

8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.

Subpart 1. **Number of ballot counters and memory units.** At least one precinct count voting system and at least one memory unit must be used in each precinct. One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the same county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct.

Subp. 2. **Procedure before polls open.** Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct polling place has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts are zero, that the public counter is set at zero, and that the order of the offices and questions to be voted on and the candidates' names on the zero tape is the same as their order on the ballot for that precinct.

Subp. 3. **Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an overvote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically. If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does not meet the conditions in items A to C.

- A. The override must be protected against being inadvertently activated.
- B. The override must not allow more than one ballot to be processed each time it is operated.

C. An override message must be printed on the results tape, or be displayed electronically while the voting system emits an audible signal, each time the override is operated.

Subp. 4. **Error messages.** The following messages are sufficient for optical scan voting systems to print or display for the described errors or actions:

- A. overvote for (voting system will supply and print the name of the overvoted office);
- B. overvote for multiple offices;
- C. crossover vote; and
- D. ballot overridden.

Subp. 5. **Opening ballot box during voting hours.** Two election judges of different political parties may open the ballot boxes on election day to straighten or remove the voted ballots but they shall not count or inspect the ballots. If removing ballots, the election judges shall put the ballots taken from the ballot box's main compartment into containers and seal them. If the ballot box contains a compartment for write-in ballots, the judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and, if applicable, the numbers of any seals used to seal the ballot containers.

Subp. 6. **Procedures after voting has ended.** As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges must inspect the seals on each ballot counter to ensure that they have not been altered and are intact and that the seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy must be noted in the incident report.

Statutory Authority: *MS s 206.57; 206.81*

History: *23 SR 459; 25 SR 616; 34 SR 1561; 38 SR 1368*

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