

1 Secretary of State

2

3 Adopted Rules Relating to Voter Registration, Absentee Voting,  
4 Recounts, Ballots, Certification and Testing of Lever Voting  
5 Machines; and Certification, Testing, and Use of Electronic  
6 Voting Systems

7

8 Rules as Adopted

9 8200.1500 REVERSE SIDE.

10 Subpart 1. [Unchanged.]

11 Subp. 2. Form of reverse side of registration card.

12 Post office will not  
13 deliver without first  
14 class postage

15 RETURN TO:  
16 (here the county auditor  
17 shall supply the address)

18 8200.9919 FORM FOR VOTER REGISTRATION INSTRUCTIONS, SPECIFIED BY  
19 PART 8200.1400.

20 Instructions for Voter Registration

21 Read Carefully Before Registering

22 ITEMS INDICATED BY A RED "X" MUST BE COMPLETED BY THE  
23 REGISTRANT BEFORE THE REGISTRATION WILL BE ACCEPTED.

24 1. Print in ink or type all information requested on the  
25 white card.

26 2. Print or type your legal name--nicknames are not  
27 acceptable.

28 3. Print or type the name of the township or city in which  
29 you live and are eligible to vote.

30 4. Print or type the house number and street name or the  
31 rural route and box number where you live.

32 5. Include your full birthdate--month, day, and year.

33 6. Give the address where you were last registered. If  
34 you have never been registered before, check the box for "none."

35 7. Give your previous name if it has been changed since  
36 you last registered.

37 8. Enter telephone number in appropriate space (optional).

38 9. Date and sign the WHITE CARD with your legal written

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1 signature.

2 10. Date and sign the BLUE CARD with your legal written  
3 signature.

4 11. Review the cards to determine that they are correctly  
5 completed.

6 12. Fold the form, use the sealing tab, and mail or return  
7 to your county auditor at your county courthouse. An eligible  
8 voter is a person who at the time of any election:

- 9 a. is 18 years of age or older;
- 10 b. is a citizen of the United States; and
- 11 c. has resided in Minnesota for 20 days.

12 The following persons are not eligible voters:

- 13 a. any person who has been convicted of a felony or
- 14 treason, whose civil rights have not been restored;
- 15 b. any person who is under guardianship of the person;
- 16 c. any person who has been found by a court to be legally
- 17 incompetent, whose civil rights have not been restored.

18 ASSISTANCE TO HANDICAPPED VOTERS

19 Call your county auditor or city clerk if you need  
20 information about registration or voting assistance  
21 for elderly and handicapped individuals or residents  
22 of health care facilities or hospitals. Registration  
23 and absentee instructions can be made available in  
24 large type, in Braille, or on cassette tape.

25 8210.0200 ABSENTEE BALLOT APPLICATION.

26 Subpart 1. [Unchanged.]

27 Subp. 2. **Absentee ballot instruction.** The following  
28 instructions shall be printed on the absentee ballot application:

29 INSTRUCTIONS

30 1. In order to vote by absentee ballot you must be an  
31 eligible voter, you must be a resident of the election precinct  
32 indicated by your legal residence address on this application,  
33 and you must not intend to abandon this residence prior to  
34 election day. Please note that Minnesota law provides that it  
35 is a felony to make a false or untrue statement in an

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1 application for an absentee ballot, to apply for an absentee  
2 ballot more than once in an election with the intent to cast an  
3 illegal ballot, to exhibit a ballot marked by a person to  
4 another person, or to violate an absentee ballot provision for  
5 the purpose of casting an illegal vote in a precinct or to  
6 assist anyone to cast an illegal vote.

7 2. Be sure to check the appropriate box indicating why you  
8 are unable to go to your polling place on election day; these  
9 are the only reasons that entitle you to vote by absentee ballot.

10 3. Be sure to give your correct legal residence address as  
11 completely as possible, since this is used to verify your  
12 precinct number.

13 4. Be sure to sign the application.

14 5. Return the completed application as soon as possible to  
15 the county auditor or municipal clerk from whom you received it.

16 Remember:

17 1. This application form will obtain ballots for only the  
18 NEXT election.

19 2. Do not submit more than one application for each  
20 election.

21 3. Your absentee ballots will be mailed or delivered to  
22 you as soon as they are available.

23 Subp. 3. [Unchanged.]

24 8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART

25 8210.0600, SUBPART 1.

26 ABSENT VOTER'S CERTIFICATE

27 OF

28 \_\_\_\_\_  
29 (legal name of absent voter)

30 (print or type)

31 \_\_\_\_\_  
32 (legal address of absent voter)

33 (print or type)

34 I swear that on election day I will meet the requirements  
35 provided by law to vote by absentee ballot.

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CHAPTER 34:

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\_\_\_\_\_  
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, the voter marked the ballots, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then proof of residence was provided as indicated below.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(legal signature of witness)

\_\_\_\_\_  
(print or type name of witness)

\_\_\_\_\_  
(official title if witness is an official)

\_\_\_\_\_  
(legal address if witness is an eligible voter)

FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.

Method used by voter to prove residence:

Driver's License \_\_\_\_\_  
or Permit or (number)  
Receipt  
Minn. ID Card or \_\_\_\_\_  
Receipt (number)  
same precinct \_\_\_\_\_

Notice of Ineffective  
Registration \_\_\_\_\_  
Student ID \_\_\_\_\_  
(number)

\_\_\_\_\_  
(legal signature of registered voter in the precinct who attested to residence in the precinct)

\_\_\_\_\_  
(legal address of registered voter in the precinct who attested to residence in the precinct)

8210.9955 BACK OF ABSENTEE RETURN ENVELOPE, SPECIFIED IN PART 8210.0800, SUBPART 3.

ABSENT VOTER'S CERTIFICATE

I, \_\_\_\_\_, do solemnly swear that my  
(please print or type)  
present address (or last address) in the State of Minnesota  
is at \_\_\_\_\_ in the City or Town of  
(please print or type)

\_\_\_\_\_, County of \_\_\_\_\_  
(please print or type) (print or type)

I am qualified to vote the enclosed ballot(s) as

(check category that applies) \_\_\_\_\_ a member of the

1 Armed Forces; \_\_\_\_\_ a spouse or dependent of a member of  
 2 the Armed Forces; \_\_\_\_\_ a citizen of the United States  
 3 temporarily residing outside the territorial limits of  
 4 the United States; \_\_\_\_\_ a citizen of the United States  
 5 permanently residing outside the territorial limits of  
 6 the United States. I have not cast and will not cast  
 7 any other ballot in this election. I personally  
 8 marked the enclosed ballot(s) without exhibiting it to  
 9 any other person, or which, in case of my physical  
 10 disability, was marked for me under my personal  
 11 direction.

12 Military identification \_\_\_\_\_  
 13 passport number..... (Legal signature of Voter)  
 14  
 15

16 Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 17  
 18 \_\_\_\_\_  
 19 (Signature of Witness)

20 (Give title or office of witness  
 21 authorized to administer oaths.  
 22 If an officer of the Armed Forces,  
 23 a commissioned or noncommissioned  
 24 officer not below the rank of  
 25 sergeant or its equivalent.)

26 Note: No witness is required if you provide your military  
 27 or passport number to match the military or passport number  
 28 on your application.

29 8235.1000 ELECTRONIC VOTING SYSTEMS.

30 In precincts in an election jurisdiction where an  
 31 electronic voting system is used, the recount official shall  
 32 determine if the ballots are to be recounted on the automated  
 33 equipment or manually. If the recount official is the secretary  
 34 of state or the secretary's designee, the duplicate counting  
 35 program certified to the secretary of state by the person  
 36 preparing the program may be used to recount the ballots. If  
 37 the ballots are recounted on the automated equipment, a test of  
 38 the program and counting equipment as provided in part 8230.5100  
 39 must be made immediately prior to the recount, and a test sample  
 40 of the ballots must also be counted manually. ~~The recount~~  
 41 ~~official shall determine if the test sample is to be of one~~  
 42 ~~precinct selected by each candidate or a sample agreed upon by~~  
 43 ~~the candidates of three percent of the ballots cast but in no~~

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1 ~~event-less-than-100-ballots~~ Unless the jurisdiction has only one  
2 precinct, the test sample shall be from two precincts, one  
3 selected by each candidate. In each of the precincts selected,  
4 the sample shall be at least three percent of the ballots cast  
5 or 50 ballots, whichever is greater. The test sample must also  
6 be counted on the automatic tabulating equipment. Access to the  
7 immediate area of the automatic counter or computer is limited  
8 to the recount official and legal advisor, officials of the  
9 election jurisdiction, the candidates and their representatives,  
10 and the technical persons necessary to the operation of the  
11 counting equipment. An observation area must be provided for  
12 the public. Ballots must be recounted by precinct. Paper  
13 absentee ballots must be counted in accordance with part  
14 8235.0800. A ~~machine-produced~~ report of recount results must be  
15 provided for each precinct. After the count of ballots for a  
16 precinct has been determined, all ballot cards and paper  
17 absentee ballots must be resealed in the ballot container and  
18 returned with the other materials to the custodian of the  
19 ballots.

20 8250.0200 AUDITOR'S DUTIES.

21 The white ballot shall be prepared under the direction of  
22 the county auditors in a sufficient number to enable the clerks  
23 to comply with the provisions of Minnesota Statutes, section  
24 204B.29. The county auditors shall prepare and print the white  
25 ballot as soon as practicable, but in no event less than 30 days  
26 before the election. Two weeks before the general election the  
27 auditor shall file sample copies of the white ballot in the  
28 auditor's office for public inspection. Ballots for  
29 distribution in the polling place must be bound in pads of 50.

30 8250.0600 OFFICES.

31 The offices must appear on the white ballot in the  
32 following order and must be identified as follows in upper case  
33 letters:

34 "UNITED STATES SENATOR"

35 "UNITED STATES REPRESENTATIVE"

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- 1 "STATE SENATOR"
- 2 "STATE REPRESENTATIVE"
- 3 "GOVERNOR AND LIEUTENANT GOVERNOR"
- 4 "SECRETARY OF STATE"
- 5 "STATE AUDITOR"
- 6 "STATE TREASURER"
- 7 "ATTORNEY GENERAL"

8 "United States" may be abbreviated as "U.S." If an office  
 9 is not to be filled at a general election, the office must not  
 10 appear on the ballot. Directly underneath the titles of the  
 11 offices of United States representative and state senator and  
 12 representative must be printed in upper case letters or numbers  
 13 the district (e.g. "SIXTH DISTRICT," "DISTRICT SIX," or  
 14 "DISTRICT 6") that the person elected will represent. A single  
 15 vote must be cast for governor and lieutenant governor.

16 SCOPE AND STANDARDS

17 8220.0050 CONDUCT OF ELECTIONS.

18 Except as provided in Minnesota Statutes or in parts  
 19 8220.0050 to 8230.4250, elections shall be conducted in the  
 20 manner prescribed for precincts using paper ballots in the  
 21 Minnesota election law.

22 8220.0150 MINIMUM STANDARDS.

23 Parts 8220.0050 to 8230.4250 set minimum standards for  
 24 procedures in the use of electronic voting systems. An election  
 25 jurisdiction may by resolution require additional procedures.

26 8220.0250 DEFINITIONS.

27 Subpart 1. **Scope.** As used in parts 8220.0150 to  
 28 8230.4250, terms defined in Minnesota Statutes, section 206.56  
 29 have the meanings given them in that section, and the following  
 30 terms defined in this part have the meanings given them.

31 Subp. 2. **Backup program; duplicate program.** "Backup  
 32 program" or "duplicate program" means an identical computer  
 33 program for vote recording and vote tallying to be prepared and  
 34 tested and held in readiness should it be needed to replace the

1 computer program prepared for use in the election.

2 Subp. 3. **Ballot envelope.** "Ballot envelope" means a paper  
3 container into which the voted ballot is inserted by a voter.

4 Subp. 4. **Ballot image.** "Ballot image" means a  
5 corresponding representation in electronic form on tape or disc  
6 of the punch or mark pattern of a voted ballot.

7 Subp. 5. **Bit-for-bit comparison.** "Bit-for-bit comparison"  
8 means a method for comparison of machine encoded characters.

9 Subp. 6. **Chad.** "Chad" means a prescored portion of a  
10 ballot that is removed from the ballot to indicate a vote.

11 Subp. 7. **Computer program.** "Computer program" means a  
12 logically arranged set of instructions defining the operations  
13 to be performed by a computer in examining, counting,  
14 tabulating, and printing votes.

15 Subp. 8. **Console log; computer log; log book.** "Console  
16 log," "computer log," and "log book," mean computer-generated  
17 listing of actions performed by the computer, including both  
18 normal and abnormal operations.

19 Subp. 9. **Counting center.** "Counting center" means a  
20 location where an electronic system is used for the tabulation  
21 of ballots.

22 Subp. 10. **Damaged ballot.** "Damaged ballot" means a valid  
23 ballot cast by a voter that is mutilated at the precinct, in  
24 transportation to the counting center, or in processing at the  
25 counting center to the extent that it cannot be entered into the  
26 computer and must be duplicated.

27 Subp. 11. **Demonstration ballot.** "Demonstration ballot"  
28 means a ballot of a distinctive color used to instruct voters in  
29 the use of the voting device.

30 Subp. 12. **Demonstration model.** "Demonstration model"  
31 means an approved copy of the voting device in use in a precinct  
32 containing ballot labels representing offices and containing  
33 fictitious names, to demonstrate to voters the method of voting.

34 Subp. 13. **Detachable stub.** "Detachable stub" means a  
35 two-part section of each ballot card, each part of which is  
36 printed with the identical number, which is part of a serial



1 numbering of all ballot cards assigned to that precinct.

2 Subp. 14. Duplicate ballot card. "Duplicate ballot card"  
3 means a ballot card on which the word "DUPLICATE" is printed,  
4 stamped, or written and which may be of a different color to  
5 which election judges transfer a voter's selections from the  
6 original ballot card when necessary.

7 Subp. 15. Edit listing. "Edit listing" means a  
8 computer-generated listing showing the names, rotation sequence,  
9 and ballot position numbers for each candidate as they appear in  
10 the computer program for each precinct.

11 Subp. 16. Election jurisdiction. "Election jurisdiction"  
12 means any municipality, township, county, or special election  
13 district holding original responsibility for an election or part  
14 of an election.

15 Subp. 17. Hardware. "Hardware" means the mechanical,  
16 electro-mechanical, and electronic equipment used to record and  
17 tabulate votes.

18 Subp. 18. Header cards. "Header cards" means data  
19 processing cards which contain the necessary data to identify  
20 the precinct of the following ballot cards to the computer.

21 Subp. 19. Lever machine. "Lever machine" means a direct  
22 recording mechanical device or system in which a vote is cast by  
23 moving a lever.

24 Subp. 20. Operating system. "Operating system" means a  
25 collection of programs that control the overall operation of a  
26 computer system.

27 Subp. 21. Overvote. "Overvote" means a condition of a  
28 voted ballot in which more votes have been cast for an issue or  
29 office than the number of votes that the voter is lawfully  
30 entitled to cast.

31 Subp. 22. Precinct certification. "Precinct certification"  
32 means the certification supplied by the election jurisdiction to  
33 each precinct on which to record unusual occurrences at the  
34 precinct, the number of voters who registered on election day,  
35 the number who voted, and other information requested by the  
36 election jurisdiction or the secretary of state.

1 Subp. 23. **Programmer.** "Programmer" means a person or  
2 commercial vendor designated by an election jurisdiction to  
3 prepare the software to record and tally votes for an election.

4 Subp. 24. **Public accuracy test.** "Public accuracy test"  
5 means a public test conducted prior to election day for the  
6 purpose of demonstrating the accuracy of the computer program  
7 and computer which will be used to count the ballots and to  
8 demonstrate and explain the testing procedures being used to  
9 determine the accuracy.

10 Subp. 25. **Seal.** "Seal" means a numbered metal device or  
11 other device used to secure hardware, software, computer  
12 programs, voting devices, or transfer cases.

13 Subp. 26. **Self-contained voting station.** "Self-contained  
14 voting station" means a unit that contains a voting device  
15 ~~having all four sides~~ enclosed beneath and on three sides and  
16 lighted; when assembled the unit creates one individual voting  
17 station.

18 Subp. 27. **Software.** "Software" means programs, languages,  
19 or routines that control the operations of a computer used to  
20 record and tabulate votes.

21 Subp. 28. **Source code.** "Source code" means a high-level  
22 language in which a computer program is written.

23 Subp. 29. **Stylus.** "Stylus" means an instrument to be used  
24 by a voter to punch out a prescored position of a ballot.

25 Subp. 30. **Test deck.** "Test deck" means a set of  
26 preaudited mock voted ballot cards used to determine that the  
27 computer and software to be used in the election count the votes.

28 Subp. 31. **Transfer case.** "Transfer case" means a  
29 container for transporting ballots to the counting center.

30 Subp. 32. **Unassigned locations.** "Unassigned locations"  
31 means voting positions not programmed or assigned to receive an  
32 indication of votes in the election in progress.

33 Subp. 33. **Undervote.** "Undervote" means a condition of a  
34 voted ballot in which fewer votes have been cast for an issue or  
35 office than permitted by law.

36 Subp. 34. **Valid vote.** "Valid vote" means a voted ballot

1 cast according to the instructions for the system in keeping  
2 with the Minnesota election law and parts 8220.0050 to 8230.4250.

3 Subp. 35. **Vendor.** "Vendor" means an individual or  
4 organization other than an election jurisdiction supplying any  
5 element of a lever voting machine or electronic voting system,  
6 including but not limited to hardware, software, and programming  
7 services.

8 Subp. 36. **Vote.** "Vote" means an indication of voter  
9 intent counted by mechanical or electronic methods.

10 Subp. 37. **Vote-recording medium.** "Vote-recording medium"  
11 means the material or its configuration on which data are  
12 recorded, such as paper, tape, cards, or magnetic tape.

13 Subp. 38. **Write-in.** "Write-in" means a vote for a  
14 candidate whose name does not appear on the official ballot for  
15 that office.

#### 16 EXAMINATION AND CERTIFICATION

##### 17 8220.0350 APPLICATION.

18 An application by a vendor pursuant to Minnesota Statutes,  
19 section 206.57, for examination of a lever voting machine or  
20 electronic voting system must be accompanied by the following:

21 A. an initial deposit, in an amount set by the  
22 secretary of state, toward the examination fee and a signed  
23 agreement that the vendor will pay all costs incurred by the  
24 secretary of state, the vendor, and any designees of the  
25 secretary of state in accomplishing the examination;

26 B. complete specifications of all hardware, firmware,  
27 and software;

28 C. all technical manuals and documentation related to  
29 the machine or system;

30 D. complete instructional materials necessary for the  
31 operation of the equipment by election jurisdictions and a  
32 description of any training available to users and purchasers;

33 E. a list of all state election authorities that have  
34 tested and approved the machine or system for use;

35 F. a list of all election jurisdictions where the

1 machine or system has been used for elections;

2 G. a description of any support services offered by  
3 the vendor and of all peripheral equipment that can be used in  
4 conjunction with the machine or system;

5 H. recommended procedures for use of the machine or  
6 system at Minnesota elections including procedures necessary to  
7 protect the integrity of the election;

8 I. specifications for materials and supplies required  
9 to be used with the machine or system;

10 J. explanation of the level of technical expertise  
11 required to program or prepare the machine or system for use at  
12 an election; and

13 K. certification of conformance or explanation of  
14 variances from any standards for voting equipment recommended by  
15 the Federal Election Commission.

16 The vendor may submit additional material including test  
17 reports and evaluations by other states, election jurisdictions,  
18 and independent testing agencies. The secretary of state shall  
19 make a preliminary review of the application. If the secretary  
20 of state determines from the preliminary review that the machine  
21 or system obviously does not meet provisions of Minnesota  
22 election laws, the vendor may withdraw the application and the  
23 secretary may refund the deposit.

24 8220.0450 ACCEPTANCE DEMONSTRATION.

25 The vendor shall train a designee of the secretary of state  
26 in the preparation and operation of the machine or system. The  
27 training must be at least as extensive as the training required  
28 for an election jurisdiction to be able to prepare and use the  
29 machine or system at Minnesota elections.

30 The acceptance demonstration must be provided by the vendor  
31 and attended by designees of the secretary of state. The vendor  
32 is responsible for demonstrating that the machine or system can  
33 meet all requirements of Minnesota election law and parts  
34 8220.0050 to 8230.4250. In the acceptance demonstration, the  
35 vendor of the machine or system must demonstrate the following

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1 concerning the machine or system:

2 A. its storage requirements;

3 B. its speed of operation under conditions that  
4 simulate the scope and length of actual election ballots;

5 C. full audit capability, with an audit trail, in the  
6 case of an electronic voting system, which includes a printout  
7 of overvotes and undervotes for each office and issue, and with  
8 the undervotes recorded directly from the ballots and not  
9 determined by subtraction of totals from nonovervoted ballots;

10 D. all special parameter alterations that can be  
11 programmed;

12 E. all design specifications;

13 F. maximum numbers of precincts, offices and issues,  
14 and candidates per office which can be handled;

15 G. the production of reports which include vote  
16 totals and all statistics and other information required by the  
17 secretary of state;

18 H. simulation of vote counting involving a  
19 configuration of the largest number of voters, precincts,  
20 offices, and candidates with which the machine or system is  
21 expected to be used, which vote counting includes ballots  
22 showing overvotes, undervotes, and invalid votes as well as  
23 those with no overvotes or marks in unassigned locations, in  
24 many different combinations, and demonstrates rotation sequences  
25 and the ability to deal with partisan, nonpartisan, and proposal  
26 sections of the ballot independently;

27 I. accuracy of vote counting and procedures or  
28 process for testing accuracy;

29 J. provisions for maintaining the security and  
30 integrity of elections; and

31 K. provisions for write-in votes.

32 The vendor shall identify all hardware configurations with  
33 which software is intended to operate and shall provide an  
34 acceptance demonstration for every hardware and software  
35 configuration for which certification for use in Minnesota is  
36 requested. The secretary of state may provide additional

1 ballots or test decks for the acceptance demonstration.

2 The acceptance demonstration and training of the secretary  
3 of state's designee may be accomplished either at the vendor's  
4 site or at the office of the secretary of state.

5 8220.0550 TESTING AND EXAMINATION.

6 The secretary of state shall investigate and evaluate the  
7 experience of other states and election jurisdictions using the  
8 machine or system. The secretary of state shall review the  
9 results of the acceptance demonstration and perform additional  
10 tests as the secretary deems necessary. The additional tests  
11 may include field testing at simulated or actual elections,  
12 technical evaluation of the hardware and software by a designee  
13 of the secretary of state, and experimental use as provided in  
14 Minnesota Statutes, section 206.81. In determining the need for  
15 and extent of additional examination, the secretary of state  
16 shall consider the record of use in other states and the extent  
17 and experience of use in Minnesota of similar machines or  
18 systems.

19 8220.0650 APPROVAL OF MACHINES OR SYSTEMS.

20 Subpart 1. Certification. If, from the reports of the  
21 demonstration and testing, the secretary of state determines  
22 that, the machine or system complies with Minnesota Statutes and  
23 parts 8220.0050 to 8230.4250 and can be used safely at  
24 elections, the secretary of state shall issue to the vendor a  
25 certification of the machine or system for use in Minnesota.  
26 The certification must be limited to specific hardware and  
27 software configurations and may not extend to models or  
28 configurations not examined. The certification may include  
29 stipulations or special procedures for use of the machine or  
30 system. No certification may be issued until the vendor has:  
31 A. paid all costs of the examination;  
32 B. certified that the vendor and any agent acting on  
33 behalf of the vendor will offer the machine or system for use or  
34 sale only in accordance with Minnesota Statutes and parts

35 8220.0050 to 8230.4250 and any stipulations of the certification;

1 C. certified that the vendor will immediately notify  
2 the secretary of state of any modifications to the machine or  
3 system and will not offer for sale or provide for use in  
4 Minnesota any modified machine or system if the secretary of  
5 state advises the vendor that, in the opinion of the secretary,  
6 the modifications constitute a significant change requiring that  
7 the machine or system be reexamined; and

8 D. deposited with the secretary of state a copy of  
9 all programs, documentation, and source code. If the vendor  
10 considers this data proprietary, the secretary of state shall  
11 maintain the integrity and security of the data.

12 Subp. 2. **Decertification.** If a voting machine or system  
13 no longer meets the standards of Minnesota statutes or parts  
14 8220.0050 to 8230.4250, the secretary of state may withdraw  
15 approval of the voting machine or system after a hearing.

16 PREPARATION AND TESTING OF ELECTION PROGRAMS

17 8220.0750 PREPARATION OF COMPUTER PROGRAMS.

18 Computer programs must be prepared so as to tabulate  
19 accurately each voter's choices for all candidates, offices, and  
20 measures for which the voter is lawfully entitled to vote in  
21 conformity with the laws of Minnesota and parts 8220.0050 to  
22 8230.4250.

23 Computer programs must include instructions requiring that  
24 machine-readable precinct identification be required on all  
25 ballot cards. Two identical header cards may precede the deck  
26 of ballot cards of each precinct. The program may provide that  
27 if two identical header cards do not appear in front of the  
28 ballot cards of a precinct, no counting of ballots for that  
29 precinct may take place.

30 A data processing card may follow the ballots of each  
31 precinct instructing the computer that all ballots of the  
32 precinct have been counted. The program may provide that if  
33 header cards contain instructions to the computer that all  
34 ballots of the preceding precinct have been counted, no separate  
35 end card is needed.

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1 The vote tabulation portion of the computer program must be  
2 prepared as follows:

3 A. In nonpartisan races in all elections and in  
4 partisan primary elections, the computer program must reflect  
5 the rotation sequence of the candidates' names and ballot  
6 position numbers as they appear on the ballots in the various  
7 precincts.

8 B. The computer program must count valid votes cast  
9 by a voter for candidates for an office.

10 C. The computer program must count valid votes cast  
11 by a voter for or against any question.

12 D. The computer program must not count the votes cast  
13 by a voter for an office or question if the number of votes cast  
14 exceeds the number which the voter is entitled to vote for on  
15 that office or question, but it must record that there is an  
16 overvote condition as referred to in part 8220.0450, item C.

17 E. The computer program must ignore marks and punches  
18 in a ballot card in unassigned locations; these marks or punches  
19 must have no effect on any portion of the ballot.

20 F. For the purpose of programming, the partisan,  
21 nonpartisan, and proposal sections of the ballot are independent  
22 ballots; no action of a voter on one section of the ballot may  
23 affect the voter's action on another section of the ballot.

24 G. In partisan primary elections, the computer  
25 program must count the votes recorded by a voter for candidates  
26 in one political party only and reject all of the partisan  
27 section of the ballot if votes are cast for candidates of more  
28 than one political party, but count valid votes in the  
29 nonpartisan section of the ballot.

30 H. In partisan primary elections the computer program  
31 must check for the situation of a voter casting votes for  
32 candidates of more than one political party prior to checking  
33 for overvote conditions.

34 8220.0850 SCHEDULE FOR COMPLETING PROGRAMS.

35 No later than five days after candidates' names are



1 certified by the secretary of state, the election jurisdiction  
2 responsible for requesting the computer program must supply any  
3 information such as candidates' names and rotation to the  
4 individuals designated to prepare the computer program.

5 The computer program for any election and an exact  
6 duplicate of the program for use as backup must be completed and  
7 delivered to the election jurisdiction or the county auditor in  
8 charge of a common counting center at least 14 days prior to the  
9 election. When state offices or questions are on the ballot, a  
10 second duplicate must be prepared, as provided in part  
11 8220.1950. Instructions containing the necessary information,  
12 steps, and procedures required to operate the computer program  
13 must be prepared to accompany the original program and the  
14 duplicate programs. There must be at least two copies of the  
15 instructions for each computer facility. It is the  
16 responsibility of the election jurisdiction to see that the  
17 instructions are made available to the computer operators.

18 8220.0950 EDIT LISTINGS.

19 The operators shall prepare at least two edit listings from  
20 the computer program showing candidates' names and respective  
21 ballot position numbers as they appear in the computer program  
22 for each precinct. The edit listings must be delivered to the  
23 appropriate election jurisdiction at least 14 days prior to the  
24 election.

25 8220.1050 PREPARATION OF TEST DECK OR BALLOT IMAGE.

26 The election jurisdiction requesting the computer program  
27 must prepare a test deck of ballot cards to be used to determine  
28 that the computer and the computer program will correctly count  
29 the votes cast for all offices and all proposals in compliance  
30 with the Minnesota election law.

31 Simulated ballots through use of ballot images on tape or  
32 disc may be used to evaluate the logic of the computer program.

33 The test deck or ballot image must include ballots  
34 involving no overvotes or marks in unassigned locations as well  
35 as ballots involving overvotes, undervotes, and invalid votes in

1 many different combinations.

2 The test deck or ballot image must test in a manner  
3 commensurate with the logic of the computer program, the  
4 capabilities of the program, and storage to correctly tally the  
5 maximum number of votes which might be cast for any office or  
6 question in the election.

7 The test deck must conform to part 8220.1150. A test deck  
8 must be prepared specifically for each election.

9 The test deck or ballot image prepared must consist of a  
10 preaudited configuration of ballots to record a predetermined  
11 number of valid votes for each candidate and issue.

12 8220.1150 TEST BALLOTS.

13 All test ballots must be marked "TEST."

14 Ballots must be prepared having votes in excess of the  
15 number allowed by law for each office and proposal appearing on  
16 the ballot.

17 For district offices in which the number of candidates  
18 appearing on the ballot for that office varies by district, test  
19 ballots must be prepared with the number of votes allowed by law  
20 for that office in that district and also must include votes in  
21 positions which are assigned to that office for which no  
22 candidate's name appears in those positions for that district.

23 In partisan primary elections test ballots must be prepared  
24 to check the program for splitting tickets. Test ballots must  
25 be prepared with votes appearing in the same ballot for  
26 candidates of opposite political parties, nonpartisan  
27 candidates, and proposals. At least one ballot must be prepared  
28 with votes for one party and including votes for a nonpartisan  
29 office in excess of the number permitted by law.

30 Test ballots must be prepared in which votes appear in  
31 positions other than those used for candidates or proposals. In  
32 preparing the test deck or ballot image a number of the ballots  
33 must be voted to include valid votes in the partisan,  
34 nonpartisan, and proposal sections of the ballot.

35 At least 50 blank ballot cards must be run before the test

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1 deck is run. Blank ballots in which no positions have been  
2 voted must be included in the test deck or ballot image.

3 At least one test ballot must be prepared with votes in all  
4 positions where there is a candidate or measure on the ballot.

5 A duplicate of the test deck must be prepared to be used  
6 with the duplicate or backup computer program.

7 8220.1250 DOCUMENTING TEST BALLOTS.

8 A documentation, record, chart, or listing must be prepared  
9 indicating the punches recorded in the test ballots and whether  
10 the punches are valid or invalid.

11 8220.1350 PRELIMINARY TESTING OF COMPUTER PROGRAMS.

12 Prior to the public accuracy test, the election  
13 jurisdiction providing the computer programs shall test the  
14 computers and programs to ascertain that they will correctly  
15 count the votes for all offices and measures. The computer  
16 programs must be tested on all precincts.

17 The election jurisdiction requesting the computer programs  
18 shall compare the edit listing against the ballot labels of all  
19 precincts to ascertain that the appropriate labels are in each  
20 precinct, and the ballot position numbers for each candidate and  
21 proposal appearing on the ballot labels agree with those  
22 recorded on the edit listing for each precinct. Each election  
23 jurisdiction shall make a certificate as to the above matters  
24 and file it with the county auditor.

25 The test must be conducted using the test deck or ballot  
26 image prepared under the direction of the election jurisdiction,  
27 and the results must be compared against the predetermined  
28 results of the test deck or ballot image. For the purpose of  
29 this test, the test deck may be reproduced onto standard data  
30 processing cards.

31 All prom packs, memory packs, and similar devices  
32 containing the election program must be secured with a metal  
33 seal and a certificate must be prepared indicating the seal  
34 number.

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## 1 8220.1450 DUTIES UPON COMPLETION.

2 When an errorless count has been made on all precincts, the  
3 election jurisdiction providing the computer program must:

4 A. secure all computer programs, including the object  
5 code, all support software used except the operating system,  
6 test decks, and predetermined results of the test decks, in a  
7 metal container sealed with a metal seal and stored in a secured  
8 area that is subject to normal computer temperature humidity  
9 restraints;

10 B. prepare a certificate that all precincts have been  
11 tested using the test deck or ballot image prepared under the  
12 direction of the election jurisdiction and that the results  
13 agree with the predetermined results of the test deck, which  
14 certificate must contain the seal number that was used to seal  
15 the metal container and be attached to the computer results of  
16 the test; and

17 C. deliver the sealed metal container and the  
18 certificate to the county auditor.

## 19 8220.1550 PUBLIC ACCURACY TEST.

20 A public accuracy test must be held within five days prior  
21 to the election for the purpose of demonstrating the accuracy of  
22 the computer programs and computers to be used at the election.  
23 The public accuracy test must be conducted according to  
24 Minnesota Statutes, section 206.73.

25 The time and place of the public accuracy test must be  
26 designated by the election jurisdiction providing the computer  
27 program, which must give at least 48 hours' public notice of the  
28 time and place of the test by publication in official  
29 newspapers, by posting a notice, and by notification to the  
30 county or legislative district chair of each major political  
31 party.

32 The test must be open to the public. The chief election  
33 official of the election jurisdiction shall explain the methods  
34 and test procedures used to determine the accuracy of the  
35 computer programs. This will include submitting as public

1 record the certificate prepared in accordance with part  
2 8220.1450 that all precincts have been tested using the test  
3 deck or ballot image prepared under the direction of the  
4 election jurisdiction.

5 The sealed container containing the computer programs, test  
6 deck, predetermined results, and header cards must be opened and  
7 the computer programs and computers tested to determine their  
8 accuracy on the computer on which they are to be used on  
9 election night. The initial testing of the computers and  
10 programs must be with the test deck or ballot image prepared  
11 under the direction of the election jurisdiction. The number of  
12 precincts to be tested is at the discretion of the election  
13 jurisdiction.

14 The backup computer program prepared and delivered  
15 according to part 8220.0850 must be tested on the computer on  
16 which it would be used on election night. The test decks used  
17 in these procedures must be the ones prepared in accordance with  
18 parts 8220.0750 to 8220.1950. Any test cards made under parts  
19 8220.0750 to 8220.1950 must be marked "TEST."

20 If an error is detected in any part of the testing, the  
21 cause must be ascertained, the error corrected, and an errorless  
22 count must be made on all precincts. At the discretion of the  
23 election jurisdiction, the meeting may be adjourned to a time  
24 and date certain.

25 8220.1650 ADDITIONAL TEST DECKS.

26 The secretary of state may provide a test deck for any  
27 computer program, in which case the deck must be delivered at  
28 the public accuracy test with directions for its use. The state  
29 chair of a major political party or designee may provide a test  
30 deck for use at the public accuracy test. The use of test decks  
31 provided by the secretary of state or a major political party  
32 does not substitute for the requirement for an election  
33 jurisdiction to prepare and use a test deck in accordance with  
34 parts 8220.1050 and 8220.1150.

35 8220.1750 CERTIFICATION OF PUBLIC ACCURACY TEST.

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1 After the completion of the public accuracy test and an  
2 errorless count has been made, the election jurisdiction must  
3 certify the results of the test conducted, signed by the  
4 witnesses specified in Minnesota Statutes, section 206.73, and  
5 attached to or written on the computer results of the public  
6 accuracy test.

7 8220.1850 SECURING COMPUTER PROGRAMS.

8 Immediately after certifying the results of the public  
9 accuracy test, the election jurisdiction must secure all  
10 computer programs, including the object code, software utilized,  
11 test decks, certified computer results of the test, and the  
12 predetermined results in a metal container which must be sealed  
13 with a metal seal in a manner so that the container cannot be  
14 opened without breaking the seal. If a precinct ballot counter  
15 is used to count ballots, it must be sealed with the memory pack  
16 containing the election programs inside. Attached to or inside  
17 the container must be a certificate describing its contents and  
18 on which the number of the seal has been recorded. The  
19 certificate must be signed by at least two witnesses as  
20 specified in Minnesota Statutes, section 206.17, and if attached  
21 to the container in a plastic envelope it must be attached so  
22 that it cannot be removed without breaking the seal.

23 All computer programs, test decks, and other related  
24 materials must be clearly identified as to the computer on which  
25 they were tested and must be used on no other computer until  
26 tested in accordance with parts 8220.1550 to 8220.1850.

27 The election jurisdiction must immediately deliver to the  
28 county auditor or the auditor's designee the metal case  
29 containing the computer programs and test decks which are to be  
30 used to tabulate the results of the election. The county  
31 auditor shall retain and secure the programs and deliver them to  
32 the counting center on election night no earlier than 6:00 p.m.  
33 The container containing backup or duplicate computer programs  
34 and related material must be delivered to and secured by the  
35 county auditor. It must be the responsibility of the county

1 auditor to store the original and duplicate or backup computer  
2 program in separate locations.

3 8220.1950 DUPLICATE PROGRAM TO SECRETARY OF STATE.

4 When state offices and questions are to be voted on, the  
5 person preparing the computer program shall deliver an exact  
6 duplicate of the program to the secretary of state at least  
7 three days prior to the election. The program must be sealed so  
8 that it cannot be opened without breaking the seal. ~~The~~  
9 Attached to the exterior of the sealed program must  
10 ~~be accompanied-by~~ a certificate signed by the person who  
11 prepared the program naming the election jurisdiction for which  
12 the program was prepared and stating that the program is an  
13 exact duplicate of the program provided to the election  
14 jurisdiction and that the program was prepared in accordance  
15 with Minnesota statutes and parts 8220.0050 to 8230.4250 and the  
16 instructions of the election jurisdiction requesting the program.

17 SECURITY OF COMPUTER SYSTEMS AND PROGRAMS

18 8220.2050 ISOLATION FROM OTHER INFLUENCES.

19 A computing system must be set up so that the vote-tallying  
20 procedures will function in isolation from other influences  
21 while being tested or run.

22 8220.2150 PREPARATION BEFORE TESTING SYSTEM.

23 Before beginning vote-tallying computer program testing or  
24 running on a computer also used for other purposes, the election  
25 jurisdiction must make certain that computer programs are not  
26 influenced by extraneous peripheral equipment or programs.  
27 Memory locations that are to remain accessible to the system,  
28 except those minimally required to load a new operating system,  
29 if any, must be erased. Active measures must be undertaken to  
30 assure that all tapes and discs to be used that are supposed to  
31 be initially blank are actually blank, except for  
32 machine-readable inventory identifiers, and have no defects.

33 8220.2250 SUPPORT SOFTWARE.

34 All the support software used with the vote-tallying

1 computer programs must be maintained on media under the control  
2 of the election administration.

3 8220.2350 PHYSICAL PROTECTION OF OBJECT CODES.

4 Master copies of all computer programs including support  
5 software and application programs must be sealed and retained in  
6 secured locations, separate from the location of working  
7 copies. Once generated the master copy must be used in a  
8 read-only mode. No writing must be done on the storage medium  
9 of the master copy. Before use of the working copy it must be  
10 compared bit-for-bit against the master copy. Any difference  
11 must be explainable.

12 8220.2450 LABELING OF DISCS AND TAPES.

13 Discs and tapes employed for any vote tallying purpose must  
14 have both human-readable and machine-readable labels. When the  
15 machine-readable label is read by the operating system, a halt  
16 in further operation must occur until the computer operator  
17 enters the human-readable label. A match between the two labels  
18 must precede any further computer operation.

19 8220.2550 CONTROL OF SYSTEM CONTROL CARDS.

20 Punched cards used for modification of operating system  
21 conditions must have a use code and version number punched in  
22 identification fields of the cards. Each card must be checked  
23 for proper use and version when read by the operating system,  
24 and the effect of the card on system operation must be reported  
25 on the system output printer.

26 8220.2650 LOGGING OF OPERATIONS.

27 The operating system of the computer must be programmed to  
28 report automatically on the system printer all actions taken by  
29 the operators to change conditions and their times of  
30 occurrence. These actions may include mounting and dismounting  
31 tapes, connecting or removing peripherals, inserting data, or  
32 changing control switch settings.

33 8220.2750 SEPARATION OF COMPUTER ROOM DUTIES.



1 A basic principle of internal control is to divide the  
2 execution of critical functions among two or more persons. One  
3 individual must not be totally responsible for a given activity,  
4 such as computer operation.

5 8220.2850 CONTROL OF COMPUTER PROGRAM CHANGES.

6 Every change to a computer program used for vote tallying  
7 and under control of the election jurisdiction, even those  
8 involving only one statement, must be authorized, approved, and  
9 documented by the responsible authority of the election  
10 jurisdiction.

11 ~~8220.2950 PREPARATION OF PUNCH-CARD SUPPLIES AND VOTING DEVICES~~  
12 APPLICABILITY.

13 Parts 8220.3050 to 8220.4250 apply to punch-card or other  
14 electronic voting systems where ballot cards are used with a  
15 punch instrument or where the ballot card must be inserted into  
16 a marking or voting device.

17 8220.3050 PREPARATION OF BALLOT CARDS.

18 All ballot cards used in an election must have attached by  
19 perforation a detachable stub on which duplicate numbers must be  
20 printed in consecutive order. The words "OFFICIAL BALLOT CARD"  
21 must be printed or stamped on the face of the detachable stubs.  
22 The ballot card must have a corner cut on one corner. The  
23 following statement must be printed or stamped on the back of  
24 the stub of all official ballot cards in bold face capital  
25 letters:

26 "STOP  
27 WRONG SIDE  
28 TURN CARD OVER"

29 The precinct number designation must be printed, stamped,  
30 or written and punched on each ballot card used in an election  
31 so as to identify in which precinct it originated. In the case  
32 of a combination ballot card and write-in ballot, the portion of  
33 the ballot for write-ins must contain instructions and spaces  
34 for write-ins. Numbers of the offices to be voted for and of

1 the candidates for those offices must be printed on the ballot  
2 cards and on the ballot labels so that the voter may review all  
3 choices before leaving the voting booth or station.

4 8220.3150 BALLOT ENVELOPES.

5 The ballot envelope must be of sufficient size and  
6 construction so that when the ballot is inserted in it all  
7 portions indicating voting marks are hidden from view.  
8 Instructions must be printed on the ballot envelope and include  
9 the following:

10 "After you have voted, check your ballot with the ballot  
11 label to be sure that your vote is recorded for the candidate or  
12 question of your choice.

13 Insert ballot in this envelope with the stub exposed.

14 Return this envelope with the ballot enclosed to the  
15 election judge.

16 If you spoil your ballot or if you make a mistake in  
17 voting, return it to the election judge and receive another  
18 ballot."

19 Where write-in votes are not written on the ballot card,  
20 the inside flap of the envelope must contain language which  
21 clearly indicates that this is the place to vote for write-in  
22 candidates. It must contain the following language: "A  
23 write-in vote will not be counted unless it includes the name of  
24 the person voted for and the title of the office."

25 8220.3250 VOTING INSTRUCTIONS ON BALLOT.

26 Voting instructions must be printed on the first page of  
27 the ballot label pages. Following each page of the ballot label  
28 pages containing candidates or measures, instructions must be  
29 printed as to where the voter is to proceed to continue voting.  
30 Additional instructions which conform with the election laws may  
31 be printed on the ballot labels when deemed advisable so as to  
32 assist the voter in casting a ballot.

33 8220.3350 IDENTIFYING VOTING OR MARKING DEVICES.

34 All devices must be identified as to the precinct in which

1 they will be used.

2 The identifying number of the device and the seal number  
3 used to seal the ballot label pages assembly to the device must  
4 be recorded on the precinct certification for the precinct in  
5 which the device will be used. The election official who sealed  
6 the machine shall also sign the certification.

7 8220.3450 BALLOT LABEL PAGES.

8 All ballot label pages must have a crimp hinge with locking  
9 spurs attached for insertion and positioning in the ballot  
10 frame. Ballot label pages attached by tape to a rod or which  
11 are placed into a clear plastic envelope through which a rod is  
12 inserted are not allowed.

13 A ballot label pages assembly must be inserted and sealed  
14 into each device so that the ballot label pages assembly cannot  
15 be removed without breaking the seal. Flat metal or wire seals  
16 must be used for this purpose. On devices which do not have  
17 permanent rivets on the back or sides which prevent the removal  
18 of the ballot label pages assembly, a second seal must be used  
19 so that the ballot pages assembly cannot be removed without  
20 breaking the seal.

21 8220.3550 MASKS.

22 If a device uses masks, the official in charge of the  
23 election jurisdiction must prepare or cause to be prepared the  
24 masks to be used. The masks must have holes punched in  
25 appropriate positions for which the elector will be entitled to  
26 vote and in no others.

27 The ballot label pages of each voting device must be  
28 examined to ascertain that holes in the mask appear directly  
29 opposite each arrow and that no other holes appear in the mask  
30 and that the ballot label pages are in proper sequence.

31 8220.3650 COMPARING LABELS TO EDIT LIST.

32 The ballot labels in each voting device of a precinct must  
33 be compared against the edit listing or sample ballot for that  
34 precinct to ascertain that the offices, candidates' names, and

1 ballot position numbers are the same and appear in the same  
2 position.

3 8220.3750 TEST USE OF DEMONSTRATION BALLOT CARD.

4 Operation of each voting device must be tested by inserting  
5 a demonstration ballot card and voting for each candidate and  
6 proposition appearing on the ballot. The ballot card must then  
7 be examined to ensure that each received a clear punch or mark.

8 8220.3850 CERTIFICATE OF DEVICE PREPARATION.

9 Subpart 1. **Preparing devices.** The election official in  
10 charge of the election jurisdiction shall prepare the voting  
11 devices so that in every particular they will meet the  
12 requirements for voting and counting at the election.

13 Subp. 2. **Certification.** When a voting device has been  
14 prepared for the election, the official in charge of the  
15 election jurisdiction shall make a certificate in writing which  
16 must be filed with the county auditor. This certificate must  
17 contain the precinct number, the identifying number of the  
18 device, and the numbers of the metal seals used to seal the  
19 device and state that the ballot labels have been compared  
20 against the edit list or sample ballot for that precinct, that  
21 the candidates' names and ballot numbers agree and appear in the  
22 same position, and that the device has been properly prepared  
23 and tested.

24 8220.3950 BALLOT CARDS.

25 The municipal clerk or county auditor shall package and  
26 seal or place into a transfer case the ballot cards for each  
27 precinct. The package or transfer case must contain a  
28 certificate signed by the clerk or auditor setting forth the  
29 number of ballots contained and that the ballots were counted  
30 and sealed by the auditor or clerk personally or by a duly  
31 authorized assistant. All ballot cards not issued to a precinct  
32 or assigned for absentee voting must be secured and accounted  
33 for by the municipal clerk. The clerk or auditor must maintain  
34 a record of the number of ballot cards and serial numbers issued

1 to each precinct. The ballot cards must be delivered to the  
2 chief election judge of the proper precinct.

3 An approved ballot box must be provided to each precinct  
4 for the deposit of voted ballot cards. This ballot box need not  
5 be made of metal but must be capable of being sealed during  
6 election day.

7 8220.4050 ADDITIONAL PRECINCT SUPPLIES.

8 The following items must be included in the precinct  
9 supplies:

10 A. an edit listing for the precinct;

11 B. ballot envelopes in sufficient quantity to match  
12 the quantity of ballots;

13 C. envelopes marked "spoiled ballot cards,"  
14 "defective ballot cards," and "absentee ballots";

15 D. an envelope for "original ballot cards for which  
16 duplicates are to be made for any reason";

17 E. a precinct certification form; and

18 F. a set of instructions for operating the precinct  
19 on election day.

20 8220.4150 PRECINCT HEADER CARD.

21 If the precinct header card is to be sent to the precinct,  
22 it must be contained in an envelope for that purpose, placed  
23 into the transfer case of the precinct, and delivered to the  
24 appropriate precinct.

25 8220.4250 INSTRUCTION POSTERS.

26 At least 25 days before every state election the secretary  
27 of state shall prepare and furnish to the county auditor of each  
28 county in which an electronic voting system with marking devices  
29 is used, posters with instructions for use of the voting  
30 devices. One poster must be furnished for each voting booth or  
31 voting station.

32 CONDUCT OF ELECTIONS IN PUNCH-CARD PRECINCTS

33 8230.0050 APPLICABILITY.

34 Parts 8230.0050 to 8230.2350 apply to punch-card or other

1 electronic voting systems where ballot cards are used with a  
2 punch instrument or where ballot cards must be inserted into a  
3 marking or voting device.

4 8230.0150 PROCEDURES.

5 Unless otherwise provided for in Minnesota law or in parts  
6 8230.0050 to 8230.2350, paper ballot procedures as provided in  
7 Minnesota Statutes, chapter 204A must be followed to the extent  
8 possible.

9 Where combination ballot card and write-in ballots are  
10 used, all rules relating to write-in, security, and  
11 identification apply to the combination ballot card and write-in  
12 ballot.

13 8230.0250 ARRANGEMENT OF VOTING DEVICES.

14 Voting devices may be used in voting booths or  
15 self-contained stations. The booths or stations must be  
16 equipped with lights or arranged so that adequate lighting is  
17 available for voters to be able to see and mark the ballots.  
18 The booths or stations must be arranged so the secrecy of the  
19 ballot is not violated. If a voter claims that the arrangement  
20 of the booths or stations does not afford the opportunity to  
21 vote in secrecy, the judges shall rearrange the device or booth  
22 to provide for increased secrecy.

23 8230.0350 EXAMINATION OF VOTING DEVICES.

24 The election judges shall inspect the voting devices by:

25 A. comparing the seal number of the devices with seal  
26 numbers recorded by the municipal clerk on the precinct  
27 certification;

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

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

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

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

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

14 G. checking each stylus to see that it is not broken  
15 and that it has a point; and

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

18 8230.0450 DISCREPANCY IN DEVICE.

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

22 8230.0550 DEMONSTRATION VOTING DEVICES.

23 The demonstration voting devices must be arranged so as to  
24 be able to offer each voter an opportunity to use it prior to  
25 voting.

26 The election judges shall offer each voter the opportunity  
27 to use the demonstration voting device. The judges shall  
28 explain that the demonstration voting device is only a sample of  
29 the actual voting device.

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

32 Any voter who requests additional information about the  
33 voting system must be instructed by an election judge about the  
34 system and counting procedures.

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## 1 8230.0650 VOTING PROCEDURE.

2 The election judge shall not deliver a ballot card to a  
3 voter until the judge has received a signed voter certificate or  
4 a voter receipt. The ballot card number must be recorded on or  
5 attached to the certificate or receipt. Ballot cards and  
6 envelopes are not to be issued until a voting station is vacant.

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

11 Upon leaving the voting station the voter shall publicly  
12 hand the envelope containing the ballot card with the stub  
13 attached to an election judge. If the voter has not placed the  
14 ballot card in the envelope before leaving the voting station,  
15 the election judges shall instruct the voter to return to the  
16 voting station and place the ballot card in the envelope.

## 17 8230.0750 DEPOSITING VALID BALLOT.

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

26 If the numbers match, the judge shall detach the ballot  
27 card stub in the presence of the voter and deposit the ballot  
28 card in the envelope in the ballot card box.

## 29 8230.0850 SPOILED BALLOT CARDS.

30 If a voter spoils a ballot card by inadvertently defacing  
31 it or removing the prenumbered ballot card stub or requests a  
32 new ballot card, the voter shall secretly place the ballot card  
33 in the ballot envelope and return it to the election judge and  
34 the judge shall give the voter another ballot card and ballot  
35 envelope. The spoiled ballot card and ballot envelope must be



1 placed in the envelope marked "SPOILED BALLOT CARDS." One of  
2 the election judges shall note the change in the ballot card  
3 number given the voter upon the voter certificate or receipt.  
4 The method of changing the number of the ballot card issued must  
5 be by drawing a line through the number of the original ballot  
6 issued and writing the new number above.

7 8230.0950 REVIEW OF SEALS AND LABEL PAGES.

8 As frequently as possible and at least every half hour the  
9 election judges shall check the seals and ballot label pages of  
10 the voting devices to assure that none has been altered or  
11 defaced. Should the judges find that the ballot label pages of  
12 a device have been altered, mutilated, or damaged in such a  
13 manner that the judges cannot correct them without doing damage  
14 to the offices and candidates' names appearing on them, the  
15 device may not be used until the condition is corrected. A note  
16 of the occurrence must be made in the precinct certification.

17 8230.1050 BALLOT CARDS FOUND IN VOTING BOOTHS OR STATIONS.

18 Any ballot card found in a booth or station must be marked  
19 "found in booth." The card must be placed in an envelope which  
20 must be placed in the transfer case. In no case may that ballot  
21 be placed with the properly cast ballots. A note of the  
22 occurrence must be made in the remarks section of the precinct  
23 certification.

24 8230.1150 PROCEDURES FOLLOWING CLOSE OF POLLS.

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

29 Subp. 2. **Inspection.** The ballot labels and seals of each  
30 voting device must be inspected to ensure that they have not  
31 been altered and are intact and that seal numbers agree with the  
32 numbers as verified at the opening of the polls. Any  
33 discrepancy must be noted in the remarks section of the precinct  
34 certification.

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

5 8230.1250 COUNTING BALLOTS.

6 The election judges shall open the ballot box and remove  
7 the ballots. Prior to removing the ballots from their envelopes  
8 they must be counted to determine the total number. The judges  
9 shall compare the total number of names recorded in the precinct  
10 certification. If the ballots are in excess of the number of  
11 electors voting and it is impossible to reconcile the number,  
12 the ballots must be replaced in the ballot box and one of the  
13 election judges shall publicly draw out a number of ballots  
14 equal to the excess.

15 Any excess ballots while still in their envelopes must be  
16 marked "excess" and be placed in an envelope and sealed. The  
17 judges shall note on the outside of the envelope its contents  
18 and place it in the transfer case. A notation of the pertinent  
19 facts must be made in the precinct certification. If the number  
20 of ballots counted is less than the number of electors voting  
21 according to the count determined in part 8230.1150, the reason  
22 for the discrepancy must be noted in the precinct  
23 certification. If the judges are unable to explain the  
24 discrepancy, they shall so state in the precinct certification.

25 8230.1350 WRITE-IN VOTES.

26 At a general election, each ballot in its envelope or the  
27 write-in ballot portion of a combination ballot card and  
28 write-in ballot must be examined for write-ins. Ballot cards  
29 for which no write-ins exist must be separated from their  
30 envelopes. The envelopes must be placed in a sturdy container,  
31 which must be marked with the precinct name, and delivered at  
32 the same time the voted ballots are delivered to the county  
33 auditor or municipal clerk.

34 If a write-in vote exists, the judges shall number the  
35 ballot envelopes serially beginning with number one and place

1 the same number on the ballot card of the voter and then  
2 determine whether the write-in vote is valid.

3 8230.1450 VALID WRITE-IN VOTE.

4 A valid write-in vote must have on the appropriate  
5 designated place for write-ins the following information: an  
6 office to be voted on at that election and any name to be  
7 considered as a write-in candidate for that office.

8 Stickers containing this information are permissible.

9 8230.1550 INVALID WRITE-IN VOTE.

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

18 8230.1650 RECORDING VALID WRITE-IN VOTES.

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

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

30 When a write-in vote is determined to be valid and an  
31 overvote condition exists for that office, the election judges  
32 shall place the ballot card and write-in vote in the envelope of  
33 "original ballot cards for which duplicates are to be made."  
34 The manner of duplication is prescribed in part 8230.3850.

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

4 8230.1750 DEFECTIVE BALLOT CARD; CHAD.

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

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

11 A. If a chad is found attached to the card by one or  
12 two corners, the chad must be removed by the election judge and  
13 the ballot card placed with the other valid ballots.

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

18 8230.1850 DEFECTIVE BALLOT.

19 If it is clearly evident from examination of the ballot  
20 card that the ballot card has been mutilated or marked for the  
21 purpose of distinguishing it, then the ballot card is defective  
22 and may not be counted. The ballot card must be placed in the  
23 defective ballot envelope and returned to the official in charge  
24 of the election for the election jurisdiction.

25 8230.1950 NUMBER OF BALLOT CARDS COUNTED AND RECORDED.

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

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

9 8230.2050 ITEMS IN TRANSFER CASE.

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

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

28 Subp. 2. Second transfer case. If space in the transfer  
 29 case is inadequate, then a second transfer case or metal  
 30 container of a type approved by the election jurisdiction for  
 31 storage of ballots must be used and the sealing and security  
 32 handled in the same manner as the transfer case.

33 8230.2150 CERTIFICATE OF ELECTION JUDGE.

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

1           A. the number of persons voting as shown by the  
2 precinct certification;

3           B. that prior to the opening the polls, all voting  
4 devices were examined and found to be sealed with metal seals  
5 bearing the same numbers as certified by the election  
6 jurisdiction;

7           C. that the ballot labels were in their proper places;

8           D. that the position of candidates' names and ballot  
9 numbers on the ballot labels and the ballot cards were the same  
10 as appeared in the same position as indicated on the edit  
11 listing;

12           E. that at the close of the polls each voting device  
13 was examined and found to be sealed with the same numbers as  
14 verified at the opening of the polls and that the ballot labels  
15 were in their correct position;

16           F. the number of ballot cards being submitted for  
17 tabulation;

18           G. that the ballot cards have been counted while in  
19 their envelopes and agree with the number of names as shown on  
20 the precinct certification;

21           H. that all ballot cards requiring duplication are in  
22 the proper envelope;

23           I. that all ballot cards have been examined for  
24 hanging chad;

25           J. that all write-in votes have been properly  
26 recorded;

27           K. that all ballot cards used in the election and all  
28 ballot cards to be duplicated have been placed in the transfer  
29 case and that the case was securely sealed with an official  
30 metal seal in such a manner as to render it impossible to open  
31 the case without breaking the seal; and

32           L. the number of the seal used to seal the transfer  
33 case.

34 8230.2250 DELIVERY OF TRANSFER CASE.

35           Subpart 1. Seal and certificate. The transfer case must

1 be sealed with a seal so that it is impossible to open the case  
 2 or insert or remove ballots without breaking the seal. Attached  
 3 to the transfer case by the seal must be a certificate signed by  
 4 the judges indicating its content, the precinct name, and the  
 5 number of the seal used to seal the case. The seal number must  
 6 also be recorded in the certificate of the election judges. The  
 7 transfer case certificate must be in a clear plastic envelope of  
 8 a type approved by the secretary of state and affixed to the  
 9 case by the seal.

10 Subp. 2. Delivery by two election judges. The transfer  
 11 case containing the required items as identified in part  
 12 8230.2050 must be delivered to the counting center by two  
 13 election judges, not of the same political party.

14 8230.2350 DELIVERY OF BALLOT ENVELOPE CONTAINER.

15 The container which holds the ballot envelopes issued to  
 16 voters but containing no write-in votes must be delivered to the  
 17 counting center by the same election judges who deliver the  
 18 transfer case containing voted ballots.

19 8230.2450 RETENTION OF BALLOT CARDS AND BALLOT ENVELOPES.

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

24 ABSENTEE BALLOTS FOR PUNCH-CARD SYSTEMS

25 8230.3050 APPLICABILITY.

26 Parts 8230.3050 to 8230.3250 apply to punch-card or other  
 27 electronic voting systems where ballot cards are used with a  
 28 punch instrument or where the ballot card must be inserted into  
 29 a marking or voting device.

30 8230.3150 ABSENTEE BALLOTS, GENERAL PROVISIONS.

31 The issuing, receipt, processing, and tabulation of  
 32 absentee ballots in election jurisdictions using punch-card  
 33 electronic voting systems must conform to law and parts  
 34 8230.0050 to 8230.4250.

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1 Voters requesting absentee ballots must be supplied with  
2 paper absentee ballots, except as provided by Minnesota  
3 Statutes, section 203B.08, subdivision 1a. Absentee votes must  
4 be cast on paper absentee ballots and delivered either to an  
5 absentee ballot precinct as provided by law or to the polling  
6 place in the voters' precinct.

7 8230.3250 ABSENTEE VOTING, ELECTRONIC VOTING SYSTEM.

8 Subpart 1. **Applicability.** This part applies only when  
9 municipal clerks administer absentee ballots as provided in  
10 Minnesota Statutes, section 203B.08, subdivision 1a, for voters  
11 applying in person at the clerk's office for an absentee ballot.

12 Subp. 2. **Ballot cards.** Ballot cards issued to voters  
13 under Minnesota Statutes, section 203B.08, subdivision 1a, must  
14 conform to all of the provisions of part 8220.3050.

15 Subp. 3. **Ballot labels and voting devices.** Ballot labels  
16 and voting devices must be prepared as provided in parts  
17 8220.3050 and 8220.3350. At least one voting device must be  
18 available for each precinct in the municipality and placed in a  
19 proper booth or voting station within the building where the  
20 office of the clerk is maintained.

21 Subp. 4. **Demonstrator.** A demonstrator voting device must  
22 be available to absentee voters and instructions for casting a  
23 ballot on an electronic voting system must be offered to each  
24 absentee voter by the municipal clerk or an election judge  
25 trained under parts 8240.0100 to 8240.2600.

26 Subp. 5. **Issuing ballot cards.** The municipal clerk shall  
27 remove the smaller numbered stub from the ballot card when it is  
28 issued to the voter. The smaller numbered stubs must be placed  
29 in an envelope marked "Absentee Ballot Stubs" and retained by  
30 the municipal clerk in the clerk's office.

31 Subp. 6. **After voting.** The voter must be instructed to  
32 insert the voted card in the ballot envelope and to fold the  
33 large numbered stub over the outside of the envelope. The voter  
34 shall next insert the ballot envelope in the absentee return  
35 envelope and seal it. The certificate of eligibility on the



1 back side of the return envelope must be completed by the voter  
2 and a witness, and the voter shall give the municipal clerk the  
3 return envelope with the voted ballot card and its envelope  
4 sealed inside.

5 Subp. 7. **Voted ballot cards.** Absentee return envelopes  
6 with voted ballot cards must be retained by the municipal clerk  
7 in a secure container that will not damage the machine  
8 readability of the card. The municipal clerk shall deliver the  
9 absentee return envelopes with voted ballot cards to the  
10 election judges in the appropriate precinct on election day.

11 Subp. 8. **Processing.** When election judges have processed  
12 the absentee return envelopes as provided in Minnesota Statutes,  
13 section 203B.12, the ballot envelopes must be removed from the  
14 return envelopes marked "accepted." The large numbered stub  
15 must be removed from each ballot card before each ballot  
16 envelope is deposited in the ballot box along with the ballot  
17 cards of voters voting in person.

18 Subp. 9. **Disposition of stubs.** The election judges shall  
19 attach one large numbered stub to each absentee return envelope  
20 marked "accepted" from which a ballot envelope was removed. The  
21 stubs may be attached after all of the ballot envelopes have  
22 been removed and the large stubs detached.

23 Subp. 10. **Reconciliation.** The return envelopes with stubs  
24 attached must be placed with the voter certificates or receipts  
25 and "accepted" return envelopes of voters casting paper absentee  
26 ballots and included in the count to arrive at the total number  
27 of persons voting in the precinct. To arrive at the proper  
28 number of ballot cards to be tabulated, the "accepted" return  
29 envelopes with stubs attached must be counted with the voter  
30 certificates or receipts and the total must equal the number of  
31 ballot cards to be tabulated. The reconciliation of the ballot  
32 cards and number of persons voting must be entered on the  
33 precinct certification.

34 COUNTING CENTER PROCEDURES FOR PUNCH-CARD SYSTEMS

35 8230.3350 APPLICABILITY.

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1 Parts 8230.3350 to 8230.4250 apply to punch-card or other  
2 electronic voting systems where ballot cards are used with a  
3 punch instrument or where the ballot card must be inserted into  
4 a marking or voting device.

5 8230.3450 PRELIMINARY PROCEDURES.

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

12 The state chair of a major political party or a designee  
13 may appoint by written certificate one person to be present in  
14 the immediate area of the computer in the counting center during  
15 all activities and operations of the center. The major  
16 political party representative may observe all procedures but  
17 may not interfere in any way and may not touch any computer or  
18 ballot materials.

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

24 8230.3550 TEST OF PROGRAM BEFORE AND AFTER TABULATION.

25 Prior to the tabulation of ballots and again after the last  
26 precinct has been counted, the counting center personnel shall  
27 test the computer program and computer as to their accuracy and  
28 certify the results. The accuracy test must be conducted with  
29 the test deck or ballot image designated in parts 8200.1100 and  
30 8200.1200. Copies of these test results must be designated  
31 "prior to tabulation of ballots" or "after tabulation of  
32 ballots." A copy of each test certificate must accompany the  
33 results of the tabulation of the ballots and be filed with the  
34 county auditor in the county where the precincts are located.  
35 When the official in charge of the counting center certifies

1 that the tabulation has been done in isolation, the test after  
2 tabulation need not be performed.

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

7 8230.3650 MAINTAINING AND CERTIFYING LOG.

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

16 8230.3750 PROCEDURES FOR TRANSFER CASES.

17 Subpart 1. **Identifying case.** Upon receipt of the transfer  
18 case from the election judges of a precinct, authorized counting  
19 center personnel shall check the identification on the transfer  
20 case to see that it matches the identification on the judges'  
21 certificate. The transfer case must then be opened and checked  
22 to see that it contains the ballots and all other material  
23 required by parts 8230.0050 to 8230.4250. The opened metal seal  
24 from the transfer case must be placed inside the case. The  
25 identification on the case must be noted on all reporting  
26 materials. Authorized counting center personnel must then issue  
27 a certificate to the election judges delivering the case  
28 acknowledging receipt of all materials.

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

34 Subp. 3. **Placing header card.** In processing the ballot  
35 cards of a given precinct, the computer center header card and

1 the precinct header card must be placed in front of the deck of  
2 ballot cards of the respective precinct. The end card must  
3 immediately follow the deck of ballot cards.

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

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

17 8230.3850 DUPLICATION OF BALLOTS.

18 Any ballots requiring duplication at the counting center  
19 must be duplicated in the following manner:

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

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

29 C. The reason for duplication such as "write-in,"  
30 "chad," or "damaged," must be written on the duplicate ballot  
31 card. The election judges duplicating the card shall initial  
32 the duplicated card and the original card.

33 D. When duplicating a ballot card, one election judge  
34 shall call from the original ballot card the valid selections of  
35 the voter; another election judge shall prepare the duplicate

1 ballot with the voter's valid selections. The duplicate ballot  
2 card must be compared against the original ballot card to assure  
3 it has been accurately duplicated.

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

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

11 8230.3950 COPIES OF RETURNS.

12 The election official in charge of the counting center must  
13 certify four copies of the returns. The certification must  
14 state the name of the community, municipality or township,  
15 precinct numbers, offices, names of candidates, number of  
16 persons registered before polls open on election day, number of  
17 ballots counted, vote totals, and any other data required by the  
18 secretary of state such as precinct identification number.  
19 Authorized personnel in the counting center shall transfer any  
20 numbers to forms supplied by the secretary of state for the  
21 purpose of state reporting of election results. The statement  
22 of returns may be a computer printout as well as any forms  
23 designated by the secretary of state for the purpose of  
24 preparing the state canvassing board report and publication of  
25 election results.

26 8230.4050 DISTRIBUTION OF RETURNS.

27 Returns referred to in part 8230.3950 must be certified to  
28 the municipal clerk who shall retain one copy of the statement  
29 of returns and send the remaining three copies to the county  
30 auditor, along with any forms determined by the secretary of  
31 state to be filed with the state. The county auditor shall  
32 retain one copy of the statement and forward the two remaining  
33 copies of the statement to the secretary of state together with  
34 two copies of the report of the county canvassing board report.  
35 Copies of any additional forms required by the secretary of

1 state for preparation of the state canvassing board report and  
 2 other public reports of the election must be completed and  
 3 returned to the secretary of state.

4 8230.4150 DELIVERY OF MATERIAL AFTER COUNTING.

5 After the last precinct has been counted and the final  
 6 accuracy test has been conducted, the election official in  
 7 charge of the counting center shall deliver all materials to the  
 8 office of the municipal clerk of each election jurisdiction  
 9 served by the counting center. That clerk upon filing reports  
 10 prescribed in part 8230.4050 shall retain ballots and voter  
 11 certificates for one year unless otherwise ordered by a court  
 12 order or recount procedure pursuant to the Minnesota election  
 13 laws. Test decks or ballot images, accuracy test results, and  
 14 computer programs must be delivered to the county auditor.

15 8230.4250 COUNTY AUDITOR TO MAINTAIN MATERIALS.

16 The county auditor must maintain all the material forwarded  
 17 as required in parts 8230.4050 and 8230.4150 for a period of one  
 18 year unless otherwise advised by a court order or recount  
 19 procedure pursuant to the Minnesota election laws.

20

21 REPEALER. Minnesota Rules, parts 8200.2300; 8220.0100;  
 22 8220.0200; 8220.0300; 8220.0400; 8220.0500; 8220.1000;  
 23 8220.1100; 8220.1200; 8220.1300; 8220.1400; 8220.2000;  
 24 8220.2100; 8220.2200; 8220.2300; 8220.2400; 8220.2500;  
 25 8220.2600; 8220.2700; 8220.2800; 8220.2900; 8220.3000;  
 26 8220.3100; 8220.3200; 8220.4000; 8220.4100; 8220.4200;  
 27 8220.4300; 8220.4400; 8220.4500; 8220.4600; 8220.4700;  
 28 8220.4800; 8220.5000; 8220.5100; 8220.5200; 8220.5300;  
 29 8220.5400; 8220.5500; 8220.5600; 8220.5700; 8220.5800;  
 30 8220.5900; 8220.6000; 8220.6100; 8220.6200; 8220.6300;  
 31 8220.6400; 8230.0200; 8230.0300; 8230.0400; 8230.0500;  
 32 8230.1000; 8230.1100; 8230.1200; 8230.1300; 8230.1400;  
 33 8230.1500; 8230.1600; 8230.1700; 8230.1800; 8230.1900;  
 34 8230.2000; 8230.2100; 8230.2200; 8230.2300; 8230.2400;  
 35 8230.2500; 8230.2600; 8230.2610; 8230.2700; 8230.2800;

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- 1 8230.2900; 8230.3000; 8230.3300; 8230.3500; 8230.3600;
- 2 8230.3700; 8230.3800; 8230.3900; 8230.4000; 8230.4100;
- 3 8230.4200; 8230.4300; 8230.4400; 8230.5000; 8230.5100;
- 4 8230.5200; 8230.5300; 8230.5400; 8230.5500; 8230.5600;
- 5 8230.5700; and 8230.5800 are repealed.