

CHAPTER 206

VOTING MACHINES

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206.026 METHODS OF USING ELECTRONIC VOTING SYSTEMS.

[For text of subds 1 to 4, see M.S.1980]

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed by chapters 204C and 204D for precincts using paper ballots.

History: 1981 c 29 art 7 s 16

206.07 CANDIDATES, ARRANGEMENT OF NAMES.

Subdivision 1. **Placement.** Where voting machines are authorized and employed, the titles of offices shall be arranged either horizontally with the names of the candidates arranged vertically under the title of the office, or vertically with the names of the candidates arranged horizontally opposite the respective titles. The names of all candidates of a major political party shall be placed in the same row or column. If for any office there is no candidate of a major political party named at the primary such that a blank space would appear on the voting machine ballot, the blank space shall contain a notice in the same type size and style as names of candidates, indicating that names of candidates for the office appear (above and) below, or to the (left and) right, of the space, whichever applies. On the state partisan primary ballot and the white ballot prepared for the state general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. More than one column or row may be used for the same office or party.

[For text of subds 1a to 5, see M.S.1980]

History: 1981 c 29 art 7 s 17

206.185 CANVASS OF ELECTRONIC VOTING SYSTEM RESULTS.

Subdivision 1. In precincts where an electronic voting system is used, as soon as the polling place is closed, the election 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 election judges shall process the ballots in the same manner as paper ballots are processed in section 204C.20, subdivision 2. The total number of voters shall be entered on the tally sheets. The election judges shall thereupon count the write-in votes and prepare a return of the 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 election 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 ballots containing invalid votes shall be counted as provided in subdivision 4. If paper ballots are used, the election 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 that ballot shall be tallied by the election judges at the precinct, on a form provided for the purpose, and shall then be placed in an envelope marked "defective ballots". The 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.

[For text of subs 2 to 4, see M.S.1980]

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 204C.24, 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.

History: 1981 c 29 art 7 s 18,19

206.20 ACCESSIBILITY; INSTRUCTIONS; ASSISTANCE TO VOTERS.

[For text of subd 1, see M.S.1980]

Subd. 2. For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. The model shall be located during the election in some place which the voter must pass to reach the machine. Every voter before entering the booth shall be instructed regarding its operation. The instruction shall be illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram of the face of the machine so that the voter becomes familiar with the location of the questions and the names of the offices and candidates. At least one election judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth asks for additional instruction in operating the machine the instruction shall be given him by two election judges who are members of different major political parties, if such there be. After giving instruction the election judges shall retire from the voting machine booth and the voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary after entering the voting machine booth and setting the primary lever of a major political party so as to release the candidates of that party

for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, states to the election judges that he wishes to enter the primary of a different major political party, the entire election board shall go to the machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and the voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and the certificate shall be returned with the official returns of the primary.

[For text of subds 3 to 7, see M.S.1980]

History: 1981 c 29 art 7 s 20; 1981 c 217 s 4

206.21 MACHINES; LOCKING, OPENING, CUSTODY AND CARE.

Subdivision 1. Reading and recording results. As soon as the polling place is closed, the election judges shall immediately lock or lock and seal each voting machine against voting. The election judges shall then sign a certificate stating that each machine has been locked against voting or locked and sealed; the number of voters as shown on the public counter; the number on the seal; the number registered on the protective counter. The election judges shall then open the counter compartment in the presence of the watchers and any other persons who may lawfully be present in the polling place, giving full view of all the counter numbers, or if the machine is equipped with a device for printing, embossing, or photographing the registering counters, the election judges shall operate the machine to produce a printed, embossed, or photographed record of the counters. One of the election judges, under the scrutiny of an election judge who is a member of a different major political party, if such there be, if more than three judges are serving in the precinct, in the order of the offices as their titles are arranged on the machine, shall read and announce in distinct tones the designating number and letter, if any, on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition, or other question. As each vote total is announced from the counter of the machine, or a printed, embossed, or photographed record thereof, it shall immediately be entered on the duplicate statements of canvass, in figures only, in ink, by two election judges who are members of different major political parties, if such there be, in the same order on the space which has the same designating number and letter, if any, after which the figures shall be verified by being called off from the counters in the same manner as heretofore by an election judge who recorded the totals on a statement of canvass during the original canvass of the results. If more than three election judges are serving in the precinct, the other election judge who recorded the totals on a statement of canvass during the original canvass shall act as watcher at the machine counters during the verification of the results. Each election judge shall then sign a certificate which shall be a part of the statement of canvass stating that the results as shown on the statement of canvass are the true and correct results of the election, that the canvass has been completed in accordance with the law as herein provided. After the proclamation of the vote, ample opportunity shall be given to any individual lawfully present to compare the results so announced with the counter dials of the machine, or the printed, embossed, or photographed record thereof, and any necessary corrections shall then and there be made by the election judges. If absentee ballots have been voted, the ballots shall be canvassed

and counted, the vote thereon for each candidate announced and added to the vote as recorded on the statement of canvass of votes cast by machine. Absentee ballots and irregular ballots, enclosed in properly sealed packages respectively, and properly endorsed, shall be filed with the original statement of canvass. In precincts using only one voting machine, if the machine is equipped with a device for printing, embossing, or photographing the registering counters, two copies of the printed, embossed, or photographed record made by the machine of the voting counters, signed by the election judges, together with a statement of votes cast for individuals not nominated and absentee votes, if any, may constitute the statement of canvass of the precinct. The election judge filing the returns shall deliver to the board or officer from whom they were received, the keys to each voting machine, enclosed in a sealed envelope having endorsed thereon a certificate, the election judges stating the number of each machine, the district where it has been used, the number of the seal, if any, and the number of the protective counter.

Subd. 2. **Statements of canvass.** In each precinct where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statement of canvass for each precinct shall conform exactly with the arrangement of the names on the voting machines to be used in the precinct. Statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the precinct; also for the number of absentee ballots and total number of votes, by ballot and by machine, for each candidate and upon each question. Upon completion of the canvass the election judges shall enclose the statements of canvass in sealed envelopes. The official statements of canvass may be opened by the authorities in charge of elections before the official canvass for the purpose of checking additions and compiling the unofficial returns and preparing the official records. The official statements of canvass shall be used in lieu of summary sheets, which shall be dispensed with when voting machines are used.

[For text of subs 3 to 5, see M.S.1980]

History: 1981 c 29 art 7 s 21,22