

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

Section 1. SIBLEY STATE PARK; BUILDING SALE.

The commissioner of administration shall convey to Kandiyohi County, by an instrument approved by the attorney general, the single story, wood frame, three bedroom rambler style residence building and unattached garage located in Sibley State Park and acquired by the department of natural resources from Curtis Thompson about August 26, 1980. In consideration for the conveyance by the state, the county shall pay the sum of \$4,000 to the state and shall clean up and bury the footings of the building, including provision of necessary fill, to the satisfaction of the commissioner of administration.

Sec. 2. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 18, 1981

CHAPTER 217 — S.F.No. 99

An act relating to elections; changing certain procedures and requirements relating to elections; amending Minnesota Statutes 1980, Sections 201.061, as amended; 206.20, Subdivision 2, as amended; 208.03; 208.05; Laws 1981, Chapter 29, Article IV, Section 28; Article V, Sections 10, 24, and 26; Article VI, Sections 15 and 16; repealing Minnesota Statutes 1980, Section 201.18, as amended.

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

Section 1. Minnesota Statutes 1980, Section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS.

Presidential electors for the several political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. The names of the persons nominated as presidential electors shall be certified to the secretary of state by the chairperson of the convention for the office of presidential elector on or before primary election day.

Sec. 2. Minnesota Statutes 1980, 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 general election shall open and canvass the returns made to the secretary

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of state for presidential electors, prepare a statement of the number of votes cast for the 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 the persons shall be declared elected. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state. ~~Immediately after the canvass is completed the secretary of state shall cause a statement of their election to be published in one or more of the daily newspapers published in St. Paul and in one or more of the daily newspapers published in Minneapolis.~~

Sec. 3. Minnesota Statutes 1980, Section 201.061, as amended by Laws 1981, Chapter 29, Article II, Section 8, is amended to read:

Sec. 8. Minnesota Statutes 1980, Section 201.061, is amended to read:

201.061 REGISTRATION ON OR BEFORE ELECTION DAY.

Subdivision 1. **PRIOR TO ELECTION DAY.** At any time ~~before the 20th day except during the 20 days~~ immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county. A registration card that is postmarked no later than ~~4:59~~ 5:00 p.m. on the ~~20th~~ 21st day preceding any election ~~or received on the next working day~~ shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence.

Subd. 2. **POLITICAL SUBDIVISION WITHOUT PERMANENT SYSTEM.** Subdivision 1 does not apply to eligible voters in any political subdivision which does not on July 1, 1973 have a permanent system of voter registration unless the governing body of that political subdivision by ordinance or resolution elects to come under the provisions of subdivision 1. The decision to allow pre-registration may not be rescinded.

Subd. 3. **ELECTION DAY REGISTRATION.** An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

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(2) Showing any document approved by the secretary of state as proper identification; or

(3) Having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge stating that he personally knows that the individual 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.

A county or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Subd. 4. REGISTRATION BY ELECTION JUDGES; PROCEDURES. Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration cards and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration card until his address is verified by the county auditor. Registration cards completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Subd. 5. UNREGISTERED VOTERS; PENALTY. No election judge in any precinct in which registration is required may receive the vote at any election of any individual whose name is not registered in a manner specified in Article II, Section 6, Subdivision 1 or not recorded under Article III, Section 19. A violation of this subdivision is a felony.

Subd. 6. PRECINCT MAP. Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in Article II, Section 24, Subdivision 4, to a municipal clerk who prepares precinct maps as provided in Article IV, Section 14, Subdivision 5.

Subd. 7. RECORD OF ATTEMPTED REGISTRATIONS. The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record

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shall be forwarded to the county auditor with the election returns for that precinct.

Sec. 4. Minnesota Statutes 1980, Section 206.20, Subdivision 2, as amended by Laws 1981, Chapter 29, Article VII, Section 20, is amended to read:

Sec. 20. Minnesota Statutes 1980, Section 206.20, Subdivision 2, is amended to read:

Subd. 2. For the instruction of the voters there shall be, so far as practicable in each polling place, at least one mechanical model being a mechanical reproduction of a portion of the face of the voting machine. The model shall be located during the election in some place which the voter must pass to reach the machine. Every voter before entering the booth shall be instructed regarding its operation. The instruction shall be illustrated on the model and the voter given the opportunity to personally operate the model. The voter's attention shall also be called to the diagram ~~on~~ of the face of the machine so that the voter becomes familiar with the location of the questions and the names of the offices and candidates. At least one election judge shall remain in constant attendance at the instruction model and diagram and occupy himself at all times with the duties of instructing the voters. If any voter after entering the voting machine booth asks for additional instruction in operating the machine the instruction shall be given him by two election judges who are members of different major political parties, if such there be. After giving instruction the election judges shall retire from the voting machine booth and the voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary after entering the voting machine booth and setting the primary lever of a major political party so as to release the candidates of that party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, states to the election judges that he wishes to enter the primary of a different major political party, the entire election board shall go to the machine and shall see that all voting levers have been returned to the unvoted position so that no votes may be cast for any candidates or for or against any questions or other propositions, and the voter shall then be permitted to return the operating lever to its original position and start from the beginning once more. In each such case the entire election board shall sign a certificate stating what was done and the certificate shall be returned with the official returns of the primary.

Sec. 5. Laws 1981, Chapter 29, Article IV, Section 28, is amended to read:

Sec. 28. [204B.28] CLERKS; ELECTION SUPPLIES; DUTIES.

Subdivision 1. **TRAINING PROGRAM FOR ELECTION OFFICIALS.** Before each state primary, each county auditor shall conduct a

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training program for local election officials. The county auditor may require the municipal clerks and the chairmen of the election boards in the county to meet for this training program before the election at a time and place set by the county auditor. The training program shall include instruction in election procedures and the duties of municipal clerks and election judges. The chairmen of the election boards shall be compensated by the municipalities for the incidental expenses incurred by them to attend a training program.

Subd. 2. **ELECTION SUPPLIES; DUTIES OF COUNTY AUDITORS AND CLERKS.** Except as otherwise provided for absentee ballots in Article IV, Section 35, Subdivision 4, the county auditor shall complete the preparation of the election materials for which he is responsible at least one week before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than one week before the election each municipal clerk shall secure from the county auditor:

- (a) The forms that are required for the conduct of the election;
- (b) Any printed voter instruction materials furnished by the secretary of state;
- (c) Any other instructions for election officers; and
- (d) A sufficient quantity of the official ballots, ballot boxes, registers, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota election law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to Article IV, Section 29, Subdivision 1.

Sec. 6. Laws 1981, Chapter 29, Article V, Section 10, is amended to read:

Sec. 10. **[204C.10] PERMANENT REGISTRATION; COMPLETION OF VOTER CERTIFICATES; VERIFICATION OF REGISTRATION.**

In election precincts with a permanent registration system, an individual seeking to vote shall print his name and address on a certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies that he resides at the address shown, is not under guardianship of the person, has not been adjudicated insane or convicted of a felony without having civil rights restored, is registered and will be voting only in that precinct. The individual shall then sign the certificate.

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An election judge shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card and the address with the address on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who shall deliver it to the election judge in charge of ballots as proof of the right to vote.

Sec. 7. Laws 1981, Chapter 29, Article V, Section 24, is amended to read:

Sec. 24. [204C.24] ELECTION RETURNS; SUMMARY STATEMENTS.

Subdivision 1. INFORMATION REQUIREMENTS. Notwithstanding the provisions of Minnesota Statutes, Sections 206.185, Subdivision 5; and 206.21, Subdivisions 1 and 2, precinct summary statements shall be submitted by the election judges in every precinct. The election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) The number of votes each candidate received or the number of yes and no votes on each question, the number of partially blank ballots and the number of partially defective ballots with respect to each office or question;

(b) The number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) The number of individuals who voted at the election in the precinct;

(d) In counties with permanent registration, the number of voters registered before the polling place opened and the number of voters registering on election day in that precinct; and

(e) The signatures of the election judges who counted the ballots certifying that the national flag was displayed on a suitable staff during voting hours; that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

Subd. 2. SEALING IN ENVELOPES. The election judges shall place a full set of completed summary statements in each of three separate envelopes and seal them so that the envelopes cannot be opened without leaving evidence that they have been opened. The election judges shall then sign each envelope over the sealed part so that no envelope can be opened without disturbing the continuity of the signatures. Each of the envelopes shall show substantially the following information on its face:

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“Summary statements of the returns of the election precinct, (Town) or (City) of, in the County of, State of Minnesota”.

Sec. 8. Laws 1981, Chapter 29, Article V, Section 26, is amended to read:

Sec. 26. [204C.26] SUMMARY STATEMENTS AND ENVELOPES FOR BALLOT RETURNS; ELECTION OFFICIALS TO FURNISH.

Subdivision 1. **SUMMARY STATEMENTS.** Each official responsible for printing ballots shall furnish three or more blank summary statement forms for the returns of those ballots for each precinct. The blank summary statement forms shall be furnished at the same time and in the same manner as the ballots. The county auditor shall furnish blank summary statement forms containing separate space for the summary statement of the returns of the white ballot and the summary statement of the returns for the state pink ballot.

Subd. 2. **SUMMARY STATEMENTS; CONTENTS.** The blank summary statement forms furnished to each precinct shall identify the precinct, ward number if any, city or town, date, and kind of election and, under appropriate headings identifying each color ballot, shall contain spaces for the election judges to enter the information required by Article V, Section 24, Subdivision 1.

Each blank summary statement form shall also contain a certificate to be signed by the election judges stating that the national flag was displayed on a suitable staff during voting hours; that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

Subd. 3. **SECRETARY OF STATE.** On or before July 1 of each even numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state primary and state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the partisan primary ballot and a separate part for the nonpartisan primary ballot.

Subd. 4. **ENVELOPES FOR COUNTED BALLOTS.** Each official responsible for printing ballots shall also furnish envelopes to contain those ballots after they have been counted. The envelopes shall be made of heavy paper ~~of the same color as,~~ printed or marked to distinguish the color of the ballots to be contained in them. They shall be of convenient size to hold the ballots and shall be furnished at the same time and in the same manner as the ballots.

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Sec. 9. Laws 1981, Chapter 29, Article VI, Section 15, is amended to read:

Sec. 15. [204D.15] PINK BALLOT; FORM; DISTRIBUTION; SAMPLE BALLOT.

Subdivision 1. **TITLES FOR CONSTITUTIONAL AMENDMENTS.** The secretary of state shall provide an appropriate title for each question printed on the pink ballot. The title shall be approved by the attorney general, and shall consist of not more than one printed line above the question to which it refers. At the top of the ballot just below the heading, a conspicuous notice shall be printed stating that a voter's failure to vote on a constitutional amendment has the effect of a negative vote.

Subd. 2. **DISTRIBUTION.** The pink ballot shall be provided in groups of 50. At least 15 days before the state general election the secretary of state shall forward to the county auditor of each county sufficient ballots to enable the county auditor to comply with the absentee voting provisions of Article IV, Section 28, Subdivision 2. The county auditor shall give a receipt to the secretary of state stating the number of pink ballots and the date when they were received.

Subd. 3. **SAMPLE PINK BALLOT.** Four weeks before the state general election the secretary of state shall file sample copies of the pink ballot in his office for public inspection. Three weeks before the state general election the secretary of state shall mail sample copies of the pink ballot to each county auditor. Each auditor shall post the sample ballot in a conspicuous place in the auditor's office.

Sec. 10. Laws 1981, Chapter 29, Article VI, Section 16, is amended to read:

Sec. 16. [204D.16] SAMPLE GENERAL ELECTION BALLOTS; POSTING; PUBLICATION.

Two weeks before the state general election the county auditor shall prepare sample copies of the white and canary ballots and shall post copies of these sample ballots and a sample of the pink ballot in his office for public inspection. At least one week No earlier than 15 days and no later than two days before the state general election the county auditor shall cause the sample white, canary and pink ballots to be published in at least one newspaper of general circulation in the county.

Sec. 11. REPEALER.

Minnesota Statutes 1980, Section 201.18, as amended by Laws 1981, Chapter 29, Article II, Section 21, is repealed.

Approved May 18, 1981

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