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256D.08 **EXCLUSION FROM RESOURCES.** Subdivision 1. In determining eligibility of a family or individual there shall be excluded the following resources:

(1) Property which does not exceed that permitted under the federally aided assistance program known as aid to families with dependent children; provided, however, that the commissioner may provide by rule and regulation more restrictive eligibility standards and levels of payment for general assistance if it is determined that funds available are not adequate to meet projected need; and

(2) Other property, including real or personal property used as a home, which has been determined, in accordance with and subject to limitations contained in rules and regulations promulgated by the commissioner, to be essential to the family or individual as a means of self-support or self-care or which is producing income that is being used for the support of the individual or family. The commissioner shall further provide by rule and regulation for those situations in which property may be retained by the family or individual where there is a reasonable probability that in the foreseeable future the property will be used for the self-support of the individual or family; and

(3) Payments, made pursuant to litigation and subsequent appropriation by the United States Congress, of funds to compensate members of Indian tribes for the taking of tribal land by the federal government.

Approved May 29, 1979.

CHAPTER 251—S.F.No.1074

An act relating to elections; increasing compensation for presidential electors; removing archaic language and masculine pronouns; amending Minnesota Statutes 1978, Sections 204A.23; 208.03; 208.04, Subdivision 1; 208.05; 208.06; 208.07; and 208.08.

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

Section 1. Minnesota Statutes 1978, Section 204A.23, is amended to read:

204A.23 **COMPENSATION.** The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$40 \$35 for each day's attendance at the capitol, and an amount for each mile necessarily traveled in going to and returning from St. Paul, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(b) To persons carrying ballots from, and returns to, the county auditor's office, \$2

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for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(c) To members of county canvassing boards, \$5 for each eight hours of service as members of the canvassing board and seven and one-half cents for each mile of necessary travel each day; provided that in counties now or hereafter having a population of 600,000 or more the members of the county canvassing boards in those counties shall be paid \$12 for each eight hours of service as members of the canvassing board, and mileage;

(d) The compensation for election judges shall be fixed by the governing body of the municipality and in the case of judges in unorganized territory, by the county board, except that the compensation for election judges in the case of townships shall be fixed at the annual town meeting.

(e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election.

Sec. 2. Minnesota Statutes 1978, Section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS. Presidential electors for the several political parties of this state shall ~~hereafter~~ be nominated by delegate conventions called and held under the supervision of the respective state central committees of the ~~several~~ parties of this state. The names of the persons nominated as presidential electors shall be certified to the secretary of state by the ~~chairman~~ chairperson of ~~such~~ the convention for the office of presidential elector.

Sec. 3. Minnesota Statutes 1978, Section 208.04, Subdivision 1, is amended to read:

208.04 PREPARATION OF BALLOTS. Subdivision 1. When presidential electors are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice-presidential candidates to the county auditors of the ~~several~~ of the state. ~~The~~ Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each political party and ~~those~~ the candidates nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state white ballot, before the party designation. To the left of, and on a the same line of ~~such~~ with the surnames, near the margin, shall be placed ~~in~~ a square or box, in which the ~~voter~~ voters may indicate ~~his~~ their choice by marking an "X"; ~~and one such~~ A mark opposite the candidate's name of any one party shall be counted as a vote for each elector in the party group on file with the secretary of state.

The form for the Presidential Ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

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Sec. 4. Minnesota Statutes 1978, Section 208.05, is amended to read:

208.05 **STATE CANVASSING BOARD.** The state canvassing board at its meeting on the second Tuesday after each ~~such~~ general election shall open and canvass the returns made to the secretary of state for presidential electors, ~~and~~ prepare a statement of the number of votes cast for the ~~several~~ persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of ~~such~~ the persons shall be declared elected. The governor shall transmit to each person ~~so~~ declared elected a certificate of election, signed by ~~him~~ the governor, sealed with the state seal, and countersigned by the secretary of state; ~~and~~ . Immediately after the canvass is completed ~~he~~ the secretary of state shall cause a statement of their election to be published in one or more of the daily newspapers printed published in the county of the state capitol St. Paul and in one or more of the daily newspapers printed and published in a city of the first class contiguous to the city containing the state capitol in Minneapolis.

Sec. 5. Minnesota Statutes 1978, Section 208.06, is amended to read:

208.06 **ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.** Every ~~The~~ presidential elector electors, before 12:00 M. on the day ~~next preceeding~~ before that fixed by congress for ~~such~~ the electors to vote for president and vice president of the United States, shall notify the governor that ~~he is~~ they are at the state capitol; and ready at the proper time to fulfill ~~his~~ their duties as ~~such~~ elector electors. The governor shall ~~thereupon~~ deliver to the electors present a certificate of the names of all the electors; ~~and~~ . If any elector named therein fails to appear before 9:00 A.M. on the day, and at the place, fixed for voting for president and vice president of the United States, the electors ~~then~~ present shall, in the presence of the governor, immediately elect by ballot a person to fill ~~such~~ the vacancy. If more than the number of persons ~~so~~ required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of ~~the~~ those persons shall be elected.

Sec. 6. Minnesota Statutes 1978, Section 208.07, is amended to read:

208.07 **CERTIFICATE OF ELECTORS.** Immediately after ~~such~~ the vacancies have been filled, the original electors present ~~originally chosen~~ shall certify to the governor the names of the persons ~~so~~ elected to complete their number, and the governor shall at once cause written notice to be given to each person ~~so~~ elected to fill a vacancy; ~~and~~ . The persons so chosen shall be presidential electors; and shall meet and act with the other electors.

Sec. 7. Minnesota Statutes 1978, Section 208.08, is amended to read:

208.08 **ELECTORS TO MEET AT STATE CAPITOL.** ~~Such~~ The original and substituted presidential electors, at 12:00 M., shall meet in the executive chamber; at the state capitol; and ~~then and there~~ shall perform all ~~and singular~~ the duties imposed upon them as ~~such~~ electors by the constitution and laws of the United States and this state.

Approved May 29, 1979.

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