

South International Falls, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 12, 1979.

CHAPTER 28—H.F.No.493

An act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **VOTED BONDS MAY BE ISSUED.** The city council of the city of Bemidji is authorized to sell and issue the \$685,000 principal amount of general obligation bonds authorized by the electors of the city at the election held on November 7, 1978, for the purposes specified in the question presented to the electors.

Sec. 2. **EFFECTIVE DATE.** The act shall be effective upon its approval by resolution of the city council of Bemidji, and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 12, 1979.

CHAPTER 29—S.F.No.72

An act relating to elections; providing for the official identification of ballots; amending Minnesota Statutes 1978, Sections 123.11, Subdivision 4; 123.32, Subdivision 5; 203A.13; 203A.15; 204A.26, Subdivision 1; 204A.31; 204A.32, Subdivision 3; and 206.17.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 123.11, Subdivision 4, is amended to read:

Subd. 4. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers placing thereon the names of the proposed candidates for such office with a blank space after such names, such ballots shall be marked ~~and signed~~ as official ballots, and the ballots so prepared by the clerk of the district shall be used to the exclusion of all other ballots at such annual meeting or election in the election of officers of the district.

Sec. 2. Minnesota Statutes 1978, Section 123.32, Subdivision 5, is amended to read:

Subd. 5. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates with the

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same number of blank spaces for the insertion of names of other candidates as there are members to be elected. The name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office. The ballots shall be marked and initialed by at least two judges as official ballots and shall be used exclusively at the election. Any proposition to be voted upon shall be stated on a separate ballot. Voting shall be by secret ballot. ~~The facsimile signature of the clerk shall appear on the backs of the ballots.~~

Sec. 3. Minnesota Statutes 1978, Section 203A.13, is amended to read:

203A.13 BALLOT, DESIGNATION. On the back of all ballots shall be printed the words, "Official Ballot," the date of the election ; ~~a facsimile of the official signature of the officer under whose direction the ballot is printed;~~ and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

Sec. 4. Minnesota Statutes 1978, Section 203A.15, is amended to read:

203A.15 SUBSTITUTE BALLOTS. If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot be seasonably had, the county auditor or other proper official shall cause other ballots to be immediately prepared as nearly in the form prescribed as practicable, with the word, "Substitute" printed in brackets immediately over the word "Official Ballot," as endorsed on regular ballots, ~~and, when practicable, with the facsimile signature of the officer preparing the same,~~ accompanied by his initialed affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause the substituted ballots to be used at the election.

Sec. 5. Minnesota Statutes 1978, Section 204A.26, Subdivision 1, is amended to read:

204A.26 BALLOTS, JUDGES' INITIALS. Subdivision 1. Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots ~~they have; directly under or opposite the facsimile of the official signature; and they in their charge.~~ The judges may not otherwise mark the ballots.

Sec. 6. Minnesota Statutes 1978, Section 204A.31, is amended to read:

204A.31 MARKING BALLOTS, INSTRUCTIONS. The voter shall mark and prepare each ballot in the following manner:

(a) The voter shall place a mark (X) in the square opposite the printed name of each candidate for whom he desires to vote, and in the square before the "YES" or "NO" if he desires to vote for or against any proposition.

(b) If he so desires, he may write other names in the blank spaces provided therefor

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under the printed names of the candidates, except that no names may be written in on primary election ballots.

(c) If, at any primary election the voter votes for the candidates of more than one party on the party ballot, that ballot is void.

(d) *When he has prepared his ballots, he shall fold each of them separately so as to conceal the face and all marks thereon, and so as to expose only the facsimile of the official signature and the initials of the judges on the back of the ballot.*

(e) Having marked and folded his ballots in the manner provided in this section, the voter shall withdraw from the voting booth with his ballot.

Sec. 7. Minnesota Statutes 1978, Section 204A.32, Subdivision 3, is amended to read:

Subd. 3. **BALLOTS, IDENTIFYING MARKS.** No voter, judge, or any other person may at any time place any mark as a means of identification upon any ballot handed to or cast by any voter or upon any spoiled or discarded ballots except the ~~proper signature and~~ initials provided by law to be placed upon ballots.

Sec. 8. Minnesota Statutes 1978, Section 206.17, is amended to read:

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 ; ~~a facsimile of the signature of the officer under whose direction the ballot is printed~~ . 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 writing

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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.

Sec. 9. EFFECTIVE DATE. This act is effective the day following final enactment, except it shall not apply to any election for which filings have closed by that date.

Approved April 18, 1979.

CHAPTER 30—S.F.No.530

An act relating to historic sites; authorizing the Minnesota Historical Society to exchange certain state owned nonhistoric land for certain privately owned historic land.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Notwithstanding any law to the contrary prohibiting exchange of public land for private land, certain state owned land described as follows:

All that part of Government Lot 2 of Section 8, Township 112 North, Range 34 West of the 5th P.M. in Redwood County, Minnesota described as follows:

Beginning at a point on the south line of said Government Lot 2 a distance of 350 feet easterly of the Southwest Corner of said Government Lot 2; thence along the south line of said Government Lot 2 on an assumed bearing of North 89 degrees, 58 minutes East for 422.40 feet; thence North 6 degrees, 58 minutes East for 115 feet, thence South 78 degrees, 18 minutes, 34 seconds West for 451.09 feet to the point of beginning

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