

MINNESOTA STATUTES 1979 SUPPLEMENT

204A.53 CONDUCT OF ELECTIONS

In case of a tie vote for any office, the result of which is to be certified by the state canvassing board, the board shall determine the tie by lot.

[For text of subd 4, see M.S.1978]

[1979 c 58's 3,4]

CHAPTER 205. MUNICIPAL ELECTIONS

Sec. 205.11	Primary elections, second, third, and fourth class cities and certain towns.	Sec. 205.14	Municipal election, procedure.
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205.11 Primary elections, second, third, and fourth class cities and certain towns.

[For text of subs 1 to 4, see M.S.1978]

Subd. 4a. **Recount.** A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 204A.515.

[For text of subd 5, see M.S.1978]

[1979 c 90 s 2]

205.14 Municipal election, procedure.

[For text of subs 1 to 3, see M.S.1978]

Subd. 4. **Recount.** A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of section 204A.515.

[1979 c 90 s 3]

CHAPTER 206. VOTING MACHINES

Sec. 206.17	Officials to prepare machines for use.	Sec. 206.185	Canvass of electronic voting system results.
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206.17 Officials to prepare machines for use.

Subdivision 1. It shall be the duty of the proper authority having direct charge of elections in each municipal corporation where voting machines or electronic voting systems which do not use paper ballots are to be used to cause the proper ballot labels to be placed on the voting machines or marking devices and to place the machines in proper order for voting. These ballot labels shall have printed on the face thereof the words "Official Ballot" and the date of the election. The authorities shall examine all voting machines before they are sent out to the different polling places, to see that all the registering counters are set at zero (000), to lock all voting machines so that the counting mechanism cannot be operated, and to seal each voting machine with a numbered seal and to make a written record thereof.

Before preparing the voting machines for any election written notices shall be mailed to the chairman of the county committee of each political party, who have theretofore presented the name of the chairman to the county auditor, stating the times when and the place or places where the voting machines will be prepared, at which times and places one representative of each such political party designated by the respective chairman of such county committee of such party shall be entitled to be present and see that the machines are properly prepared and placed in proper condition and order for use at the election. In non-partisan primaries and elections each candidate may designate one representative who shall have the same powers as the political party representatives.

When the machines have been prepared for the election it shall be the duty of the custodians and political party or candidate representatives to make a certificate in writ-

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ing which shall be filed in the office of the proper authority having charge of the conduct of elections in such municipality, stating the serial number of each machine, whether or not all registering counters have been set at zero (000), the number registered on the protective counter and the number on the metal seal with which the machine is sealed.

Subd. 2. Where electronic voting systems are used, within five days prior to the election day, the election officer in charge shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least two days prior thereto by publication once in official newspapers. The test shall be observed by at least two judges, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots, in the same manner as set forth above. After the completion of the count, the programs used and ballots shall be sealed, retained, and disposed of as provided for paper ballots.

[1979 c 29 s 8]

206.185 Canvass of electronic voting system results.

[For text of subds 1 to 3, see M.S.1978]

Subd. 3a. When the ballot cards arrive at a counting center where votes are counted by a multiple use computer, they shall be given to the counting center election judges. If the election judges at the precinct have determined that any group of ballot cards are not defective by reason of improper write-in votes, that group of ballot cards may be counted by the automatic tabulating equipment before inspection by the counting center election judges. The results of any preliminary tabulation may be made available to the public, provided that the tabulation is clearly identified as unofficial.

For purposes of this subdivision, a multiple use computer is a type of automatic tabulating equipment which can perform functions other than counting votes.

After any preliminary tabulation has been made, the ballot cards shall be returned to the counting center election judges, who shall then examine them for physical defects and prepare replacements, if necessary, as provided in subdivision 4.

[For text of subd 4, see M.S.1978]

Subd. 5. A final tabulation of ballots shall be obtained from the automatic tabulating equipment after all defective cards have been replaced. The final tabulation, together with the returns of write-in and absentee votes and the precinct summary statements prepared in accordance with section 204A.46, shall constitute the official return of each precinct. Upon completion of the count the returns shall be open to the public. The automatic tabulating equipment shall be programmed to provide a complete recapitulation of all ballots processed and may be programmed to provide other information in addition to that otherwise required in the official return of each precinct as the officials charged with the conduct of elections may determine advisable in the interest of providing election statistics for use in evaluating the performance of the electronic voting system or other aspects of the election.

[1979 c 62 s 1,2]