shown by such voting machines to have been cast for each candidate voted for on and by such voting machines and each proposition submitted to the voters voting thereon or thereby with the returns made by the election officers of the several precincts in which the voting machines were used at such election and in case there is a discrepancy between the returns so made by such election officers and the number of votes shown by such voting machines on such inspection then and in such case it shall be the duty of such canvassing board to correct such returns as to all candidates and propositions, the returns with reference to which are to be canvassed by it, so made by such precinct election officers, so as to make such election returns conform to the vote so shown by such machines on such inspection as aforesaid and such corrected returns shall thereupon and thereafter be re-

# MINNESOTA STATUTES 1975 SUPPLEMENT

## VOTING MACHINES 206.185

garded and deemed by such canvassing board as the true and correct return of the number of votes cast for each candidate voted for and each proposition voted on, in the precinct the returns from which shall have been so corrected by such canvassing board. After correcting such returns the canvassing board shall proceed to the performance of its duties as now provided by law.

In case of any election contest the returns of the election officers, as corrected by the canvassing board as aforesaid, shall be prima facie evidence of the vote cast for each candidate and on each proposition voted on at any election, to the same extent and in the same manner and not otherwise, as is the return of the election officers in precincts where voting machines are not used. For the purpose of inspecting such voting machines such canvassing board may adjourn its sessions from time to time as occasion may require and may hold its sessions at any place within the county where the voting machines are usually kept and stored.

Where electronic voting systems are used, the canvassing board shall follow the procedure prescribed for paper ballots in sections 204A.51 and 204A.52.

[1975 c 5 s 129]

### **206.185 Canvass of electronic voting system results.**

Subdivision 1. In precincts where an electronic voting system is used, as soon as the polls are closed, the judges shall secure the marking devices against further voting. They shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots does not exceed the number of voters shown on the election register or registration file. If there is an excess, the judges shall process the ballots in the same manner as paper ballots are processed in section 204A.41. The total number of voters shall be entered on the tally sheets. The judges shall thereupon count the write-in votes and prepare a return of such votes on forms provided for this purpose. If ballot cards are used, all ballot envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The judges shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective ballots" and valid votes on such ballots containing invalid votes shall be counted as provided in subdivision 4. If paper ballots are used, the judges shall, before counting the write-in votes, compare the write-in votes with the votes cast elsewhere on the ballot, and if the total number of votes for any office involving a write-in vote exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot. Valid votes on the rest of such a ballot shall be tallied by the judges at the precinct, on a form provided for the purpose, and shall then be placed in an envelope marked "defective ballots." Such ballots shall be returned to the counting location, and the totals for all such ballots shall be added to the totals for the respective precincts. So far as applicable, provisions relating to defective paper ballots shall apply. The containers for transporting ballots to the counting center referred to in subdivision 2, shall be of sturdy material sufficient to protect the ballots during all reasonably foreseeable hazards, including auto collisions, during their transportation to the center.

[1975 c 5 s 130]

[For text of subs 2 to 5, see M.S.1974]