Attachment 1

Vendor application must include the following:
M.R. 8220.0350

A. A signed agreement that the vendor will pay all costs incurred by the secretary of state, the vendor, and any designees of the secretary of state in accomplishing the examination;

B. Complete specifications of all hardware, firmware, and software;

C. All technical manuals and documentation related to the system;

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

E. A list of all state election authorities that have tested and approved the system for use;

F. A list of all election jurisdictions where the system has been used for elections;

G. A description of any support services offered by the vendor and of all peripheral equipment that can be used in conjunction with the system;

H. Recommended procedures for use of the system at Minnesota elections including procedures necessary to protect the integrity of the election;

I. Specifications for materials and supplied required to be used with the system;

J. Specifications for stickers for write-in votes that can be used with the system;

K. Explanation of the level of technical expertise required to program or prepare the system for use at an election; and

L. Certification by an independent testing authority approved by the secretary of state of conformance to standards for voting equipment issued by the Federal Election Commission.

The vendor may submit additional material including test reports and evaluations by other states, election jurisdictions, and independent testing agencies. The secretary of state shall make a preliminary review of the application. If the secretary of state determines from the preliminary review that the system obviously does not meet provisions of Minnesota election laws, the vendor may withdraw the application.

Office of the Minnesota Secretary of State
Acceptance Demonstration
M.R. 8220.0450, M.R. 8220.0750

Date: _____

Vendor: _____

Model of Equipment: _____

Persons Present for Demonstration: _____

_____

Persons Completing Evaluations:_____

_____

Criteria → Does the vendor demonstrate the following concerning the system (M.R. 8220.0450)?

A. Storage requirements.   Yes _____   No _____   N/A _____
Comments:

B. Speed of operation under conditions that simulate the scope and length of actual election ballots.   Yes _____   No _____   N/A _____
Comments:

C. Full audit capability, with an audit trail, which includes a printout of overvotes and undervotes for each office and issue, and with the undervotes recorded directly from the ballots and not determined by subtraction of totals from ballots that were not overvoted.
                    Yes _____   No _____   N/A _____

Comments:

D. All features that can be programmed.   Yes _____   No _____   N/A _____
Comments:

E. All design specifications.   Yes _____   No _____   N/A _____
Comments:

F. Maximum numbers of precincts, offices and issues, and candidates per office which
can be handled.   Yes _____   No _____   N/A _____
Comments:

G. The production of reports which include vote totals and all statistics and other
information required by the secretary of state.   Yes _____   No _____   N/A _____
Comments:

H. Simulation of vote counting involving a configuration of the largest number of voters,
precincts, offices, and candidates with which the system is expected to be used, which
vote counting includes ballots showing overvotes, undervotes, and invalid votes as well
as those with no overvotes or stray marks, in many different combinations, and

demonstrates rotation sequences and the ability to count votes cast on the partisan, nonpartisan, and proposal sections of the ballot independently.

Yes _____   No _____   N/A _____

Comments:

I. Accuracy of vote counting and procedures or process for testing accuracy.

Yes _____   No _____   N/A _____

Comments:

J. Provisions for maintaining the security and integrity of elections.

Yes _____   No _____   N/A _____

Comments:

K. Provisions for write-in votes.   Yes _____   No _____   N/A _____
Comments:

Criteria: Does the equipment meet the criteria?

A. The computer program must reflect the rotation sequence of the candidates' names as they appear on the ballots in the various precincts.   Yes _____   No _____
Comments:

B. The computer program must reflect the offices and questions to be voted on in the order that they appear on the ballots in the various precincts.   Yes ___   No ___
Comments:

C. The computer program must count valid votes cast by a voter for candidates for an office.   Yes _____   No _____
Comments:

D. The computer program must count valid votes cast by a voter for or against any question.   Yes _____   No _____
Comments:

E. The computer program must not count the votes cast by a voter for an office or question if the number of votes cast exceeds the number which the voter is entitled to vote for on that office or question, but it must record that there is an overvote condition as referred to in part 8220.0450, item C (audit trail capability)
                                                     Yes _____   No _____
Comments:

F. The computer program must ignore stray marks on a ballot; these marks must have no effect on any portion of the ballot.   Yes _____   No _____
Comments:

G. For the purpose of programming, the partisan, nonpartisan, and proposal sections of the ballot are independent ballots; no action of a voter on one section of the ballot may affect the voter's action on another section of the ballot.   Yes _____   No _____
Comments:

H. In partisan primary elections, the computer program must count the votes recorded by a voter for candidates in one political party only and reject all of the partisan section of the ballot if votes are cast for candidates of more than one political party, but count valid votes in the nonpartisan section of the ballot.   Yes _____   No _____
Comments:

I. In partisan primary elections the computer program must check for the situation of a voter casting votes for candidates of more than one political party prior to checking for overvote conditions.   Yes _____   No _____
Comments:

J. If the counting equipment can examine and return a ballot to the voter before counting it, the computer program must check for and reject without counting any ballot with an overvote or, at a partisan primary, with votes cast for candidates of more than one party. When the ballot is returned to a voter, an error message must indicate the type of defect and may indicate the specific office or question where the defective condition was found. The error message must print on a paper tape or display electronically.
                                                        Yes _____   No _____
Comments:

K. A mark indicating a write-in is a vote for the purpose of determining if an overvote condition exists. Except where an overvote condition for the office exists, the computer program must record that a write-in has been indicated. The program must count and record valid votes on the ballot for all other offices and questions before a ballot with a write-in recorded is separated from ballots with no write-ins recorded. The program must report, by office, the total number of write-ins recorded.

Yes _____   No _____

Comments:

Attachment 3

Approval/Certification of Vendor Systems
M.R. 8220.0650, subp. 1

No certification may be issued until the vendor has:

A. Paid all costs of the examination required under the agreement submitted with the application;

B. Certified that the vendor and any agent acting on behalf of the vendor will offer the system for use or sale only according to chapters 8220 and 8230 and *Minnesota Statutes* and any stipulations of the certification;

C. Certified that the vendor will immediately notify the secretary of state of any modifications to the system and will not offer for sale or provide for use in Minnesota any modified system if the secretary of state advises the vendor that, in the opinion of the secretary, the modifications constitute a significant change requiring that the system be reexamined;

D. Deposited with an escrow agent a copy of all programs, documentation, and source codes; and

E. Deposited with the secretary of state a bond in the amount specified in *Minnesota Statutes*, section 206.57, subdivision 4, conditioned on the vendor offering the system for sale in the manner required by chapters 8220 and 8230 and any conditions under which the system is certified for use in Minnesota. The form and execution of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

If, from the reports of the demonstration and testing, the secretary of state determines that the system complies with chapters 8220 and 8230 and *Minnesota Statutes* and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the system.