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

Section 1. **ST. CLOUD DAM.**

The city of St. Cloud, in Stearns, Benton, and Sherburne Counties, may improve the dam on the Mississippi River now owned by the city by constructing or reconstructing a power house, installing power generation facilities, excavation and riprapping, and providing all other work and materials necessary to complete a functioning plant to be owned and operated by the city for the generation of hydroelectric power to be sold for public use.

Sec. 2. **POWERS; BONDS.**

To construct, operate, and finance the plant the city may exercise by resolutions of the city council all of the powers granted to a municipal power agency under Minnesota Statutes, Sections 453.54 to 453.57 and 453.59 to 453.62 with respect to a similar project, and without limitation by the provisions of any other law or the city charter except that bonds or notes issued for this purpose, and the interest and redemption premiums on them, shall be payable exclusively from the revenues of the project.

Sec. 3. **EFFECTIVE DATE; APPROVAL.**

This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the governing body of the city of St. Cloud.

Approved May 13, 1981

CHAPTER 185 — S.F.No. 1058

An act relating to elections; authorizing the validation of absentee ballots by judges of absentee ballot precincts; providing for notice to election judges in an absentee ballot precinct; amending Laws 1981, Chapter 29, Article III, Sections 10; 12; and 13.

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

Section 1. Laws 1981, Chapter 29, Article III, Section 10, is amended to read:

[203B.10] DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.

On the day before an election:

(a) The county auditor shall deliver to the town and city clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in Article III, Section 6, Subdivision 5; and

Changes or additions are indicated by underline, deletions by strikeout.

(b) The town and city clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in Article III, Section 6, Subdivision 5, to the appropriate election judges. Applications received on election day pursuant to Article III, Section 4, Subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot counting board.

Sec. 2. Laws 1981, Chapter 29, Article III, Section 12, is amended to read:

[203B.12] ELECTION JUDGES TO RECEIVE AND COUNT BALLOTS.

Subdivision 1. **RECEIPT OF RETURN ENVELOPES.** The election judges in each precinct or the judges of an absentee ballot counting board shall take possession of all return envelopes delivered to them in accordance with Article III, Section 8.

Subd. 2. **EXAMINATION OF RETURN ENVELOPES.** Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. The election judges shall remove the ballot envelope from the return envelope, mark the ballot envelope "Accepted" and initial or sign the ballot envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(a) The voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) In precincts with a permanent voter registration system, the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope or, in precincts with no permanent voter registration system, the address of the voter lies within the precinct; and

(c) The voter has not already voted at that election, either in person or by absentee ballot.

The return envelope from accepted ballots shall be preserved and returned to the county auditor with the voters' certificates.

If all or a majority of the election judges examining return envelopes 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 "Rejected", initial or sign it below the word "Rejected", and place it back in the return envelope for return to the county auditor with the unused ballots.

Subd. 3. **NOTATION ON REGISTRATION CARD OR ELECTION REGISTER.** If the ballot envelope is marked with the word "Accepted", the election judges shall record the fact that the voter has voted by absentee ballot on the voter registration card or in the election register in precincts with no permanent voter registration. This shall be done by placing the letters "A.B." in the appropriate space on the card or register. After a registration card or election register has been marked to record that an individual has voted by absentee ballot, the individual shall not be allowed to vote in person at that election.

Subd. 4. **PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS.** The ballot envelopes marked "Accepted" shall be placed by the election judges in a separate absentee ballot container. The container and each ballot envelope may be opened only after the last regular mail delivery by the United States postal service on election day. The ballots shall then be initialled 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.

If more than one ballot of any kind is enclosed in the ballot envelope, none of the ballots of that kind shall be counted but all ballots of that kind shall be returned in the manner provided by Article V, Section 25 for return of spoiled ballots.

Subd. 5. **ELECTRONIC VOTING SYSTEM PRECINCTS.** Paper absentee ballots delivered to the election judges in precincts which use an electronic voting system shall be counted in the manner provided in this section. No duplicate ballot cards shall be prepared. The paper ballot vote totals for each candidate and on each question shall be added to the results obtained from the electronic tabulating equipment in each precinct.

Subd. 6. **EXCEPTION FOR MUNICIPALITIES WITH ABSENTEE BALLOT COUNTING BOARDS.** In municipalities with an absentee ballot counting board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.

Sec. 3. Laws 1981, Chapter 29, Article III, Section 13, is amended to read:

Changes or additions are indicated by underline, deletions by strikeout.

[203B.13] ABSENTEE BALLOT COUNTING BOARDS.

Subdivision 1. **ESTABLISHMENT.** The governing body of any municipality may by ordinance authorize an absentee ballot counting board for the purpose of counting all absentee ballots cast in that municipality. · The board shall consist of a sufficient number of election judges appointed as provided in Article IV, Sections 19 to 22.

Subd. 2. **DUTIES.** The absentee ballot counting board shall:

(a) Receive from each precinct in the municipality all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 2;

(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.

Subd. 3. **COMPENSATION OF MEMBERS.** The city or town clerk shall pay a reasonable compensation to each member of the absentee ballot counting board for services rendered during each election.

Subd. 3a. **DUPLICATE REGISTRATION FILES.** If the election judges of an absentee ballot counting board are authorized to receive, examine, and validate absentee ballots, the county auditor or city clerk shall remove from the duplicate registration files the cards of all persons who have applied for absentee ballots at the election and deliver them to the election judges of the absentee ballot counting board along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose it shall be replaced with a notification to the election judges that the voter's card has been removed and directing them to contact the election judges of the absentee ballot counting board if that voter should present himself at the polling place for the purpose of casting his vote in person. If contacted by the judges of the precinct, the election judges of the absentee ballot counting board shall examine the duplicate registration card of the voter to determine if his absentee ballot has been cast. They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to cast his vote in person. The election judges of the absentee ballot counting board shall make a notation on the duplicate registration card that the voter has voted and no absentee ballot shall be counted for that voter.

Subd. 4. **APPLICABLE LAWS.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law shall apply to an absentee ballot counting board.

Approved May 13, 1981

Changes or additions are indicated by underline, **deletions by** strikeout.