

CHAPTER 8230

SECRETARY OF STATE

ELECTION JUDGES AND COUNTING CENTERS

NOTE As used in parts 8230 0200 to 8230 5800 the terms defined in Minnesota Statutes section 206 01 and part 8220 0100 shall have the meanings given them

8230 1700	PROCEDURES FOLLOWING CLOSE OF POLLS	8230 3500	SCOPE
8230 1900	WRITE-IN VOTE	8230 3600	BALLOT CARD
8230 2000	DEFECTIVE BALLOT CARD CHAD	8230 3700	BALLOT LABEL AND VOTING MACHINE
8230 2200	NUMBER OF BALLOT CARDS COUNTED AND RECORDED	8230 3800	DEMONSTRATOR
8230 2300	ITEMS IN TRANSFER CASE	8230 3900	ISSUING BALLOT CARD
8230 2500	RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES	8230 4000	AFTER VOTING
8230 2600	DELIVERY OF TRANSFER CASE	8230 4100	VOTED BALLOT CARD
8230 2610	DELIVERY OF BALLOT ENVELOPE CONTAINER	8230 4200	PROCESSING
8230 3300	ABSENTEE BALLOTS GENERAL PROVISIONS	8230 4300	DISPOSITION OF STUB
		8230 4400	RECONCILIATION

8230.1700 PROCEDURES FOLLOWING CLOSE OF POLLS.

Subpart 1. Ballot cards not issued, secured. All ballot cards and envelopes which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction

Subp. 2 Inspection. The ballot labels and seals of each voting machine shall be inspected to ensure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy shall be noted in the remarks section of the precinct certification

Subp. 3. Total number of voters. The total number of voters, determined pursuant to Minnesota Statutes, section 204C.20, subdivision 1, and part 8230 4400 must be entered on the precinct certification.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.1900 WRITE-IN VOTE.

Each ballot in its envelope must be examined for write-ins. Ballot cards for which no write-ins exist must be separated from their envelopes. The envelopes must be placed in a sturdy container, which must be marked with the precinct name, and delivered at the same time the voted ballots are delivered to the county auditor or municipal clerk.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2000 DEFECTIVE BALLOT CARD; CHAD.

Subpart 1. Examination. The judges shall examine all ballot cards for ballot cards with chad hanging and for defective ballot cards.

Subp. 2. Hanging chad. The intent of the voter is to be ascertained when processing ballot cards. A ballot card with a chad hanging must be processed in the following manner:

A. Where a chad is found attached to the card by one or two corners, the chad shall be removed by the election judge and the ballot card placed with the other valid ballots.

B. Where a chad is found hanging by three corners the ballot card is defective for that office and must be placed in the envelope for original cards for which duplicates are to be made at the counting center.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2200 NUMBER OF BALLOT CARDS COUNTED AND RECORDED.

Subpart 1. **Number agreement.** When the ballot cards have been processed and checked, the judges shall determine that the number of ballot cards which they are submitting to the counting center for tabulation agrees with the number of names recorded in part 8230.1700, subpart 3, less any discrepancy for which notations have been made in the precinct certification. The number of valid ballot cards which are being submitted for tabulation shall be entered in the appropriate place on the precinct certification and on the transfer case certificate.

Subp. 2. **Entries on precinct certification.** The election judges shall enter in the appropriate place on the precinct certification the number of ballot cards issued to the precinct, the number of ballot envelopes issued to the precinct, the number of ballot cards issued to voters, the number of spoiled ballot cards, the number of defective ballot cards, the number of cards for which duplicates are to be made for any reason, and the number of ballot cards not issued to voters.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2300 ITEMS IN TRANSFER CASE.

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the counting center all of the following items:

[For text of subpart 1, item A, see M.R. 1983]

- B. ballot envelopes with write-in votes;
- C. envelope containing paper absentee ballots;

[For text of subpart 1, items D to K, see M.R. 1983]

[For text of subp 2, see M.R. 1983]

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2500 RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES.

Ballot cards and ballot envelopes which are not issued to voters must be returned to the election official in charge of the election jurisdiction who shall issue a receipt for them and retain them by precinct until the time for contest has expired.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2600 DELIVERY OF TRANSFER CASE.

Subpart 1. **Seal and certificate.** The transfer case must be sealed with a seal so that it is impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal must be a certificate signed by the judges indicating its content, the precinct name, and the number of the seal used to seal the case. The seal number must also be recorded in the

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certificate of the election judges. The transfer case certificate must be in a clear plastic envelope of a type approved by the secretary of state and affixed to the case by the seal.

Subp. 2. Delivery by two election judges. The transfer case containing the required items as identified in part 8230.2300 shall be delivered to the counting center by two election judges, not of the same political party.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08*

History: 8 SR 1348

8230.2610 DELIVERY OF BALLOT ENVELOPE CONTAINER.

The container which holds the ballot envelopes issued to voters must be delivered to the counting center by the same election judges who deliver the transfer case containing voted ballots.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: 8 SR 1348

8230.3300 ABSENTEE BALLOTS, GENERAL PROVISIONS.

The issuing, receipt, processing, and tabulation of absentee ballots in election jurisdictions using electronic voting systems shall be as provided by law and these rules.

All voters requesting absentee ballots must be supplied with paper absentee ballots, except as provided by Minnesota Statutes, section 203B.08, subdivision 1a.

Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered either to an absentee ballot precinct as provided by law or to the polling place in the voters' precinct.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: 8 SR 1348

8230.3500 SCOPE.

Parts 8230.3500 to 8230.4400 apply only when municipal clerks administer absentee ballots as provided in Minnesota Statutes, section 203B.08, subdivision 1a, for voters applying in person at the clerk's office for an absentee ballot.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: 8 SR 1348

8230.3600 BALLOT CARD.

Ballot cards issued to voters under Minnesota Statutes, section 203B.08, subdivision 1a, must conform to all of the provisions of part 8220.5000.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: 8 SR 1348

8230.3700 BALLOT LABEL AND VOTING MACHINE.

Ballot labels and voting machines must be prepared as provided in parts 8220.5200 and 8220.5400 to 8220.6000. At least one voting machine must be available for each precinct in the municipality and placed in a proper booth or

voting station within the building where the office of the clerk is maintained.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.3800 DEMONSTRATOR.

A demonstrator voting device must be available to absentee voters and instructions for casting a ballot on an electronic voting system must be offered to each absentee voter by the municipal clerk or an election judge trained under chapter 8240.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.3900 ISSUING BALLOT CARD.

The municipal clerk shall remove the smaller numbered stub from the ballot card when it is issued to the voter. The smaller numbered stubs must be placed in an envelope marked "Absentee Ballot Stubs" and retained by the municipal clerk in the clerk's office.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.4000 AFTER VOTING.

The voter shall be instructed to insert the voted card in the ballot envelope and to fold the large numbered stub over the outside of the envelope. The voter shall next insert the ballot envelope in the absentee return envelope and seal it. The certificate of eligibility on the back side of the return envelope must be completed by the voter and a witness, and the voter shall give the municipal clerk the return envelope with the voted ballot card and its envelope sealed inside.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.4100 VOTED BALLOT CARD.

Absentee return envelopes with voted ballot cards must be retained by the municipal clerk in a secure container that will not damage the machine readability of the card. The municipal clerk shall deliver the absentee return envelopes with voted ballot cards to the election judges in the appropriate precinct on election day.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.4200 PROCESSING.

When election judges have processed the absentee return envelopes as provided in Minnesota Statutes, section 203B.12, the ballot envelopes must be removed from the return envelopes marked "accepted." The large numbered stub must be removed from each ballot card before each ballot envelope is deposited in the ballot box along with the ballot cards of voters voting in person.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.4300 DISPOSITION OF STUB.

The election judges shall attach one large numbered stub to each absentee return envelope marked "accepted" from which a ballot envelope was removed. The stubs can be attached after all of the ballot envelopes have been removed and the large stubs detached.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.08 subd 1*

History: *8 SR 1348*

8230.4400 RECONCILIATION.

The return envelopes with stubs attached must be placed with the voter certificates and "accepted" return envelopes of voters casting paper absentee ballots and included in the count to arrive at the total number of persons voting in the precinct. To arrive at the proper number of ballot cards to be tabulated, the "accepted" return envelopes with stubs attached must be counted with the voter certificates and the total must equal the number of ballot cards to be tabulated. The reconciliation of the ballot cards and number of persons voting must be entered on the precinct certification.

Statutory Authority: *MS s 201.221; 203B.09; 204C.35; 204C 361, 204D 11 subd 1; 206.08 subd 1*

History: *8 SR 1348*