

HOUSE RESEARCH

Bill Summary

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Overview

The bill revises a post election review process created two years ago to verify that voting systems are functioning properly.

Section

1 Postelection review of voting systems.

Subd. 1. Selection for review; notice. Sets procedures for the county canvassing board, at the canvass of the state primary, to select the date, time and place of the post state general election review of voting systems. Requires the process to be completed by two days before the state canvassing board meets to canvass the state general election.

At the state general election canvass, requires the county canvassing board to select precincts to be reviewed. Specifies the number of precincts to be checked in relation to the population of the county. Requires at least one precinct to have had more than 150 votes cast at the general election.

Requires the county auditor to notify the secretary of state which precincts are chosen. Requires the secretary to place this information, plus the date, time, and place of the postelection review, on the secretary's web site.

Subd. 2. Scope and conduct. Restates current law that the review applies only to the offices of President, Governor, U.S. Senator and U.S. Representative.

Requires the review to be done in public, to consist of a manual count of the ballots

Section

used in the selected precincts, and to be done as nearly as practicable in the manner of a recount. Requires the recount officials to report to the county auditor, who must forward the results to the secretary of state, who in turn must report the results at the state canvassing board meeting to canvass the state general election.

Subd. 3. Standard of acceptable performance by voting system. Continues current law requirement that a voting system must be accurate within one-half percent variation from the manual count of the offices reviewed. When making this determination, prohibits using valid votes that were marked by the voter outside the vote targets or using a manual marking device that is not readable by the voting system.

Provides for further rounds of review if the variation is greater than one-half percent.

Subd. 4. Update of vote totals. Requires revised vote totals to be incorporated in official results from a precinct, if precinct totals change as a result of the review.

Subd. 5. Effects on voting systems. Prohibits using a voting system that has failed until it has been reexamined and recertified by the secretary of state. Requires the system vendor to forfeit the vendor and performance bonds required in current law if the system failure is due to its design or any act of the vendor.

Subd. 6. Costs. The local government units bear the costs of review. The vendor must pay the secretary's costs to examine and recertify the system.

Subd. 7. Time for filing election contest. Provides that the time for filing a notice of contest of election does not begin to run until all reviews under this section are completed.

- 2 **Repealer.** Repeals the current postelection review statute. The substance is re-enacted and modified in this new section of the chapter of statutes that deals with voting equipment.