

shall appoint the executive secretary. Members representing the district, municipal and county courts shall be appointed by their respective judicial organizations and the lawyer members shall be appointed by the board of governors of the Minnesota state bar association. The citizen All members shall be appointed by the governor with the advice and consent of the senate. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified him for appointment.

Sec. 2. Minnesota Statutes 1976, Section 490.16, Subdivision 3, is amended to read:

Subd. 3. On recommendation of the board on judicial standards, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and censure or remove a judge for action or inaction occurring not more than four years prior to such action being reported to the board on judicial standards that may constitute persistent failure to perform his duties, incompetence in performing his duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

The board is specifically empowered to reopen any matter wherein any information or evidence was previously precluded by a statute of limitations or by a previously existing provision of time limitation.

Sec. 3. **EFFECTIVE DATE.** Section 2 is effective the day following final enactment.

Sec. 4. This act shall not affect the term of any current member of the board on judicial standards.

Approved March 28, 1978.

CHAPTER 714-S.F.No.1630

[Coded in Part]

An act relating to elections; providing certain safeguards against improper voter registration and casting of absentee ballots; revising forms and procedures for administering absentee ballot laws; prescribing certain powers and duties of and granting temporary rulemaking power to the secretary of state; eliminating civil service appointment of election judges in first class cities; prescribing penalties; amending Minnesota Statutes 1976, Sections 201.121; 201.15; 201.27; 204A.14, Subdivision 2; 207.04; 207.06; 207.08; 207.09; 207.30, Subdivisions 2, 3, 4, 5 and 6; Chapters 201, by adding a section; and 207, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 3; 201.071, Subdivision 4; 204A.13, Subdivisions 2 and 6; 204A.17, Subdivision 1; 204A.175; 207.02; 207.03; 207.05, Subdivision 1; 207.10; 207.11; and 207.31; repealing Minnesota Statutes 1976, Sections 204A.17, Subdivision 2; 207.101; 207.12; 207.13; and 207.30, Subdivision 1.

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

Changes or additions indicated by underline deletions by ~~strikeout~~

Section 1. Minnesota Statutes, 1977 Supplement, Section 201.061, Subdivision 3, is amended to read:

Subd. 3. ~~A person~~ An individual who on election day presents himself at the polling place for the precinct in which he resides and who is not registered but is otherwise eligible to vote may nevertheless vote upon registering. ~~A person~~ An individual may register at this time by completing a registration card, making an oath in the form prescribed by the commissioner and providing proof of his residence. An individual may prove his residence by:

(1) ~~The Showing of his drivers license or nonqualification certificate~~ Minnesota identification card issued pursuant to section 171.07; ~~or;~~

(2) Providing any document approved by the commissioner as proper identification ~~;~~ or

(3) Having an individual who is registered to vote in the precinct sign an oath in the presence of the election judge that he personally knows that the applicant is a resident of the precinct. ~~No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.~~

The election judge responsible for election day registration shall attempt to keep a record of and forward to the county auditor the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section.

Forms for the card and ~~oath~~ oaths shall be available at each polling place. When an individual signs an oath that he personally knows that an applicant is a resident of the precinct the oath shall be attached to the applicant's registration card until the address of the applicant is verified by the county auditor. Forms used pursuant to this section shall be forwarded to the auditor who shall, unless the information forwarded is substantially deficient, add the name of the voter to the registration system. If the auditor finds a registration pursuant to this subdivision substantially deficient he shall give written notice to the person whose registration is found deficient. A registration deficient only because the individual who provided proof of residence was ineligible to do so shall not be considered deficient, and the name of the voter shall be added to the registration system.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 201.071, Subdivision 4, is amended to read:

Subd. 4. ~~Upon receipt of Any county auditor who receives a registration card indicating that a voter has changed residence since voting last was previously registered in a different county in Minnesota, a county auditor shall notify the county auditor of the voter's last registration. Notification shall be made upon that county on a form prescribed by the commissioner. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or a notification form from the auditor of another county, as provided in this subdivision, shall delete the~~

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that voter's name from the registration lists and affix the notification to the cancelled remove the original and duplicate voter registration card cards from the files. Any auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card from the precinct of prior residence to determine whether the voter voted in that precinct in the most recent election .

Sec. 3. Minnesota Statutes 1976, Section 201.121, is amended to read:

201.121 ENTRY OF NAMES; MAILED NOTICE. Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections ~~201.094~~ 201.061 and ~~201.11~~ 201.071, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

Subd. 2. The county auditor shall mail to the voter each registrant a notice indicating the voter's name, address, precinct and polling place. The ~~card~~ notice shall require that it be returned if not deliverable. ~~For any card returned because not deliverable to the voter at the named address, For any notice that is returned~~ the county auditor shall cause to be affixed to the duplicate registration card of the voter the word "challenged." No ~~person individual~~ so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

Subd. 3. In the case of election day registrations, the county auditor shall within ten days of the election send the notice prescribed in subdivision 2 to a random sampling of the election day registrants. The random sampling shall be determined in accordance with the rules of the commissioner. The county auditor shall send the notice prescribed in subdivision 2 to all other election day registrants as soon as practicable after the election. If any notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If, upon inquiry, the county auditor does not receive or obtain satisfactory proof of the registrant's eligibility to vote, he shall immediately notify the county attorney and the commissioner of the irregularity.

Sec. 4. Minnesota Statutes 1976, Section 201.15, is amended to read:

201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS. The judge of probate in each county in the state shall report monthly to the county auditor the name, age and address of each ~~person individual~~ 18 years of age ; or over; residing in ~~such municipality the county;~~ who has, during the month preceding the date of the report, been was placed under a guardianship of the person; and each such person under guardianship of the person transferred to the jurisdiction of the probate court; or restored to capacity; and each person, 18 years of age, or over, adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, or as a psychopathic personality, and each such person individual transferred to the jurisdiction of or restored to capacity by the court. Upon receipt of ~~such the~~ report, the auditor shall examine the original and duplicate registration files ; ~~and; to determine~~ if such examination discloses that any of the persons individual named in such the report as being under guardianship of the person, or as adjudged incompetent or a psychopathic personality; is registered; to vote. The auditor shall remove the registration cards of such

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persons from the active files; and attach a notice to the original and duplicate registration cards of any individual so named informing the election judges that the individual is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor. Upon notice from the judge of probate of a restoration to capacity, the county auditor shall then remove the notice from the individual's registration cards and thereafter process the person's registration card cards in the same manner as if no guardianship or adjudication had occurred.

Sec. 5. Minnesota Statutes 1976, Section 201.27, is amended to read:

201.27 VIOLATIONS, PENALTIES. Subdivision 1. Any officer, deputy, clerk, or other employee who shall wilfully fail fails to perform or enforce any of the provisions of this chapter except the provisions of subdivision 2, or who shall unlawfully or fraudulently remove removes any registration card or record from its proper compartment in the registration files, or who shall wilfully destroy destroys any record provided by this chapter to be kept, or any person who shall wilfully or fraudulently register registers more than once, or register registers under any but his true name, or attempt attempts to vote by impersonating another who is registered, or who wilfully registers in any precinct where he is not a resident at any time of registering, or who adds a name or names to the registration files, records or cards, or who violates any of the provisions of this chapter is guilty of a felony.

Subd. 2. Any deputy, clerk, employee or other subordinate of a county auditor or municipal clerk who has knowledge or reason to believe that a violation of chapter 201 has occurred, shall immediately transmit a report of his knowledge or belief to the county auditor or municipal clerk, together with any evidence of the violation coming into his possession. Any county auditor or municipal clerk who has knowledge or reason to believe that a violation of chapter 201 has occurred shall immediately transmit a report of his knowledge or belief to the county attorney of the county wherein the violation is thought to have occurred, together with any evidence of the violation coming into his possession. The county auditor or municipal clerk shall also immediately send a copy of the report to the commissioner. A violation of this subdivision is a misdemeanor.

Sec. 6. Minnesota Statutes 1976, Chapter 201, is amended by adding a section to read:

[201.275] INVESTIGATIONS; PROSECUTIONS. Any county attorney receiving any report of a possible violation of chapter 201 shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that he can procure, to the grand jury of the county. If any county attorney fails or refuses to faithfully perform any duty imposed on him by chapter 201, he is guilty of a misdemeanor and on conviction thereof shall forfeit his office.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 204A.13, Subdivision 2, is amended to read:

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Subd. 2. **ELECTION LAW.** On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state shall determine the manner of distribution of the Minnesota election law. The secretary of state also may prepare and transmit to the county auditors detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 204A.13, Subdivision 6, is amended to read:

Subd. 6. **ELECTION JUDGES TRAINING.** The secretary of state ~~may formulate~~ shall adopt rules establishing a program for the training of election judges; ~~and for the conduct of their duties as prescribed by law; throughout the state by county auditors as required by section 204A.175.~~

Sec. 9. Minnesota Statutes 1976, Section 204A.14, Subdivision 2, is amended to read:

Subd. 2. **ELECTION SUPPLIES, DUTY OF CLERKS.** At least one week before every state election; the clerk of each ~~city and town and each statutory city that is separated from the town for election purposes;~~ municipality in the county shall secure from the county auditor the necessary copies of each of the blanks and forms as are required in preparation for the conduct of the election, printed instruction cards, ~~two~~ copies of the Minnesota election law and any other instructions for election officers, for each precinct, and sufficient quantities of the necessary official ballots, ballot boxes, registers, and other supplies and materials so that the judges of the election precincts may comply with the provisions of the Minnesota election law. The clerk of each municipality ~~in the county~~ shall post in a conspicuous manner in the polling place the printed instruction cards secured from the county auditor. If it is more convenient, and in lieu of complying with the foregoing provisions of this subdivision, the auditor may furnish ~~such~~ the election supplies to the person entitled thereto in the same manner as ~~such~~ the supplies are furnished in unorganized territory. If there are election precincts in unorganized territory, the county auditor shall send by registered or certified mail, insured parcel post, express, or deliver to the judges in these precincts the supplies that are enumerated in this subdivision.

Sec. 10. Minnesota Statutes, 1977 Supplement, Section 204A.17, Subdivision 1, is amended to read:

204A.17 JUDGES OF ELECTION. Subdivision 1. **APPOINTMENT, QUALIFICATION.** At least 65 days before any election for a partisan political office, the county or legislative district chairman, whichever is designated by the state party, of each political party as defined in section 200.02, subdivision 7, shall furnish a list of qualified voters in each election precinct in the county or legislative district, whichever applies, to act as election judges, to the auditor of the county in which the precinct is located. At least 55 days before the date of the election, the county auditor shall furnish to each of the several appointing authorities of judges for the various election precincts, a list of the appropriate names for each election precinct. Separate lists shall be so submitted by the

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county auditor for each political party. If any county or legislative district chairman of a political party shall fail to submit a list to the county auditor as hereinbefore provided, the appointing authorities shall select and appoint qualified electors as herein or otherwise provided by law. ~~Except in cities of the first class~~ The council of each municipality and the county board in unorganized territory shall appoint, in the manner provided for in this section, qualified voters in that municipality or county to be judges of election. The appointments shall be made at least 25 days before any election. The appointments shall be made from a list of qualified voters provided for in this section subject to the limitations of section 204A.18, subdivision 1. ~~A person~~ An individual may be appointed an election judge for a precinct in which he does not reside if an insufficient number of names of qualified voters in that precinct are on file in the office of the appointing authority. The council or county board may make such rules as it deems necessary including the examination of applicants, to determine the qualification of judges.

Sec. 11. Minnesota Statutes, 1977 Supplement, Section 204A.175, is amended to read:

204A.175 TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR. The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county and shall provide a procedure for emergency training of judges appointed to fill vacancies in election boards after the opening of the polls when no regularly trained judges are available. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality. Each precinct in which less than 100 individuals voted at the last general election shall have at least two judges who are members of different political parties who have received training as required in this section. In every other precinct, no individual may serve as an election judge who has not received training as required by this section.

Sec. 12. Minnesota Statutes, 1977 Supplement, Section 207.02, is amended to read:

207.02 VOTING BY MAIL. Any person individual entitled to vote at any general election, ~~any primary election; any city election; or any statutory city or town election in statutory cities or towns operating under the "Australian Ballot System,"~~ who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of absence from his precinct, illness, or physical disability ~~or because of,~~ religious discipline, or observance of a religious holiday is unable to go to the polling place of such in that precinct on the day that election is held, or who is employed as a judge of election in a precinct other than his own, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election; either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101; and by complying with the provisions of this chapter. ~~No person~~ Any individual residing in a municipality ~~now or hereafter~~ having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote ~~unless if~~ he has registered as a voter in accordance with ~~such those~~ provisions or registers ~~on election day~~ by enclosing a completed registration card with his ballot and providing proof of his residence in the manner required in section 207.03.

Sec. 13. Minnesota Statutes, 1977 Supplement, Section 207.03, is amended to read:

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207.03 APPLICATION FOR BALLOTS. Subdivision 1. At any time not more than 45 days or less than one day before the day of holding any election, any person individual may make application apply in writing subscribed by him for absentee ballots to: (a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality; for ballots and envelopes, by mailing to or filing with such auditor or such clerk an application substantially in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of _____, State of Minnesota, residing at _____ (here insert street and number) in said city, or town, because of (absence from home) _____, (illness) _____, (physical disability) _____, (because of religious discipline or observance of a religious holiday) hereby makes application for the ballots to be voted upon in said precinct at the next election. Please mail said ballots and accompanying envelope to me at _____ (insert post office address to which to be sent) _____

Dated _____, 19____

(Signature of Applicant)"

An application need not be on an official or standard form. An application submitted by mail shall be accepted if it contains the information above is signed and dated by the applicant, contains his voting and mailing addresses and states that he will be absent from the precinct or that he will be unable to go to the polling place for one of the reasons provided in section 207.02. Any county auditor or clerk of a town or city who receives an application for absentee ballots which he cannot provide to the applicant shall forthwith forward that application to the official who can provide the ballots.

Subd. 1a. If a person applies in person for an Any individual desiring to vote by absentee ballot and must register by enclosing who is not registered to vote shall include with his ballot a completed registration card with his ballot, his application shall not be accepted unless he shall present, at the time of his application, and provide proof of residence as required by this subdivision. Applicants in person shall present, at the time of application, proof of residence as required by section 201.061, subdivision 3. An individual applying by mail shall present to the individual witnessing the marking of the absentee ballots proof of residence as required by section 201.061, subdivision 3.

Subd. 2. An eligible voter may apply for an absentee ballot on election day if he becomes a resident or patient on the day before election in a health care facility or hospital located in the municipality to which he applies: The voter may request and if he requests an absentee ballot application directly from the judges engaged in delivering ballots pursuant to section 207.31 or by telephone to from the municipal clerk not later

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than 5 p.m. on the day before election day. An application shall be delivered to any such voter by the judges designated to deliver ballots pursuant to section 207.31.

Subd. 3. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "application for ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony. If the person applying for a ballot resides in a political subdivision which does not accept registration other than on election day and the individual is not registered in that political subdivision, the county auditor shall send a registration card and instructions for completing the registration card along with the ballots and envelopes. Upon receipt of an application for ballots submitted by mail, the county auditor or municipal clerk receiving the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the auditor or clerk shall include a registration card, proof of residence certificate, and instructions for completing them, among the election materials mailed to the applicant.

Subd. 4. For the purposes of this chapter, "municipal clerk" shall mean means the full time clerk designated pursuant to this section.

Sec. 14. Minnesota Statutes 1976, Section 207.04, is amended to read:

207.04 SUPPLIES OF BALLOTS AND APPLICATIONS. Subdivision 1. BALLOTS. The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor and to the municipal clerk a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor and the municipal clerk to comply with the provisions of this chapter. It shall be the duty of the county auditor and the municipal clerk to prepare and print the ballots prepared under his direction at least 15 days before such election.

Subd. 2. APPLICATIONS. The county auditor or the municipal clerk shall prepare and print a suitable number of blanks for the application for ballots and deliver a copy of the application to any voter who requests one.

Sec. 15. Minnesota Statutes, 1977 Supplement, Section 207.05, Subdivision 1, is amended to read:

207.05 APPLICATIONS FILED WITH AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT. Subdivision 1. **APPLICATION, DELIVERY.** If any application is made either in person or by mail more than 30 days before election, the auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail the ballots and other materials required by chapter 207 to the applicant without charge, at the address specified in the application ~~one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified.~~ If the application is made within 30 days of the election, he shall forthwith upon receipt of such the application or as soon thereafter as ballots are

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available, mail; or deliver the ballots and other materials required by chapter 207 to the applicant; without charge; if he apply therefor to any voter who applies by mail, or deliver the ballots and materials to any voter who applies in person; in the manner provided in section 207.03; one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified in his office. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 207.31.

Sec. 16. Minnesota Statutes 1976, Section 207.06, is amended to read:

207.06 FEES. The expense of ~~such~~; any extra clerical assistance as may be required for the performance by the auditor or by the municipal clerk of the duties imposed by this chapter; ~~the cost of furnishing and printing the application blanks, specified in section 207.03; the cost of furnishing and printing the envelopes and voters' certificates herein specified; the cost of postage both in for forwarding and for the return of returning the ballots as herein specified; and in delivering endorsed applications to the judges of the several precincts in his the county or in his municipality the applications after the same have been endorsed by him as herein specified,~~ shall be paid by the county or by the municipality.

Sec. 17. Minnesota Statutes 1976, Section 207.08, is amended to read:

207.08 RETURN AND BALLOT ENVELOPES, DIRECTIONS TO VOTERS. Subdivision 1. The county auditor of each of the several counties or the municipal clerk of each of the several municipalities shall mail or deliver to the applicant with the ballots ~~two envelopes a return envelope, a ballot envelope and "a copy of the directions to voters"~~ as prescribed by this section. One envelope shall be known as The "return envelope" herein described, shall be of sufficient size to conveniently enclose and contain the "ballot envelope" herein described and a voter registration card folded along its perforations. There shall be printed or written across the left hand end of this envelope, by the auditor or by the municipal clerk, before delivery thereof to the applicant, the words:

"Return Envelope

Postmaster to deliver on Election Day."

The auditor or the municipal clerk shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the precinct in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election.

Seventh Precinct, Third Ward,

City of Minneapolis,

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Hennepin County,

Minnesota.”

“To the Judges of Election, Rosedale Town,

.....

(Here insert name of post-office nearest voting place)

Hennepin County, Minnesota.”

“To the Judges of Election, City of Excelsior,

Excelsior, Hennepin County, Minnesota.”

If the auditor does not know or cannot ascertain the precinct in which the applicant is entitled to vote he shall cause the Return Envelope to be addressed to the clerk of the municipality in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

“To the Town Clerk of the Town of Fisher

For the Judges of Election of the Precinct

in which Box 32, Route 3, Fisher, Minnesota is situated.

Town Hall, Town of Fisher,

Blue Earth County, Minnesota.”

“To the Town Clerk of the Town of White

For the Judges of Election of the Precinct

in which Route 3, Aurora, Minnesota is situated.

City of Aurora

St. Louis County, Minnesota.”

The auditor may vary any such form for addressing “Return Envelope” as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day. If the Return Envelope is addressed to the clerk of a municipality it shall contain a notation in bold face type

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(Official Title or address where witness is registered voter or address of residence from which the witness voted if he resides where there was no permanent registration)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc. or that the witness is an eligible voter in the absentee's county, who has voted within the last four years.)"

The return envelope shall be so made as designed to open on the left hand end and the, A certificate above set forth of eligibility to vote by absentee ballots shall be printed on the right hand three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements provided by law to vote by absentee ballot. The certificate shall also contain a statement signed by an eligible voter of the county in which the absent voter resides or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other individual authorized to administer oaths that (a) the ballots were displayed to him unmarked; (b) the voter marked the ballots in his presence without showing how they were marked; and (c) if the voter was not previously registered, that the voter has provided proof of residence as required by section 201.061, subdivision 3.

The following "The county auditor or municipal clerk shall print directions to Voters" for casting an absentee ballot shall be printed and furnished furnish a copy of the directions to each voter at the time such the ballots are mailed or delivered in person. The directions may include instructions for registering to vote.

"DIRECTIONS TO VOTERS"

"(1) Locate a Notary Public, United States Postmaster, Assistant United States postmaster, postal supervisor, clerk in charge of contract postal station, or any officer having authority to administer an oath or take an acknowledgment or an eligible voter in your county, who has voted in the last four years:

(2) Exhibit the ballots to be voted on to such person unmarked.

(3) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically incapacitated, you may ask him to mark your ballot for you.

(4) Fold each ballot separately so that your cross marks cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or municipal clerk) on back of ballot can be seen without unfolding ballot. Do not put your name, initials, or any other identifying mark on the ballots.

(5) Enclose all the ballots in the 'Ballot Envelope' and seal the envelope.

(6) Sign your name on back of the 'Return Envelope.' The person taking your acknowledgment must sign his name as attesting witness; and, if he is an official, indicate his official title, insert proper date, and affix his official seal, or, in the case of postal authorities previously mentioned, the cancellation stamp of their respective post offices.

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When the person taking your acknowledgement is an eligible voter of your county he must state the fact below his signature. Insert the 'Ballot Envelope' in the 'Return Envelope' and seal the 'Return Envelope.'

(7) Deposit the 'Return Envelope' in the mail in the presence of the attesting witness or have him do it for you.

(8) The ballots may be marked and mailed at any time after you receive them from the county auditor or from the municipal clerk. However, they must be marked and mailed so that they can be delivered by the post office to the judges of election at your polling place before the polls close on election day."

Subd. 2. When absentee ballots are mailed to the absent voter, the county auditor or municipal clerk shall provide for the return of the ballots to judges in the precinct in which the voter is eligible to vote by one of the following methods:

(a) by mail to the county auditor or municipal clerk who sent the ballots to the voter and delivery by the auditor or clerk to the judges;

(b) by mail to the clerk of the town or city in which the absent voter is eligible to vote and delivery by that clerk to the judges;

(c) by mail directly to the judges of election; or

(d) any other method authorized by rules adopted by the secretary of state.

The county auditor or municipal clerk shall in all cases affix sufficient postage to return envelopes to assure return of the ballots to the judges by election day. When absentee ballots are delivered by election judges pursuant to section 207.31, the ballots shall be returned in person to the municipal clerk by the judges who delivered them and the clerk shall deliver the ballots to the judges in the precincts.

The secretary of state shall adopt rules establishing the procedures to be used for each method of returning ballots permitted by clauses (a) to (c), including procedures necessary to assure accurate and timely delivery of ballots by the United States postal service, and may authorize additional methods and procedures of return.

Sec. 18. Minnesota Statutes 1976, Chapter 207, is amended by adding a section to read:

207.085 FORM AND CONTENT OF REQUIRED MATERIALS; RULES OF SECRETARY OF STATE. The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

Sec. 19. Minnesota Statutes 1976, Section 207.09, is amended to read:

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207.09 ENDORSEMENT OF APPLICATION; RECEIPT AND DELIVERY OF BALLOTS. Subdivision 1. ENDORSEMENT OF APPLICATION. When the county auditor or the municipal clerk on mailing or delivering mails or delivers ballots to an applicant ballots as hereinbefore specified, he shall date and sign or cause to be signed by his deputy, and date the certificate printed on the application for ballots and shall authenticate such certificate his signature with his official seal. All applications shall be preserved by the auditor or the municipal clerk and arranged by him according to precincts and the initial letter of the surname of the applicant.

Subd. 2. DELIVERY BY AUDITOR AND TOWN AND CITY CLERKS. At the time On the day before election day the county auditor delivers the state and county ballots shall deliver to the town and city clerks within his county; he shall also deliver to the respective town and city clerks the applications theretofore received by him and endorsed by him. Such The town and city clerks shall in turn deliver said those endorsed applications so endorsed together with the applications filed with their respective offices to the respective judges of the several precincts.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 207.10, is amended to read:

207.10 VOTER TO MAIL BALLOT. Any qualified voter of any precinct of this state to whom ballots have been mailed or delivered by the county auditor or by the municipal clerk, may mark and mail the those ballots so delivered to him at any place; the same to be marked and mailed in the manner specified in the directions to voters; set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters for casting an absentee ballot. Ballots delivered to qualified voters pursuant to section 207.31 may be returned in person to the municipal clerk by the judges who delivered the ballots. The municipal clerk shall forthwith deliver those ballots to the judges of the appropriate precincts either by mail or in person. A voter to whom ballots have been delivered in person may leave his marked ballots with the county auditor or municipal clerk who shall deliver or forward them in accordance with section 207.08, subdivision 2.

Sec. 21. Minnesota Statutes, 1977 Supplement, Section 207.11, is amended to read:

207.11 JUDGES TO RECEIVE AND COUNT BALLOTS. Subdivision 1. RECEIPT OF RETURN ENVELOPES. The judges in the several precincts each precinct at any election shall receive all ballots return envelopes 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 postal service or by the auditor or town or city 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. EXAMINATION OF RETURN ENVELOPES. Upon a "Return Envelope" being delivered to The judges they shall open the same examine the return
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envelopes and receive or reject absentee ballots in such a the 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 provided in this subdivision. One or more judges shall mark the ballot envelope "Received" and place his or their initials or names below the word "Received," if:

(a) the judges or a majority of them the judges, shall be are satisfied that the signature of the voter subscribed to on the "voter's certificate" is printed on the return envelope is the genuine signature of the person individual who made the "application for ballots;" and if The signature of the voter the certificate has been properly authenticated completed 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: for casting an absentee ballot;

Subd. 3: (b) In municipalities where with a permanent voter registration is required no ballot envelope may be marked "Received" nor ballots accepted unless system, the voter who has mailed the ballots is registered and eligible to vote in the precinct or has included a properly completed registration form card 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 or, in municipalities with no permanent voter registration system, the address of the voter lies within the precinct; and

(c) The voter has not already voted at such that election, either in person or by mail. If the voter who has mailed the ballots fails to comply with the requirements of this section or has previously voted at such election; then such "judges find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall remove the ballot envelope from the return envelope, mark the ballot envelope " shall be marked "Rejected" and placed, place it back in the "return envelope" and placed with and returned return it 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 3. NOTATION ON REGISTRATION CARD OR ELECTION REGISTER. If the "ballot envelope" is marked with the word "Received", the judges in charge of the register shall make an appropriate notation on the register of voters indicating record the fact that the voter has voted by mail; on the voter registration card or on the election register in precincts with no permanent voter registration. This shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name space on the card or register. No individual who has voted by mail shall thereafter be permitted to vote in person at that election.

Subd. 6 4. PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS. The Any "ballot envelope" marked "Received" shall be placed by the judges in a separate absentees absentee ballot box container until. The container and each ballot envelope may be opened after the last regular mail delivery by the United States

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post office department postal service on the election day. The absentee ballot box and each "ballot envelope" may then be opened; ballots therein shall then be initialled; counted and tabulated by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box. 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. If there be is more than one ballot of any kind enclosed in said the "ballot envelope," then and in such case neither of such ballots of such ballot of that kind shall be counted but all such kinds ballots of that kind 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.

Subd. 5. EXCEPTION FOR ABSENTEE BALLOT PRECINCTS. In municipalities with an absentee ballot precinct the judges shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes marked "Received" shall be delivered in an absentee ballot container to the absentee ballot precinct for the counting of ballots as soon as possible after processing. The judges shall include the vote totals provided by the absentee ballot precinct in the vote totals on the summary statements of the returns for that precinct.

Sec. 22. Minnesota Statutes 1976, Section 207.30, Subdivision 2, is amended to read:

Subd. 2. ESTABLISHMENT. Any city or town charged with the responsibility of elections may by ordinance of The governing body of such any municipality may by ordinance establish an absentee ballot precinct.

Sec. 23. Minnesota Statutes 1976, Section 207.30, Subdivision 3, is amended to read:

Subd. 3. COMPOSITION AND DUTIES. An absentee ballot precinct shall be a consist of an election board set up by the designated election official of a municipality whose duties shall be as follows:

(a) Receive all absentee ballots of the electorate of the municipality for any election.

(b) Check the registration of each absentee ballot.

(c) Determine the precinct of each absentee ballot voter and report the results of such election to each precinct with such results to be tabulated with that precinct.

(d) Prepare a list for submission to each precinct within the municipality prior to the close of the election day for the precinct officials to check against the voter

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registration file to ascertain if any absentee ballot voter voted by person.

(e) Reject any absentee ballots of persons who had voted at a precinct making a notation on the envelope of the absentee ballot as to the reason for rejection.

(f) After the polls have closed in the municipality the board shall count the absentee ballots by opening them and tabulating the vote of each absentee ballot voter in a manner which will indicate each vote of the absentee voter and designate that the vote was received by absentee ballot by the city or town clerk. The board shall:

(a) Receive from each regular precinct all ballot envelopes marked "Received" by the precinct judges;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; and

(c) Report the vote totals tabulated for each precinct to the appropriate precinct judges.

Sec. 24. Minnesota Statutes 1976, Section 207.30, Subdivision 4, is amended to read:

Subd. 4. **APPOINTMENT OF MEMBERS.** The election official of each municipality city or town clerk shall be charged with the responsibility, after an ordinance has been adopted by the governing body of the municipality, to appoint the number of persons individuals he deems necessary to carry out the duties of the absentee ballot precinct.

Sec. 25. Minnesota Statutes 1976, 207.30, Subdivision 5, is amended to read:

Subd. 5. **COMPENSATION OF MEMBERS.** The election official of each municipality city or town clerk shall pay a reasonable compensation to each member of the absentee ballot precinct for his services rendered during each election.

Sec. 26. Minnesota Statutes 1976, Section 207.30, Subdivision 6, is amended to read:

Subd. 6. **APPLICABLE LAWS.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters ~~as well as any other applicable and all other provisions of law as contained within the election laws of this state and specifically this chapter,~~ shall apply to the ballots handled by the an absentee ballot precinct. ~~It is intended by this section that an absentee ballot precinct may be established and that the provisions of this section are to be supplementary to the election laws of the state.~~

Sec. 27. Minnesota Statutes, 1977 Supplement, Section 207.31, is amended to read:

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207.31 HOSPITAL PATIENTS AND HEALTH CARE FACILITY RESIDENTS.

Each municipal clerk shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in section 207.03 and who is a resident or patient in a health care facility or hospital located in the municipality to which the application has been submitted. The ballots shall be delivered to any such voter by two election judges, each of whom is affiliated with a different political party. When the judges are engaged in delivering or returning ballots as provided in this section, they shall travel together in the same vehicle. Both judges shall be present when an applicant completes his voter's certificate and casts his absentee ballot, and may assist an applicant to mark his ballot in the manner provided in section 204A.34. The judges shall deposit the return envelopes containing the voted absentee ballots in a sealed container and deliver them to the clerk on the same day that they are delivered and cast. ~~Except as provided in subdivision 2;~~ The judges shall deliver the absentee ballots to the applicant during the ten days preceding an election ~~except that ballots may be delivered on election day to any voter who has applied for ballots pursuant to section 207.03, subdivision 2.~~

Sec. 28. FORMER PROVISIONS STILL IN EFFECT UNTIL ADOPTION OF RULES. County auditors and municipal clerks shall continue to print any forms or other items heretofore required by Minnesota Statutes, Chapter 207, in accordance with the description of the form or items heretofore provided in that chapter and shall provide for return of absentee ballots to the judges in the precincts as heretofore provided by law until the secretary of state adopts permanent rules pursuant to section 18 of this act or section 207.08, subdivision 2, respectively.

Sec. 29. TEMPORARY RULES. The secretary of state may adopt temporary rules as provided in section 15.0412, subdivision 5, solely for the purpose of establishing the form for the certificate required by section 17 of this act.

Sec. 30. REVISOR'S INSTRUCTION. In the next edition of Minnesota Statutes, the revisor of statutes shall

(a) delete the words "commissioner of voter registration" or "commissioner" in Minnesota Statutes, Chapter 201, and insert in lieu thereof the words "secretary of state" or "secretary", and

(b) delete all capital letters and quotation marks appearing in connection with the terms "Return Envelope," "Ballot Envelope," "Directions to Voters," "Application for Ballots" and variations of those terms, wherever they appear in Minnesota Statutes, Chapter 207, including headnotes, as necessary to conform to the usage of those terms in this act.

Sec. 31. REPEALER. Minnesota Statutes 1976, Sections 204A.17, Subdivision 2, 207.101, 207.12, 207.13 and 207.30, Subdivision 1, are repealed.

Sec. 32. EFFECTIVE DATE. This act is effective the day following its final enactment.

Approved March 28, 1978.

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