

## CHAPTER 383—S. F. No. 1045

[Coded as Sections 203.15 to 203.28]

*An act relating to elections and to facilitate voting by Minnesota Electors serving in the armed forces of the United States.*

Be it enacted by the Legislature of the State of Minnesota :

[203.15] **Section 1. Declaration of policy.** In recognition of the State's responsibility to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by this enactment makes necessary adjustments in the absent voting law to provide for the preparation and transmission of ballots to such electors within and without the United States and for the return of such ballots to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in order to effectively carry out the purpose and intent of this act.

[203.16] **Sec. 2. Application of chapters 200 to 212.** Except as modified by this act, the provisions of Minnesota Statutes, Chapters 200 to 212 inclusive, and other statutes relating to elections shall remain in full force and effect.

[203.17] **Sec. 3. Armed forces defined.** The term "armed forces" as used herein shall refer to and include the Army and Navy of the United States, or the Merchant Marine of the United States, or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States.

[203.18] **Sec. 4. Registration; request; ballot.** Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces over 21 years of age or who will attain the age of 21 years on or before the date of the next primary or general election occurring after such registration by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of eighteen years, by filing in the office of the county auditor of the county of which he was a resident

prior to his entrance into the armed forces, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the war and navy departments or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of . . . . . County, Minnesota, United States of America :

The name of the person for whom ballots are requested is . . . . . He is a member of the armed forces of the United States. He expects to be absent from his place of residence in Minnesota on the primary or general election date. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota and has been such resident for more than six months last past.

He was born on the . . . . . day of . . . . . in the year . . . . . His home and place of residence is and on said election days will be at . . . . . in the . . . . . of . . . . . (Town, City or Village)

County of . . . . ., State of Minnesota.

His voting precinct or district according to the best information of the undersigned is . . . . . (Give precinct and ward number or name of precinct if you know it)

Ballots are to be sent to said member of the armed forces at the following address:

. . . . .  
. . . . .  
. . . . .

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following paragraph.)

The relative who signs this request is the .....  
of said voter above-named, and is of the age of 18  
years or over.

.....  
(signature of member of  
armed forces or relative)

Subscribed and sworn to before me  
this ..... day of ..... 19....

Any such communication on request filed with or  
received (State title of office. If officer of armed  
forces, must be a commissioned, non-commissioned,  
or petty officer not below rank of Sergeant or its  
equivalent. Affix seal, if any.)

Subd. 2. Any such communication or request filed with  
or received by the county auditor shall be registered by the  
county auditor in a permanent record kept by him for such  
purpose, and the entry of said name in such register shall con-  
stitute the only registration necessary to entitle any member  
of the armed forces to vote at a primary or general election.  
Registrations under this act may be challenged in the manner  
provided for in law, except that the county auditor shall not  
be required to give notice to the voter, and all reasonable doubt  
shall be resolved in favor of the validity of such registration.  
If it appears from the communication or request that the  
applicant is not qualified to vote at the primary election but  
will be qualified to vote at the general election, then no pri-  
mary ballot shall be forwarded to the applicant, but such com-  
munication or request shall nevertheless constitute a request  
for ballot for the general election. Should any such request or  
a communication in the form thereof be addressed to the secre-  
tary of state or any other election official, the same shall im-  
mediately upon its receipt by said election official be forward-  
ed to the county auditor of the county of residence of such reg-  
istrant, as specified in such request, and shall have the same  
force and effect as if it were addressed to the county auditor.  
The county auditor shall, in no event, send more than one set  
of ballots to any member of the armed forces for each elec-  
tion.

Subd. 3. Every county auditor shall forthwith prepare  
at the expense of his county a sufficient supply of blank forms  
to be used to request that ballots be furnished a member of the

armed forces and shall furnish such blanks to any person applying therefor.

[203.19] Sec. 5. County auditor; duties. Subdivision 1. The county auditor shall, as promptly as possible, mail an official ballot, or ballots if more than one are to be voted at the election, to every absent member of the armed forces who has been registered in accordance with the foregoing provisions. Registration for the primary election shall entitle the registrant to receive a general election ballot without further application, notwithstanding that the registrant may have failed to vote in the primary election. Said ballot or ballots shall be mailed by airmail, postage prepaid, in an envelope upon which shall be printed "OFFICIAL BALLOT." There shall also be sent in the same envelope a return air mail, stamped envelope addressed to the county auditor of the county in which said vote is to be cast, upon which shall be printed "OFFICIAL BALLOT" and upon the back of which shall be an affidavit in the following form:

**THIS FORM MUST BE COMPLETED IN ORDER THAT THE ENCLOSED BALLOT BE COUNTED:**

I, ..... do solemnly swear that I am over the age of 21 years or will be 21 years on or before ..... (the date of the next primary or general election in Minnesota) .....; that I am a citizen of the United States; that for more than six months prior to my entrance into the armed forces I was a resident of the state of Minnesota; that for more than thirty days prior thereto I resided at .....; that I have not cast another vote or returned another ballot for this election to any voting district; and that I am otherwise qualified to vote the enclosed ballot which I personally marked and sealed in this envelope without exhibiting it to any other person, or which, in case of my physical incapacity, has been marked for me and sealed in this envelope under my personal direction.

.....  
Subscribed and sworn to before me  
this ..... day of ..... 19 .....  
.....  
(State title of office. If officer of armed forces,  
must be a commissioned, non-commissioned or

petty officer (not below the rank of Sergeant or its equivalent). Affix seal, if any.)

**NOTE:** Temporary change of dwelling place made necessary by military service does not affect the voter's resident.

Subd. 2. Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in this act through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 3. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

[203.20] **Sec. 6. Affidavit, how executed.** Any affidavits made by an absent voter pursuant to the provisions of this act may be executed before a commissioned officer, warrant officer or non-commissioned officer not lower in grade than sergeant or its equivalent navy rating, or any other person authorized to administer oaths.

[203.21] **Sec. 7. Ballot conform to provisions of chapters 200 to 212.** The ballots used under this section shall conform to the requirements of Minnesota Statutes, Chapters 200 to 212, inclusive, except that if modification of the size of ballot or envelope, or weight or color of paper, is necessary to conform to mailing requirements of the federal authorities, state and county officials in charge of the preparation of such ballots and envelopes shall cause such modifications to be made. Ballots shall be marked pursuant to instructions contained thereon and shall be returned in the return envelope provided therefor.

[203.22] **Sec. 8. Return of ballot.** Upon receipt of the returned ballot, the county auditor shall stamp upon the ballot envelope the date of its receipt in his office and shall check the elector's name with his temporary registration book to insure that the ballot is from a voter entitled to vote and that he has not already returned another ballot for the same election. Any discrepancy or disqualifying fact shall be noted by the county auditor on the envelope. In other respects the provisions of

Minnesota Statutes, Chapters 200 to 212, inclusive, as to deposit and counting of such ballots shall apply, except that failure to return unused ballots shall not invalidate the marked ballot, which shall be counted, and no ballot contained in a return envelope in which the affidavit upon the back thereof is not properly executed shall be counted. All ballots received by the county auditor before the closing hours of the polls shall be delivered by him to the proper polling places.

[203.23] **Sec. 9. Cast of ballot in person, effect.** If any person entitled to vote under the provisions of this act casts his ballot in person on election day, then no absentee ballot shall be counted for such elector. If more than one absentee ballot is received from any elector entitled to vote under the provisions of this act, the ballot of such elector bearing the latest county auditor's date stamp shall be cast.

[203.24] **Sec. 10. Death of voter.** Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in this act, *has died prior to the opening of the polls on the date of the election*, then the ballot of such deceased elector shall be returned by the judges of election in the same manner as provided for rejected ballots; but the casting of the ballot of a deceased elector shall not invalidate the election.

[203.25] **Sec. 11. Separate record.** A separate record of the ballots of absent voters under this act shall be kept in the various voting districts.

[203.26] **Sec. 12. No time limit.** There shall be no limitation of time for filing and receiving applications for ballots under this act.

[203.27] **Sec. 13. Expense chargeable to general revenue.** The county auditors of the several counties may incur *such expenses and expend such amounts for clerk hire, postage and other expenses as are necessary to carry out the provisions of this act, the same to be paid from the general revenue funds of the counties.*

[203.28] **Sec. 14. Provisions exclusive.** The provisions of this act shall constitute the exclusive requirements for absentee voting by members of the armed forces.

Approved April 12, 1949.