

contested hearing may remove the cause to county or district court by performing the removal procedures specified by the rules of the supreme court within 20 days after the date the court administrator mailed notice of the judgment order to that person. The person seeking removal may serve the demand for removal on the opposing party or the opposing party's attorney in person or by mail.

Approved May 26, 1987

### CHAPTER 222—H.F.No. 638

*An act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; requiring parties to have different colored ballot book pages; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; 204C.22, subdivision 3; 204D.08, subdivision 4; 206.80; and 206.84, subdivision 3.*

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

Section 1. Minnesota Statutes 1986, section 204C.13, subdivision 2, is amended to read:

Subd. 2. **VOTING BOOTHS.** One of the election judges shall explain to the voter the proper method of marking and folding the ballots and, during a primary election, the effect of attempting to vote in more than one party's primary. Except as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied voting booth and mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Sec. 2. Minnesota Statutes 1986, section 204C.22, subdivision 3, is amended to read:

Subd. 3. **VOTES FOR TOO MANY CANDIDATES.** If a voter places a mark (X) beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter has not indicated a party preference and places a mark (X) beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted. If a voter has indicated a party preference at a primary, only votes cast for candidates of that party shall be counted.

Sec. 3. Minnesota Statutes 1986, section 204D.08, subdivision 4, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

**Subd. 4. STATE PARTISAN PRIMARY BALLOT; PARTY COLUMNS.**

The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be printed on white paper. The ballot must be designed to include a form of party indicator by which the voter may choose the party in whose primary the voter intends to vote. Each major political party shall have a separate column on the ballot, which column shall be headed by the words "..... Party," giving the party name. Below the party name the following statement shall be printed.

~~"Do not vote for candidates of more than one party. If you do, your entire ballot will be defective and no vote marked on your ballot will be counted."~~

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in congress shall be listed first, candidates for representative in congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

The party columns shall be substantially the same in width, type and appearance. The columns shall be separated by a 12 point solid line.

Sec. 4. Minnesota Statutes 1986, section 206.80, is amended to read:

**206.80 ELECTRONIC VOTING SYSTEMS.**

(a) An electronic voting system may not be employed unless it

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;
- (4) rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;
- (5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and
- (6) rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party, except as provided in (b).

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(b) A punch card electronic voting system must permit a voter at a partisan primary election to select the party for which the voter wishes to vote by punching out an indicator for one of the parties only, and must reject, by means of the automatic tabulating equipment, all votes cast in a partisan primary election by a voter for candidates of a party other than the one chosen by the voter from the party indicators.

Sec. 5. Minnesota Statutes 1986, section 206.84, subdivision 3, is amended to read:

Subd. 3. **BALLOTS.** The ballot information, whether placed on the ballot card or on the ballot booklet must, as far as practicable, be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems.

The pages of a partisan primary ballot booklet ~~may~~ must be different colors ~~or may otherwise differentiate between the~~ for different parties. The colors available for partisan primary ballot booklet pages are purple, orange, and buff. The chairs of the major political parties shall choose from among those colors in a random drawing conducted by the secretary of state. A color chosen by a party is permanently assigned to that party.

A partisan primary ballot booklet must be designed to include a form of party indicator by which the voter may choose the party in whose primary the voter intends to vote.

All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

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