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other box, may not be counted. But if the number is less than the number of ballots distributed, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. **Ballots not counted, disposition.** When the number of ballots as finally counted agrees with the number of ballots distributed, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received.

[1977 c 91 s 4]

204A.54 Certificates of election; preparation, delivery.

Subdivision 1. **Preparation, delivery.** The auditor of each county, and the secretary of state where the candidates for office are voted for in more than one county, shall make for every person declared elected by the canvassing board of the county or the state canvassing board a certificate of his election and, except as otherwise provided in this subdivision for election certificates of state legislators, shall deliver the certificate to the person entitled thereto upon demand, and without fee. In the case of election to the state house of representatives or senate, the original certificate of election shall be delivered by the auditor or secretary of state to the chief clerk of the house or the secretary of the senate, and shall be returned to the senator or representative upon taking the oath of office. Upon demand, the person elected shall be given a copy by the chief clerk of the house or the secretary of the senate without fee. No certificate of election shall be made or delivered while a recount is being done by a canvassing board because the difference between votes is 100 or less. The auditor of any county also shall make for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board upon payment or tender of one dollar therefor. In case of a contest, the court may invalidate and revoke the certificate, pursuant to chapter 209.

[For text of subd 2, see M.S.1976]

[1977 c 32 s 1]

CHAPTER 206. VOTING MACHINES

Sec. 206.026	Methods of using electronic voting systems.	Sec. 206.075	Preparation of electronic voting system programs.
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206.026 Methods of using electronic voting systems.

[For text of subds 1 to 4, see M.S.1976]

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapter 204A.

[1977 c 91 s 5]

206.03 May use experimental machines.

The governing body of any municipality may provide for the experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the pro-

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visions of this chapter, for using the same, submit the same to the secretary of state for approval, and, when approved, a printed copy of such rules and instructions shall be posted in a prominent place in the polling place and remain open to inspection by the voters throughout the election days.

[1977 c 91 s 6]

206.075 Preparation of electronic voting system programs.

Every program for use in an election conducted by means of an electronic voting system shall be prepared at the direction of the proper authority having direct charge of the election and shall be independently verified by a competent person designated by such authority. The term "competent person" shall mean a person other than and wholly independent of any person operating or employed by the counting center or the corporation or other person preparing the program who can demonstrate that he is knowledgeable as a computer programmer. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and must be usable by insertion during the tabulation process as well as prior to tabulation. The secretary of state shall adopt rules further detailing test procedures.

[1977 c 91 s 7]

206.19 Instructions to judges.

Subdivision 1. Not more than 21 days before each primary or election if no primary is held at which a voting machine is to be used, there shall be held under the direction of the proper authority having charge of the conduct of the elections, a meeting or meetings for the purpose of instructing the judges about the operation of the voting machine and the duties of election officials when voting machines are used. Each judge serving in a precinct where voting machines are used, shall attend at least one such meeting prior to either the primary or the other election in which such judge is to serve, and shall receive a certificate showing that he has attended such instruction meeting and has been found qualified to serve. Each judge, who shall attend such instruction meeting and shall qualify and serve at an election, shall receive at least \$1 for the time spent in receiving such instruction, in addition to car or railroad fare in going to or returning from such meeting, which shall be paid at the same time and in the same manner as the payment for serving on election day. Such certificate shall not be issued to any person unless he has attended an instruction meeting and been found qualified and no person shall be eligible to serve as judge unless he has first received a certificate as herein provided. In case of emergency, when an insufficient number of certified judges is available for the proper conduct of the election, there shall be appointed a sufficient number of judges to conduct such election, although such judges have not received the required certificate; provided that no person shall be appointed a judge who is not a qualified voter in the precinct to which he is appointed as such judge, except as otherwise provided by law.

[For text of subds 2 and 3, see M.S.1976]

[1977 c 91 s 8]

206.23 Violations; penalties.

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

[1977 c 91 s 9]