

33.10 Oleomargarine; tax. *Subdivision 1.* There is hereby imposed, levied, and assessed an inspection fee and excise tax of ten cents upon each pound of oleomargarine which: (1) is artificially colored to a shade of yellow which has a tint containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, but with an excess of yellow over red, as measured in terms of the Lovibond tintometer scale, and (2) is sold, offered or exposed for sale, or given or delivered to a consumer. Such fee and tax shall be paid to the commissioner prior to any such sale, gift, or delivery, except where otherwise provided in cases where tax metering devices are used.

Subd. 2. The tax upon any blend of oleomargarine and butter sold for manufacturing purposes in containers of 50 pounds or larger shall be prorated based upon the percentage of oleomargarine contained in the blend computed according to regulations of the commissioner.

Approved May 26, 1969.

CHAPTER 755—H. F. No. 2725

An act relating to elections; regulating electronic voting regulations and counting center procedures; amending Minnesota Statutes 1967, Sections 206.075; 206.08; 206.185, Subdivisions 1 and 3; and 206.23, as amended.

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

Section 1. Minnesota Statutes 1967, Section 206.075, is amended to read:

206.075 Elections; electronic voting. Every program for use in an election conducted by means of an electronic voting system shall be prepared at the direction of the proper authority having direct charge of the election and shall be independently verified by a competent person designated by such authority. *The term "competent person" shall mean a person other than and wholly independent of any person operating or employed by the counting center or the corporation or other person preparing the program who can demonstrate that he is knowledgeable as a computer programmer. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totalling*

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the returns and must be usable by insertion during the tabulation process as well as prior to tabulation. The attorney general shall adopt regulations further detailing test procedures.

Sec. 2. Minnesota Statutes 1967, Section 206.08, is amended to read:

206.08 Minnesota voting machine commission created. There is hereby created a body to be known as The Minnesota Voting Machine Commission, consisting of three members, including the attorney general, who shall be chairman.

There shall be appointed as members of the commission, two competent and responsible persons, who shall be master mechanics or graduates of a school of mechanical engineering.

The governor shall appoint one of the members and the attorney general the other.

None of the members of the commission shall, directly or indirectly, have any pecuniary interest in any voting machine. The appointees shall serve for a term of four years from the date of appointment and until their successors are in like manner appointed. The appointing power may fill vacancies in the commission. The members of the commissions so appointed shall qualify without delay by taking and filing with the secretary of state an oath of office in writing in the usual form, and shall elect one of their members to be secretary and one to be treasurer.

Any person, company, or corporation, owning or being interested in any voting machine may apply to the commission to examine such machine and to report as to its compliance with the requirements of the law and on its accuracy, durability, efficiency and capacity to register the will of the electors. The commission shall thereupon examine the machine so submitted, and make and file its report thereon. The examination shall not be required as to each individual machine, but only as to each particular kind or type of machine, before its adoption, use or purchase as provided herein.

The report of the commission shall be signed by the attorney general and at least one other member, and shall be filed with the secretary of state within ten days after the close of said examination.

If, from the report, it shall appear that in the opinion of the commission, the kind of machine so examined complies with the requirements of this chapter and can be used safely at elections in this state, under the conditions prescribed by this chapter, and by the laws of the state where the same do not conflict herewith, then the said ma-

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chine shall be deemed approved by the said commission, and machines of its kind may be adopted and purchased for use, and may be used at elections in this state as herein provided. No form of voting machine not so approved may be used at any election in this state. *The attorney general shall have authority to adopt regulations, consistent with this chapter, relating to general use of approved electronic voting machines.*

The commission may license any electronic voting system for experimental use at any election prior to its approval for general use. Such experimental use shall be observed by the commission or any person designated by them and the results so observed shall be considered at any proceedings for approval for general use thereafter. The attorney general shall have authority to adopt regulations, consistent with this chapter, relating to such experimental use. The extent of such experimental use shall be determined by the commission; provided that the governing body of any municipality licensed to use an electronic voting system for the state general election in 1966 may provide for the use of an electronic voting system in all precincts of such municipality at any or all elections in the two years following July 1, 1967, without obtaining the consent of the commission.

As the examination fee herein, the application shall be accompanied by the sum of \$150 which shall be deposited in the state treasury to be expended in conformity with this paragraph. There shall be deducted from the amount of such deposit all expenses incurred by the commission in the discharge of its duties. The remainder of such deposit shall be paid in equal parts to the members of the commission other than the attorney general as full compensation for their services and expense herein. Such moneys as are necessary to carry out the terms and provisions of this paragraph are hereby appropriated annually to the commission from the general revenue fund in the state treasury.

Sec. 3. Minnesota Statutes 1967, Section 206.185, Subdivision 1, is amended to read:

206.185 Canvass of electronic voting system results. Subdivision 1. In precincts where an electronic voting system is used, as soon as the polls are closed, the 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 judges shall process the ballots in the same manner as paper ballots are processed in Minne-

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sota Statutes, Section 204.20. The total number of voters shall be entered on the tally sheets. The judges shall thereupon count the write-in votes and prepare a return of such 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 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 such ballots containing invalid votes shall be counted as provided in subdivision 4. If paper ballots are used, the 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 such a ballot shall be tallied by the judges at the precinct, on a form provided for the purpose, and shall then be placed in an envelope marked "defective ballots." Such 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 Minnesota Statutes 1967, Section 206.185, 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.*

Sec. 4. Minnesota Statutes 1967, Section 206.185, Subdivision 3, is amended to read:

Subd. 3. All proceedings at the counting location shall be under the direction of the proper authority having direct charge of elections in each municipal corporation where an electronic voting system is used, under the observation of at least two judges who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container, or return.

The proper authority having direct charge of elections in a municipality where an electronic voting system is used shall have the following duties:

(a) *Be present or personally represented throughout the counting center proceedings.*

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(b) *Be responsible for acquiring sufficient facilities and personnel to ensure timely and lawful processing of votes.*

(c) *Be responsible for the proper training of all personnel participating in those proceedings and shall deputize all such personnel who are not otherwise election judges.*

(d) *Maintain actual control over all proceedings and be responsible for the lawful execution of all proceedings in the counting center whether by experts or laymen.*

(e) *Be responsible for assuring the lawful retention and storage of ballots and read-outs.*

(f) *May make arrangements with news media which facilitate prompt reporting of election results but which do not interfere with the timely and lawful completion of the counting center function.*

(g) *Shall arrange for observation by the public and by representatives of the candidates on the ballot of counting center procedures to the fullest lawful extent by publishing the exact location of the counting center in a legal newspaper at least once during the week preceding the week of election and in the newspaper of widest circulation once the day preceding the election, or once the week preceding the election if such paper be a weekly.*

In the event that a counting center serves more than one municipality, the county auditor of that county wherein the center is located shall be in sole charge of and have primary responsibility for over-all administration of the center. He shall have the following duties:

(a) *Establish procedures to implement the timely and lawful completion of the counting center function.*

(b) *Coordinate training of all counting center personnel and require additional training for some or all.*

(c) *At least 30 days prior to any election he shall ask his county attorney whether the organizational circumstances require that the municipalities sharing the use of a counting center resolve their respective duties and financial responsibilities by execution of a joint powers agreement pursuant to Minnesota Statutes 1967, Section 471.59.*

(d) *Coordinate, and if he deems it necessary to meet his responsibility, shall exercise the duties herein imposed on the authority having direct charge of elections in a municipality where an electronic voting system is used.*

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Every authority having direct charge of elections in a municipality where an electronic voting system is used and every county auditor of a county in which a counting center serving more than one municipality is located shall submit a plan, duly signed and notarized, for complying with all duties and responsibilities herein imposed and evidencing acquisition of sufficient facilities, computer time and professional services, to the Secretary of State more than 60 days before the first election at which the municipality uses an electronic voting system but prior to July 1 in every general election year. The Secretary of State shall review each plan for its sufficiency and is authorized to request technical assistance from the department of administration or other such agency which may be operating as the central computer authority; he shall notify each reporting authority of its plan's sufficiency or insufficiency within 20 days of the plan's receipt. The Attorney General, upon request of the Secretary of State, may ask a district court to order any election authority charged with duties herein or by regulations pursuant hereto to fulfill such duties.

Sec. 5. Minnesota Statutes 1967, Section 206.23, as amended by Laws 1969, Chapter 5, Section 1, is amended to read:

206.23 Violations; penalties. Any person who shall violate any of the rules and regulations adopted by the Attorney General or by the governing body of any municipality where voting machines are used, providing for the conduct of elections and primaries, or who shall violate any of the provisions of this chapter shall be, upon conviction, punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than one year.

Approved May 26, 1969.

CHAPTER 756—H. F. No. 2925

[Not Coded]

An act relating to the salaries of officials in Ramsey county; amending Laws 1961, Chapter 677, Section 1, as amended.

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

Section 1. Laws 1961, Chapter 677, Section 1, as amended by Laws 1965, Chapter 706, Section 1, is amended to read:

Section 1. **Ramsey county; salaries of officials.** The annual salary of the ~~following listed officers and officials~~ attorney, auditor, sheriff, register of deeds, clerk of district court, treasurer, and coroner

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