

CHAPTER 23—H. F. No. 7.

An Act providing for the correction of election returns in counties, cities and municipal corporations in which voting machines are used; defining the powers and duties of county, city and municipal canvassing boards in reference thereto; imposing certain duties on election judges in districts where voting machines are used and declaring a violation thereof to be a misdemeanor.

Be it enacted by the Legislature of the State of Minnesota:

Duty of county canvassing board, where ballot machines are used.—Section 1. That it shall be the duty of the county canvassing board in any county of this state wherein ballot machines shall be used in any election, at the time it convenes to canvass the election returns of any election wherein ballot machines shall have been used within such county, or as soon thereafter as it conveniently can do so, and before it proceeds to canvass such returns, to inspect the counting dial, or other mechanical recording device on any such ballot 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 ballot 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 election precincts in which said voting machines were used at such election and in case there is a discrepancy between the returns so made by such district election officers and the number of votes as 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 district 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 regarded 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 election district the return 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 district election officers, as corrected by the canvassing board as afore-

said, 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 district election officers in precincts where ballot 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 ballot machines are usually kept and stored.

City or municipal canvassing board to have same power.—Sec. 2. Any canvassing board of any city or municipal corporation other than a county, charged by law with the duty of canvassing the returns of any election therein, at which voting machines were used, shall have, with reference to the vote and returns thereof for all officers and propositions the returns with reference to which are to be canvassed by it, the same powers, privileges, duties and obligations as are conferred and imposed on county canvassing boards by the provisions of section 1 of this act. The returns of the district election officers, as to candidates and propositions to be canvassed by such city or other municipal canvassing board, shall be corrected by it in the same manner and with like effect as is hereinbefore provided for by section 1 of this act as to returns to be canvassed by the county canvassing board.

Judges to see that voting machine is locked.—Sec. 3. It shall be the duty of every election judge in any election district wherein voting machines are used at any election, immediately after the closing of the polls and the reception of the last vote which may be lawfully received, to see to it that each voting machine which shall have been used in such district at any such election is locked, either by himself or some one of the other election judges or clerks of such election district, so that the mechanical recording device or devices on such voting machines, which record the votes received by each candidate and on each proposition submitted to the voters, cannot be further manipulated or turned so as to increase or diminish the number of votes shown thereon.

Any election judge violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 13, 1911.