

Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977, to December 31, 1978:

<u>(a) For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</u>	<u>\$ 100,000</u>
<u>(b) For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</u>	<u>\$ 250,000</u>

Subd. 3. The sum of \$625,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.

This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to December 31, 1978.

Subd. 4. The appropriations in this section shall not cancel but shall remain available until expended.

Sec. 15. REPEALER. Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.

Sec. 16. EFFECTIVE DATE. This act is effective January 1, 1977.

Approved May 18, 1977.

CHAPTER 91—S.F.No.51

[Coded in Part]

An act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 204A.17, Subdivision 5, is amended to

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read:

Subd. 5. **ELECTIONS; VOTING PROCEDURES; ELECTION JUDGES, CERTAIN CASES, TOWNS AND STATUTORY CITIES.** In towns the members of the town board and the town clerk and treasurer, and in the statutory cities the members of the city council and the city clerk, may be judges of election if the municipality has only one election precinct.

Sec. 2. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.365] PUBLIC MEETINGS PROHIBITED ON ELECTION DAY. Subdivision 1. **SCHOOL DISTRICTS, COUNTIES AND MUNICIPALITIES.** No school board, county board of commissioners, or governing board or council of a municipality may conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the school district, county or municipality, respectively.

Subd. 2. **STATE UNIVERSITIES AND COMMUNITY COLLEGES.** Except for regularly scheduled classes, no state university or state community college may schedule an event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision in which the university or college is located.

Subd. 3. **PUBLIC ELEMENTARY AND SECONDARY SCHOOLS.** Except for regularly scheduled classes, no public elementary or secondary school, located in the political subdivision in which an election is held, may hold a school sponsored event between 6:00 p.m. and 8:00 p.m. on the day that an election is held.

Sec. 3. Minnesota Statutes 1976, Section 204A.39, Subdivision 2, is amended to read:

Subd. 2. **GROUND, OATH.** The challenger shall state the ground for the challenge, and a judge shall administer to the challenged person the following oath:

"Do you solemnly swear that you will fully and truly answer all such questions that shall be put to you touching relating to your qualifications as a voter at this election?" The judge shall then ask the challenged person such questions as tend to test his residence and his right to vote.

Sec. 4. Minnesota Statutes 1976, Section 204A.41, is amended to read:

204A.41 **BALLOTS, PROPER NUMBER.** Subdivision 1. **COUNTING.** The judges shall determine the number of ballots distributed by adding the number of return envelopes of accepted absentee ballots to the number of signed voter's certificates, or by counting the number of names on the election register. The judges shall then remove all the ballots from the box, and without considering how the ballots are marked they shall ascertain that each ballot is single, and count them to determine whether the number of ballots corresponds with the number that ~~the election register or registration file shows~~

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were cast of ballots distributed.

Subd. 2. **BALLOTS, EXCESS NUMBER.** If two or more ballots are found so folded together as to appear like a single ballot, the judges shall lay them aside until all of the ballots in the box have been counted; and if it is evident from the number ~~that the election register or registration file shows were cast of ballots distributed~~ that the ballots folded together were cast by one voter, the judges shall preserve but not count them. If there is an excess of ballots in one box, the judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the judges, and if any are not so marked, they shall preserve but not count them. If there is still an excess of properly marked ballots, the judges shall replace them in the box, and one judge, without looking, shall withdraw from the box a number of ballots equal to the excessive number, and the withdrawn ballots shall be preserved but not counted.

Subd. 3. **BALLOTS IN WRONG BOX.** If the judges find ballots in a ballot box that are different from the kind properly belonging therein, they shall lay the different ballots aside. If the number of ballots in any box equals or exceeds the number ~~that the election register or registration file shows were cast of ballots distributed~~, then ballots proper to have been placed therein, but found in another box, may not be counted. But if the number is less than ~~that shown by the election registers or registration file~~ the number of ballots distributed, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. **BALLOTS NOT COUNTED, DISPOSITION.** When the number of ballots as finally counted agrees with the number ~~that the election register or registration file shows were cast of ballots distributed~~, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received.

Sec. 5. Minnesota Statutes 1976, Section 206.026, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapter ~~204~~ 204A.

Sec. 6. Minnesota Statutes 1976, Section 206.03, is amended to read:

206.03 MAY USE EXPERIMENTAL MACHINES. The governing body of any municipality may provide for the experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the

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election, prescribe suitable rules and instructions, not inconsistent with the provisions of this chapter, for using the same, submit the same to the ~~attorney general~~ secretary of state for his approval, and, when approved by him, a printed copy of such rules and instructions shall be posted in a prominent place in the polling place and remain open to inspection by the voters throughout the election days.

Sec. 7. Minnesota Statutes 1976, Section 206.075, is amended to read:

206.075 PREPARATION OF ELECTRONIC VOTING SYSTEM PROGRAMS.

Every program for use in an election conducted by means of an electronic voting system shall be prepared at the direction of the proper authority having direct charge of the election and shall be independently verified by a competent person designated by such authority. The term "competent person" shall mean a person other than and wholly independent of any person operating or employed by the counting center or the corporation or other person preparing the program who can demonstrate that he is knowledgeable as a computer programmer. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totalling the returns and must be usable by insertion during the tabulation process as well as prior to tabulation. The ~~attorney general~~ secretary of state shall adopt ~~regulations~~ rules further detailing test procedures.

Sec. 8. Minnesota Statutes 1976, Section 206.19, Subdivision 1, is amended to read:

206.19 INSTRUCTIONS TO JUDGES. Subdivision 1. Not more than 21 days before each primary or election if no primary is held at which a voting machine is to be used, there shall be held under the direction of the proper authority having charge of the conduct of the elections, a meeting or meetings for the purpose of instructing the judges about the operation of the voting machine and the duties of election officials when voting machines are used. Each judge serving in a precinct where voting machines are used, shall attend at least one such meeting prior to either the primary or the other election in which such judge is to serve, and shall receive a certificate showing that he has attended such instruction meeting and has been found qualified to serve. Each judge, who shall attend such instruction meeting and shall qualify and serve at an election, shall receive the ~~sum~~ of at least \$1 for the time spent in receiving such instruction, in addition to car or railroad fare in going to or returning from such meeting, which shall be paid at the same time and in the same manner as the payment for serving on election day. Such certificate shall not be issued to any person unless he has attended an instruction meeting and been found qualified and no person shall be eligible to serve as judge unless he has first received a certificate as herein provided. In case of emergency, when an insufficient number of certified judges is available for the proper conduct of the election, there shall be appointed a sufficient number of judges to conduct such election, although such judges have not received the required certificate; provided that no person shall be appointed a judge who is not a qualified voter in the precinct to which he is appointed as such judge, except as otherwise provided by law.

Sec. 9. Minnesota Statutes 1976, Section 206.23, is amended to read:

206.23 VIOLATIONS; PENALTIES. Any person who shall violate any of the rules

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and regulations adopted by the ~~attorney general~~ secretary of state or by the governing body of any municipality where voting machines are used, providing for the conduct of elections and primaries, or who shall violate any of the provisions of this chapter shall be, upon conviction, punished by a fine of not more than \$1,000, or by imprisonment in the state prison for not more than one year.

Sec. 10. Minnesota Statutes 1976, Section 207.11, is amended to read:

207.11 JUDGES TO RECEIVE AND COUNT BALLOTS. Subdivision 1. The judges in the several precincts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States post office department in due course of the business of that department or by the clerk of the municipality, and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Subd. 2. Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the certificate or the signatures thereto on the outside thereof. They shall compare the *signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots"* delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, *the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials; provided that in municipalities in which registration of voters is required such ballots shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such precinct, nor shall said.*

Subd. 3. In municipalities where voter registration is required no ballot envelope may be marked "Received" nor ballots accepted unless the voter who has mailed the ballots is registered in the precinct or has included a properly completed registration form in the return envelope.

Subd. 4. The ballots shall not be so marked with the word "Received" if it appears from the registration file that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter who has failed mailed the ballots fails to comply with the requirements herein set forth of this section or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

Subd. 5. If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the

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register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

Subd. 6. The "Ballot Envelope" marked "Received" as ~~aforsaid~~ shall be placed by the judges in a separate absentee ballot box until after the last regular mail delivery by the United States post office department on the election day. The absentee ballot box and each "Ballot Envelope" may then be opened, ballots therein initialled, counted and tabulated by the election judges. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be counted but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges shall write their initials on absentee ballots in the same manner as is provided by law with reference to ballots delivered by them to voters in person. No count results from any precinct shall be disclosed by any election official or other individual until all count results are available, nor shall the public media disclose any count results from any precinct before the polls are closed.

Sec. 11. Minnesota Statutes 1976, Section 207.19, Subdivision 1, is amended to read:

207.19 REGISTRATION; REQUEST; BALLOT. Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces who is an eligible voter or who will be an eligible voter 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 18 years, by filing in the office of the county auditor of the county in which his place of residence is located, 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~~ defense department 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 ~~30~~ 20 days 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 or City) County of , State of Minnesota. His voting precinct 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

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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.... (State title of office. If officer of armed forces, must be a commissioned, noncommissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

Sec. 12. **EFFECTIVE DATE.** This act shall become effective on the day following final enactment.

Approved May 18, 1977.

CHAPTER 92—S.F.No.845

[Not Coded]

An act relating to St. Louis county Independent School District No. 710; providing for separate election districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **INDEPENDENT SCHOOL DISTRICT NO. 710; ELECTION DISTRICTS.** Notwithstanding Minnesota Statutes, Section 123.32, or any other law to the contrary the high school attendance districts within St. Louis county Independent School District No. 710, Albrook, Cherry, Cook, Cotton, Meadowlands and Orr, shall each constitute a separate election district.

The school board of St. Louis county Independent School District No. 710 shall consist of six elected directors, one representing each election district. A director shall reside in the election district he represents.

Two directors shall be elected each year commencing in 1978. Directors representing the Orr and Albrook attendance districts shall be elected in 1978 and every three years thereafter; directors representing the Cotton and Meadowlands attendance districts, in 1979 and every three years thereafter; and directors representing the Cook and Cherry attendance districts, in 1980 and every three years thereafter. There shall be at least one polling place in each election district.

Except as provided in this section, the directors of the board of Independent School District No. 710 shall be elected and vacancies in those offices shall be filled in the manner provided by law for independent school districts.

Approved May 18, 1977.

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