

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the application of Diamond National Corporation for examination and approval of its Datavote electronic voting system for general use at elections in the State of Minnesota.

BEFORE THE MINNESOTA

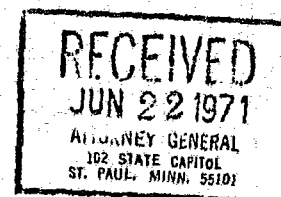
VOTING MACHINE COMMISSION

REPORT OF THE COMMISSION
AND
ORDER GRANTING LICENSE
FOR EXPERIMENTAL USE
MADE MAY 27, 1971

By letter, dated December 4, 1970, Diamond National Corporation filed with the Minnesota Voting Machine Commission an application for examination of its Datavote electronic voting system.

The above-entitled matter originally came on for hearing before the Minnesota Voting Machine Commission on February 16, 1971, at which time the Commission received oral testimony, demonstrations and written materials from the applicant. The Commission met subsequently on April 26, 1971 and May 27, 1971 to consider additional information presented by applicant at the request of the Commission.

From the testimony and information submitted by applicant, the Commission finds that the maximum candidate capacity of a single ballot card in the Datavote system is 38. Taking into account space requirements for party and office designations on the ballot, the Commission also finds that the actual candidate capacity of a single ballot card in applicant's system may be less than 38. The Commission takes notice of the fact that some primary elections in Minnesota may involve as many as nine offices and more than 38 candidates. The Commission



specifically takes notice of the fact that there were 50 candidates in the 1953 primary election, 43 candidates in 1966, and 39 candidates in 1970. Therefore, the Commission finds that the use of applicant's system at general election primaries may require more than one ballot card.

The Commission also takes notice of the following requirements of state law with respect to the use of electronic voting devices in primary elections. Minn. Stat. § 206.07(5) provides in part:

"No electronic voting system may be employed unless it fulfills the following requirements:

* * *

(5) Permits the voter at a primary election to select secretly the party for which he wishes to vote; and

(6) Rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when he votes for candidates of more than one party."

By letter, dated April 28, 1971, the Commission requested a statement from applicant as to how the Datavote system could comply with the above statutory requirements when more than one ballot card is needed in a primary election. By letter, dated May 13, 1971, applicant indicated that its Datavote system could not comply with Minnesota's primary election laws where more than one ballot card is required. Applicant's letter stated:

"We would be unable to reject ballots of a person if he voted out of his party, as the ballot is presently constituted if the number of candidates exceeds 38."

Therefore, the Commission finds that the Datavote electronic voting

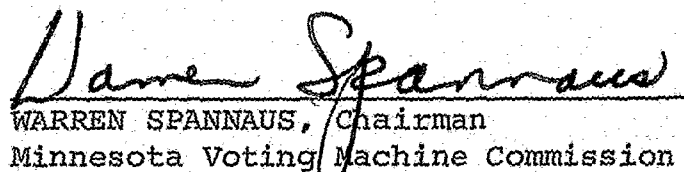
system fails to comply with the requirements of the Minnesota state law when more than one ballot card is required.

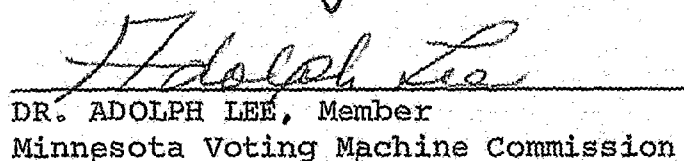
However, in considering the licensing of an electronic voting system, the Commission is mindful that under Minn. Stat. § 206.08 (1969) its function is to determine whether it meets the legal standards for licensing and not whether it is comparatively a better system than others. Therefore, the Commission feels that it should encourage the development of new electronic voting systems where possible so that the electorate may benefit from any innovations in voting systems.

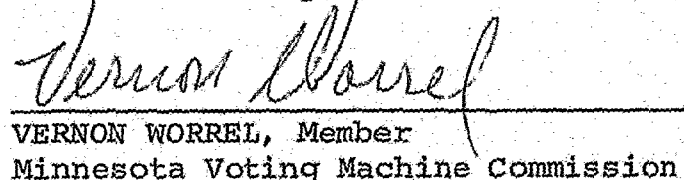
The Commission takes note of the fact that applicant has indicated a desire to comply with Minnesota election law requirements and is making an effort to develop a procedure that will comply with our primary laws by July 13, 1971. Therefore, on the basis of evidence presented at the February 16, 1971 hearing and information gathered subsequent thereto from applicant, and in view of applicant's good faith effort to comply with state law and to encourage applicant in its effort to introduce its system in Minnesota, the Commission is satisfied that the Datavote electronic voting system qualifies for statewide experimental licensing under Minn. Stat. § 206.08 (1969), but only in those elections in which the number of candidates does not require the use of more than one ballot card. The Commission will reconsider the terms of this license upon the satisfactory demonstration by applicant that its Datavote system can comply with state primary election laws when more than one ballot card is needed.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSION BY MINN. STAT. § 206.08 (1969), IT IS HEREBY ORDERED that a license be granted the Diamond National Datavote system for statewide experimental use, but only in those elections in which the number of candidates does not require the use of more than one ballot card, such use to conform to applicable law and regulations adopted pursuant thereto; provided, however, that any community or county in the state wishing to use this system in any election must, as a condition of such use, file a statement of its intentions with the Commission at least 15 days prior to such use to enable the Commission to arrange for the required observation of said experimental use. Such experimental use shall be authorized from the date of this order to July 1, 1973 in order to give the Commission adequate time to evaluate the performance of the system in the 1972 general election and other elections together with any additional information and to adopt necessary regulations governing general use and testing procedures prior to taking final action on the application for approval for general use.

Dated this 4 day of June, 1971.

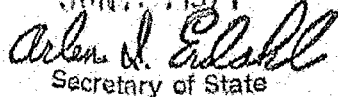

WARREN SPANNAUS, Chairman
Minnesota Voting Machine Commission


DR. ADOLPH LEE, Member
Minnesota Voting Machine Commission


VERNON WORREL, Member
Minnesota Voting Machine Commission

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 23 1971


Arlen J. Erdahl
Secretary of State