

CHAPTER 206

VOTING MACHINES

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206.56 DEFINITIONS.

[For text of subs 1 to 16, see M.S.1986]

Subd. 17. Municipality. "Municipality" means city, town, or school district.

History: 1987 c 266 art 1 s 61

NOTE: Subdivision 17, as added by Laws 1987, chapter 266, article 1, section 61, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

206.58 AUTHORIZATION FOR USE.

[For text of subd 1, see M.S.1986]

Subd. 2. May use experimental machines. The governing body of a municipality may provide for the experimental use of lever voting machines or an electronic voting system in one or more precincts without formal adoption of the machines or system. Use of the machines or system at an election shall be as valid for all purposes as if the machines or system had been permanently adopted.

When the governing body of a municipality decides to use lever voting machines or an electronic voting system, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions consistent with sections 206.55 to 206.87 for using the machine or system and shall submit the rules and instructions to the secretary of state for approval. When approved, a printed copy of the rules and instructions shall be posted prominently in the polling place and shall remain open to inspection by the voters throughout election day.

[For text of subs 3 and 4, see M.S.1986]

History: 1987 c 266 art 1 s 62

NOTE: Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 62, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

206.61 BALLOTS; DIAGRAMS FOR VOTING MACHINES.

[For text of subs 1 to 4, see M.S.1986]

Subd. 5. Alternation. The provisions of the election laws requiring the alternation of names of candidates shall be observed as far as practicable by changing the order of the names on the lever voting machines or an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names shall be the same on all lever voting machines or marking devices used in the same precinct. When the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

[For text of subs 6 to 8, see M.S.1986]

History: 1987 c 175 s 13

206.685 VOTING MACHINES OR ELECTRONIC VOTING DEVICES AT SCHOOL ELECTIONS.

Where lever voting machines or electronic voting devices are used in precincts containing more than one school district or more than one school election district, separate voting machines or devices must be used and must be allocated between the school districts or school election districts in proportion to the number of voters eligible to vote in the precinct from each district.

History: 1987 c 266 art 1 s 63

NOTE: This section, as added by Laws 1987, chapter 266, article 1, section 63, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

206.80 ELECTRONIC VOTING SYSTEMS.

(a) An electronic voting system may not be employed unless it

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;
- (4) rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;
- (5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and
- (6) rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party, except as provided in paragraph (b).

(b) A punch card electronic voting system must permit a voter at a partisan primary election to select the party for which the voter wishes to vote by punching out an indicator for one of the parties only, and must reject, by means of the automatic tabulating equipment, all votes cast in a partisan primary election by a voter for candidates of a party other than the one chosen by the voter from the party indicators.

History: 1987 c 222 s 4

206.82 PREPARATION OF ELECTRONIC VOTING SYSTEM PROGRAMS AND PLANS.

[For text of subd 1, see M.S.1986]

Subd. 2. Plan. The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to July 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the department of administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

[For text of subd 3, see M.S.1986]

History: 1987 c 175 s 14

206.84 METHODS OF USING ELECTRONIC VOTING SYSTEMS.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. **Ballots.** The ballot information, whether placed on the ballot card or on the ballot booklet must, as far as practicable, be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems.

The pages of a partisan primary ballot booklet must be different colors for different parties. The colors available for partisan primary ballot booklet pages are purple, orange, and buff. The chairs of the major political parties shall choose from among those colors in a random drawing conducted by the secretary of state. A color chosen by a party is permanently assigned to that party.

A partisan primary ballot booklet must be designed to include a form of party indicator by which the voter may choose the party in whose primary the voter intends to vote.

All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

[For text of subds 4 to 7, see M.S.1986]

History: 1987 c 222 s 5

206.90 OPTICAL SCAN VOTING SYSTEMS.

[For text of subds 1 and 2, see M.S.1986]

Subd. 3. **Availability of paper ballots.** For the purposes of section 206.63, "paper ballots" includes ballot cards which are voted by marking with a pencil or other writing instrument and on which are printed the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No." At a state or county election where an optical scan voting system will be in use, the county auditor may provide ballot cards meeting the requirements of this section in lieu of paper ballots otherwise required to be prepared by the county auditor.

[For text of subds 4 to 10, see M.S.1986]

History: 1987 c 175 s 15