

# MINNESOTA RULES 1985

7377

ELECTION JUDGES AND COUNTING CENTERS 8230.0300

## CHAPTER 8230 SECRETARY OF STATE ELECTION JUDGES AND COUNTING CENTERS

ELECTION JUDGE DUTIES		PROCESSING WRITE-IN VOTES	
8230.0200	ARRANGEMENT OF VOTING MACHINES.	8230.2700	PREPARING WRITE-IN VOTE.
8230.0300	EXAMINATION OF VOTING MACHINES.	8230.2800	VALID WRITE-IN VOTE.
8230.0400	DISCREPANCY IN DEVICE.	8230.2900	INVALID WRITE-IN VOTE
8230.0500	DEMONSTRATION VOTING MACHINE.	8230.3000	RECORDING VALID WRITE-IN VOTES.
	CONDUCT OF ELECTION		ABSENTEE BALLOTS
8230.1000	BALLOTS.	8230.3300	ABSENTEE BALLOTS, GENERAL PROVISIONS.
8230.1100	VOTING PROCEDURE.	8230.3500	SCOPE.
8230.1200	DEMONSTRATION VOTING MACHINE.	8230.3600	BALLOT CARD.
8230.1300	DEPOSITING VALID BALLOT.	8230.3700	BALLOT LABEL AND VOTING MACHINE.
8230.1400	SPOILED BALLOT CARDS.	8230.3800	DEMONSTRATOR.
8230.1500	REVIEW OF SEALS AND LABEL PAGES.	8230.3900	ISSUING BALLOT CARD.
8230.1600	BALLOT CARDS FOUND IN VOTING BOOTHS.	8230.4000	AFTER VOTING.
8230.1700	PROCEDURES FOLLOWING CLOSE OF POLLS.	8230.4100	VOTED BALLOT CARD.
8230.1800	COUNTING BALLOTS.	8230.4200	PROCESSING.
8230.1900	WRITE-IN VOTE.	8230.4300	DISPOSITION OF STUB.
8230.2000	DEFECTIVE BALLOT CARD: CHAD.	8230.4400	RECONCILIATION.
8230.2100	DEFECTIVE BALLOT.		COUNTING CENTER PROCEDURE
8230.2200	NUMBER OF BALLOT CARDS COUNTED AND RECORDED.	8230.5000	PRELIMINARY PROCEDURES.
8230.2300	ITEMS IN TRANSFER CASE.	8230.5100	TEST OF PROGRAM BEFORE AND AFTER TABULATION.
8230.2400	CERTIFICATE OF ELECTION JUDGE.	8230.5200	MAINTAINING AND CERTIFYING LOG.
8230.2500	RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES.	8230.5300	PROCEDURES FOR TRANSFER CASES.
8230.2600	DELIVERY OF TRANSFER CASE.	8230.5400	DUPLICATION OF BALLOTS.
8230.2610	DELIVERY OF BALLOT ENVELOPE CONTAINER.	8230.5500	COPIES OF RETURNS.
		8230.5600	DISTRIBUTION OF RETURNS.
		8230.5700	DELIVERY OF MATERIAL AFTER COUNTING.
		8230.5800	COUNTY AUDITOR TO MAINTAIN MATERIALS.

NOTE: As used in parts 8230.0200 to 8230.5800, the terms defined in Minnesota Statutes, sections 200.02 and 206.56, and part 8220.0100 shall have the meanings given them.

### ELECTION JUDGE DUTIES

#### 8230.0200 ARRANGEMENT OF VOTING MACHINES.

Voting machines may be used in voting booths or in self-contained voting stations. If voting machines are used in voting booths, they shall be arranged so that the activity of the voter while preparing his ballot shall be concealed from all other persons. If voting machines are used in self-contained voting stations, the stations shall be arranged so that the secrecy of the ballot is not violated. Should a voter object to the arrangement of the self-contained voting station at which he has been assigned to vote, claiming that the station is so positioned as to not afford him an opportunity to vote in secrecy, the election judges shall evaluate the claim. If the judges determine that the claim is valid, they shall rearrange said voting device so as to afford the voter the opportunity to vote his ballot in secrecy.

Statutory Authority: *MS s 206.57 subd 1*

#### 8230.0300 EXAMINATION OF VOTING MACHINES.

The election judges shall inspect the voting machines by:

A. comparing the seal number of the machines with seal numbers recorded by the municipal clerk on the precinct certification;

B. comparing the names and ballot position numbers printed on the ballot labels with the edit listing to ascertain that the offices and candidates' names are the same and appear in the same order on each;

# MINNESOTA RULES 1985

## 8230.0300 ELECTION JUDGES AND COUNTING CENTERS

7378

C. checking to see that the ballot label pages are in the proper sequence and agree with sequence indicated on the edit listing;

D. checking that holes only appear directly opposite each arrow and that the arrow points directly to the hole opposite it;

E. placing a demonstration card into each device and punching or marking it for each candidate and proposition on the ballot and attempting to punch or mark in places other than those indicated by an arrow; examining the card to see that each candidate and proposition received a clean punch or mark and that no holes appear in the ballot card in any other position;

F. in an election in which write-ins are permitted, checking that there is a marking pencil provided for write-ins for each machine in each voting booth or self-contained voting station;

G. checking the stylus to see that it is not broken and that a point exists on each; and

H. checking that there is adequate lighting and that the lights are in proper working condition.

**Statutory Authority:** *MS s 206.57 subd 1*

## 8230.0400 DISCREPANCY IN DEVICE.

In the event of a discrepancy, the election judges shall notify the municipal clerk immediately, and the voting device shall not be used until such discrepancy is resolved.

**Statutory Authority:** *MS s 206.57 subd 1*

## 8230.0500 DEMONSTRATION VOTING MACHINE.

The demonstration voting machine shall be arranged so as to be able to offer each voter an opportunity to use it prior to voting.

**Statutory Authority:** *MS s 206.57 subd 1*

## CONDUCT OF ELECTION

### 8230.1000 BALLOTS.

Unless otherwise provided for in Minnesota law or in these rules, paper ballot procedures as provided in Minnesota Statutes, chapter 204A shall be followed to the extent possible.

Where combination ballot card/write-in ballots are used, all rules relating to write-in, security, and identification shall apply to the combination ballot card/write-in ballot.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.1100 VOTING PROCEDURE.

In precincts where there is voter registration, the election judge shall deliver to the voter his ballot card after the judge receives the certificate of registered voter signed by the voter and initialed by an election judge. The ballot card number shall be recorded on or attached to that certificate. Ballot cards and envelopes are not to be issued until a voting station is vacant.

Upon being issued a ballot card and envelope the voter shall go to the voting station which is unoccupied and vote his ballot card. Before leaving the voting station the voter shall place the ballot card in the envelope with the detachable stub exposed.

Upon leaving the voting station the voter shall publicly hand the envelope containing the ballot card with the stub attached to an election judge. If the voter has not placed the ballot card in the envelope before leaving the voting station, he shall be instructed to return to the voting station and place the ballot card in the envelope.

**Statutory Authority:** *MS s 206.57 subd 1*

# MINNESOTA RULES 1985

7379

ELECTION JUDGES AND COUNTING CENTERS 8230.1600

## **8230.1200 DEMONSTRATION VOTING MACHINE.**

The election judges shall offer each voter the opportunity to use the demonstration voting machine. The judges shall explain that the demonstration voting machine is only a sample of the actual voting machine.

The election judge shall explain to the voter how to compare ballot card with ballot label pages after voting.

Any voter who requests information about the voting system shall be instructed by an election judge about the system and counting procedures.

**Statutory Authority:** *MS s 206.57 subd 1*

## **8230.1300 DEPOSITING VALID BALLOT.**

The judge receiving the ballot card and envelope from the voter shall compare the number on the ballot stub with the ballot card number recorded on or attached to the voter certificate to determine if the ballot card is the one issued to the voter. If the ballot card number is not the same as that assigned, the ballot card and the certificate shall be placed in the spoiled ballot envelope and not counted. In no case shall a spoiled ballot card be placed in the ballot card box.

If the numbers compare, the judge shall detach the ballot card stub in the presence of the voter and deposit the ballot card in the envelope in the ballot card box.

**Statutory Authority:** *MS s 206.57 subd 1*

## **8230.1400 SPOILED BALLOT CARDS.**

If any voter spoils his ballot card by inadvertently defacing it or removing the prenumbered ballot card stub or should the voter request a new ballot card, the voter shall in secret place the ballot card in the ballot envelope and return it to the election judge and the judge shall deliver to him another ballot card and ballot envelope. The spoiled ballot card and ballot envelope shall be placed in the envelope marked "SPOILED BALLOT CARDS." In precincts where there is voter registration, one of the election judges shall note the change in the ballot card number given such voter upon the certificate of registered voter. The method of changing the number of the ballot card issued shall be by drawing a line through the number of the original ballot issued and writing the new number above.

**Statutory Authority:** *MS s 206.57 subd 1*

## **8230.1500 REVIEW OF SEALS AND LABEL PAGES.**

As frequently as possible and at least every half hour the election judges shall check the seals and ballot label pages of the voting machines to assure that none has been altered or defaced. Should the judges find that the ballot label pages of a voting machine have been altered, mutilated, or damaged in such a manner that the judges cannot correct the same without doing damage to the offices and candidates' names appearing thereon, said voting machine shall not be used until such condition is corrected. A note of such occurrence shall be made in the precinct certification.

**Statutory Authority:** *MS s 206.57 subd 1*

## **8230.1600 BALLOT CARDS FOUND IN VOTING BOOTHS.**

Any ballot card found in a booth or voting machine shall be marked "found in booth." The card shall be placed in an envelope which shall be placed in the transfer case. In no case shall such ballot be placed with the properly cast ballots. A note of such occurrence shall be made in the remarks section of the precinct certification.

**Statutory Authority:** *MS s 206.57 subd 1*

# MINNESOTA RULES 1985

## 8230.1700 ELECTION JUDGES AND COUNTING CENTERS

7380

### 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; 206.57 subd 1*

**History:** *8 SR 1348*

### 8230.1800 COUNTING BALLOTS.

The election judges shall open the ballot box and remove the ballots therefrom. Prior to removing the ballots from their envelopes they shall be counted to determine the total number. The judges shall compare the total number of names recorded in the precinct certification. If the ballots shall be in excess of the number of electors voting and it is impossible to reconcile the number, the ballots shall be replaced in the ballot box and one of the election judges shall publicly draw out so many ballots as shall be equal to such excess.

Such excess ballots while still in their envelopes shall be marked "excess" and be placed in an envelope and sealed. The judges shall note on the outside of the envelope its contents and place it in the transfer case. A notation of the pertinent facts shall be made in the precinct certification. If the number of ballots counted is less than the number of electors voting according to the count determined in part 8230.1700, the reason for the discrepancy shall be noted in the precinct certification. If the judges are unable to explain the discrepancy, they shall so state in the precinct certification.

**Statutory Authority:** *MS s 206.57 subd 1*

### 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; 206.57 subd 1*

**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

# MINNESOTA RULES 1985

7381

## ELECTION JUDGES AND COUNTING CENTERS 8230.2300

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; 206.57 subd 1*

**History:** *8 SR 1348*

### **8230.2100 DEFECTIVE BALLOT.**

Where it is clearly evident from examination of the ballot card that the ballot card has been mutilated or marked for the purpose of distinguishing it then such ballot card shall be defective and shall not be counted. Such ballot shall be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

**Statutory Authority:** *MS s 206.57 subd 1*

### **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; 206.57 subd 1*

**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:

- A. valid voted ballot cards;
- B. ballot envelopes with write-in votes;
- C. envelope containing paper absentee ballots;
- D. envelope containing spoiled ballot cards;
- E. envelope containing defective ballot cards;
- F. envelope containing original ballot cards for which duplicates are to be made for any reason;
- G. envelopes with notations of containing any other issued ballot cards which are not to be counted;
- H. certificate signed by the judges indicating number of ballot cards received, issued, and used;
- I. write-in tally return sheet;
- J. precinct header card (if included in precinct supplies); and
- K. precinct certification.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second transfer case or metal container of a type approved by the election jurisdiction for storage of ballots is to be used and the sealing and security

handled in the same manner as the transfer case.

**Statutory Authority:** *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.57 subd 1*

**History:** *8 SR 1348*

**8230.2400 CERTIFICATE OF ELECTION JUDGE.**

The election judges shall sign a "certificate of election judges." The certificate shall state:

- A. the number of electors who voted as shown by the precinct certification;
- B. that prior to the opening the polls, all voting machines were examined and found to be sealed with metal seals bearing the same numbers as certified by the election jurisdiction;
- C. that the ballot labels were in their proper places;
- D. that the position of candidates' names and ballot numbers on the ballot labels and the ballot cards were the same as appeared in the same position as indicated on the edit listing;
- E. that at the close of the polls each voting machine was examined and found to be sealed with the same numbers as verified at the opening of the polls and that the ballot labels were in their correct position;
- F. the number of ballot cards being submitted for tabulation;
- G. that the ballot cards have been counted while in their envelopes and agree with the number of names as shown on the precinct certification;
- H. that all ballot cards requiring duplication are in the proper envelope;
- I. that all write-in votes have been properly recorded;
- J. that all ballot cards used in the election and all ballot cards to be duplicated have been placed in the transfer case and that the case was securely sealed with an official metal seal in such a manner as to render it impossible to open the case without breaking the seal; and
- K. the number of the seal used to seal the transfer case.

**Statutory Authority:** *MS s 206.57 subd 1*

**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; 206.57 subd 1*

**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 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.

# MINNESOTA RULES 1985

7383

## ELECTION JUDGES AND COUNTING CENTERS 8230.3000

**Statutory Authority:** *MS s 201.221; 203B.09; 204C.35; 204C.361; 204D.11 subd 1; 206.57 subd 1*

**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; 206.57 subd 1*

**History:** *8 SR 1348*

## **PROCESSING WRITE-IN VOTES**

### **8230.2700 PREPARING WRITE-IN VOTE.**

The election judges shall check all ballot envelopes (with the ballot card inside) or the write-in ballot portion of a combination ballot card/write-in ballot in which a write-in appears, number the ballot envelope serially beginning with number one and place the same number on the ballot card of the voter, and then determine whether the write-in vote is valid.

**Statutory Authority:** *MS s 206.57 subd 1*

### **8230.2800 VALID WRITE-IN VOTE.**

A valid write-in vote shall record on the appropriate designated place for write-ins the following information: an office to be voted on at that election, and any name to be considered as a write-in candidate for that office.

Stickers containing this information are permissible.

**Statutory Authority:** *MS s 206.57 subd 1*

### **8230.2900 INVALID WRITE-IN VOTE.**

All write-in votes which are not recorded in the appropriate designated place for write-ins are not valid unless the number of write-ins exceed the number of spaces allowed for write-ins. In such a case, the write-ins in excess of the spaces provided are to be considered valid provided they are contained on the ballot envelope or write-in portion of the ballot card. All write-in votes which do not have an office or candidate's name indicated shall not be valid.

**Statutory Authority:** *MS s 206.57 subd 1*

### **8230.3000 RECORDING VALID WRITE-IN VOTES.**

When a valid write-in exists, the election judges shall determine whether the write-in vote has caused an overvote. If the voter who writes in the name of a candidate also votes on the ballot card for that same office, then the ballot is defective for that office only.

When a write-in vote is determined to be valid and no overvote condition exists, the election judges shall enter the candidate's name and the office on the write-in tally return. The ballot card shall be placed with the other valid ballot cards for tabulation. The envelope containing the write-in vote shall be placed in a separate pile containing write-in votes.

When a write-in vote is determined to be valid and an overvote condition exists for that office, the election judges shall place the ballot card and write-in vote in the envelope of "original ballot cards for which duplicates are to be made." The manner of duplication shall be prescribed in part 8230.5400.

At the discretion of the official in charge of the election for the election jurisdiction the processing of write-in ballots may be done at the counting center instead of at the precinct.

**Statutory Authority:** *MS s 206.57 subd 1*

# MINNESOTA RULES 1985

## 8230.3300 ELECTION JUDGES AND COUNTING CENTERS

7384

### ABSENTEE BALLOTS

#### 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; 206.57 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; 206.57 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; 206.57 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; 206.57 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; 206.57 subd 1*

**History:** *8 SR 1348*



# MINNESOTA RULES 1985

7385

ELECTION JUDGES AND COUNTING CENTERS 8230.4300

## 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; 206.57 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; 206.57 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; 206.57 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; 206.57 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; 206.57 subd 1*

**History:** 8 SR 1348

# MINNESOTA RULES 1985

## 8230.4400 ELECTION JUDGES AND COUNTING CENTERS

7386

### 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; 206.57 subd 1*

**History:** *8 SR 1348*

## COUNTING CENTER PROCEDURE

### 8230.5000 PRELIMINARY PROCEDURES.

The persons who shall operate the computer used for tabulation of ballots on election night shall not be the same persons who wrote the computer program. This shall not exclude the official in charge of the election for the election jurisdiction or his authorized assistant. The computer operators shall take and subscribe to the election judges' oath.

Persons assigned to administer the counting center shall compare the seal number on the container containing the computer programs, computer center header cards, official test deck, and predetermined results with that recorded in the certificate of the public accuracy test to see that they agree.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.5100 TEST OF PROGRAM BEFORE AND AFTER TABULATION.

Prior to the tabulation of ballots and again after the last precinct has been counted, the counting center personnel shall test the computer program and computer as to their accuracy and certify the results. The accuracy test shall be conducted with the test deck or ballot image designated in parts 8200.1100 and 8200.1200. Copies of these test results shall be designated "prior to tabulation of ballots" or "after tabulation of ballots." A copy of each test certificate shall accompany the results of the tabulation of the ballots and be filed with the county auditor in the county where the precincts are located. When official in charge of the counting center certifies that the tabulation has been done in isolation, the test after tabulation need not be performed.

Authorized counting center personnel may at their discretion test the program using the official test deck or ballot image periodically throughout the tabulation of ballots to ensure that the program and computer are operating accurately.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.5200 MAINTAINING AND CERTIFYING LOG.

A console log including the count and accuracy test and the tabulation of the ballots shall be maintained and certified by the computer operators and the election official in charge of the counting center to the municipal clerk unless it contains information on more than one municipality in which case it shall be delivered to the county auditor. In the event the computer is not capable of creating a console log, then a manual log of any abnormal events shall be maintained.

**Statutory Authority:** *MS s 206.57 subd 1*

# MINNESOTA RULES 1985

7387

ELECTION JUDGES AND COUNTING CENTERS 8230.5400

## 8230.5300 PROCEDURES FOR TRANSFER CASES.

Subpart 1. **Identifying case.** Upon receipt of the transfer case from the election judges of a precinct, authorized counting center personnel shall check the identification on the transfer case to see that it matches the identification on the judges' certificate. The transfer case shall then be opened and checked to see that it contains the ballots and all other material required by these rules. The opened metal seal from the transfer case shall be placed inside the case. The identification on the case shall be noted on all reporting materials. Authorized counting center personnel shall then issue a certificate to the election judges delivering the case acknowledging receipt of all materials.

Subp. 2. **Delivery to counting center.** The transfer case containing the ballot cards shall then be delivered to the proper counting center personnel for preparation for tabulation. The election official in charge of the counting center shall provide adequate security at the counting center.

Subp. 3. **Placing header card.** In processing the ballot cards of a given precinct, the computer center header card and the precinct header card shall be placed in front of the deck of ballot cards of the respective precinct. The end card shall immediately follow the deck of ballot cards.

Subp. 4. **Sealing after count.** Immediately upon the completion of the counting of a precinct, all ballot cards for the precinct and precinct header cards shall be returned to transfer case or other suitable container and sealed as to make it impossible to open the case without breaking the seal.

Subp. 5. **Verifying number of cards.** The election official in charge of the counting center shall determine whether the number of ballot cards tabulated by the computer agrees with the number of ballot cards submitted by the election judges at the precinct. If a discrepancy exists, authorized counting center personnel shall correct it. In the event the discrepancy cannot be resolved, a notation shall be made of the pertinent facts on the statement of returns.

**Statutory Authority:** *MS s 206.57 subd 1*

## 8230.5400 DUPLICATION OF BALLOTS.

Any ballots requiring duplication at the counting center shall be duplicated in the following manner:

A. Whenever a ballot card is required to be duplicated, the duplication process shall be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot card, the duplicate card and the original card shall be identified with a single number written on both cards. The number on the duplicate card shall be the same number as on the original. When more than one card is being duplicated in a precinct, the numbering shall be serial.

C. The reason for duplication shall be written on the duplicate ballot card, e.g., write-in, chad, damaged. The election judges duplicating the card shall initial the duplicated card and the original card.

D. When duplicating a ballot card, one election judge shall call from the original ballot card the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. Duplicate ballot card shall be compared against the original ballot card to assure it has been accurately duplicated.

E. All original ballot cards which require duplication shall be placed in an envelope marked "original ballot cards for which duplicates have been made." The duplicated ballot card shall be placed with the other valid ballot cards to be tabulated.

F. Any writing required on any ballot card shall be done with a soft-tip marking instrument.

**Statutory Authority:** *MS s 206.57 subd 1*

# MINNESOTA RULES 1985

## 8230.5500 ELECTION JUDGES AND COUNTING CENTERS

7388

### 8230.5500 COPIES OF RETURNS.

The election official in charge of the counting center shall certify four copies of the returns. The certification shall state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day (in those areas having voter registration), number of ballots counted, vote totals, and any other data defined by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any forms designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.5600 DISTRIBUTION OF RETURNS.

Returns as referred to in part 8230.5500 shall be certified to the municipal clerk who shall retain one copy of the statement of returns and send the remaining three copies to the county auditor, along with any forms determined by the secretary of state to be on file with the state. The county auditor shall retain one copy of the statement and forward the two remaining copies of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms determined by the secretary of state for preparation of the state canvassing board report and other public reports of the election shall be completed and returned to the secretary of state.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.5700 DELIVERY OF MATERIAL AFTER COUNTING.

After the last precinct has been counted and the final accuracy test has been conducted, the election official in charge of the counting center shall deliver all materials to the office of the municipal clerk of each election jurisdiction served by the counting center. That clerk upon filing reports as prescribed in part 8230.5600 shall retain ballots and voter certificates for one year unless otherwise ordered by a court order or recount procedure as defined by Minnesota Statutes. Test decks or ballot images, accuracy test results, and computer programs shall be delivered to the county auditor.

**Statutory Authority:** *MS s 206.57 subd 1*

### 8230.5800 COUNTY AUDITOR TO MAINTAIN MATERIALS.

The county auditor shall maintain all the material forwarded as required in parts 8230.5600 and 8230.5700 for a period of one year unless otherwise advised by a court order or recount procedure as defined by Minnesota Statutes.

**Statutory Authority:** *MS s 206.57 subd 1*