

CHAPTER 28 — H.F.No. 40

An act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

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

Section 1. Notwithstanding the time limitations in Minnesota Statutes, Section 282.241, and notwithstanding any other law, the state of Minnesota, upon receipt of a resolution of the St. Louis County board requesting action by the state, shall allow the repurchase by the owner at the time of forfeiture of certain lands situated in St. Louis County, described below. All other provisions of Minnesota Statutes, Section 282.241 and other law relating to repurchase of tax-forfeited land shall be applicable to the repurchase. No repurchase shall be allowed unless the commissioner of revenue receives the resolution of the county board not later than 180 days after the effective date of this act.

That part of Lot Eight (8), MOOSE ANTLER, according to the plat thereof, on file and of record in the office of the Registrar of Titles in and for St. Louis County, Minnesota described as follows: Beginning at the Southeast corner of Lot Nine (9) of said MOOSE ANTLER plat, thence proceeding 72.27 feet North 87 degrees, 54 minutes, 15 seconds East, thence proceeding on a line extending in a generally Northerly direction over and across said Lot Eight (8) to a point 58 feet East of the junction of Lake Vermillion and the common line between Lots Eight and Nine (8 and 9) MOOSE ANTLER; thence West along the shore of Lake Vermillion a distance of 58 feet to the junction at the shore line of Lake Vermillion and said common line between Lots Eight and Nine (8 and 9); thence South along the common line between said Lots Eight and Nine (8 and 9) MOOSE ANTLER, to the point of beginning.

Approved April 14, 1981

CHAPTER 29 — H.F.No. 71

An act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01;

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201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

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

ARTICLE I GENERAL PROVISIONS

Section 1. Minnesota Statutes 1980, Section 200.01, is amended to read:

200.01 CITATION, MINNESOTA ELECTION LAW.

Articles III to VI and chapters 200 to 244 are, 201, 202A, 205, 206, 208, 209 and 210A shall be known as the Minnesota election law, and the words used in the Minnesota election law have the meanings prescribed in section 200.02.

Sec. 2. ~~[200.015]~~ SCHOOL DISTRICT ELECTIONS EXCLUDED.

Articles III to VI and chapters 200, 201, 202A, 205, 206, 208, 209 and 210A do not apply to school district elections unless otherwise specifically provided by law.

Sec. 3. Minnesota Statutes 1980, Section 200.02, is amended to read:

200.02 DEFINITIONS.

Subdivision 1. **ELECTION.** The word "election" means any election except those held in any school district unless otherwise specifically provided by law, at which the electors of the state or any subdivision thereof nominate or choose by ballot public officials or decide any public question lawfully submitted to them. The terms defined in this section apply to the Minnesota election law.

Subd. 2. **GENERAL ELECTION.** The words "general election" mean the election provided to be held in the state on the first Tuesday after the first Monday of November in every even-numbered year. "General election" means an election held at regular intervals on a day determined by law or

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charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

Subd. 3. **PRIMARY, PRIMARY ELECTION.** The words "primary" or "primary election" mean an election held for the purpose of deciding by ballot who shall be the nominees for offices to be filled at an election. "Primary" means an election at which the voters of the state or any of its subdivisions choose by ballot the nominees for the offices to be filled at a general election.

Subd. 4. **MUNICIPAL ELECTION SPECIAL ELECTION.** The words "municipal election" mean an election held in any municipality at which the electors of the municipality choose by ballot public officials for the municipality or decide any public question relating to the municipality lawfully submitted to them.

Subd. 5. The words "Special election" mean an election held for a special purpose means:

- (a) An election held at any time to fill vacancies in public offices; or
- (b) An election held by a subdivision of the state for a special purpose.

Subd. 6 5. **SPECIAL PRIMARY; SPECIAL PRIMARY ELECTION.** The words "Special primary" or "special primary election" mean a primary means an election held to select choose the nominees for the vacant public offices to be filled at a special election.

Subd. 6. **POLITICAL PARTY.** "Political party" means an association of individuals under whose name a candidate files for partisan office.

Subd. 7. **MAJOR POLITICAL PARTY.** The words "political party" mean an organization which shall have maintained in the state, governmental subdivision thereof or precinct therein in question, a party organization and presented candidates for election at the last preceding general election one or more of which candidates shall have been voted for in each county within the state at such election and shall have received in the state not less than five percent of the total vote cast for all candidates at such election "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and:

(a) Which has presented at least one candidate for election to a partisan office at the last preceding state general election, which candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(b) Whose members to a number equal to at least five percent of the total number of votes cast at the preceding general election in the county where the application is made shall present to the county auditor a petition for a place

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on the state partisan primary election ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election in the county where the application is submitted.

Subd. 8. **CITIES CITY.** The words "statutory city" mean any city which has not adopted a home rule charter pursuant to the constitution and laws of this state; the words "home rule charter city" mean any city which has adopted such a charter "City" means a home rule charter or statutory city.

Subd. 9. **MUNICIPALITY.** The word "Municipality" means any city or town.

Subd. 10. **COUNCIL GOVERNING BODY.** The word "council" means the governing body of a municipality. "Governing body" means the board of commissioners of a county, the elected council of a city, or the board of supervisors of a town.

Subd. 12. The word "judge" means any judge of election.

Subd. 13. The words "peace officer" means any sheriff, constable, policeman, or any citizen appointed and empowered to perform any of their duties.

Subd. 11. **PRECINCT.** The word "Precinct" means an election district a geographical area the boundaries of which are established for election purposes in accordance with Article IV, Section 14.

Subd. 15. The word "voter" means an elector qualified to vote at an election.

Subd. 12. **POLLS, POLLING PLACE.** The words "polls" or "Polling place" mean means the place of voting.

Subd. 13. **CONVENTION.** The word "Convention" means an organized body of delegates representing a political party assembled for the purpose of transacting such business as lawfully comes before it the business of a major political party.

Subd. 18. The word "contestant" means the person who begins any proceeding to contest the result of an election.

Subd. 19. The word "contestee" means the person who is adverse to the contestant.

Subd. 20. The word "senator" means a member of the senate of this state.

Subd. 21. The word "representative" means a member of the house of representatives of this state.

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Subd. 22. The word "commissioner" means the secretary of state of the state of Minnesota.

Subd. 23 14. **ELECTION BOARD.** The words "Election board" mean means the election judges of election of an election serving in a precinct.

Subd. 24. The term of office of every state and county officer shall begin on the first Monday in January next succeeding his election, unless otherwise provided by law.

Subd. 25 15. **ELIGIBLE VOTER.** (a) "Eligible voter" means a person who at the time of any election,

- (1) is 18 or more years of age,
- (2) is a citizen of the United States, and
- (3) has resided in Minnesota for 20 days.

(b) The following persons are not eligible voters:

(1) Any person who has been convicted of treason or any felony, who has not had his civil rights restored;

(2) Any person who is under guardianship over his person;

(3) Any person who is adjudicated to be non compos mentis or insane;

(4) Any person who is not properly registered an individual who is eligible to vote under Article II, Section 2.

Subd. 26 16. **COUNTY AUDITOR.** The words "County auditor" mean that officer means the county auditor or, in counties where that office does not exist, the principal county officer charged with duties relating to elections.

Subd. 27 17. **MEMBER OF A MAJOR POLITICAL PARTY.** The words "Member of a major political party" mean a person means an individual who:

(a) Supports the general principles of a political party as stated in that party's constitution; .

(b) Voted for a majority of that party's candidates in the last general election; or

(c) Intends to vote for a majority of a that party's candidates in the next general election.

Subd. 18. **OATH, SWEAR, SWORN.** "Oath" means an oath or affirmation, as the conscience of the individual dictates. If an affirmation is given instead of an oath, "swear" means to affirm and "sworn" means affirmed.

Sec. 4. [200.031] DETERMINATION OF RESIDENCE.

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

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(a) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, he intends to return;

(b) An individual does not lose residence if he leaves his home to live temporarily in another state or precinct;

(c) An individual does not acquire a residence in any precinct of this state if he is living there only temporarily, without the intention of making that precinct his home;

(d) If an individual goes into another state or precinct with the intention of making it his home or files an affidavit of residence there for election purposes, he loses his residence in his former precinct;

(e) If an individual moves to another state with the intention of living there for an indefinite period, he loses his residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) Except as otherwise provided in this section, an individual's residence is located in the precinct where his family lives, unless his family is living in that precinct only temporarily;

(g) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where his family lives, unless he establishes a home in the other precinct and intends to remain there, with or without his family;

(h) The residence of a single individual is in the precinct where he lives and usually sleeps;

(i) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where his permanent home is located;

(k) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

ARTICLE II

VOTER ELIGIBILITY AND REGISTRATION

Section 1. Minnesota Statutes 1980, Section 201.01, is amended to read:

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201.01 DEFINITIONS.

The words used in sections 201.01 to 201.27 have the meanings prescribed to them definitions in chapter 200 apply to chapter 201.

Sec. 2. [201.014] ELIGIBILITY TO VOTE.

Subdivision 1. REQUIREMENTS. Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

(a) Be 18 years of age or older;

(b) Be a citizen of the United States; and

(c) Maintain residence in Minnesota for 20 days immediately preceding the election.

Subd. 2. NOT ELIGIBLE. The following individuals are not eligible to vote. Any individual:

(a) Convicted of treason or any felony whose civil rights have not been restored;

(b) Under a guardianship of the person; or

(c) Found by a court of law to be legally incompetent.

Subd. 3. PENALTY. Any individual who votes when he knows he is not eligible to vote is guilty of a felony.

Sec. 3. [201.016] RESIDENCE REQUIREMENTS FOR VOTING; PENALTY.

Subdivision 1. DETERMINATION OF RESIDENCE; PENALTY. An eligible voter may vote only in the precinct in which he maintains residence. The residence of a voter shall be determined in accordance with Article I, Section 4. Any individual who votes in a precinct knowing that he does not maintain residence in that precinct is guilty of a felony.

Subd. 2. DURATION OF RESIDENCE. The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election.

Sec. 4. [201.018] REGISTRATION REQUIREMENTS FOR VOTING.

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Subdivision 1. COUNTY WITHOUT PERMANENT SYSTEM. An eligible voter who maintains residence in a county without a permanent voter registration system, may vote in any election in that county after the voter's name is entered in the election register as provided in Article V, Section 11.

Subd. 2. COUNTY WITH PERMANENT SYSTEM. An eligible voter who maintains residence in a county with a permanent voter registration system must register in a manner specified by Article II, Section 6, in order to vote in any primary, special primary, general, or special election held in the county. An eligible voter who maintains residence in a school district which uses the county voter registration system as authorized by Article II, Section 12, must register in a manner specified by Article II, Section 6, in order to vote in any school election held in that district.

Sec. 5. Minnesota Statutes 1980, Section 201.021, is amended to read:

201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established. Any county ~~containing no city with a population of 10,000 or more not containing a city with a population of 10,000 or more~~ may by resolution of the county board be ~~exempted~~ exempt itself from the provisions of sections 201.021 to 201.221 Article 11, Sections 5 to 24. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 6. [201.054] METHODS OF REGISTERING; PENALTY.

Subdivision 1. REGISTRATION. An individual may register to vote:

(a) At any time before the 20th day preceding any election as provided in section 201.061, subdivision 1, in counties where preregistration is allowed; or

(b) On the day of an election as provided in section 201.061, subdivision 3; or

(c) When submitting an absentee ballot, by enclosing a completed registration card as provided in Article III, Section 4, Subdivision 4.

Subd. 2. PROHIBITIONS; PENALTY. No individual shall intentionally:

(a) Cause or attempt to cause his name to be registered in any precinct if he is not eligible to vote;

(b) Cause or attempt to cause his name to be registered for the purpose of voting in more than one precinct, or in any precinct in which he does not maintain residence;

(c) Misrepresent his identity when attempting to register to vote; or

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(d) Aid, abet, counsel, or procure any other individual to violate this subdivision.

A violation of this subdivision is a felony.

Sec. 7. [201.056] SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.

An individual who is unable to write his name shall be required to sign a registration card by making his mark. If the individual registers in person, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and his own name and give his own address.

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 preceding any election, an eligible voter or any person individual who upon registration will have the qualifications of will be an eligible voter at the time of the next election may register as a voter to vote in the precinct in which he resides, at any time prior to the 20th day preceding any election the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of the that county where he resides. Registration cards may be submitted to the county auditor in person or by U.S. mail addressed and postage paid. A registration card that is postmarked no later than 11:59 p.m. on the 20th day preceding any election or received on the next working day shall be deemed timely accepted. An improperly addressed or delivered registration cards card shall be forwarded within two working days from after receipt by an official receiving one to the county auditor of the county where the voter resides if the county can be determined maintains residence.

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

Subd. 3. **ELECTION DAY REGISTRATION.** 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. An individual may register at this time on election day by appearing in person at the polling place for the precinct in

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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 his residence. An individual may prove his residence for purposes of registering by:

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

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

(3) Having an ~~individual~~ 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 ~~applicant~~ 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.

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.

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 the card and 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. 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 applicant's individual's registration card until the his address of the applicant is verified by the county auditor. Forms used pursuant to this section Registration cards completed on election day shall be forwarded to the county auditor who shall, unless the information forwarded is substantially deficient, add the name of the each voter to the registration system unless the information forwarded is substantially deficient. If the A county auditor who finds a an election day registration pursuant to this subdivision substantially deficient he shall give written notice to the person individual whose registration is found deficient. A An election day registration shall not be found deficient only solely 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.

Subd. 4. Registration at the polls on election day shall be conducted by the election judges. The election judge who registers a person at the polls

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on election day shall not be the same judge who shall have charge of and hand to and receive from the voter his ballots.

Subd. 5. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing the name of the applicant by the registration clerk taking the application. If the registration card is submitted by mail the cross shall be certified by having a voter registered in the precinct of the applicant sign the name of the applicant and sign his own name and give his own address.

Subd. 6 5. UNREGISTERED VOTERS; PENALTY. Each eligible voter is entitled to vote only in the one precinct in which he resides. The judges of No election judge in any election precinct in which registration is required may not receive the vote at any election of any person individual whose name is not registered in accordance with the provisions of Laws 1973, Chapter 676 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 supply the judges in provide each precinct with an accurate precinct map or precinct finder of the precinct to assist them the election judges in determining whether a newly registering voter is registering an address is located in the proper 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. Voters registered under Minnesota Statutes 1971 shall not be required to reregister under Laws 1973, Chapter 676. 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 shall be forwarded to the county auditor with the election returns for that precinct.

Subd. 8. Any political subdivision which did not on July 1, 1973 have a permanent system of voter registration shall provide prior to the date of the 1974 primary election for the transfer of names of persons who voted at the general election in 1972 and who are not permanently registered to permanent registration cards, together with such other information available from the election records as is required by section 201.071, subdivision 1. Such registration cards shall be alphabetized by precinct and the cards for each precinct shall be kept at the polling place on the 1974 primary and general election days. Persons whose registration cards have been so prepared and who have not changed residence shall be deemed registered by proving identity and signing the registration card.

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Subd. 2. **INSTRUCTIONS.** ~~When made available for potential registrants the~~ A registration card shall be accompanied by instructions specifying the manner and method of registration ~~and stating~~ the qualifications for an eligible voter voting and specifying the penalties for false registration.

Subd. 3. **DEFICIENT REGISTRATION.** No registration is ~~faulty or defective~~ deficient if the ~~registration card~~ it contains the voter's name, address, prior registration if any and signature, ~~as in items 1, 2, 5 and 6 of the registration card above.~~ The absence of a zip code number does not cause the registration to be ~~faulty or defective~~ deficient. The election judges of election ~~may shall~~ request a voter an individual to complete correct a registration card that if it is incomplete ~~deficient~~ or illegible. No eligible voter may be prevented from voting unless his registration card is ~~faulty or defective~~ deficient or he is duly and successfully challenged in accordance with ~~provisions of this chapter~~ Article II, Section 22 or Article V, Section 12.

Subd. 4. **CHANGE OF REGISTRATION.** Any county auditor who receives a registration card indicating that a voter an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form from the auditor of another county, as provided in this subdivision or Article V, Section 30, Subdivision 2, shall delete that voter's individual's name from the registration lists and remove the original and duplicate voter registration cards from the files. Any county 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 individual voted in that precinct in the most recent election.

Sec. 10. Minnesota Statutes 1980, Section 201.081, is amended to read:

201.081 REGISTRATION FILES.

Subdivision 1. Within 90 days after the effective date of regulations of the secretary of state implementing Laws 1973, Chapter 676, the municipal official for each municipality who has custody of the original record of voters pursuant to Minnesota Statutes 1971, Chapter 201, shall deliver to the county auditor of the county where the municipality is located:

(1) The original registration file of voters registered under any law prior to Laws 1973, Chapter 676; and

(2) The duplicate registration file of the voters.

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Subd. 2. The original registration file and the duplicate registration file shall be the record of registered voters. The original and duplicate registration files shall be kept in the office of the county auditor or in the office of a person public official to whom the county auditor has delegated the responsibility of keeping either file ~~and~~. The files shall not be removed except that the duplicate file shall be delivered as provided in section 201.221, subdivision 3, to the duly authorized election judges of election for use on election day.

Sec. 11. Minnesota Statutes 1980, Section 201.091, is amended to read:

201.091 REGISTERED VOTER LISTS; ACCOUNTS REPORTS; REGISTRATION PLACES.

Subdivision 1. **PRECINCT LIST.** Each county auditor shall prepare and maintain a current list of the duplicate registration file. ~~This cards, which~~ list shall be known as the precinct list ~~and~~. It shall show the names name and residence address of all voters each voter registered within in the precinct. The telephone number shall be included on the list ~~when if~~ provided by the person registering voter.

Subd. 2. **CORRECTED LIST.** Within 90 days after each state general election, the county auditor shall ~~have~~ prepare and on request make available current registered voter precinct lists by precinct for the county. ~~The~~ Each precinct list shall be periodically corrected and updated by the county auditor; ~~and~~. A final corrected precinct list for each precinct shall be available 15 days before each primary election. A corrected precinct list may be either in the form of a complete corrected list or as a separate list of additions and deletions to the preceding list.

Subd. 2a 3. **REGISTRATION CARDS DELIVERED TO COUNTY AUDITOR.** ~~If the responsibility for maintaining the duplicate registration file has been delegated by the county auditor in accordance with section 201.081, subdivision 2, the~~ A public official maintaining the duplicate registration file pursuant to section 201.081 shall deliver the original voter registration cards to the county auditor within 30 days after ~~the~~ a primary election and within 60 days after a general election. Within 60 days after ~~he~~ receives receiving the original voter registration cards after a general election, the county auditor shall ~~send back~~ return the corrected precinct list of registered voters to the public official maintaining the duplicate registration file.

Subd. 2b 4. **PUBLIC ACCESS TO REGISTRATION FILES.** ~~Subject to reasonable rules and regulations,~~ The duplicate registration file shall be open to public inspection; ~~but no public inspection shall be permitted or allowed that will disarrange the registration files.~~ No person to whom a file of registered electors is made available under this subdivision and no person; The public official having custody of the voter registration files may adopt reasonable rules governing access to the files. No individual inspecting the duplicate registra-

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tion file shall tamper with the cards or their arrangement. No individual who inspects a duplicate registration file or who acquires a list of registered electors voters prepared from the file may use any information contained therein in the file or list for purposes which are not related unrelated to elections, political activities, or law enforcement.

Subd. 3 5. COPY OF LIST TO REGISTERED VOTER. Paper copies of the latest registered voter lists as specified in subdivision 2 shall be available within ten days of a request. The county auditor shall provide paper copies of the current precinct lists and may provide lists in some other form to any voter registered within in the county; upon within ten days of receiving a written request therefor to the county auditor accompanied by payment of the cost of reproduction and. The county auditor shall make a paper copy of the list shall be available for examination public inspection without cost. No person to whom a registered voter list is made available under this subdivision and no person who acquires a registered voter list individual who inspects or acquires a copy of a precinct list may use any information contained therein in it for the purposes which are not related unrelated to elections, political activities, or law enforcement.

Subd. 4 6. ANNUAL REPORT TO COUNTY AUDITOR. Each person public official to whom the county auditor has delegated responsibility for the administration of the provisions of this chapter shall maintain records and accounts for his office and submit annually an annual report to the county auditor a report on the conduct and costs of registration and voting borne by his office. The public official shall maintain adequate records to verify the information contained in the report.

Subd. 5 7. ANNUAL REPORT TO SECRETARY OF STATE. Each county auditor shall maintain records and accounts for his office and submit annually a an annual report on the conduct and costs of registration and voting in the county to the secretary of state. The county auditor shall maintain adequate records to verify the information contained in the report.

Subd. 6 8. REGISTRATION PLACES. Each county auditor shall determine designate a number of public buildings located within in those political subdivisions of the county; and not less than one location per 30,000 residents, where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register by completing a registration card and leaving it with an official within the building whose duty it shall be to transmit the card to the appropriate county auditor to vote. At least one public building shall be designated for each 30,000 residents of the political subdivision. An adequate supply of registration cards shall be maintained at the each designated locations location, and a designated individual shall be available there to accept registration cards and transmit them to the county auditor.

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

Sec. 12. [201.095] SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.

The county auditor shall allow independent or special school districts to use the necessary portions of the county's registration system for school district elections, if requested by the school board of the district, and provided that the use does not interfere with other elections. The county auditor may impose reasonable requirements to preserve the security and integrity of the system. The county auditor and the school district shall provide by agreement for the details of the use of the system by the school district. The school board may designate a member of the board or an employee as registration officer. The provisions of chapter 201 and Article III relating to registration of voters shall apply to school district elections in which the county registration system is used.

Sec. 13. Minnesota Statutes 1980, Section 201.11, is amended to read:

201.11 PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.

When the boundaries of an election a precinct in any such municipality shall be are changed, the county auditor shall immediately change the registration files to correctly show the names of the voters who are residents therein of that precinct.

Sec. 14. Minnesota Statutes 1980, Section 201.12, is amended to read:

201.12 PROPER REGISTRATION, VERIFICATION BY MAIL, CHALLENGES.

Subdivision 1. NOTICE OF REGISTRATION. For the purpose of preventing To prevent fraudulent voting and eliminating to eliminate excess names, the county auditor, at any time he deems it necessary, may send by mail to any registered voter whose name appears in the original registration file a notice that his stating the voter's name and address appear therein as indicated; and, if there is any mistake in the name or the address, the voter shall so as they appear in the registration files. The notice shall request the voter to notify the office of the county auditor and have the same corrected if there is any mistake in the information.

Subd. 2. CHALLENGES. Failure to do so or the return of the notice by the post-office to the county auditor shall be sufficient evidence to justify a challenge of his vote at an election, which challenge shall be signed by the county auditor. Upon the return by the post-office of any such of the notice by the postal service, the county auditor or his staff shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voter; and, if such voter is found to have removed from that individual. If the individual is no longer at the address recorded in the original registration file, the county auditor shall cause to be affixed to the duplicate registration file card of the voter affix the word "challenged" to the duplicate registration card.

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

No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges. Any individual challenged in accordance with this subdivision shall comply with the provisions of Article V, Section 12, before being allowed to vote.

Sec. 15. Minnesota Statutes 1980, Section 201.121, is amended to read:

201.121 ENTRY OF NAMES; MAILED NOTICE.

Subdivision 1. **ENTRY OF REGISTRATION INFORMATION.** Upon receiving a registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the appropriate registration files the registration card or the information contained on the card in the appropriate registration files it.

Subd. 2. **NOTICE OF REGISTRATION; CHALLENGES.** The county auditor shall mail to each registrant a notice indicating the voter's individual's name, address, precinct and polling place to each registered voter. The notice shall ~~require~~ indicate that it must be returned if it is not deliverable to the voter at the named address. ~~For any notice that is returned~~ Upon return of the notice by the postal service, the county auditor shall ~~cause to be affixed to the voter the word "challenged"~~ to the voter's duplicate registration card of the voter the word "challenged". ~~No~~ An individual so challenged in accordance with this subdivision shall be permitted to vote except by complying with all the provisions of law applicable to the proving of challenges Article V, Section 12, before being allowed to vote.

Subd. 3. **POST-ELECTION SAMPLING.** ~~In the case of election day registrations~~ Within ten days after an election, the county auditor shall within ten days of the election send the notice prescribed in required by subdivision 2 to a random sampling of the election day registrants individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall send mail the notice prescribed in required by subdivision 2 to all other election day registrants as soon as practicable after the election individuals registered on election day. If any a 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 individual's eligibility to vote, he shall immediately notify the county attorney and the secretary of state of the irregularity.

Sec. 16. Minnesota Statutes 1980, Section 201.13, is amended to read:

201.13 LOCAL REGISTRAR OF VITAL STATISTICS, REPORT DEATHS TO COUNTY AUDITOR.

The local registrar of vital statistics in each county or municipality, as the case may be, shall report monthly to the county auditor the name and

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address of each ~~person~~ individual 18 years of age or older who has died while a resident in the registration jurisdiction maintaining residence in that county or municipality since the last previous report. Upon receipt of ~~such the~~ such report, the county auditor shall examine the original and duplicate registration files and remove therefrom and destroy remove from the files the original and duplicate registration cards of registered persons so the voters reported by the local registrar as to be deceased.

Sec. 17. Minnesota Statutes 1980, Section 201.14, is amended to read:

201.14 CLERK OF DISTRICT COURT, REPORT CHANGES OF NAMES.

The clerk of district court in each county ~~in the state~~ shall report monthly to the county auditor the name and address of each ~~person~~ individual, 18 years of age or over, residing who maintains residence in that county and whose name shall have been was changed during the month preceding the date of the report, by marriage, divorce or any order or decree of such the court. Upon receipt of ~~such the~~ such report, the county auditor shall notify such voter by mail each registered voter whose name was changed that it is will be necessary for him to re-register under such the changed name in order to vote at an election.

Sec. 18. Minnesota Statutes 1980, Section 201.15, is amended to read:

201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

Subdivision 1. GUARDIANSHIPS, INCOMPETENTS AND PSYCHOPATHS. The probate judge of probate in each county ~~in the state~~ shall report monthly to the county auditor the name, ~~age~~ and address of each individual 18 years of age or over ~~residing, who maintains residence in the that~~ residing, who maintains residence in the that county and who, during the month preceding the date of the report,:

(a) was placed under a guardianship of the person of;

(b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; of as; or

(c) was adjudged a psychopathic personality; and each such.

The judge shall also report the same information for each individual transferred to the jurisdiction of or restored to capacity by the court; or transferred from guardianship to conservatorship who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall examine the original and duplicate registration files to determine if whether any individual named in the report is registered to vote. The county auditor shall attach a notice to the original and duplicate registration cards of any individual so named in the report informing the election judges that the

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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.

Subd. 2. RESTORATION TO CAPACITY. The probate judge in each county shall report monthly to the county auditor the name and address of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. Upon notice from the judge of probate of a restoration to capacity, or of a transfer from guardianship to conservatorship, the county auditor shall remove the notice from the individual's registration cards and thereafter process the cards in the same manner as if no guardianship or adjudication had occurred.

Sec. 19. Minnesota Statutes 1980, Section 201.161, is amended to read:

201.161 DRIVER'S LICENSE CHANGES.

~~When a person notifies the department of public safety of a change of domicile or name and an individual applies for a corrected duplicate driver's license pursuant to section 171.11, the department of public safety shall transmit a voter registration card to the applicant a voters registration card together with instructions for completing the card and returning it by mail to the appropriate county auditor. Voters~~ Voter registration cards shall also be available from clerks and agents who receive applications pursuant to sections 171.06 and 171.07. ~~Voters~~ Voter registration cards required to carry out the provisions of this section shall be provided at no cost to the department of public safety at ~~no cost~~ by the secretary of state.

Sec. 20. Minnesota Statutes 1980, Section 201.171, is amended to read:

201.171 FAILURE TO VOTE; REGISTRATION REMOVED.

After the close of each calendar year, the county auditor shall ~~examine remove~~ the original and duplicate registration files and shall ~~delete therefrom the name cards~~ of any voter who has not voted during the four preceding calendar years in any election, including but not limited to a school district election where the permanent voter registration cards specified in this chapter are used including a school election during the four preceding calendar years system is used. Although not counted in ~~any race an~~ election, a late absentee ballot shall be considered a vote for the purpose of continuing registration.

Sec. 21. Minnesota Statutes 1980, Section 201.18, is amended to read:

201.18 ARMED FORCES MEMBERS, REGISTRATION SAVED.

~~In the event that the applicant~~ If a voter was registered but is ~~did not entitled to vote because he has failed to vote at an election at least once in any during the four successive preceding calendar years wherein elections are held,~~

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

if the applicant because of service in the military, the voter, or someone in his on the voter's behalf, shall may file an affidavit with the county auditor, stating that on the date of any one election during such four-year period the applicant the voter was a member of the armed forces of the United States, such military during that period or any portion of it. The affidavit shall operate as a re-registration, and shall entitle the applicant voter to vote.

Sec. 22. [201.195] CHALLENGES.

Subdivision 1. **PETITION; HEARING.** Upon petition filed with the county auditor, any voter registered within a county may challenge the eligibility or residence of any other voter registered within that county. The petition shall state the grounds for challenge and be accompanied by an affidavit stating that the challenge is based on the challenger's personal knowledge. Within five days after receipt of the petition, the county auditor shall set a date for a hearing on the challenge and notify the challenger by mail. A copy of the petition and notice of the hearing shall be served on the challenged voter by the county auditor in the same manner as in a civil action. The hearing shall be held before the county auditor or his designee who shall then make findings and affirm or dismiss the challenge.

Subd. 2. **APPEAL.** If a challenge is affirmed, the voter whose registration has been challenged may appeal the ruling to the secretary of state. The appeal shall be heard within five days but in any case before election day. Upon hearing the appeal the secretary of state shall affirm or reverse the ruling and shall give appropriate instructions to the county auditor.

Subd. 3. **HEARING PROCEDURES.** A hearing before the secretary of state shall be conducted as a contested case and determined in accordance with chapter 15.

Sec. 23. Minnesota Statutes 1980, Section 201.211, is amended to read:

201.211 COSTS.

The costs of administering office required to perform the functions and duties of this chapter shall be borne by the office required by Laws 1973, Chapter 676 to perform the functions and duties herein required but bear the costs incurred. If these functions and duties are delegated to another office they, that office shall be borne by that office bear the costs.

Sec. 24. Minnesota Statutes 1980, Section 201.221, is amended to read:

201.221 RULES AND REGULATIONS.

Subdivision 1. **ADOPTION OF RULES.** To implement the provisions of this chapter, the secretary of state shall adopt rules and regulations to implement the provisions of this chapter by October 1, 1973 consistent with federal and state election laws.

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

Subd. 2. **UNIFORM PROCEDURES FOR COUNTIES.** ~~He shall make rules consistent with the federal and state election laws to facilitate the execution of their provisions in an orderly manner and to that end~~ The secretary of state shall assist local election officers by devising uniform forms and procedures. ~~He~~ The secretary of state shall provide uniform regulations governing the maintenance of rules for counties maintaining voter registration records on electronic or automatic data processing systems so that the records of counties using the systems are compatible with a uniform system of electronic data maintenance. ~~He~~ The secretary of state shall supervise the development and use of the system to insure that it conforms to applicable provisions of law ~~laws and regulations~~ rules.

Subd. 3. ~~He shall prescribe the method and manner of transporting and delivering the original and duplicate registration files from the office where now located to the locations required by Laws 1973, Chapter 676.~~

Subd. 4 **3. PROCEDURES FOR DUPLICATE REGISTRATION FILE.** ~~He~~ The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card will contain ~~contains~~ spaces for the voter's name, address, and telephone number, and signature, and space to indicate whether the voter has voted in a given election and the voter's signature. ~~He~~ The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day so the signatures of voters may be compared with the signatures on the duplicate registration file.

Subd. 5 **4. COUNTY RULES.** The county auditor of each county may adopt rules and regulations which provide for the delegation of delegate to municipal officials in that county the duties assigned to him ~~county auditors by Laws 1973, Chapter 676 to municipal officials this chapter.~~ Provided however the county auditor may not delegate the responsibility to maintain custody of the original registration file of voters and the preparation and distribution of precinct lists. Provided further that If the county auditor may delegate delegates the power and responsibility duty to accept registrations but a, that delegation of this power does not relieve him of the power and duty to accept these registrations. When any municipality shall have a municipal official is delegated to it responsibilities duties given to the county auditor by Laws 1973, Chapter 676 this chapter, the council governing body of the municipality shall immediately provide the necessary funds, equipment and facilities and shall proceed to, establish a place of registration and put the registration plan into operation without delay.

Sec. 25. Minnesota Statutes 1980, Section 201.27, is amended to read:
201.27 VIOLATIONS, PENALTIES PENALTY.

Subdivision 1. **INTENTIONAL VIOLATION.** Any No officer, deputy, clerk, or other employee who wilfully shall intentionally:

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

~~(a) fails~~ Fail to perform or enforce any of the provisions of this chapter except the provisions of subdivision 2; ~~or who;~~

~~(b) unlawfully or fraudulently removes~~ Remove any registration card or record from its proper ~~compartment~~ place in the registration files, ~~or who in any manner or for any purpose not authorized by law;~~

~~(c) wilfully destroys~~ Destroy any record ~~provided~~ required to be kept by this chapter to be kept; ~~or any person who wilfully or fraudulently registers more than once, or registers under any but his true name, or 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; or~~

~~(d) adds~~ Add a name or names to the voter registration files, records or cards, ~~or who violates any of the provisions of this chapter except as authorized by law.~~

An individual who violates this subdivision is guilty of a felony.

Subd. 2. **KNOWLEDGE OF VIOLATION.** Any A deputy, clerk, employee or other subordinate of a county auditor or municipal clerk who has knowledge or reason to believe that a violation of this chapter 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 this chapter has occurred shall immediately transmit a report of his knowledge or belief to the county attorney of the county ~~wherein~~ where 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 secretary of state. A violation of this subdivision is a misdemeanor.

Subd. 3. **GENERAL PENALTY.** An individual who intentionally violates any provision of this chapter is guilty of a felony, unless a different penalty is specifically provided by law.

Sec. 26. Minnesota Statutes 1980, Section 201.275, is amended to read:

201.275 INVESTIGATIONS; PROSECUTIONS.

Any A county attorney receiving any a report of a possible violation of this chapter 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 A county attorney who fails or refuses to faithfully perform any duty imposed on him by this chapter, he is guilty of a misdemeanor and ~~on~~ upon conviction ~~thereof~~ shall forfeit his office.

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

**ARTICLE III
ABSENTEE VOTING**

Section 1. [203B.01] ABSENTEE BALLOTING; DEFINITIONS.

Subdivision 1. DEFINITIONS APPLY. The definitions in Minnesota Statutes, Chapter 200 and this section apply to this article.

Subd. 2. MUNICIPAL CLERK. "Municipal clerk" means a full-time town or city clerk who is authorized or required to administer the provisions of Article III, Sections 4 to 15, as provided in Article III, Section 5.

Subd. 3. MILITARY. "Military" means the army, navy, air force, marine corps, coast guard or merchant marine of the United States.

Sec. 2. [203B.02] ABSENTEE VOTING; GENERAL ELIGIBILITY REQUIREMENTS.

Subdivision 1. UNABLE TO GO TO POLLING PLACE. Any eligible voter who is unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, physical disability, religious discipline, observance of a religious holiday or service as an election judge in another precinct may vote by absentee ballot as provided in Article III, Sections 4 to 15.

Subd. 2. MILITARY SERVICE; TEMPORARY ABSENCE. An eligible voter who is either in the military, or is a spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States may vote by absentee ballot either as provided in Article III, Sections 4 to 15 or as provided in Article III, Sections 16 to 27.

Subd. 3. PERMANENT RESIDENCE ABROAD. A United States citizen living permanently outside the United States who is eligible under federal law to vote in federal elections in Minnesota may vote by absentee ballot only as provided in Article III, Sections 16 to 27.

Sec. 3. [203B.03] ABSENTEE VOTING PROHIBITIONS; PENALTIES.

Subdivision 1. VIOLATION. No individual shall intentionally:

- (a) Make or sign any false certificate required by this article;
 - (b) Make any false or untrue statement in any application for absentee ballots;
 - (c) Apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
 - (d) Exhibit a ballot marked by that individual to any other individual;
- or

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

(e) Do any act in violation of the provisions of this article for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote.

Subd. 2. PENALTY. A violation of this section is a felony.

Sec. 4. [203B.04] APPLICATION FOR BALLOTS.

Subdivision 1. APPLICATION PROCEDURES. Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not more than 45 days nor less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) The county auditor of the county where the applicant maintains residence; or

(b) The municipal clerk of the municipality where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's residence and mailing addresses and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in Article III, Section 2.

Subd. 2. HEALTH CARE PATIENT. An eligible voter who on the day before an election becomes a resident or patient in a health care facility or hospital located in the municipality in which the eligible voter maintains residence may apply for absentee ballots on election day if the voter:

(a) Requests an application form by telephone from the municipal clerk not later than 5:00 p.m. on the day before election day; or

(b) Submits an absentee ballot application to the election judges engaged in delivering absentee ballots pursuant to Article III, Section 11.

Subd. 3. DELIVERY OF APPLICATION FORMS. The election judges designated to deliver absentee ballots pursuant to Article III, Section 11 shall deliver a blank application form for absentee ballots to any individual who requests one in order to apply for absentee ballots pursuant to subdivision 2.

Subd. 4. REGISTRATION AT TIME OF APPLICATION. In counties with a permanent system of voter registration, an eligible voter who is not registered to vote but who is otherwise eligible to vote by absentee ballot may register by including a completed voter registration card with the absentee ballot. The individual shall present proof of residence as required by Minnesota Statutes, Section 201.061, Subdivision 3, to the individual who witnesses the marking of the absentee ballots.

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

Sec. 5. [203B.05] DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER ABSENTEE VOTING LAWS.

Subdivision 1. GENERALLY. The full-time clerk of any city or town shall administer the provisions of Article III, Sections 4 to 15 if:

(a) The county auditor of that county has designated the clerk to administer them; or

(b) The clerk has given the county auditor of that county notice of intention to administer them.

Subd. 2. CITY AND TOWN ELECTIONS. For city elections not held on the same day as a statewide election and for town elections conducted under the Australian ballot system, applications for absentee ballots shall be filed with the city or town clerk and the duties prescribed by this article for the county auditor shall be performed by the city or town clerk unless the county auditor agrees to perform those duties on behalf of the city or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city or town holding the election.

Sec. 6. [203B.06] APPLICATIONS; FILING WITH COUNTY AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT.

Subdivision 1. PRINTING AND DELIVERY OF FORMS. Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to Article III, Section 4.

Subd. 2. APPLICATIONS TO WRONG OFFICIAL. If for any reason an application for absentee ballots is submitted to the wrong county auditor or city or town clerk, that official shall promptly forward it to the proper county auditor or municipal clerk.

Subd. 3. DELIVERY OF BALLOTS. If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(a) Mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; or

(b) Deliver the absentee ballots directly to the voter if the application is submitted in person.

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

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application.

This subdivision does not apply to applications for absentee ballots received pursuant to Article III, Section 4, Subdivision 2, and Section 11.

Subd. 4. REGISTRATION CHECK. In counties with a permanent system of voter registration, upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to Article III, Section 11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk or election judge shall include a voter registration card among the election materials provided to the applicant.

Subd. 5. PRESERVATION OF RECORDS. An application for absentee ballots shall be dated by the county auditor or municipal clerk when it is received and shall be initialed when absentee ballots are mailed or delivered to the applicant. All applications shall be preserved by the county auditor or municipal clerk and arranged according to precincts and the initial letter of the applicant's surname.

Subd. 6. REQUESTS FROM ABROAD. If an application for absentee ballots requests delivery of absentee ballots to a point outside the continental United States, the absentee ballots shall be sent by air mail. The transmittal and return envelopes shall be marked with the words "OFFICIAL ELECTION BALLOTING MATERIAL — VIA AIR MAIL". Priority in mailing shall be given to all ballots sent by air mail.

Subd. 7. SPECIAL POSTAL SERVICES. If the federal government or any of its branches, departments, agencies or other instrumentalities makes any special service available for the mailing of absentee voting materials, any county auditor or municipal clerk may use the service.

Subd. 8. NAMES ON ENVELOPES, DIRECTIONS. No envelope, return envelope or directions for casting an absentee ballot shall contain the name of any candidate whose name appears on any of the absentee ballots.

Sec. 7. [203B.07] RETURN AND BALLOT ENVELOPES; DIRECTIONS TO VOTERS.

Subdivision 1. DELIVERY OF ENVELOPES, DIRECTIONS. The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to Article III, Section 4. When a voter registration card is sent to the applicant as provided in Article III, Section 6, Subdivision 4, the directions or registration card shall include instructions for registering to vote.

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

Subd. 2. DESIGN OF ENVELOPES. The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left hand end. A certificate of eligibility to vote by absentee ballot 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 established by law for voting by absentee ballot. The certificate shall also contain a statement signed by an eligible voter of the county in which the absent voter maintains residence 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 stating that:

(a) The ballots were displayed to that individual unmarked;

(b) The voter marked the ballots in that individual's 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 Minnesota Statutes, Section 201.061, Subdivision 3.

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 8. [203B.08] MARKING AND RETURN OF ABSENTEE BALLOTS.

Subdivision 1. MARKING AND RETURN BY VOTER. An eligible voter who receives absentee ballots as provided in this article shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter.

Subd. 2. ADDRESS ON RETURN ENVELOPES. The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to:

(a) The county auditor or municipal clerk who sent the ballots to the voter;

(b) The clerk of the town or city in which the absent voter is eligible to vote; or

(c) The appropriate election judges.

Subd. 3. PROCEDURES ON RECEIPT OF BALLOTS. When absentee ballots are returned to a county auditor or town or city clerk, that official shall stamp and date the return envelope with an official seal of the

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office and place it in a secure location with other return envelopes received by that office. The county auditor or town or city clerk shall deliver them to the appropriate election judges on election day.

Subd. 4. RULES. The secretary of state shall adopt rules establishing procedures to be followed by county auditors and town and city clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Sec. 9. [203B.09] 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 blank 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. 10. [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

(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.

Sec. 11. [203B.11] HOSPITAL PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES.

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 Article III, Section 4, Subdivision 2, and who is a temporary or permanent resident or a patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as

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

provided in Article V, Section 15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked. The election judges shall deliver absentee ballots as provided in this section 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 Article III, Section 4, Subdivision 2.

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

Subdivision 1. RECEIPT OF RETURN ENVELOPES. The election judges in each precinct 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 initialed 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. 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. 13. [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;

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(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. 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.

Sec. 14. [203B.14] COUNTY AUDITOR OR MUNICIPAL CLERK MAY EMPLOY ADDITIONAL HELP.

Each county auditor and each municipal clerk may employ additional clerical assistance as necessary to discharge the responsibilities imposed on the county auditor or municipal clerk as provided in this article.

Sec. 15. [203B.15] ADMINISTRATIVE EXPENSES.

Each county shall pay the expenses incurred by its county auditor and each municipality shall pay the expenses incurred by its clerk for administering the provisions of Article III, Sections 4 to 15.

Sec. 16. [203B.16] ABSENT VOTERS IN THE MILITARY OR OUTSIDE THE UNITED STATES.

Subdivision 1. MILITARY SERVICE; TEMPORARY RESIDENCE OUTSIDE UNITED STATES. Article III, Sections 16 to 27 provide alternative voting procedures for eligible voters who are absent from the precinct where they maintain residence because they are:

(a) Either in the military or the spouses or dependents of individuals serving in the military; or

(b) Temporarily outside the territorial limits of the United States.

Subd. 2. PERMANENT RESIDENCE OUTSIDE UNITED STATES. Article III, Sections 16 to 27 provide the exclusive voting procedure for United States citizens who are living permanently outside the territorial limits of the United States who meet all the qualifications of an eligible voter except residence in Minnesota, but who are authorized by federal law to vote in Minnesota because they maintained residence in Minnesota for at least 20 days immediately prior to their departure from the United States. Individuals

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described in this subdivision shall be permitted to vote only for the offices of president, vice-president, senator in congress, and representative in congress.

Sec. 17. [203B.17] APPLICATION FOR BALLOT.

Subdivision 1. SUBMISSION OF APPLICATION. An application for absentee ballots for a voter described in Article III, Section 16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. An application for a voter described in Article III, Section 16, Subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence. An application for a voter described in Article III, Section 16, Subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota. An application for absentee ballots for a primary shall also constitute an application for absentee ballots for the ensuing general election. There shall be no limitation of time for filing and receiving applications for ballots under Article III, Sections 16 to 27.

Subd. 2. REQUIRED INFORMATION. An application shall be accepted if it contains the following information stated under oath:

(a) The voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) A statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) A statement that the voter expects to be absent from the precinct at the time of the election;

(d) The address to which absentee ballots are to be mailed;

(e) The voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) The signed statement of an individual authorized to administer oaths or a commissioned or non-commissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 18. [203B.18] FORWARDING APPLICATIONS.

If an application for absentee ballots under Article III, Sections 16 to 27, is received by the secretary of state or by any election official other than the

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proper county auditor described in Article III, Section 17, Subdivision 1, that official shall forward the application to the appropriate county auditor.

Sec. 19. [203B.19] RECORDING APPLICATIONS.

Upon accepting an application, the county auditor shall record in a permanent register the voter's name, address of present or former residence in Minnesota, mailing address, and the category under Article III, Section 16, to which the voter belongs. After recording this information, the county auditor shall retain the application for two years after the date of the next general election. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under Article III, Sections 16 to 27.

Sec. 20. [203B.20] CHALLENGES.

Except as provided in this section, the eligibility or residence of a voter whose application for absentee ballots is recorded under Article III, Section 19 may be challenged in the manner set forth by Article II, Section 22. The county auditor or municipal clerk shall not be required to serve a copy of the petition and notice of hearing on the challenged voter. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in Article II, Section 22.

Sec. 21. [203B.21] BALLOTS AND ENVELOPES.

Subdivision 1. FORM. Absentee ballots under Article III, Sections 16 to 27 shall conform to the requirements of the Minnesota election law, except that modifications in the size or form of ballots or envelopes may be made if necessary to satisfy the requirements of the United States postal service.

Subd. 2. MAILING OF BALLOTS; RETURN. Ballots and instructions for marking them shall be sent by first class mail to addresses within the continental United States and by air mail to addresses outside the continental United States. The ballot envelope and return envelope shall be marked "Official Ballot," and shall contain sufficient postage to assure proper return delivery. The return envelope shall be addressed to comply with any method for return of absentee ballots as authorized under Article III, Section 8, Subdivision 2.

Subd. 3. BACK OF RETURN ENVELOPE. On the back of the return envelope an affidavit form shall appear with space for:

- (a) The voter's address of present or former residence in Minnesota;
- (b) A statement indicating the category described in Article III, Section 16 to which the voter belongs;

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(c) A statement that the voter has not cast and will not cast another ballot in the same election or elections;

(d) A statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; and

(e) The signature and certification of an individual authorized to administer oaths or a commissioned or non-commissioned officer of the military not below the rank of sergeant or its equivalent.

Subd. 4. NAMES ON ENVELOPES, INSTRUCTIONS. No envelope, return envelope, or instruction to voters shall contain the name of an individual who appears as a candidate on any enclosed ballot.

Sec. 22. [203B.22] MAILING BALLOTS.

The county auditor shall mail the appropriate ballots, as promptly as possible, to an absent voter whose application has been recorded under Article III, Section 19. If the county auditor determines that a voter is not eligible to vote at the primary but will be eligible to vote at the general election, only general election ballots shall be mailed. Only one set of ballots shall be mailed to any applicant for any election. Ballots to be sent outside the United States shall be given priority in mailing. A county auditor may make use of any special service provided by the United States government for the mailing of voting materials under Article III, Sections 16 to 27.

Sec. 23. [203B.23] APPLICATION RECORDS; DELIVERY TO ELECTION JUDGES.

When election materials are transmitted to the town and city clerks as provided in Article IV, Section 28, Subdivision 2, the county auditor shall also transmit a certified copy of the record of applications compiled as provided in Article III, Section 19, for absentee ballots to be cast at that election in that town or city. A certified copy of the record of additional applications received by the county auditor after the ballots have been delivered shall also be delivered to the appropriate town or city clerk. Each town and city clerk shall in turn deliver to the election judges in the appropriate precincts the application records received from the county auditor.

Sec. 24. [203B.24] DUTIES OF ELECTION JUDGES.

Subdivision 1. CHECK OF VOTER ELIGIBILITY; PROPER EXECUTION OF AFFIDAVIT. Upon receipt of an absentee ballot returned as provided in Article III, Sections 16 to 27, the election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the ballot is from a voter eligible to cast an absentee ballot under Article III, Sections 16 to 27. Any discrepancy or disqualifying fact shall be noted on the envelope by the election judges. Failure to return unused ballots

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shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit on the return envelope is not properly executed. In all other respects the provisions of the Minnesota election law governing deposit and counting of ballots shall apply.

Subd. 2. VOTING MORE THAN ONCE. The election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the voter has not already returned a ballot in the election. If a voter whose application has been recorded under Article III, Section 19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under Article III, Section 19, the ballots in the return envelope bearing the latest date shall be counted and the uncounted ballots shall be returned by the election judges with the rejected ballots.

Sec. 25. [203B.25] DEATH OF VOTER; INDIVIDUALS VOTING UNDER SPECIAL ABSENTEE PROCEDURES.

If the election judges receive proof that a voter who has returned an absentee ballot as provided in Article III, Sections 16 to 27, has died before the time when voting is scheduled to begin on election day, the ballot of that voter shall be returned by the election judges with the rejected ballots. Notwithstanding the other provisions of this section, the counting of the absentee ballot of a deceased voter shall not invalidate the election.

Sec. 26. [203B.26] SEPARATE RECORD.

A separate record of the ballots of absent voters cast under Article III, Sections 16 to 27 shall be kept in each precinct.

Sec. 27. [203B.27] EXPENSE CHARGEABLE TO GENERAL REVENUE.

Expenses incurred by a county auditor to carry out the provisions of Article III, Sections 16 to 27 shall be paid by that county from its general revenue fund.

**ARTICLE IV
ELECTIONS, GENERAL PROVISIONS**

Section 1. [204B.01] DEFINITIONS.

The definitions in Minnesota Statutes, Chapter 200 apply to this article.

Sec. 2. [204B.02] APPLICATION.

This article applies to all elections held in this state, except school district elections and except as otherwise provided by law.

Sec. 3. [204B.03] MANNER OF NOMINATION.

Candidates of a major political party for a partisan office and all candidates for nonpartisan office shall apply for a place on the primary ballot

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by filing an affidavit of candidacy as provided in Article IV, Section 6, and except as otherwise provided in Article VI, Section 7, Subdivision 3, shall be nominated by primary. Candidates for any partisan office who do not seek the nomination of a major political party shall be nominated by nominating petition as provided in Article IV, Sections 7 and 8, and shall file an affidavit of candidacy as provided in Article IV, Section 6.

Sec. 4. [204B.04] CANDIDACY; PROHIBITIONS.

Subdivision 1. MAJOR PARTY CANDIDATES. No individual shall be named on any ballot as the candidate of more than one major political party. No individual who has been certified by a canvassing board as the nominee of any major political party shall be named on any ballot as the candidate of any other major political party at the next ensuing general election.

Subd. 2. CANDIDATES SEEKING NOMINATION BY PRIMARY. No individual who seeks nomination for any partisan or nonpartisan office at a primary shall be nominated for the same office by nominating petition except as provided in Article VI, Section 10, Subdivision 2.

Subd. 3. NOMINATION FOR NONPARTISAN OFFICE. No individual shall be nominated by nominating petition for any nonpartisan office except in the event of a vacancy in nomination as provided in Article IV, Section 13.

Sec. 5. [204B.05] WOMEN CANDIDATES; NAMES.

Any married woman, or widow who has not remarried, may use the title "Mrs." and the name or initials of her husband, or deceased husband, in stating her own name on an affidavit of candidacy or on a nominating petition filed pursuant to this article. The name as written on the affidavit or petition shall be used in designating the candidate on the official ballot.

Sec. 6. [204B.06] FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.

Subdivision 1. FORM OF AFFIDAVIT. An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(a) Is an eligible voter;

(b) Has no other affidavit on file as a candidate for any other office at the same primary or next ensuing general election; and

(c) Is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which he seeks election for 30 days before the general election.

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An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

Subd. 2. MAJOR PARTY CANDIDATES. A candidate who seeks the nomination of a major political party for a partisan office shall state on the affidavit of candidacy that he participated in that party's most recent precinct caucus or that he intends to vote for a majority of that party's candidates at the next ensuing general election.

Subd. 3. INDEPENDENT OR NONAFFILIATED CANDIDATES. A candidate for any partisan office who does not seek the nomination of any major political party and whose political principle is expressed on a nominating petition using the word "independent" or any other word indicating nonaffiliation with any political party shall state on the affidavit of candidacy that the candidate did not seek, does not intend to seek and will not accept the support of any political party in that election.

Subd. 4. PARTICULAR OFFICES. Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) For United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) For United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) For governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) For supreme court justice or district court judge, that the candidate is learned in the law;

(e) For county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) For senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

Subd. 5. UNITED STATES SENATOR; TWO CANDIDATES AT SAME ELECTION. When two candidates are to be elected United States

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senators from this state at the same election, each individual filing for the nomination shall state in the affidavit of candidacy the term for which the individual desires to be a candidate, by stating the date of the expiration of the term.

Subd. 6. JUDICIAL CANDIDATES; DESIGNATION OF TERM. An individual who files as a candidate for the office of associate justice of the supreme court, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

Subd. 7. GOVERNOR AND LIEUTENANT GOVERNOR. An individual who files as a candidate for governor or lieutenant governor shall file the affidavit of candidacy jointly with the affidavit of another individual who seeks nomination as a candidate for the other office.

Sec. 7. [204B.07] NOMINATING PETITIONS.

Subdivision 1. FORM OF PETITION. A nominating petition may consist of one or more separate pages each of which shall state:

(a) The office sought;

(b) The candidate's name and residence address, including street and number if any; and

(c) The candidate's political party or political principle expressed in not more than three words. No candidate who files for a partisan office by nominating petition shall use the term "nonpartisan" as a statement of his political principle or the name of his political party. A candidate who files by nominating petition to fill a vacancy in nomination for a nonpartisan office pursuant to Article IV, Section 13, shall not state any political principle or the name of any political party on the petition.

Subd. 2. PETITIONS FOR PRESIDENTIAL ELECTORS. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled.

Subd. 3. NUMBER OF CANDIDATES NOMINATED. No nominating petition shall contain the name of more than one candidate except a petition jointly nominating individuals for governor and lieutenant governor or nominating a slate of presidential electors.

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

Subd. 4. OATH AND ADDRESS OF SIGNER. Following the information required by subdivisions 1 and 2 and before the space for signing, each separate page that is part of the petition shall include an oath in the following form:

"I solemnly swear (or affirm) that I know the contents and purpose of this petition, that I do not intend to vote at the primary election for the office for which this nominating petition is made, and that I signed this petition of my own free will."

Notarization or certification of the signatures on a nominating petition is not required. After the name of each signer shall be written the signer's residence address including street and number, if any, and mailing address if different from residence address.

Subd. 5. SAMPLE FORMS. An official with whom petitions are filed shall make sample forms for nominating petitions available upon request.

Subd. 6. PENALTY. An individual who, in signing a nominating petition, makes a false oath is guilty of perjury.

Sec. 8. [204B.08] SIGNING PETITIONS.

Subdivision 1. TIME FOR SIGNING. Nominating petitions shall be signed during the period when petitions may be filed as provided in Article IV, Section 9.

Subd. 2. QUALIFICATIONS OF SIGNERS. A nominating petition may be signed only by individuals who are eligible to vote for the candidate who is nominated. No individual may sign more than one nominating petition for candidates for the same office unless more than one candidate is to be elected to that office. If more than one candidate is to be elected to the office, an individual may sign as many petitions as there are candidates to be elected.

Subd. 3. NUMBER OF SIGNATURES. The number of signatures required on a nominating petition shall be as follows:

(a) For a state office voted on statewide or for United States senator, one percent of the total number of individuals voting in the state at the last preceding state general election, or 2,000, whichever is less;

(b) For a congressional or judicial district office, five percent of the total number of individuals voting in the district at the last preceding state general election, or 1,000, whichever is less;

(c) For a county or legislative office, ten percent of the total number of individuals voting in the county or legislative district at the last preceding state or county general election, or 500, whichever is less; and

(d) For a municipal office in a city of the first class, the number specified in Article VII, Section 9.

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

Sec. 9. [204B.09] TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.

Subdivision 1. CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS. Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. Candidates for presidential electors may file affidavits and petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in Article IV, Section 13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing. Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Subd. 2. OTHER ELECTIONS. Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in Minnesota Statutes, Chapter 205 or other applicable law or charter.

Sec. 10. [204B.10] AFFIDAVITS OF CANDIDACY; NOMINATING PETITIONS; DUTIES OF ELECTION OFFICIALS.

Subdivision 1. AFFIDAVITS OF CANDIDACY; NUMBERING. The official with whom affidavits of candidacy are filed shall number them in the order received.

Subd. 2. NOMINATING PETITIONS; ACKNOWLEDGEMENT; NUMBERING. On the day a nominating petition is filed, the election official shall deliver or mail an acknowledgement of the petition to the individual who files it and to the candidate who is to be nominated. The election official shall also number the petitions in the order received. The petitions shall be retained as provided in Article IV, Section 40, and shall be available for public inspection during that period.

Subd. 3. INSPECTION. The official with whom nominating petitions are filed shall inspect the petitions in the order filed to verify that there are a sufficient number of signatures of individuals whose residence address as shown on the petition is in the district where the candidate is to be nominated.

Subd. 4. CERTIFICATION. The secretary of state shall certify to the county auditor of each county the names of all candidates nominated by petitions filed with the secretary of state. Certification shall be made at the same time as the secretary of state certifies the names of candidates who are nominated at the primary.

Sec. 11. [204B.11] CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.

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Subdivision 1. AMOUNT. Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) For the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the district court, or judge of the county municipal court of Hennepin County, \$100;

(b) For the office of senator in congress, \$150;

(c) For office of senator or representative in the legislature, \$20; and

(d) For a county office, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

Subd. 2. PETITION IN PLACE OF FILING FEE. At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to Article IV, Section 7 or Article IV, Section 13, Subdivision 4, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) For a state office voted on statewide or for United States senator, 2,000;

(b) For a congressional office, 1,000;

(c) For a county or legislative office, or for the office of district, county or county municipal judge, 500; and

(d) For any other office which requires a filing fee as prescribed by law, municipal charter or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward or other election district at the preceding general election at which that office was on the ballot.

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

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 12. [204B.12] WITHDRAWAL OF CANDIDATES.

Subdivision 1. BEFORE PRIMARY. A candidate may withdraw his name from the primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than six days after the last day for filing for the office.

Subd. 2. AFTER PRIMARY. Any candidate nominated at a primary or by a nominating petition may withdraw his name from the general election ballot by filing an affidavit of withdrawal with the official who received his affidavit of candidacy. The affidavit shall be filed not later than 35 days before the general election.

Subd. 3. TIME FOR FILING. An affidavit of withdrawal filed pursuant to subdivision 1 or 2 shall not be accepted later than 5:00 p.m. on the last day for withdrawal.

Sec. 13. [204B.13] VACANCY IN NOMINATION.

Subdivision 1. DEATH OR WITHDRAWAL. A vacancy in nomination may be filled in the manner provided by this section. A vacancy in nomination exists when:

(a) A major political party candidate or nonpartisan candidate who was nominated at a primary dies, withdraws, or for any other reason ceases to be the nominated candidate for that office; or

(b) A candidate for a nonpartisan office, for which one or two candidates filed, dies or withdraws after the last day for filing for that office.

Subd. 2. PARTISAN OFFICE; NOMINATION BY PARTY COMMITTEE. A vacancy in nomination of a major political party may be filled by filing a nomination certificate not later than four days before the general election with the same official who received the affidavits of candidacy for that office.

The nomination certificate shall be prepared under the direction of and executed by the chairman and secretary of the proper committee of that political party. The chairman and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected by that committee and that the individuals signing the certificate and making the affidavit are the chairman and secretary of the committee.

Subd. 3. PARTISAN OFFICE; NOMINATION OF NEXT HIGHEST CANDIDATE. If there is no committee to fill a vacancy in nomination of a major political party as provided in subdivision 2, the vacancy shall be filled

by the candidate who received the next highest number of votes at the primary for that office among candidates of that party. If a vacancy in nomination occurs in a nonpartisan office, the unnominated candidate who received the next highest number of votes at the primary for the office shall fill the vacancy.

Subd. 4. PARTISAN OR NONPARTISAN OFFICE; FILLING VACANCY BY NOMINATING PETITIONS. If a vacancy in nomination cannot be filled pursuant to subdivision 2 or 3, the vacancy may be filled by nominating petition in the manner provided in Article IV, Sections 6 to 9. The petition shall be filed within one week after the vacancy in nomination occurs, but not later than four calendar days before the election.

An eligible voter is eligible to sign a nominating petition to fill a vacancy in nomination without regard to whether that eligible voter intends to vote or did vote for any candidate for that office at the primary or signed other nominating petitions for candidates for that office.

Sec. 14. [204B.14] ELECTION PRECINCTS.

Subdivision 1. BOUNDARIES. The governing body of each municipality shall establish the boundaries of the election precincts in the municipality. The governing body of a county shall establish the boundaries of precincts in unorganized territory in the county. Except as provided in subdivision 3, a governing body may change the boundaries of any election precinct which it has established.

Subd. 2. SEPARATE PRECINCTS; REQUIREMENTS. The following shall constitute at least one election precinct:

(a) Each city ward; and

(b) Each town and each statutory city, unless a town and statutory city are combined for election purposes. Notwithstanding any law to the contrary, each town and each statutory city located within the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2 shall constitute at least one election precinct.

Subd. 3. BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION. During the period from January 1 in any year ending in seven to January 1 in any year ending in two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

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

Subd. 4. BOUNDARY CHANGE PROCEDURE. Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election, and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. The municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 30 days prior to the first election held after the change takes effect.

Subd. 5. PRECINCT BOUNDARIES; DESCRIPTION; MAPS. Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the state demographer in the state planning agency maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the state demographer. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in Article II, Section 8, Subdivision 6.

Subd. 6. PRECINCT BOUNDARIES TO FOLLOW PHYSICAL FEATURES. The boundaries of election precincts shall follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

Subd. 7. APPLICATION TO MUNICIPALITIES. Notwithstanding the provisions of Minnesota Statutes, Section 410.21, or any other law, ordinance or charter to the contrary, the provisions of subdivisions 1, 3 and 6 apply to all municipalities.

Sec. 15. [204B.15] UNORGANIZED TERRITORY; ELECTION PRECINCTS.

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

A county board, at its meeting in either January or July, upon the petition of not less than ten eligible voters residing in unorganized territory more than ten miles from the polling place in any established precinct, shall establish a new election precinct. The board shall designate a polling place for the new precinct that is convenient for the individuals residing in it. No polling place designated under this section shall be located within ten miles of an existing polling place.

Sec. 16. [204B.16] POLLING PLACES; DESIGNATION.

Subdivision 1. AUTHORITY; LOCATION. The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct.

Subd. 2. SINGLE POLLING PLACE PERMITTED. The governing body of any city of the third or fourth class having more than one precinct or of any city with territory in more than one county may by ordinance or resolution designate a single, centrally located polling place where all the voters of the city shall cast their ballots. A single board of election judges may be appointed to serve at this polling place. The number of election judges appointed shall be determined by considering the number of voters in the entire city as if they were voters in a single precinct. Separate ballot boxes shall be provided and separate returns made for each precinct in the city.

Subd. 3. DESIGNATION EFFECTIVE UNTIL CHANGED. The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 30 days prior to an election.

Subd. 4. PROHIBITED LOCATIONS. No polling place shall be designated in any place where intoxicating liquors or non-intoxicating malt beverages are served or in any adjoining room. No polling place shall be designated in any place in which substantial compliance with the requirements of this article cannot be attained.

Subd. 5. ACCESS BY ELDERLY AND HANDICAPPED. Each polling place shall be accessible to and usable by elderly and physically handicapped individuals. A polling place is deemed to be accessible and usable if it complies with the following standards:

(a) At least one set of doors shall have a minimum width of 31 inches if the doors must be used to enter or leave the polling place.

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(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) At least one set of stairs shall have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

(d) No barrier in the polling place shall impede the path of the physically handicapped to the voting booth.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct can be made accessible.

Sec. 17. [204B.17] CHANGE OF POLLING PLACE BY ELECTION JUDGES.

When a designated polling place does not comply with the requirements of this article the election judges of that precinct, on or before the opening of the polls on election day and upon approval by the municipal clerk in municipalities or the county auditor in unorganized territory, shall procure a polling place which is as near the designated polling place as possible and which does comply with those requirements.

When a new polling place is procured by the election judges, they shall meet on election day at the original polling place where they shall fill any vacancies in their number, publicly announce the change in polling place to the voters who are present and post a notice of the change in a conspicuous place. Upon completing these duties the election judges shall adjourn to the new polling place, where they shall post a similar notice of the change in polling place. The election judges shall certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.

Sec. 18. [204B.18] POLLING PLACES; EQUIPMENT.

Subdivision 1. BOOTHS. Each polling place shall contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth shall be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. The booth shall be provided with a door or curtain and shall be constructed so that a voter is free from observation while marking ballots. During the hours of voting, the booths shall be provided with instructions, a pencil, and other supplies needed to mark the ballots. All ballot boxes, voting booths and election judges shall be in open public view in the polling place.

Subd. 2. BALLOT BOXES. Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them.

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Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it.

Sec. 19. [204B.19] ELECTION JUDGES; QUALIFICATIONS.

Subdivision 1. INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES. Any individual who is eligible to vote in an election precinct is qualified to be appointed as an election judge for that precinct subject to the provisions of this section. If an insufficient number of eligible voters maintaining residence in any precinct are willing and qualified to be appointed election judges for that precinct, the appointing authority may appoint as an election judge for that precinct any qualified individual who is eligible to vote in the territory under the jurisdiction of the authority which established the precinct.

Subd. 2. INDIVIDUALS NOT QUALIFIED TO BE ELECTION JUDGES. No individual shall be appointed as an election judge for any precinct if that individual:

(a) Is unable to read, write or speak the English language;

(b) Is the spouse, parent, child or sibling of any election judge serving in the same precinct or of any candidate at that election or of any member of the governing body of the municipality or county which established the precinct;

(c) Is a candidate at that election; or

(d) Is receiving compensation as an employee or officer of the United States, the state or any municipality or county in the state.

Subd. 3. EXCEPTIONS. Notwithstanding subdivision 2, clause (d), the following individuals may serve as election judges in municipalities with only one election precinct:

(a) Any town clerk, town treasurer or member of a town board; and

(b) Any city clerk or member of the city council of any statutory city.

Subd. 4. ADDITIONAL QUALIFICATIONS PERMITTED; EXAMINATION. The appointing authority may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge. The appointing authority may examine any individual who seeks appointment as an election judge to determine whether the individual meets any qualification established under this section.

Subd. 5. PARTY BALANCE REQUIREMENT. No more than half of the election judges in a precinct may be members of the same major political party unless the election board consists of an odd number of election judges, in which case the number of election judges who are members of the same major

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political party may be one more than half the number of election judges in that precinct.

Sec. 20. [204B.20] ELECTION BOARD; CHAIRMAN; DUTIES.

The election judges appointed to serve in an election precinct shall constitute the election board for that precinct. The appointing authority shall designate one of the election judges in each precinct to serve as the chairman of the election board. The chairman shall assign specific duties to the election judges of that precinct as necessary or convenient to complete forms, obtain signatures, and perform all the other duties required of election judges.

Sec. 21. [204B.21] APPOINTMENT OF ELECTION JUDGES.

Subdivision 1. APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR. At least 65 days before any election for a partisan political office, the county or legislative district chairmen of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairmen shall furnish the lists to the county 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 the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Subd. 2. APPOINTING AUTHORITY; POWERS AND DUTIES. Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory shall be appointed by the county board. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under Article IV, Section 19. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint any other individual to serve as an election judge subject to the same requirements and qualifications. The appointments shall be made at least 25 days before the election at which the election judges will serve.

Sec. 22. [204B.22] ELECTION JUDGES; NUMBER REQUIRED.

Subdivision 1. MINIMUM NUMBER REQUIRED. A minimum of three election judges shall be appointed for each precinct. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

Subd. 2. ADDITIONAL ELECTION JUDGES IN PAPER BALLOT PRECINCTS. In precincts using paper ballots, one election judge shall be

appointed for each 150 votes cast in that precinct at the last similar election. At each state primary or state general election in precincts using paper ballots and in which more than 300 votes were cast at the last similar election, additional election judges shall be appointed to count the ballots and complete the returns in place of the election board that served while voting was taking place.

Sec. 23. [204B.23] VACANCIES AMONG ELECTION JUDGES.

A vacancy on an election board occurs when any election judge who is a member of that board:

(a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;

(b) Becomes unable to perform the duties of the office after assuming those duties; or

(c) For any reason fails or refuses to perform the duties of the office as assigned by the chairman of the election board.

When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of Article IV, Section 19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to Article IV, Section 25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy.

Sec. 24. [204B.24] ELECTION JUDGES; OATH.

Each election judge shall sign the following oath before assuming the duties of the office:

"I solemnly swear that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit and abuse in conducting this election."

The oath shall be attached to the summary statement of the election returns of that precinct. If there is no individual present who is authorized to administer oaths, the election judges may administer the oath to each other.

Sec. 25. [204B.25] TRAINING FOR ELECTION JUDGES.

Subdivision 1. DUTIES OF COUNTY AUDITOR. Each county auditor shall provide training for all election judges who are appointed to serve at any election to be held in the county. The county auditor shall also provide a procedure for emergency training of election judges elected to fill vacancies. The county auditor may delegate to a municipal election official the duty to provide training of election judges in that municipality.

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Subd. 2. RULES OF SECRETARY OF STATE. The secretary of state shall adopt rules establishing a program for the training of election judges by county auditors as required by this section.

Subd. 3. TRAINED ELECTION JUDGES; NUMBER REQUIRED. Each election precinct in which less than 100 individuals voted at the last state general election shall have at least two election judges who are members of different major political parties who have received training as required in this section. In every other election precinct, no individual may serve as an election judge who has not received training as required by subdivision 1.

Sec. 26. [204B.26] ELECTION JUDGES; VIOLATIONS; PENALTIES.

Any individual who serves as an election judge in violation of any of the provisions of Article IV, Sections 19 to 25, is guilty of a misdemeanor.

Sec. 27. [204B.27] DUTIES OF SECRETARY OF STATE.

Subdivision 1. BLANK FORMS. At least 15 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of blank county abstract forms, affidavits of challenged voters, and any other blank forms that the secretary of state deems necessary for the conduct of the election.

Subd. 2. ELECTION LAW AND INSTRUCTIONS. The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before July 1 of every even numbered year the secretary of state shall furnish to the county auditors and municipal clerks sufficient copies of this volume so that each county auditor, municipal clerk and election precinct will have at least one copy. The secretary of state shall determine the manner in which the volume is distributed. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Subd. 3. INSTRUCTION POSTERS. At least 15 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county in which paper ballots are used, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters shall contain the information needed to enable the voters to cast their paper ballots quickly and correctly. Two instruction posters shall be furnished for each precinct in which paper ballots are used.

Subd. 4. PAMPHLETS. The secretary of state may prepare and distribute to election officials pamphlets for voters containing impartial instructions relating to voter registration and election procedures.

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Subd. 5. CONFERENCES FOR COUNTY AUDITORS. Before each state primary the secretary of state shall conduct conferences with county auditors to instruct them on the administration of election laws and the training of local election officials and election judges.

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 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 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. 29. [204B.29] ELECTION JUDGES; ELECTION SUPPLIES; DUTIES.

Subdivision 1. SECURING ELECTION MATERIALS. Before 9:00 p.m. on the day preceding an election, at least one election judge from each precinct in each municipality shall secure election registers or voter registration files, ballots, forms, envelopes and other required supplies from the municipal clerk or other legal custodian. The election judge shall deliver the materials to

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the polling place before the time when voting is scheduled to begin on election day. The county auditor shall send or deliver the election supplies enumerated in this section to the election judges in the precincts in unorganized territory. The election supplies may be sent by certified mail, parcel post, express mail or any other postal service providing assured delivery by no later than the day before the election. If the election supplies are delivered by any other means, they shall be delivered by no later than the day before the election.

Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater. No precinct shall be furnished with any ballots containing the name of any candidate who cannot properly be voted for in that precinct.

The election judges shall be responsible for the preservation of all election materials received by them until returned to the appropriate election officials after the voting has ended.

Subd. 2. FAILURE OF ELECTION JUDGES TO SECURE MATERIALS. If no election judge secures the election materials for a precinct in any municipality as provided in subdivision 1, the municipal clerk shall deliver them to an election judge for that precinct not later than the time when voting is scheduled to begin. The municipal clerk shall require the election judge accepting delivery of the election supplies to sign a receipt for them. The election judges of that precinct shall pay the expenses of delivery of the materials and shall be liable for the penalty provided by law for neglect of duty.

Sec. 30. [204B.30] UNOFFICIAL BALLOTS.

When no official or substitute ballots are ready at the time when voting is scheduled to begin or if the supply is exhausted before the voting ends, the election judges shall contact the municipal clerk and, at his direction, shall prepare unofficial ballots, printed or written as nearly as practicable in the form of the official ballots, which ballots may be used until official or substitute ballots are available. When unofficial ballots are prepared and used in any precinct, the election judges shall note that fact on the summary statement of the returns for that precinct and specify the number of unofficial ballots that were cast.

Sec. 31. [204B.31] COMPENSATION FOR ELECTION SERVICES.

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, \$35 for each day of attendance at the capitol and mileage

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for travel to and from the capitol in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(b) To individuals, other than county, city, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed for state employees in accordance with rules adopted pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed for state employees pursuant to Minnesota Statutes, Section 471.665, Subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city, to election judges serving in unorganized territory, an amount fixed by the county board, and to election judges serving in towns, an amount fixed by the town board. Election judges in towns and unorganized territory shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Sec. 32. [204B.32] ELECTION EXPENSES; PAYMENT.

The secretary of state shall pay the compensation for presidential electors, the cost of printing the white ballots, special federal white ballots, and the pink ballots, and all necessary expenses incurred by the secretary of state in connection with elections. The counties shall pay the compensation prescribed in Article IV, Section 31, Clauses (b) and (c), the cost of printing the canary ballots, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections. The municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections. All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

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Sec. 33. [204B.33] NOTICE OF OFFICES TO BE FILLED AT STATE GENERAL ELECTION.

Between June 1 and July 1 in each even numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

Sec. 34. [204B.34] NOTICE OF ELECTION.

Subdivision 1. STATE ELECTIONS. At least 15 days before any state primary or state general election the municipal clerk shall post in his office a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours for voting. The county auditor shall post a similar notice in his office including information concerning any polling places in unorganized territory in the county. The governing body of a municipality or county may publish this notice in addition to posting it. Failure to give the notice required in this section shall not invalidate a state primary or state general election.

Subd. 2. MUNICIPAL ELECTIONS. Notice of municipal elections shall be given as provided in Minnesota Statutes, Sections 205.13, Subdivision 2; and 205.16, Subdivision 1.

Subd. 3. JUDICIAL ELECTIONS. When one or more justices of the supreme court or judges of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

Sec. 35. [204B.35] PREPARATION OF BALLOTS.

Subdivision 1. APPLICATION. All ballots for every election, except a school district election, shall be prepared in accordance with Article IV, Sections 35 to 44 and Article VI, except for voting machine ballots or as otherwise provided by law.

Subd. 2. MANNER OF PREPARATION. Ballots shall be prepared in a manner that enables the voters to understand which questions are to be voted upon and the identity and number of candidates to be voted for in each office and to designate their choices easily and accurately. The name of a candidate shall not appear on a ballot in any way that gives the candidate an advantage over his opponent except as otherwise provided by law.

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Subd. 3. NUMBER. The official in charge of preparing ballots shall prepare a sufficient number of ballots:

(a) To fill applications of absentee voters; and

(b) To provide each precinct with a sufficient number of ballots of each kind as required by Article IV, Section 29, Subdivision 1.

Subd. 4. ABSENTEE BALLOTS; PREPARATION; DELIVERY. Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least 15 days before the election to the officials who administer the provisions of Article III.

Sec. 36. [204B.36] BALLOTS; FORM.

Subdivision 1. TYPE. All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color. When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Subd. 2. CANDIDATES AND OFFICES. The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate, and the words "Nominated without party designation" shall be printed above or below the names of each candidate for nonpartisan office. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate his vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for". At the same level with these words and directly above the squares shall be printed a

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small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one (or more, according to the number to be elected)".

Subd. 3. QUESTION; FORM OF BALLOT. When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, "YES" and "NO" shall be printed to the left of this statement, with a square to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the question, or to put an (X) before the word "NO" if the voter desires to vote against the question.

Subd. 4. JUDICIAL CANDIDATES. The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term" or "to which (name of justice)..... was appointed";

(b) In the case of the district court:

"For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed"; or

(c) In the case of the county court:

"For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed".

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

"Successor to (name)....., elected (or appointed)".

Subd. 5. DESIGNATION OF INCUMBENT; JUDICIAL OFFICES. If a chief justice, associate justice, or judge is a candidate to succeed himself, the word "incumbent" shall be printed after his name as a candidate.

Sec. 37. [204B.37] BACK OF BALLOT.

On the back of all ballots shall be printed the words "Official Ballot", the date of the election and lines for the initials of at least two election judges.

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

The words shall be printed so that they will be visible when the ballot is properly folded for deposit in the ballot box.

Sec. 38. [204B.38] NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.

When the similarity of surnames of two or more candidates for the same office at the same election may cause confusion to voters, up to three additional words may be printed on the ballot after each surname to indicate the candidate's occupation, office, residence or any combination of them if the candidate furnishes the identifying words to the filing officer by the last day for withdrawal of candidacy.

Sec. 39. [204B.39] SUBSTITUTE BALLOTS.

If a sufficient number of official ballots are not delivered or if the official ballots are stolen or destroyed and a sufficient number of official ballots cannot be procured, the official in charge of preparing the official ballots shall prepare substitute ballots in the form prescribed by this section. The substitute ballots shall be prepared in the same form as official ballots as far as practicable. The word "Substitute" shall be printed in brackets immediately above the words "Official Ballot". When the substitute ballots are delivered to the municipal clerks or election judges they shall be accompanied by an initialed affidavit of the officer preparing them. The affidavit shall state that the substitute ballots have been prepared and furnished in the manner prescribed by this section and shall state the reason why sufficient official ballots were not ready for delivery. The election judges shall include this affidavit with the election returns from that precinct.

Sec. 40. [204B.40] BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION.

The county auditors and municipal clerks shall retain all election materials returned to them after any election for at least one year from the date of that election. All election materials involved in a contested election shall be retained for one year or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with Minnesota Statutes, Sections 138.163 to 138.21.

Sec. 41. [204B.41] VACANCY IN NOMINATION; CHANGING BALLOTS.

When a vacancy in nomination is filled pursuant to Article IV, Section 13, after the ballots have been printed, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BAL-

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LOT". This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when he is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the three calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.

Sec. 42. [204B.42] PAPER COLOR FOR SAMPLE BALLOTS; PENALTY.

No sample ballot shall be printed on paper of the same color as any official ballots except when printed in black ink on white paper and appearing in a newspaper as news matter. A violation of this section is a misdemeanor.

Sec. 43. [204B.43] UNLAWFUL PRINTING OR DISTRIBUTION OF BALLOTS; PENALTY.

Every person authorized or employed to print official ballots who knowingly gives or delivers those ballots to, or knowingly permits them to be taken by, any person other than the official under whose direction they are being printed, or who knowingly prints any ballot or causes or permits any ballot to be printed in a form other than that prescribed by law, or with any other names on it, or with the names of candidates or the titles of offices arranged or the names of candidates spelled in any way other than that authorized and directed by that official, is guilty of a felony.

Sec. 44. [204B.44] ERRORS AND OMISSIONS; REMEDY.

Subdivision 1. Any individual may file a petition in the manner provided in this subdivision for the correction of any of the following errors, omissions or wrongful acts which have occurred or are about to occur:

(a) An error or omission in the placement or printing of the name or description of any candidate on any official ballot;

(b) Any other error in preparing or printing any official ballot;

(c) Failure of the chairman or secretary of the proper committee of a major political party to execute or file a certificate of nomination;

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

(d) Any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

The petition shall describe the error, omission or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the supreme court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county or municipal office. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission or wrongful act, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause why he should not do so. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

ARTICLE V ELECTION DAY ACTIVITIES

Section 1. [204C.01] DEFINITIONS.

The definitions in Minnesota Statutes, Chapter 200 apply to this article.

Sec. 2. [204C.02] APPLICATION.

This article applies to all elections held in this state, except school district elections and except as otherwise provided by law.

Sec. 3. [204C.03] PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

Subdivision 1. SCHOOL DISTRICTS; COUNTIES; MUNICIPALITIES. No school board, county board of commissioners, city council, or town board of supervisors shall conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the school district, county, city or town.

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

Subd. 3. PUBLIC ELEMENTARY AND SECONDARY SCHOOLS. Except for regularly scheduled classes, no public elementary or secondary school shall schedule a school sponsored event between 6:00 p.m. and 8:00 p.m.

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

on the day that an election is held in any political subdivision located in that school district.

Sec. 4. [204C.04] EMPLOYEES; TIME OFF TO VOTE.

Every employee who is eligible to vote at a state general election or at an election to fill a vacancy in the office of United States senator or United States representative has the right to be absent from work for the purpose of voting during the morning of election day, without penalty or deduction from salary or wages because of the absence. An employer who refuses, abridges or interferes with this right shall be subject to the penalty provisions of Article VII, Section 26.

Sec. 5. [204C.05] STATE ELECTIONS; HOURS FOR VOTING.

Subdivision 1. OPENING AND CLOSING TIMES. Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m. By resolution adopted 30 days before the state primary or state general election, the governing body of a municipality of less than 1,000 inhabitants, located entirely outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2, may fix a later time for voting to begin. If a later time is established, it shall not be later than 9:00 a.m. for the state general election, nor later than 5:00 p.m. for a state primary. A resolution adopted pursuant to this subdivision shall be effective for all ensuing state primaries or state general elections until revoked.

Subd. 2. VOTERS IN LINE AT CLOSING. At or before the hour when voting is scheduled to begin, the election judges shall agree upon the standard of time they will use to determine when voting will begin and end. Voting shall not be allowed after the time when it is scheduled to end, unless individuals are waiting in the polling place or waiting in line at the door to register or to vote. The voting shall continue until those individuals have been allowed to vote. No individual who comes to the polling place or to a line outside the polling place after the time when voting is scheduled to end shall be allowed to vote.

Sec. 6. [204C.06] CONDUCT IN AND NEAR POLLING PLACES.

Subdivision 1. LINGERING NEAR POLLING PLACE. An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No voters or other individuals shall congregate in any number within 100 feet of a polling place. No one except an election official or an individual who is waiting to register or to vote shall stand within 50 feet of the entrance to a polling place.

Subd. 2. INDIVIDUALS ALLOWED IN POLLING PLACE. Representatives of the secretary of state's office, the county auditor's office, and the

municipal clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a physically handicapped voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

Subd. 3. DAMAGING OR REMOVING ELECTION MATERIALS; GROSS MISDEMEANOR. No individual shall intentionally:

(a) Tear down, mutilate, deface or otherwise damage during the hours of voting any voter instruction poster placed inside or outside of a polling place by an election judge or other election official; or

(b) Remove from the polling place before the time for voting ends any ballots prepared for use at the election or any supplies or conveniences placed in voting booths for use by the voters, except as authorized by law.

A violation of this subdivision is a gross misdemeanor.

Subd. 4. DAMAGING OR REMOVING ELECTION MATERIALS; FELONY. No individual shall intentionally:

(a) Remove from a polling place any election file or election register, except as authorized by law;

(b) Damage, deface, or mutilate any ballot, election file or election register or any item of information contained on it, except as authorized by law; or

(c) Add anything to a ballot, election file or election register, except as authorized by law.

A violation of this subdivision is a felony.

Subd. 5. SERGEANT-AT-ARMS. The election judges may appoint a sergeant-at-arms when necessary to keep the peace or otherwise to assist them. An election judge may request a sergeant-at-arms or a peace officer to arrest or remove from the polling place any individual who, despite a warning to desist, engages in disorderly conduct. A sergeant-at-arms or a peace officer shall not otherwise interfere in any manner with voters.

Subd. 6. PEACE OFFICERS. Except when summoned by an election judge to restore the peace or when voting or registering to vote, no peace officer shall enter or remain in a polling place or stand within 50 feet of the entrance of a polling place.

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

Subd. 7. USE OF INTOXICATING LIQUOR; PROHIBITION; PENALTY. During the time an election is being held it is a misdemeanor to bring intoxicating liquor or non-intoxicating malt liquor into a polling place, to drink intoxicating liquor or non-intoxicating malt liquor in a polling place, or to be intoxicated in a polling place. The election judges shall not permit an obviously intoxicated individual to vote or remain in the polling place for any purpose.

Sec. 7. [204C.07] CHALLENGERS.

Subdivision 1. PARTISAN ELECTIONS. At an election to fill partisan offices, the chairman of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct shall be allowed to remain in the polling place at one time.

Subd. 2. NONPARTISAN ELECTIONS. At an election to fill non-partisan offices, each nonpartisan candidate may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate shall be allowed to remain in the polling place for each precinct at one time.

Subd. 3. ELECTIONS ON A QUESTION. At an election where a question is to be voted upon, the mayor of a city or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, shall appoint by written certificate one voter for each precinct in the municipality to act as a challenger of voters in the polling place for that precinct.

Subd. 4. RESTRICTIONS ON CONDUCT. The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No challenger shall handle or inspect registration cards, files, or lists. Challengers shall not prepare in any manner any list of individuals who have or have not voted. They shall not attempt to influence voting in any manner. They shall not converse with a voter except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.

Sec. 8. [204C.08] OPENING OF POLLING PLACES.

Subdivision 1. DISPLAY OF FLAG. Upon their arrival at the polling place on the day of election, the election judges shall cause the national flag to be displayed on a suitable staff at the entrance to the polling place. The flag shall be displayed continuously during the hours of voting. The election judges shall receive no compensation for any time during which they intentionally fail to display the flag as required by this subdivision.

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

Subd. 2. POSTING OF VOTING INSTRUCTIONS. Before the hours for voting are scheduled to begin, the election judges shall post any official voter instruction posters furnished to them in a conspicuous location or locations in the polling place.

Subd. 3. LOCKING OF BALLOT BOXES. Immediately before the time when voting is scheduled to begin, one of the election judges shall open the ballot boxes in the presence of the individuals assembled at the polling place, turn the boxes upside down to empty them, lock them, and deliver the key to another election judge. The boxes shall not be reopened except to count the ballots after the hours for voting have ended and all voting has been concluded. The boxes shall be kept in public view at all times during voting hours. After locking the ballot boxes, the election judges shall proclaim that voting may begin, and shall post outside the polling place conspicuous written or printed notices of the time when voting is scheduled to end.

Subd. 4. BALLOT BOXES, BOX-CAR SEALS. The governing body of a municipality by resolution may direct the municipal clerk to furnish a box-car seal for each ballot box in place of a lock and key. Each seal shall consist of a numbered metal strap with a self-locking device securely attached to one end of the strap so that the other end may be inserted and securely locked in the seal. No two metal straps shall bear the same number.

Sec. 9. [204C.09] BALLOT PREPARATION BY ELECTION JUDGES.

Subdivision 1. INITIALLING. Before the voting begins, or as soon as possible after it begins, at least two election judges shall each initial the backs of all the ballots. The election judges shall not otherwise mark the ballots.

Subd. 2. DISTRIBUTION PROCEDURE. Official ballots shall be distributed only in the room containing the voting booths and only to individuals who are about to vote, except as otherwise provided in Article V, Section 15, Subdivision 2. No official ballot shall be distributed to a voter unless it has been initialed by the election judges as provided in subdivision 1.

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 registered and will be voting only in that precinct. The individual shall then sign the certificate.

An election judge shall compare the signature on the voter's certificate with the signature as it appears 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. 11. [204C.11] PRECINCTS WITHOUT PERMANENT REGISTRATION; ELECTION REGISTER.

Subdivision 1. ELECTION REGISTERS; FORM. Two election registers shall be provided for each election precinct without a permanent registration system by the county auditor in unorganized territory or the municipal clerk in a municipality. Two election judges shall have charge of them, each using one election register as provided in this section. Each election register shall be headed by the name of the precinct, and shall contain one column headed "Name of Voter," one headed "Residence," one headed "Address of Most Recent Prior Registration" and one headed "Remarks". Each election register shall contain the names of the voters in alphabetical order according to the first letter of their surnames. Names beginning with the same letter of the alphabet shall be grouped together with not more than one group on each page. The names in each group shall be separately numbered beginning with the numeral "1".

Subd. 2. EVIDENCE OF ELIGIBILITY TO VOTE. In election precincts without a permanent registration system, an individual seeking to vote shall give his first and last name, middle initial, street or route, city and county of residence and the address of most recent prior registration to the election judges in charge of the election registers. The individual shall also give the election judges sufficient evidence to satisfy them that he maintains residence in the precinct and shall state under oath that he is at least 18 years of age and has been a resident of the state for at least 20 days immediately preceding the election. An individual who refuses to provide the information required by this subdivision shall not be allowed to vote.

Subd. 3. ENTRIES IN ELECTION REGISTERS. When the election judges in charge of the election registers are satisfied that an individual is eligible to vote in that precinct, they shall enter the individual's name, residence and address of most recent prior registration in the proper place in the election registers.

Sec. 12. [204C.12] CHALLENGES TO VOTERS; PENALTY.

Subdivision 1. MANNER OF CHALLENGING. An election judge shall, and an authorized challenger or other voter may, challenge an individual whom he knows or reasonably believes is not an eligible voter.

Subd. 2. STATEMENT OF GROUNDS; OATH. The challenger shall state the ground for the challenge, and an election judge shall administer to the challenged individual the following oath:

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

"Do you solemnly swear that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"

The election judge shall then ask the challenged individual sufficient questions to test that individual's residence and right to vote.

Subd. 3. DETERMINATION OF RESIDENCE. In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in Article I, Section 4. If the challenged individual's answers to the questions show that he is not eligible to vote in that precinct, he shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine that he is not eligible to vote in that precinct, the marked ballots shall be placed unopened with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the challenged individual shall sign an affidavit stating that he is a citizen of the United States; is 18 years of age; is an actual resident of that precinct; is an eligible voter in that precinct; and has not already voted at that election.

After signing the affidavit, the challenged individual shall be allowed to vote.

Subd. 4. REFUSAL TO ANSWER QUESTIONS OR SIGN AFFIDAVIT. A challenged individual who refuses to answer questions or sign an affidavit as required by this section shall not be allowed to vote. No challenged individual who leaves the polling place and returns later willing to answer questions or sign an affidavit shall be allowed to vote. In precincts without voter registration the name of the individual shall not be entered or allowed to remain on the election register.

Subd. 5. ELECTION JUDGES; PENALTY. An election judge who fails to carry out the duties prescribed by this section is guilty of a gross misdemeanor.

Sec. 13. [204C.13] RECEIVING AND MARKING BALLOTS.

Subdivision 1. HANDING BALLOT TO VOTER. When the election judges are satisfied that an individual is eligible to vote in that precinct, the election judge in charge of the ballots shall give the voter only one ballot of each kind that is to be voted upon at that precinct. Each ballot shall be removed separately as needed for each voter from the previously initialled pile of ballots.

Subd. 2. VOTING BOOTHS. One of the election judges shall explain to the voter the proper method of marking and folding the ballots. Except as otherwise provided in Article V, Section 15, the voter shall retire alone to an unoccupied voting booth and mark the ballots without undue delay. The voter

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may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Subd. 3. MARKING BALLOTS. The voter shall mark each ballot in the following manner:

(a) A mark (X) shall be placed in the square opposite the printed name of each candidate for whom the individual desires to vote, and in the square before the "YES" or "NO" if the individual desires to vote for or against a question.

(b) The voter may write in other names on the lines provided under the printed names of the candidates, except that no names shall be written in on primary ballots.

(c) At a state primary an individual may vote for candidates of only one major political party on the partisan primary ballot. If a partisan primary ballot contains votes for the candidates of more than one major political party, the ballot is totally defective and no vote on the ballot shall be counted.

(d) An individual who spoils a ballot may return it to the election judges and receive another.

Subd. 4. FOLDING BALLOTS. After marking the ballots, the voter shall fold each of them separately to conceal the face and all marks on it, and to expose only the initials of the election judges on the back of the ballot.

Subd. 5. DEPOSIT OF BALLOTS IN BALLOT BOXES. The voter shall then withdraw from the voting booth with the ballots and hand them to the election judge in charge of the ballot boxes. That election judge shall immediately deposit each ballot in the proper box. Ballots that have not been initialed by the election judges as provided in Article V, Section 9, shall not be deposited in the ballot box.

Subd. 6. CHALLENGE OF VOTER; TIME LIMITS; DISPOSITION OF BALLOTS. At any time before the ballots of any voter are deposited in the ballot boxes, the election judges or any individual who was not present at the time the voter procured the ballots, but not otherwise, may challenge the eligibility of that voter and the deposit of any received absentee ballots in the ballot boxes. The election judges shall determine the eligibility of any voter who is present in the polling place in the manner provided in Article V, Section 12, and if the voter is found to be not eligible to vote, shall place the ballots of that voter unopened among the spoiled ballots. The election judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in Article III, Sections 12, 24 and 25, and shall dispose of any absentee ballots not received or deposited in the manner provided in Article III.

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

Section 12. A violation of this subdivision by an election judge is a gross misdemeanor.

Subd. 7. LEAVING THE POLLING PLACE. An individual who has voted or whose ballot has been rejected shall leave the polling place and shall not return except as provided by Article V, Section 6 or 7.

Sec. 14. [204C.14] UNLAWFUL VOTING; PENALTY.

No individual shall intentionally:

(a) Misrepresent his identity in applying for a ballot, depositing a ballot in a ballot box or attempting to vote by means of a voting machine or electronic voting system;

(b) Vote more than once at the same election;

(c) Put a ballot in a ballot box for any illegal purpose;

(d) Give more than one ballot of the same kind and color to an election judge to be placed in a ballot box;

(e) Aid, abet, counsel or procure another to go into any precinct for the purpose of voting in that precinct, knowing that the other individual is not eligible to vote in that precinct; or

(f) Aid, abet, counsel or procure another to do any act in violation of this section.

A violation of this section is a felony.

Sec. 15. [204C.15] ASSISTANCE TO VOTERS.

Subdivision 1. INTERPRETERS; PHYSICAL ASSISTANCE IN MARKING BALLOTS. A voter who states under oath that he is in need of assistance because he cannot read English or is physically unable to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to act as interpreters. The interpreters shall take an oath similar to that taken by election judges, and shall assist the individual in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of a voter of the same precinct who, unaccompanied by an election judge, shall retire with that voter to a booth and mark the ballot as directed by the voter. No voter who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other

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

individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Subd. 2. OUTSIDE THE POLLING PLACE. An individual who is unable to enter a polling place where paper ballots or an electronic voting system are used may register and vote without leaving his motor vehicle. Two election judges who are members of different major political parties shall assist the voter to register and to complete a voter's certificate and shall provide the necessary ballots. The voter may request additional assistance in marking ballots as provided in subdivision 1.

Subd. 3. VOTING LINES. In all polling places two election judges shall assist a disabled voter to enter the polling place and go through the registration and voting lines. The voter may also request the assistance of election judges or any other individual in marking ballots, as provided in subdivision 1.

Sec. 16. [204C.16] MISMARKING BALLOTS; DISCLOSURE OF MARKINGS BY OTHERS; PENALTY.

An election judge or other individual who marks the ballot of any voter, except as authorized by law and as directed by the voter, or who informs anyone other than the voter how the ballot was marked, is guilty of a gross misdemeanor.

Sec. 17. [204C.17] VOTING; SECRECY.

Except as authorized by Article V, Section 15, a voter shall not reveal to anyone in the polling place the name of any candidate for whom the voter intends to vote or has voted. A voter shall not ask for or receive assistance in the marking of a ballot from anyone within the polling place except as authorized by Article V, Section 15. If a voter, after marking a ballot, shows it to anyone except as authorized by law, the election judges shall refuse to deposit the ballot in any ballot box and shall place it among the spoiled ballots. Unless the showing of the ballot was clearly intentional, the voter shall receive another ballot as provided in Article V, Section 13, Subdivision 3, Clause (d).

Sec. 18. [204C.18] BALLOTS; SECRECY.

Subdivision 1. PARTY PREFERENCES; PROTECTION OF SECRECY. The election judges shall make no entry or notation in the election register or anywhere else showing the political party to which a voter belongs or for which political party he voted. No election judge shall knowingly permit anyone in the polling place to make such an entry or notation.

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

Subd. 2. BALLOTS; IDENTIFYING MARKS; PENALTY. No voter, election judge, or other individual shall place at any time a mark as a means of identification upon any ballot handed to or cast by a voter or upon spoiled or discarded ballots, except the initials authorized by Article V, Section 9. A violation of this subdivision is a gross misdemeanor.

Sec. 19. [204C.19] COUNTING VOTES; PENALTY.

Subdivision 1. PROCEDURE. When the hours for voting have ended and all voting has concluded, the election judges shall immediately count the votes cast at the election. The count shall be held at the polling place and shall be public. It shall be continued without intermission until it is completed and the results are declared, except that the election judges may recess for meals or other necessary purposes. During the count no one except the election judges shall handle the ballots. Any other individual who touches or interferes with ballots during the counting or any election judge who permits such touching or interference is guilty of a misdemeanor.

Subd. 2. BALLOTS; ORDER OF COUNTING. Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared one box at a time in the following order: the white box, the pink box, the canary box, the light green box, and then the other kinds of ballots voted at the election. If enough election judges are available to provide counting teams of four or more election judges for each box, more than one box may be opened and counted at the same time. The election judges on each counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Subd. 3. PREMATURE DISCLOSURE OF COUNT RESULTS. No count results from any precinct shall be disclosed by any election judge or other individual until all count results from that precinct are available, nor shall the public media disclose any count results from any precinct before the time when voting is scheduled to end in the state.

Sec. 20. [204C.20] BALLOTS; NUMBER TO BE COUNTED.

Subdivision 1. DETERMINATION OF PROPER NUMBER. The election judges shall determine the number of ballots to be counted by adding the number of return envelopes from accepted absentee ballots to the number of signed voter's certificates, or to the number of names entered in the election register. The election judges shall then remove all the ballots from the box. Without considering how the ballots are marked, the election judges shall ascertain that each ballot is separate and shall count them to determine whether the number of ballots in the box corresponds with the number of ballots to be counted.

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

✓ Subd. 2. **EXCESS BALLOTS.** If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Subd. 3. **BALLOTS IN WRONG BOX.** If the election judges find in a ballot box any ballots that are not the kind properly belonging in it, they shall lay those ballots aside. If the number of ballots found in any box equals or exceeds the number of ballots to be counted, the ballots which should have been placed in that box, but which are found in another box, shall not be counted. If the number of ballots found in a box is less than the number of ballots to be counted, and a number of ballots equal to or less than the deficiency and properly belonging in that box are found in another box, the latter ballots shall be counted. If the number of ballots found in another box exceeds the deficiency, the excess ballots shall be placed in the proper ballot box and, without looking, an election judge shall withdraw a number of ballots equal to the deficiency and the withdrawn ballots shall then be counted.

Subd. 4. **BALLOTS NOT COUNTED; DISPOSITION.** When the final count of ballots agrees with the number of ballots to be counted, those ballots not counted shall be attached to a certificate made by the election judges which states why the ballots were not counted. The certificate and uncounted ballots shall be sealed in a separate envelope and returned to the county auditor or municipal clerk from whom they were received.

Sec. 21. [204C.21] COUNTING BALLOTS; PILING SYSTEM.

Subdivision 1. **METHOD.** The election judges shall take all the ballots of the same kind and count the votes cast for each office or question, beginning with the first office or question on the ballot. They shall make one pile of the ballots for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of ballots that are not totally defective but are defective with respect to the office or question being counted and a pile of ballots that are not totally blank but are blank with respect to the office or question being

counted. After the separation into piles, the election judges shall examine each pile and remove and place in the proper pile any ballots that are found in the wrong pile. The election judges shall count the totally blank and totally defective ballots and set them aside until the counting is over for that ballot. The election judges may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree, the election judges shall announce the number of ballots in each pile, and shall write the number in the proper place on the summary statements.

The election judges shall then return all the counted ballots, and all the partially defective or partially blank ballots, to the original pile to be separated and counted in the same manner for the next office or question.

Subd. 2. MORE THAN ONE CANDIDATE TO BE ELECTED; PILING. Where more than one candidate is to be elected to an office, the votes for that office shall be counted and canvassed in the manner provided in subdivision 1 as far as practicable.

Subd. 3. PRIMARY. At a primary the election judges shall first separate the partisan ballots by major political party and then count the votes for each office as provided in subdivision 1. The nonpartisan primary ballots shall be counted separately after the partisan primary ballots have been counted.

Sec. 22. [204C.22] DETERMINING VOTER'S INTENT.

Subdivision 1. BALLOT VALID IF INTENT DETERMINABLE. A ballot shall not be rejected for a technical error that does not make it impossible to determine the voter's intent. In determining intent the principles contained in this section apply.

Subd. 2. FROM FACE OF BALLOT ONLY. Intent shall be ascertained only from the face of the ballot.

Subd. 3. VOTES FOR TOO MANY CANDIDATES. If a voter places a mark (X) beside the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter places a mark (X) beside the names of candidates of more than one party on the partisan ballot, the ballot is totally defective and no votes on it shall be counted.

Subd. 4. NAME WRITTEN IN PROPER PLACE. If a voter has written the name of an individual in the proper place on a general or special election ballot a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the blank.

Subd. 5. NAME WRITTEN ON PRIMARY BALLOT. If a voter has written the name of an individual on a primary or special primary ballot, a vote shall not be counted for that office.

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

Subd. 6. MARK OUT OF PLACE. If a mark (X) is made out of its proper place, but so near a name or space as to indicate clearly the voter's intent, the vote shall be counted.

Subd. 7. ALL WRITTEN NAMES OR MARKS COUNTED UP TO LIMIT. If a number of individuals are to be elected to the same office, the election judges shall count all names written in and all printed names with (X) marks in squares opposite them, not exceeding the whole number to be elected. When fewer names than the number to be elected are marked with an (X) or written in, only the marked or written in names shall be counted. When more names than the number to be elected are marked or written in, the ballot is defective with respect to that office and no vote shall be counted for that office.

Subd. 8. MISSPELLING; ABBREVIATIONS. Misspelling or abbreviations of the names of write-in candidates shall be disregarded if the individual for whom the vote was intended can be clearly ascertained from the ballot.

Subd. 9. VOTES FOR ONLY SOME OFFICES DETERMINED. If the voter's choice for only some of the offices can be determined from a ballot, the ballot shall be counted for those offices only.

Subd. 10. DIFFERENT MARKS. If a voter uniformly uses a mark other than (X) which clearly indicates an intent to mark a name or to mark yes or no on a question, and the voter does not use (X) anywhere else on the ballot, a vote shall be counted for each candidate or position marked. If a voter uses two or more distinct marks, such as (X) and some other mark, a vote shall be counted for each candidate or position marked, unless the ballot is marked by distinguishing characteristics that make the entire ballot defective as provided in subdivision 13.

Subd. 11. ATTEMPTED ERASURES. If the names of two candidates have been marked, and an attempt has been made to erase or obliterate one of the marks, a vote shall be counted for the remaining marked candidate. If an attempt has been made to obliterate a write-in name a vote shall be counted for the remaining write-in name or marked candidate.

Subd. 12. SOIL; DEFACEMENT. A ballot shall not be rejected merely because it is slightly soiled or defaced.

Subd. 13. IDENTIFYING BALLOT. If a ballot is marked by distinguishing characteristics in a manner making it evident that the voter intended to identify the ballot, the entire ballot is defective.

Subd. 14. NO VOTES FOR CERTAIN OFFICES. If the number of candidates for an office is equal to the number of individuals to be elected to that office, and the voter has not marked any name, no vote shall be counted for any candidate for that office.

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Subd. 15. BLANK BALLOT FOR ONE OR MORE OFFICES VALID. If no name or position is marked and no name is written in, the ballot is blank with respect to that office or question. A ballot that is blank with respect to one or more offices or questions is not defective.

Sec. 23. [204C.23] DEFECTIVE BALLOTS.

A ballot that is defective to the extent that the election judges are unable to determine the voter's intent shall be marked on the back "Defective" if it is totally defective or "Defective as to", naming the office or question if it is defective only in part.

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. 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. 25. [204C.25] DISPOSITION OF BALLOTS.

After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective and blank ballots shall be placed in envelopes of the same color as the ballots and sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number and kind of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal clerk from whom they were received.

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

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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 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.

Sec. 27. [204C.27] DELIVERY OF RETURNS TO COUNTY AUDITORS.

One or more of the election judges in each precinct shall deliver two sets of summary statements; all unused and spoiled white, pink, and canary ballots; one election register in counties with no permanent voter registration system; and the envelopes containing the white, pink, and canary ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office within 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal ballots, the remaining election register in counties without a permanent voter registration system, the envelopes containing municipal ballots, and all other things furnished by the municipal clerk, to the municipal clerk's office within 24 hours after the end of the hours for voting.

Sec. 28. [204C.28] ELECTION NIGHT; DUTIES OF COUNTY AUDITORS AND MUNICIPAL CLERKS.

Subdivision 1. COUNTY AUDITOR. Every county auditor shall remain at his office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Subd. 2. CLERKS. The clerk of every first, second, and third class city shall remain at his office to receive delivery of returns, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The

clerk of every first class city shall keep a book in which, in the presence of the election judges or other individuals who deliver the returns, the clerk shall make a record of all materials delivered, the time of delivery, and the names of the election judges or other individuals who made delivery. The book shall be retained in the clerk's office for the same period as the ballots as provided in Article IV, Section 40.

Sec. 29. [204C.29] IMPROPER DELIVERY OF RETURNS.

Subdivision 1. FAILURE OF ELECTION JUDGES TO MAKE DELIVERY; PENALTY. If the election judges fail to deliver returns as required by Article V, Section 27, the county auditor or municipal clerk to whom the returns should have been delivered shall dispatch a special messenger to obtain them. The messenger shall receive the same compensation as an election judge would receive for performing the same service and shall be subject to the same penalties as an election judge for violation of any provision of the Minnesota election law.

Subd. 2. IRREGULARITIES IN DELIVERY. An officer to whom election returns are required to be made shall not refuse to receive them because they are delivered in any manner other than that prescribed by law, except that the returns must be sealed. No canvassing board shall refuse to include any returns in its canvass of votes because of any informality in holding the election or making returns. All returns shall be received and the votes canvassed by the canvassing board and included in its statements when there is substantial compliance with the provisions of the Minnesota election law.

Subd. 3. DAMAGING RETURNS OR PREVENTING DELIVERY; PENALTY. No individual who is appointed to carry a report, certificate, or certified copy of election returns shall intentionally mutilate, tear, deface or obliterate any portion of it or do any act to prevent its delivery. No individual shall take or accept from a messenger any report, certificate or certified copy of election returns with intent to prevent its delivery, or having taken or accepted it, shall mutilate, tear, deface, obliterate or destroy any portion of it. A violation of this subdivision is a felony.

Sec. 30. [204C.30] ELECTION RETURNS; ADDITIONAL DUTIES OF COUNTY AUDITOR.

Subdivision 1. DELIVERY OF SUMMARY STATEMENTS TO SECRETARY OF STATE. The county auditor shall promptly deliver to the secretary of state one of the sets of summary statements received from each precinct.

Subd. 2. NOTIFICATION OF PRIOR REGISTRATION. In counties without a permanent voter registration system, the county auditor shall examine all election registers from each precinct for names of voters who list a prior registration at another address. The county auditor shall notify the

county auditor of the county where the voter was previously registered, using the form required by Article II, Section 9, Subdivision 4.

Sec. 31. [204C.31] CANVASSING BOARDS; MEMBERSHIP.

Subdivision 1. COUNTY CANVASSING BOARD. The county canvassing board shall consist of the county auditor, the clerk of the district court, the mayor or chairman of the town board of the county's most populous municipality, and two members of the county board selected by the board from its members who are not candidates at the election. If one of these individuals fails to appear at the meeting of the canvassing board and in the absence of any selection by the county board from among its own members, the county auditor shall appoint an eligible voter of the county who is not a public official or a candidate for public office to fill the vacancy. Three members constitute a quorum.

Subd. 2. STATE CANVASSING BOARD. The state canvassing board shall consist of the secretary of state, two judges of the supreme court, and two judges of the district court selected by the secretary of state. None of the judges shall be a candidate at the election. If a judge fails to appear at the meeting of the canvassing board, the secretary of state shall fill the vacancy in membership by selecting another judge from either court who is not a candidate at the election. Not more than two judges of the supreme court shall serve on the canvassing board at one time.

Sec. 32. [204C.32] CANVASS OF STATE PRIMARIES.

Subdivision 1. COUNTY CANVASS. The county canvassing board shall meet at the county auditor's office at 10:00 a.m. on or before the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election and shall promptly prepare and file with the county auditor a report that states:

(a) The number of individuals voting at the election in the county, and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) For each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) The names of the candidates of each major political party who are nominated; and

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(e) The number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee voted for only in that county. The county auditor shall promptly certify to the secretary of state the vote reported by the county canvassing board for candidates voted for in more than one county.

Subd. 2. STATE CANVASS. The state canvassing board shall meet at the secretary of state's office on the second Tuesday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Upon completion of the canvass, the secretary of state shall promptly certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.

Sec. 33. [204C.33] CANVASS OF STATE GENERAL ELECTIONS.

Subdivision 1. COUNTY CANVASS. The county canvassing board shall meet at the county auditor's office on or before the third day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) The number of individuals voting at the election in the county and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) The names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

(d) The number of votes counted for and against a proposed change of county lines or county seat; and

(e) The number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall promptly certify to the secretary of state the vote reported by the county canvassing board for candidates voted for in more than one county.

Subd. 2. COUNTY CANVASSING BOARD REPORTS; PUBLIC AVAILABILITY. Upon payment of a \$1 fee, the county auditor of each county shall provide a certified copy of the county canvassing board report to anyone who requests it.

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Subd. 3. STATE CANVASS. The state canvassing board shall meet at the secretary of state's office on the second Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

(a) The number of individuals voting in the state and in each county;

(b) The number of votes received by each of the candidates, specifying the counties in which they were cast; and

(c) The number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

All members of the state canvassing board shall sign the report and certify its correctness. The state canvassing board shall declare the result within three days after completing the canvass.

Sec. 34. [204C.34] TIE VOTES.

In case of a tie vote for nomination or election to an office, the canvassing board with the responsibility for declaring the results for that office shall determine the tie by lot.

Sec. 35. [204C.35] LEGISLATIVE RACES; AUTOMATIC RECOUNTS.

In a state primary when the difference between the votes cast for the candidates for nomination to a legislative office is 100 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote. In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a legislative office and the votes of any other candidate for that office is 100 or less, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass. The results of the recount shall be certified by the canvassing board as soon as possible. Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board. A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.

Sec. 36. [204C.36] RECOUNTS IN COUNTY AND MUNICIPAL ELECTIONS.

A losing candidate for nomination or election to a county or municipal office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

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(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or

(e) 100 votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal offices shall file a written request with the municipal clerk. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county and the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality.

A losing candidate for nomination or election to a county or municipal office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor or municipal clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction for the payment of the recount expenses.

Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.

Sec. 37. [204C.37] COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

Two copies of the reports required by Article V, Section 32, Subdivision 1 and Article V, Section 33, Subdivision 1 shall be certified under the official seal of the county auditor. Each copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The

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copies shall be mailed or delivered to the secretary of state and, if mailed, shall be forwarded by different mails. If neither copy is received by the secretary of state within ten days following the applicable election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 38. [204C.38] CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES AGREE.

Subdivision 1. ERRORS OF ELECTION JUDGES. If the candidates for an office unanimously agree in writing that the election judges in any precinct have made an obvious error in the counting or recording of the votes for that office, they shall deliver the agreement to the county auditor of that county who shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. ERRORS OF COUNTY CANVASSING BOARD. If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with Article V, Sections 32 to 36.

Subd. 3. ERRORS OF STATE CANVASSING BOARD. If the candidates for an office unanimously agree in writing that the state canvassing board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the state canvassing board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the state canvassing board, the state canvassing board and the secretary of state shall proceed in accordance with Article V, Sections 32 to 36.

Sec. 39. [204C.39] CORRECTION OF OTHER OBVIOUS ERRORS.

Subdivision 1. MANNER OF CORRECTION. A county canvassing board may determine by majority vote that the election judges have made an obvious error in counting or recording the votes for an office. The county canvassing board shall then promptly notify all candidates for that office of the determination, including a description of the error. A candidate who receives notification pursuant to this subdivision or any candidate who believes that the election judges in a precinct have made an obvious error in the counting or recording of the votes for an office may apply without unreasonable delay to

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the district court of the county containing the precinct in which the alleged error was made for an order determining whether or not an obvious error has been made. The applicant shall describe the alleged error in the application and may submit additional evidence as directed by the court. The applicant shall notify the county canvassing board and all candidates for the affected office in the manner directed by the court. If the court finds that the election judges made an obvious error it shall issue an order specifying the error and directing the county canvassing board to inspect the ballots and returns of the precinct in order to correct the error and to proceed further in accordance with this section or otherwise as the court may direct.

Subd. 2. INSPECTION; TIME; PLACE. The county auditor shall schedule a meeting of the county canvassing board at his office as soon as practicable after the court issues an order under subdivision 1 and shall give sufficient advance notice of the meeting to the affected candidates. The board, in the presence of all the candidates for the office or their representatives shall inspect the ballots and returns, correct any error and proceed further in accordance with the order of the court.

Preparation of the county canvassing board report with respect to other offices on the ballot shall not be delayed because of an inspection required by this section.

Subd. 3. REPORT OF CANVASSING BOARD; ADDENDUM. After the canvassing board has inspected the ballots and returns, it shall promptly submit to the county auditor an addendum to its regular report, which addendum shall contain the following information:

- (a) A copy of the order of the court, if any;
- (b) The minutes of the meeting showing the time, date, and place of the meeting, the names of the candidates or their representatives who were present, and the action taken by the board;
- (c) A copy of the meeting notice given to each candidate and proof of service; and
- (d) The names of the candidates for each office for which votes were inspected and the total number of votes received by each candidate for that office in the county and in each precinct.

Subd. 4. CANVASSING BOARD; DECLARATION OF RESULTS; NOTIFICATION. The canvassing board shall declare the results of the election upon completing the inspection for the office in question. The report and declaration shall be filed by the county auditor, who shall mail a certified copy to each candidate for that office. The county auditor shall promptly

notify the secretary of state by certified mail of the action of the county canvassing board.

Sec. 40. [204C.40] CERTIFICATES OF ELECTION.

Subdivision 1. PREPARATION; METHOD OF DELIVERY. The county auditor shall prepare an election certificate for every candidate declared elected by the county canvassing board, and the secretary of state shall prepare a certificate for every candidate declared elected by the state canvassing board. Except as otherwise provided in this section, the secretary of state or county auditor, as appropriate, shall deliver an election certificate on demand to the elected candidate. In an election for state representative or state senator, the county auditor or secretary of state shall deliver the original election certificate to the chief clerk of the house or the secretary of the senate. The chief clerk of the house or the secretary of the senate shall give a copy of the certificate to the representative-elect or senator-elect. Upon taking the oath of office, the representative or senator shall receive the original certificate of election. If a recount is undertaken by a canvassing board pursuant to Article V, Section 35, no certificate of election shall be prepared or delivered until after the recount is completed. In case of a contest, the court may invalidate and revoke the certificate as provided in Minnesota Statutes, Chapter 209.

Subd. 2. TIME OF ISSUANCE; CERTAIN OFFICES. No certificate of election shall be issued until 12 days after the canvassing board has declared the result of the election. In case of a contest, an election certificate shall not be issued until a court of proper jurisdiction has finally determined the contest. This subdivision shall not apply to candidates elected to the office of state senator or representative.

Sec. 41. [204C.41] NEGLIGENCE OF DUTY; OTHER OFFENSES BY ELECTION OFFICIALS; PENALTY.

An election officer or other individual required by law to safely keep and produce on election day the ballots entrusted to him or to perform any other act, who intentionally fails or refuses to perform the act required, or who is required by law to abstain from any act, and intentionally does the act, or who in either of these cases is guilty of fraud, corruption, partiality or misbehavior in conducting or aiding in the conduct of an election, or in counting or making returns of votes, or who wrongfully refuses to make or deliver a certificate of election, or who falsely or corruptly performs any required act, for which a punishment has not been otherwise expressly provided for by law, is guilty of a felony.

**ARTICLE VI
PARTICULAR ELECTIONS**

Section 1. [204D.01] DEFINITIONS.

The definitions in Minnesota Statutes, Chapter 200 apply to this article.

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

Sec. 2. [204D.02] OFFICERS CHOSEN AT STATE GENERAL ELECTION; TERMS OF OFFICE.

Subdivision 1. OFFICERS. All elective state and county officers, justices of the supreme court, judges of the district, county and county municipal courts, state senators and state representatives, and senators and representatives in congress shall be elected at the state general election held in the year before their terms of office expire. Presidential electors shall be chosen at the state general election held in the year before the expiration of a term of a president of the United States.

Subd. 2. TERM OF OFFICE. The term of office of all elective state and county officers shall begin on the first Monday in January of the odd numbered year following their election.

Sec. 3. [204D.03] TIME OF STATE ELECTIONS.

Subdivision 1. STATE PRIMARY. The state primary shall be held on the first Tuesday after the second Monday in September in each even numbered year to select the nominees of the major political parties for partisan offices and the nominees for nonpartisan offices to be filled at the state general election, other than presidential electors.

Subd. 2. STATE GENERAL ELECTION. The state general election shall be held on the first Tuesday after the first Monday in November in each even numbered year.

Sec. 4. [204D.04] BALLOT PREPARATION.

Subdivision 1. ROTATION OF OFFICES; PROHIBITION. There shall be no rotation of offices on any ballot required to be prepared pursuant to this article for a state primary or a state general election.

Subd. 2. INSTRUCTIONS TO PRINTER; PRINTER'S BOND. The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates, for layout of the ballot and for providing the ballots in groups of 50. The instructions shall be approved by the legal advisor of the official before delivery to the printer. Before a contract is awarded for printing ballots, the printer shall furnish a sufficient bond in an amount not less than \$1000 nor more than \$5000, conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered to him. The official responsible for printing the ballots shall set the amount of the bond.

Sec. 5. [204D.05] STATE PRIMARY BALLOTS; PARTISAN AND NONPARTISAN; OFFICIAL IN CHARGE.

Subdivision 1. STATE PARTISAN PRIMARY BALLOT. The state partisan primary ballot shall contain the names of the candidates seeking the

nomination of each major political party for the partisan offices filled at the state general election.

Subd. 2. STATE AND COUNTY NONPARTISAN PRIMARY BALLOT. The state and county nonpartisan primary ballot shall contain the names of the candidates seeking nomination for the nonpartisan offices filled at the state general election.

Subd. 3. COUNTY AUDITOR TO PREPARE. The county auditor of each county shall prepare the state partisan primary ballot and the state and county nonpartisan primary ballot.

Sec. 6. [204D.06] CERTIFICATION OF NAMES BY SECRETARY OF STATE.

At least 32 days before a state primary, the secretary of state shall certify to the county auditors the names of all candidates who have properly filed affidavits of candidacy with the secretary of state and who will be voted for in their respective counties at that primary.

Sec. 7. [204D.07] PLACING NAMES ON BALLOTS.

Subdivision 1. DUTIES OF COUNTY AUDITOR. Except as provided in subdivisions 2 and 3, the county auditor shall place on the appropriate state primary ballot the name of each candidate who has properly filed an affidavit of candidacy with him and of each candidate certified by the secretary of state pursuant to Article VI, Section 6.

Subd. 2. EXCEPTION; PETITION CANDIDATES. The name of a candidate nominated by petition shall not be placed on any state primary ballot.

Subd. 3. EXCEPTION; CERTAIN NONPARTISAN CANDIDATE. If not more than twice the number of individuals to be elected to a nonpartisan office file for the nomination, their names and the name of the office shall be omitted from the state and county nonpartisan primary ballot and the candidates who filed shall be the nominees.

Sec. 8. [204D.08] STATE PRIMARY BALLOTS.

Subdivision 1. FORM. Except as provided in this section, state primary ballots shall be printed in the same manner as state general election ballots as far as practicable. A sufficient number shall be printed for each precinct and ward in the state.

Subd. 2. BLANK LINES PROHIBITED. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

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

Subd. 3. ROTATION OF NAMES. On state primary ballots the name of each candidate for nomination to a partisan or nonpartisan office shall be rotated with the names of the other candidates for nomination to that office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in that group of candidates.

Subd. 4. STATE PARTISAN PRIMARY BALLOT; PARTY COLUMNS. The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot". The ballot shall be printed on white paper. Each major political party shall have a separate column on the ballot, which column shall be headed by the words "..... Party", giving the party name. Below the party name the following statement shall be printed.

"Do not vote for candidates of more than one party. If you do, your entire ballot will be defective and no vote marked on your ballot will be counted."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in congress shall be listed first, candidates for representative in congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state.

The party columns shall be substantially the same in width, type and appearance. The columns shall be separated by a 12 point solid line.

Subd. 5. PARTY COLUMNS; ARRANGEMENT. The names of candidates for nomination of the major political party that received the highest average vote at the last state general election in the county shall be placed in the first column on the left side of the ballot. The names of candidates for nomination of the major political party that received the next highest average vote at the last state general election in the county shall be placed in the second column, and so on. For the purpose of this subdivision, the average vote shall be computed by dividing the total number of votes counted in the county for all of the candidates of that major political party appearing on the white ballot at the last state general election by the number of candidates of that party whose names appeared on the white ballot.

Subd. 6. STATE AND COUNTY NONPARTISAN PRIMARY BALLOT. The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot". It shall be printed on canary paper. The names of candidates for nomination to the supreme court, district, county

and county municipal courts and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 9. [204D.09] SAMPLE PRIMARY BALLOTS.

At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged alphabetically according to the surname. Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in his office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 10. [204D.10] PRIMARY RESULTS; NOMINEES.

Subdivision 1. PARTISAN OFFICES; NOMINEES. The candidate for nomination of a major political party for a partisan office on the state partisan primary ballot who receives the highest number of votes shall be the nominee of that political party for that office, except as otherwise provided in subdivision 2.

Subd. 2. PARTY PRIMARY; TEN PERCENT REQUIREMENT. If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in Article IV, Sections 7 to 9. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general.

Subd. 3. NONPARTISAN OFFICES; NOMINEES. The candidates for each office on the state and county nonpartisan primary ballot receiving the highest and the next highest number of votes shall be the nominees for that office. When more than one individual is to be elected to the same nonpartisan office, the number of nominees shall be equal to twice the number of individuals to be elected, and that number of candidates receiving the highest number of votes shall be the nominees for that office.

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

Sec. 11. [204D.11] STATE GENERAL ELECTION BALLOTS; CANDIDATES; OFFICIAL IN CHARGE; RULES; REIMBURSEMENT.

Subdivision 1. WHITE BALLOT; RULES; REIMBURSEMENT.

The names of the candidates for all partisan offices voted on at the state general election and candidates for the office of justice and chief justice of the supreme court shall be placed on a single ballot printed on white paper which shall be known as the "white ballot". This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties' costs.

Subd. 2. PINK BALLOTS. Amendments to the state constitution shall be placed on a ballot printed on pink paper which shall be known as the "pink ballot". The pink ballot shall be prepared by the secretary of state.

Subd. 3. CANARY BALLOT. All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot printed on canary paper which shall be known as the "canary ballot". The canary ballot shall be prepared by the county auditor.

Subd. 4. SPECIAL FEDERAL WHITE BALLOT. The names of all candidates for the offices of president and vice president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "special federal white ballot". This ballot shall be prepared by the county auditor in the same manner as the white ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. The special federal white ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota as provided by Pub. L. 94-203 and Article III.

Subd. 5. BALLOT HEADINGS. The white, pink and special federal white ballot shall be headed with the words "State General Election Ballot". The canary ballot shall be headed with the words "County and Judicial District General Election Ballot".

Sec. 12. [204D.12] NAMES PLACED ON GENERAL ELECTION BALLOTS.

Without payment of an additional fee, the county auditor shall place on the appropriate state general election ballot the name of every candidate:

(a) Whose nomination at the state primary has been certified by the appropriate canvassing board;

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(b) Who has been nominated by petition, including candidates certified by the secretary of state; and

(c) Who was nominated and whose name was omitted from the state nonpartisan primary ballot pursuant to Article VI, Section 7, Subdivision 3. Only the names of duly nominated candidates may be placed on a ballot.

Sec. 13. [204D.13] WHITE BALLOT; PARTISAN OFFICES.

Subdivision 1. ORDER OF OFFICES. The candidates for partisan offices shall be placed first on the white ballot and shall appear in the following order: senator in congress shall be first; representative in congress, second; state senator, third; and state representative, fourth. The candidates for state offices shall follow in the order specified by the secretary of state. Candidates for governor and lieutenant governor shall appear so that a single vote may be cast for both offices.

Subd. 2. ORDER OF POLITICAL PARTIES. The first name printed for each partisan office on the white ballot shall be that of the candidate of the major political party that received the smallest average number of votes at the last state general election. The succeeding names shall be those of the candidates of the other major political parties that received a succeeding higher average number of votes respectively. For the purposes of this subdivision, the average number of votes of a major political party shall be computed by dividing the total number of votes counted for all of the party's candidates for statewide office at the state general election by the number of those candidates at the election.

On voting machines the first name printed for each office means the position nearest the top or left edge of the machine, whichever applies.

Subd. 3. NOMINEES BY PETITION; PLACEMENT ON BALLOT. The names of candidates nominated by petition for a partisan office voted on at the state general election shall be placed on the white ballot after the names of the candidates for that office who were nominated at the state primary. Candidates nominated by petition shall be placed on the ballot in the order in which the petitions were filed. The words "nominated by petition" and the political party or political principle of the candidate as stated on the petition shall be placed after the name of a candidate nominated by petition. The word "nonpartisan" shall not be used to designate any partisan candidate whose name is placed on the white ballot by nominating petition.

Sec. 14. [204D.14] WHITE AND CANARY BALLOTS; NONPARTISAN OFFICES.

Subdivision 1. ROTATION OF NAMES. The names of candidates for nonpartisan offices on the white and canary ballots shall be rotated in the manner provided for rotation of names on state partisan primary ballots by Article VI, Section 8, Subdivision 3.

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

Subd. 2. UNCONTESTED OFFICES. Nonpartisan offices for which there is only one candidate shall appear after all contested offices on the appropriate white or canary ballot.

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.

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 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. 17. [204D.17] REPRESENTATIVE IN CONGRESS; STATE SENATOR; STATE REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.

Subdivision 1. SPECIAL ELECTIONS; EXCEPTIONS. A vacancy in the office of representative in congress or state senator or state representative shall be filled for the unexpired term by special election upon the writ of the governor as provided in Article VI, Sections 17 to 27; except that if congress or the legislature will not be in session before the expiration of the vacant term no special election is required.

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

Subd. 2. TWO OR MORE VACANCIES. Two or more vacancies may be filled at the same special election and the candidates may be nominated at the same special primary. Any special primary or special election held pursuant to Article VI, Sections 17 to 27, may be held on the same day as any other election.

Sec. 18. [204D.18] GENERAL ELECTION LAWS; APPLICATION.

Except as provided in Article VI, Sections 17 to 27, all of the provisions of the Minnesota election law are applicable to special elections as far as practicable.

Sec. 19. [204D.19] SPECIAL ELECTIONS; WHEN HELD.

Subdivision 1. VACANCY FILLED AT GENERAL ELECTION. When a vacancy occurs more than 150 days before the next state general election, and the congress or the legislature will not be in session before the final canvass of the state general election returns, the vacancy shall be filled at the next state general election.

Subd. 2. SPECIAL ELECTION WHEN THE CONGRESS OR LEGISLATURE WILL BE IN SESSION. Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the thirty-third day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the congress or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of Article VI, Section 22, Subdivision 3, but in no event more than 28 days after the issuance of the writ.

Subd. 3. SPECIAL ELECTION AT OTHER TIMES. When a vacancy occurs at a time other than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a special election to be held so that the individual elected may take office at the opening of the next session of the congress or of the legislature, or at the reconvening of a session of the congress or of the legislature.

Subd. 4. WRIT WHEN VACANCY RESULTS FROM ELECTION CONTEST. If a vacancy results from a successful election contest, the governor shall issue 22 days after the first day of the legislative session a writ calling for a special election unless the house in which the contest may be tried has passed a resolution which states that it will or will not review the court's determination of the contest. If the resolution states that the house will not

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review the court's determination, the writ shall be issued within five days of the passage of the resolution.

Sec. 20. [204D.20] NOMINATIONS; VACANCY.

Subdivision 1. SPECIAL PRIMARY. Except as provided in subdivision 2, the candidates of the major political parties to fill a vacancy shall be nominated at a special primary. The candidate of each party who receives the highest number of votes at the special primary shall be nominated without reference to the ten percent requirement of Article VI, Section 10, Subdivision 2.

Subd. 2. NO SPECIAL PRIMARY; WHEN. No special primary shall be held to nominate candidates to fill a vacancy if only one individual from each major political party files as a candidate for that party's nomination. In that case, the individuals who have filed are nominated.

Subd. 3. NOMINATIONS BY PETITION. Candidates to fill a vacancy may also be nominated by petition under the conditions and in the manner provided by law for candidates filing by petition for like office at the state general election as far as practicable.

Sec. 21. [204D.21] TIME OF SPECIAL PRIMARY.

Subdivision 1. NOMINATION AT STATE PRIMARY. When a special election is to be held on the same day as the state general election, as provided in Article VI, Section 19, Subdivision 1, candidates for nomination to fill the vacancy shall be nominated at the state primary.

Subd. 2. NOMINATION AT SPECIAL PRIMARY ON DAY OF REGULAR PRIMARY. Candidates for nomination to fill a vacancy shall be nominated at a special primary on the day of the regular state primary when the vacancy is to be filled at a special election to be held more than 14 days after the regular state primary.

Subd. 3. NOMINATION AT SPECIAL PRIMARY ON OTHER DAY. In all cases other than those provided in subdivisions 1 and 2, a special primary for the nomination of candidates shall be held not later than the fourteenth day before the special election.

Sec. 22. [204D.22] WRIT OF ELECTION.

Subdivision 1. FILING WITH SECRETARY OF STATE. A writ calling for a special election shall state the office to be filled, the opening and closing dates of filing for candidacy, and the dates of the special primary and special election. The writ shall be filed with the secretary of state immediately upon issuance.

Subd. 2. POSTING OF WRIT. Immediately upon receipt of the writ, the secretary of state shall send a certified copy of the writ by certified mail to

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the county auditor of each county in which candidates to fill the vacancy are to be voted upon. The county auditor shall post a copy of the writ in his office at least five days before the close of the time for filing affidavits of candidacy for the special election.

Subd. 3. NOTICE OF SPECIAL ELECTION. The county auditor of a county in which a special election is to be held shall direct the clerk of each municipality in which the election is to be held to post a notice of the special primary and special election at least seven days before the special primary and at least 14 days before the special election in the manner provided in Article IV, Sections 33 and 34. If the special primary is to be held 14 days before the special election, a single notice of both elections may be posted seven days before the primary.

When the special primary or special election is to be held on the same day as any other election, notice of the special primary or special election may be included in the notice of the other election, if practicable.

Subd. 4. FAILURE OF NOTICE. No omission or defect in any notice required to be given by this section shall invalidate a special primary or special election.

Sec. 23. [204D.23] AFFIDAVITS OF CANDIDACY; NOMINATING PETITIONS.

Subdivision 1. PLACE AND MANNER OF FILING. Candidates for nomination to fill a vacancy at a special primary shall file their affidavits of candidacy and nominating petitions with the same officers and in the same manner and shall pay the same fees as provided by law for candidates for like offices at the state primary.

Subd. 2. TIME OF FILING. Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than the seventh day before the special primary.

Subd. 3. FILING AT REGULAR TIME. If a vacancy occurs before the opening of the time for filing affidavits of candidacy for the state primary and the special primary is held on the same day as the state primary, the affidavits and petitions shall be filed during the time for filing affidavits for the state primary.

Subd. 4. FILING WITH THE SECRETARY OF STATE; CERTIFICATION. Within 24 hours after the filings have closed, the secretary of state shall certify to the county auditors the names of the candidates who have filed with the secretary of state and who will be voted for in those counties at the special primary.

Sec. 24. [204D.24] SPECIAL ELECTIONS; PRECINCTS; ELECTION JUDGES; VOTERS.

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

Subdivision 1. The election precincts, polling places and officials for any special primary or special election shall be the same as at the last preceding general election in that municipality unless changed according to law. When a special primary or special election is held on the same day as another primary or election, the same precincts, polling places and officials shall be used for both. If separate special election ballots are required pursuant to Article VI, Section 25, separate ballot boxes shall be used.

Subd. 2. VOTER REGISTRATION. In any county with a permanent registration system no individual may vote at a special primary or special election without being properly registered or not recorded under Article III, Section 19.

Sec. 25. [204D.25] SPECIAL ELECTION BALLOTS.

Subdivision 1. FORM. Except as provided in subdivision 2, the county auditor shall prepare separate ballots for a special primary and special election as required by Article VI, Sections 17 to 27. The ballots shall be headed "Special Primary Ballot" or "Special Election Ballot" as the case may be, followed by the date of the special primary or special election. Immediately below the title of each office to be filled shall be printed the words "To fill vacancy in term expiring", with the date of expiration of the term and any other information that is necessary to distinguish the office from any other office to be voted upon at the same election. Otherwise the form of the ballots shall comply as far as practicable with the laws relating to ballots for state primaries and state general elections. The county auditor shall post a sample of each ballot in his office as soon as prepared and not later than four days before the special primary or special election. Publication of the sample ballot for a special primary or special election is not required.

Subd. 2. USE OF REGULAR BALLOTS. The county auditor shall place the names of the candidates to fill the vacancy upon the regular ballots used for like offices at the state primary or state general election, designating the office to be filled in the same manner as provided in subdivision 1 for separate special primary or special election ballots if:

(a) The candidates at the special election are to be voted for on the day of the state general election or are to be nominated on the day of the state primary; and

(b) The ballots for the state general election or state primary have not been printed when the names of the candidates to be elected or nominated to fill a vacancy have been finally determined.

Sec. 26. [204D.26] CONGRESSIONAL OR LEGISLATIVE DISTRICTS; CHANGE IN BOUNDARIES.

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

No change in the boundaries of any congressional or legislative district is effective with respect to any election to fill a vacancy in the representation of that district if the term of the office which is vacant commenced before the change was made.

Sec. 27. [204D.27] SPECIAL ELECTION RETURNS.

Subdivision 1. COUNTY CANVASS. The returns of a special primary or special election held pursuant to Article VI, Sections 17 to 27 shall be delivered promptly upon completion to the county auditor of the county in which the special primary or special election is held. Except as provided in subdivisions 2 to 4, the county canvassing board shall canvass and certify the returns to the secretary of state on the next day, excluding Sundays and legal holidays, following the special primary or special election.

Subd. 2. COUNTY CANVASS; SPECIAL PRIMARY ON DAY OF REGULAR STATE PRIMARY. When a special primary is held on the day of the state primary and the special election will be held on the day of the next state general election, the returns of the special primary shall be canvassed and certified by the county canvassing board at their regular meeting.

Subd. 3. STATE CANVASS; SPECIAL PRIMARY. When the special primary is held on the day of the state primary and the special election will be held more than 20 days after that day, the returns of the special primary shall be canvassed by the county canvassing board at its regular meeting.

Subd. 4. COUNTY AND STATE CANVASS; VACANCY FILLED AT STATE GENERAL ELECTION. When the special election is held on the day of the state general election and separate special election ballots were not required, the returns of the special election shall be canvassed and certified by the county and state canvassing boards at their regular meetings.

Subd. 5. CANVASS; SPECIAL PRIMARY; STATE CANVASSING BOARD. Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the state canvassing board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals and notify each nominee of his nomination.

Subd. 6. CANVASS; SPECIAL ELECTION; SENATOR OR REPRESENTATIVE IN CONGRESS; STATE CANVASSING BOARD. Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for senator or representative in congress and declare the results within seven days after the returns of the county canvassing boards are certified to the secretary of state.

Subd. 7. SPECIAL CONGRESSIONAL ELECTION CONTEST; CONDUCT. In case of a contest of a special election for senator or represent-

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ative in congress the notice of contest shall be filed within five days after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.

Subd. 8. CERTIFICATE OF CONGRESSIONAL ELECTION. No certificate of election in a special election for senator or representative in congress may be issued by the county auditor of any county or by the secretary of state to any individual declared elected by the county or state canvassing board until seven days after the canvassing board has canvassed the returns and declared the results of the election. In case of a contest the certificate may not be issued until the district court determines the contest.

Subd. 9. CANVASS; SPECIAL LEGISLATIVE ELECTION; STATE CANVASSING BOARD. Except as provided in subdivision 4, the state canvassing board shall complete its canvass of a special election for state senator or state representative and declare the results within two days, excluding Sundays and legal holidays, after the returns of the county canvassing boards are certified to the secretary of state.

Subd. 10. SPECIAL LEGISLATIVE ELECTION CONTEST; CONDUCT. In case of a contest of a special election for state senator or state representative, the notice of contest shall be filed within two days, excluding Sundays and legal holidays, after the canvass is completed, and the contest otherwise shall proceed in the manner provided by law for contesting elections.

Subd. 11. CERTIFICATE OF LEGISLATIVE ELECTION. A certificate of election in a special election for state senator or state representative shall be issued by the county auditor or the secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the county canvassing boards finish canvassing the returns.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 28. [204D.28] UNITED STATES SENATE VACANCY; MANNER OF FILLING.

Subdivision 1. SCOPE OF SECTION. Every vacancy in the office of United States senator shall be filled in the manner provided in this section.

Subd. 2. DEFINITIONS. The definitions in subdivisions 3 to 5 apply to this section.

Subd. 3. VACANCY. "Vacancy" means a vacancy in the office of United States senator.

Subd. 4. NOVEMBER ELECTION. "November election" means:

(a) The state general election in even numbered years; or

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(b) The first Tuesday after the first Monday in November of odd numbered years.

Subd. 5. REGULAR STATE PRIMARY. "Regular state primary" means:

(a) The state primary at which candidates are nominated for offices elected at the state general election; or

(b) A primary held four weeks before the first Tuesday after the first Monday in November of odd numbered years.

Subd. 6. SPECIAL ELECTION REQUIRED; EXCEPTION; WHEN HELD. Every vacancy shall be filled for the remainder of the term by a special election held pursuant to this subdivision; except that no special election shall be held in the year before the term expires.

The special election shall be held at the next November election if the vacancy occurs at least six weeks before the regular state primary preceding that election. If the vacancy occurs less than six weeks before the regular state primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs.

Subd. 7. SPECIAL PRIMARY; WHEN HELD. A special primary shall be held at the regular state primary preceding the November election at which the special election is held.

Subd. 8. NOTICE OF SPECIAL ELECTION. The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than ten weeks before the special primary, except that if the vacancy occurs ten weeks or less before the special primary, the secretary of state shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purposes of those provisions of Article VI, Sections 17 to 27 that apply generally to special elections, this notice shall be used in place of the writ of the governor.

Subd. 9. FILING BY CANDIDATES. The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open six weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close four weeks before the special primary.

Subd. 10. UNITED STATES SENATOR; CANDIDATES; DESIGNATION OF TERM. When the names of candidates for both offices of United States senator are required to be placed on the same ballot, the expiration date of the term of each office shall be printed on the ballot opposite the name of each candidate for nomination or election to that office.

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Subd. 11. TEMPORARY APPOINTMENT. The governor may make a temporary appointment to fill any vacancy. An appointee shall hold office until a successor is elected and qualified at a special election or until a successor is elected pursuant to subdivision 12.

Subd. 12. SUCCESSION BY REGULARLY ELECTED SENATOR. An individual who is elected to the office of United States senator for a regular six year term when the office is vacant or is filled by an individual appointed pursuant to subdivision 11, shall also succeed to the office for the remainder of the unexpired term.

Subd. 13. APPLICATION OF OTHER LAWS. Except as otherwise provided in this section, all of the provisions of Article VI, Sections 22 to 27 that apply generally to other special elections apply to a special election held pursuant to this section.

ARTICLE VII OTHER ELECTION STATUTES

Section 1. Minnesota Statutes 1980, Section 10A.01, Subdivision 12, is amended to read:

Subd. 12. "Major political party" means a major political party as defined in section 200.02, subdivision 7.

Sec. 2. Minnesota Statutes 1980, Section 40.05, Subdivision 3, is amended to read:

Subd. 3. After December 31, 1972, and for the elections required by subdivision 2, all elections except that provided for the organization of the district, in subdivision 1, shall be held at the time and place of holding the state general election, as ~~defined in section 200.02, subdivision 2 specified in Article VI, Section 3, Subdivision 2.~~ defined in section 200.02, subdivision 2 specified in Article VI, Section 3, Subdivision 2. No primary ~~election~~ election shall be held. ~~Election of~~ The names of candidates for election as supervisors of the soil and water conservation district shall be ~~by inclusion~~ placed on the "canary ballot," as described in ~~section 203A.32~~ Article VI, Section 11, Subdivision 3. Nominating petitions conforming to the rules stated in subdivision 1 shall be filed with the secretary of the soil and water conservation district at least 60 days before the time of holding the state general election. At least 45 days before the state general election the district secretary shall submit the names of the candidates and the terms for which nominated to the appropriate county auditor. The ballots for use at the election shall be prepared by the county auditor. All laws relating to ~~county elective office~~ elections for county office shall govern insofar as applicable. The county auditor shall certify the result to the state soil and water conservation board, and if the soil and water conservation district embraces land in more than one county the county auditor shall forthwith certify to the state soil and water conservation board the vote, as shown by the

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report of the county canvassing board, for all candidates voted for in more than one county. In the latter case the state soil and water conservation board shall certify the results of the election and publish the result.

Sec. 3. Minnesota Statutes 1980, Section 123.32, Subdivision 7, is amended to read:

Subd. 7. The board of any independent school district, at any regular meeting, or special meeting called for that purpose, may provide for the use of voting machines at all school elections to be held therein in that district. ~~Said~~ The board and any municipal corporation, owning or using voting machines, may enter into an agreement for the rental and use of said the voting machines by said district for school elections in said district that purpose. The provisions of ~~sections 204A.17, subdivision 4 Article IV, Section 22, Subdivision 1 and sections 206.02 to 206.23,~~ shall apply to the use of voting machines in school elections insofar as applicable.

Sec. 4. Minnesota Statutes 1980, Section 202A.11, is amended to read:

202A.11 PARTY NAME.

Subdivision 1. **CHANGE.** Any major political party as defined in the Minnesota election law may change its name by complying with the following conditions:

The state central committee of the party may call a convention, and shall state in its call that a convention is called for a certain time and place, for the purpose of changing the name of the party to some specific name given in the call. The convention shall be held ~~before the termination of the time for filing for nomination for primary elections preceding the state general election~~ not less than 70 days before the state primary, and the change shall be agreed upon by resolution of a majority of the convention. A copy of the resolution determining the change of the name, certified by the chairman and secretary of the convention, shall be filed with the secretary of state within five days after the holding of the convention. Thereafter the political party shall be known by the new name called for by the resolution, and the party under its new name shall have all the rights that it had under its former name.

Subd. 2. **RIGHT TO USE.** A major political party, ~~as defined in the Minnesota election law,~~ which has adopted a party name, is entitled to the exclusive use of ~~the~~ that name for the designation of its candidates on all ballots, and no candidate of any other major political party is entitled to have printed on a ballot as a party designation any part of that name.

Sec. 5. Minnesota Statutes 1980, Section 202A.16, Subdivision 1, is amended to read:

Subdivision 1. Only those persons individuals who are qualified to vote for candidates for federal office in the precinct as defined by the Minnesota

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election law in section 200.02, subdivision 25, or who or will be qualified to so vote eligible to vote in the precinct at the time of the next state general election, may vote or be elected a delegate or officer at the precinct caucus.

Sec. 6. Minnesota Statutes 1980, Section 205.01, is amended to read:

205.01 DEFINITIONS.

Subdivision 1. The words used in sections 205.01 to 205.17 have the meanings prescribed to them definitions in chapter 200 and in this section apply to this chapter.

Subd. 2. "Municipal election" means an election held in any municipality at which the voters of the municipality nominate or choose by ballot any public officials for the municipality or decide any public question relating to the municipality that is lawfully submitted to them.

Sec. 7. Minnesota Statutes 1980, Section 205.03, is amended to read:

205.03 HOURS FOR VOTING.

Subdivision 1. **CITIES.** In all statutory and home rule charter city elections the council governing body of the city, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent city elections, until the resolution is revoked.

Subd. 2. **METROPOLITAN AREA TOWNS.** At any election of town officers, in a town which is located within 60 miles of a city of the first class having a population of at least 250,000, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent town elections, provided that the polls polling places shall open no later than 10:00 a.m. and shall close no earlier than 8:00 p.m. The resolution shall remain in force until revoked by the town board.

Subd. 3. **OTHER TOWNS.** In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polls shall polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until revoked by the town board.

Subd. 4. **MUNICIPAL ELECTIONS, CANDIDATES, TIME FOR WITHDRAWAL.** In any municipality candidates for municipal elective offices may withdraw from the election by filing an affidavit of withdrawal with the clerk of the municipality until 12 o'clock noon of the day after the last day for

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filing affidavits of candidacy; and thereafter no candidate may file an affidavit of withdrawal.

Sec. 8. Minnesota Statutes 1980, Section 205.11, Subdivision 4a, is amended to read:

Subd. 4a. **RECOUNT.** A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of Article V, Section 204A.515 36.

Sec. 9. **[205.121] NOMINATING PETITIONS; CITIES OF FIRST CLASS; SIGNATURES.**

A nominating petition filed on behalf of a candidate for municipal office in a city of the first class shall be signed by eligible voters who maintain residence in the election district from which the candidate is to be elected. The number of signers shall equal 500, or two percent of the total number of individuals who voted in the municipality, ward, or other election district at the last preceding municipal general election, whichever is greater.

Sec. 10. Minnesota Statutes 1980, Section 205.13, Subdivision 1, is amended to read:

Subdivision 1. **AFFIDAVIT OF CANDIDACY.** Not more than six nor less than four weeks before the municipal primary election, or before the municipal general election if there is no municipal primary election, any person individual eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the municipal clerk. The affidavit shall be substantially the same form as required of candidates for state offices. An application also may be signed by not less than five voters and filed on behalf of any ~~qualified~~ eligible voter in the municipality whom they desire to be a candidate if service of a copy of the application is made on the candidate and proof of service is endorsed on the application before filing. Upon payment of the proper filing fee to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation.

Sec. 11. Minnesota Statutes 1980, Section 205.14, Subdivision 4, is amended to read:

Subd. 4. **RECOUNT.** A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of Article V, Section 204A.515 36.

Sec. 12. Minnesota Statutes 1980, Section 205.15, is amended to read:
205.15 **MUNICIPAL ELECTIONS; FILING FEES.**

Subdivision 1. Unless the charter of a city provides the amount of the fee to be paid upon filing an application or affidavit of candidacy for city office, the filing fee for municipal offices shall be as follows:

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- (a) In first class cities, the sum of \$20;
- (b) In second and third class cities, the sum of \$5; and
- (c) In fourth class cities and towns, the sum of \$2.

Subd. 2. PETITION IN PLACE OF FEE. A candidate for municipal office may file a petition in place of the filing fees specified in subdivision 1. The petition shall meet the requirements specified in Article IV, Section 11, Subdivision 2.

Sec. 13. Minnesota Statutes 1980, Section 205.17, Subdivision 2, is amended to read:

Subd. 2. In all cities of the first class, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "Partisan City Election Ballot". The nonpartisan ballot shall be printed on light green paper and shall be headed "Nonpartisan City Election Ballot". Both ballots shall state the name of the city, the date of the elections and otherwise conform to the white ballot used at the state general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state general elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be in the manner prescribed for state general elections.

Sec. 14. Minnesota Statutes 1980, Section 205.20, Subdivision 2, is amended to read:

Subd. 2. **UNIFORM MUNICIPAL ELECTION DAY ESTABLISHED.** There is hereby established a uniform municipal election day. The uniform municipal election day shall be the first Tuesday after the first Monday in November in odd-numbered years. Municipal officials elected on that date shall take office on the first business day of January next succeeding their election for such term as is provided by law or as is hereinafter provided. The governing body of a municipality may designate a date for the municipal primary election not less than 14 days before the uniform municipal election day.

Sec. 15. Minnesota Statutes 1980, Section 205.20, Subdivision 5, is amended to read:

Subd. 5. **EFFECT OF ORDINANCE; REFERENDUM.** An ordinance adopting the uniform municipal election day shall not become effective

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until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the municipal clerk. The petition shall be signed by qualified eligible voters equal in number to five percent of the total number of votes cast in the municipality at the last state general election. If the municipality has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of 55 percent of voters voting on the question at a general or special election held at least 60 days after submission of the petition. If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

Sec. 16. Minnesota Statutes 1980, Section 206.026, Subdivision 5, is amended to read:

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

Sec. 17. Minnesota Statutes 1980, Section 206.07, Subdivision 1, is amended to read:

Subdivision 1. **PLACEMENT.** Where voting machines are authorized and employed, the titles of offices shall be arranged either horizontally with the names of the candidates arranged vertically under the title of the office, or vertically with the names of the candidates arranged horizontally opposite the respective titles. The names of all candidates of a major political party shall be placed in the same row or column. If for any office there is no candidate of a major political party named at the primary such that a blank space would appear on the voting machine ballot, the blank space shall contain a notice in the same type size and style as names of candidates, indicating that names of candidates for the office appear (above and) below, or to the (left and) right, of the space, whichever applies. On the ~~"Consolidated Primary Election Ballot"~~ prepared for primary elections, state partisan primary ballot and on the white ballot prepared for the state general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. More than one column or row may be used for the same office or party.

Sec. 18. Minnesota Statutes 1980, Section 206.185, Subdivision 1, is amended to read:

Subdivision 1. In precincts where an electronic voting system is used, as soon as the ~~polls are~~ polling place is closed, the election judges shall secure the marking devices against further voting. They shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that

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have been cast to determine that the number of ballots does not exceed the number of voters shown on the election register or registration file. If there is an excess, the election judges shall process the ballots in the same manner as paper ballots are processed in ~~section 204A.41~~ Article V, Section 20, Subdivision 2. The total number of voters shall be entered on the tally sheets. The election judges shall thereupon count the write-in votes and prepare a return of ~~such~~ the votes on forms provided for this purpose. If ballot cards are used, all ballot envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The election judges shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective ballots" and valid votes on ~~such~~ ballots containing invalid votes shall be counted as provided in subdivision 4. If paper ballots are used, the election judges shall, before counting the write-in votes, compare the write-in votes with the votes cast elsewhere on the ballot, and if the total number of votes for any office involving a write-in vote exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot. Valid votes on the rest of ~~such~~ a ballot shall be tallied by the election judges at the precinct, on a form provided for the purpose, and shall then be placed in an envelope marked "defective ballots". ~~Such~~ The ballots shall be returned to the counting location, and the totals for all ~~such~~ ballots shall be added to the totals for the respective precincts. So far as applicable, provisions relating to defective paper ballots shall apply. The containers for transporting ballots to the counting center referred to in subdivision 2, shall be of sturdy material sufficient to protect the ballots during all reasonably foreseeable hazards, including auto collisions, during their transportation to the center.

Sec. 19. Minnesota Statutes 1980, Section 206.185, Subdivision 5, is amended to read:

Subd. 5. A final tabulation of ballots shall be obtained from the automatic tabulating equipment after all defective cards have been replaced. The final tabulation, together with the returns of write-in and absentee votes and the precinct summary statements prepared in accordance with ~~section 204A.46~~ Article V, Section 24, shall constitute the official return of each precinct. Upon completion of the count the returns shall be open to the public. The automatic tabulating equipment shall be programmed to provide a complete recapitulation of all ballots processed and may be programmed to provide other information in addition to that otherwise required in the official return of each precinct as the officials charged with the conduct of elections may *determine advisable in the interest of providing election statistics for use in evaluating the performance of the electronic voting system or other aspects of the election.*

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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. ~~Such~~ The model furnished shall be located during the election in some place which ~~the~~ the voter must pass to reach the machine and. Every voter before entering the booth shall be instructed regarding its operation ~~and such~~. 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 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 ~~shall ask~~ asks for additional instruction in operating the machine ~~such~~ the instruction shall be given him by two election judges belonging to opposite who are members of different major political parties, if such there be. After giving ~~such~~ such instruction ~~such~~ the election judges shall retire from the voting machine booth and such the voter shall thereafter proceed to vote alone and in secrecy. If any voter at a primary ~~election~~ after entering the voting machine booth and setting the primary lever of a major political party so as to release the candidates of ~~such~~ that party for voting, and turning down levers over the names of candidates, but before recording the votes for any candidates, ~~shall state~~ 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 ~~such~~ 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 ~~such~~ 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 ~~such~~ the certificate shall be returned with the official returns of the primary.

Sec. 21. Minnesota Statutes 1980, Section 206.21, Subdivision 1, is amended to read:

Subdivision 1. **READING AND RECORDING RESULTS.** As soon as the ~~polls of the election are~~ polling place is closed, the election judges shall immediately lock or lock and seal each voting machine against voting. The election judges shall then sign a certificate stating that each machine has been locked against voting or locked and sealed; the number of voters as shown on the public counter; the number on the seal; the number registered on the protective counter. The election judges shall then open the counter compartment in the presence of the watchers and any other persons who may lawfully

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be present in the polling place, giving full view of all the counter numbers, or if the machine is equipped with a device for printing, embossing, or photographing the registering counters, the election judges shall operate the machine to produce a printed, embossed, or photographed record of ~~said~~ the counters. One of the election judges shall, under the scrutiny of the an election judge who is a member of a different major political party, if such there be, if more than three judges ~~be~~ are serving in such the precinct, in the order of the offices as their titles are arranged on the machine, shall read and announce in distinct tones the designating number and letter, if any, on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition, or other question. As each vote total is announced from the counter of the machine, or a printed, embossed, or photographed record thereof, it shall immediately be entered on the duplicate statements of canvass, in figures only, in ink, by two election judges who are members of different major political parties, if such there be, in the same order on the space which has the same designating number and letter, if any, after which the figures shall be verified by being called off from the counters in the same manner as heretofore by ~~a~~ an election judge who recorded the totals on a statement of canvass during the original canvass of the results. If more than three election judges are serving in such the precinct, the other election judge who recorded the totals on a statement of canvass during the original canvass shall act as watcher at the machine counters during the verification of the results. Each election judge shall then sign a certificate which shall be a part of the statement of canvass stating that the results as shown on the statement of canvass are the true and correct results of the election, that the canvass has been completed in accordance with the law as herein provided. After the proclamation of the vote, ample opportunity shall be given to any person individual lawfully present to compare the results so announced with the counter dials of the machine, or the printed, embossed, or photographed record thereof, and any necessary corrections shall then and there be made by the election judges. If ~~absent voters:~~ absentee ballots have been voted, such the ballots shall be canvassed and counted, the vote thereon for each candidate announced and added to the vote as recorded on the statement of canvass of votes cast by machine. ~~Absent voters:~~ Absentee ballots and irregular ballots, enclosed in properly sealed packages respectively, and properly endorsed, shall be filed with the original statement of canvass. In precincts using only one voting machine, if such the machine is equipped with a device for printing, embossing, or photographing the registering counters, two copies of the printed, embossed, or photographed record made by such the machine of the voting counters, signed by the election judges, together with a statement of votes cast for ~~persons~~ individuals not nominated and absentee votes, if any, may constitute the statement of canvass of the precinct. The election judge filing the returns shall deliver to the board or officer from whom they were received, the keys to each voting machine.

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enclosed in a sealed envelope having endorsed thereon a certificate, the election judges stating the number of each machine, the district where it has been used, the number of the seal, if any, and the number of the protective counter.

Sec. 22. Minnesota Statutes 1980, Section 206.21, Subdivision 2, is amended to read:

Subd. 2. **STATEMENTS OF CANVASS.** In each precinct where voting machines are used, statements of canvass shall be printed to conform with the type of voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed next to the candidate's name on the statements of canvass. The arrangement of the names on the statement of canvass for each precinct shall conform exactly with the arrangement of the names on the voting machines to be used in such the precinct. ~~Such~~ Statements of canvass shall provide for the entry of the number of votes for each candidate and the "yes" and "no" of each question as shown on each machine used in the precinct; also for the ~~absent voters' number of absentee ballots and total number of votes, by such ballots ballot and by machine,~~ for each candidate and upon each question. Upon completion of the canvass the election judges shall enclose the statements of canvass in sealed envelopes ~~without sewing with twine or sealing with wax.~~ Such The official statements of canvass may be opened by the authorities in charge of elections before the official canvass for the purpose of checking additions and compiling the unofficial returns and preparing the official records. ~~Such The~~ official statements of canvass shall be used in lieu of ~~the~~ summary sheets, which shall be dispensed with when voting machines are used.

Sec. 23. Minnesota Statutes 1980, Section 208.04, Subdivision 1, is amended to read:

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 counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and 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 the same line with the surnames, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X". ~~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

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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.

Sec. 24. Minnesota Statutes 1980, Section 208.04, Subdivision 2, is amended to read:

Subd. 2. The rules for preparation and delivery of presidential ballots shall be the same as the rules for white ballots under ~~section 203A.31, subdivision 3a~~ Article VI, Section 11, Subdivision 1. The secretary of state shall reimburse the counties for the cost of the preparation of the presidential ballot.

Sec. 25. Minnesota Statutes 1980, Section 210A.07, is amended to read:

210A.07 UNDUE INFLUENCE ON VOTERS PROHIBITED.

No election judge, officer, or any other person shall directly or indirectly by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict by himself, or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person individual in order to induce or compel or attempt to induce or compel ~~such that person individual~~ to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, nor shall by abduction, duress, or any fraudulent contrivance, impede or prevent the free exercise of the franchise of any voter at any primary or election, or compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any primary or election.

Sec. 26. **[210A.141] REFUSING EMPLOYEE ELECTION PRIVILEGES; PENALTY.**

No person acting as principal or as an official or agent of another, shall directly or indirectly refuse, abridge or in any manner interfere with the election privileges or immunities of an employee of that person or his principal. A violation of this section is a misdemeanor.

Sec. 27. Minnesota Statutes 1980, Section 210A.26, Subdivision 4, is amended to read:

Subd. 4. **ELECTIONS IN CERTAIN MUNICIPALITIES, STATEMENTS TO BE FILED.** Every candidate and the secretary of every personal campaign committee in every ~~primary~~ municipal primary, special municipal election, or regular municipal election in all municipalities having more than 20,000 inhabitants shall file a financial statement as follows:

- (a) Seven days before the primary;
- (b) Seven days after the primary;

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- (c) Seven days before the regular or special elections; and
- (d) Seven days after the regular or special election.

The statement shall be verified upon the oath of ~~such~~ the candidate or ~~such~~ the personal campaign committee, as the case may be, and shall cover all transactions made up to and including the third day before the filing of the statement and not accounted for and reported upon in statements theretofore filed, except that no transactions shall be made thereafter which are not included in the final statement. The statements required by this subdivision shall disclose the same information required in subdivision 2. Each statement after the first shall contain a summary of all preceding statements and summarize all items theretofore reported under the provisions of this section. Blanks for all these statements shall be prepared by the secretary of state, and copies thereof, together with a copy of this section, shall be furnished, through the county auditor, or otherwise, as the secretary of state may deem expedient, to the secretary of every committee and to every candidate, upon the filing of nomination papers by ~~such~~ the candidate, and to all other ~~persons~~ individuals required by the charter of ~~such~~ the municipalities or any election law applicable to ~~such~~ the municipality, in which any municipal primary ~~election~~, special municipal election, or regular municipal election is being held or is to be held under the provisions of any ~~such~~ the municipal charter, or applicable law, and to all other persons required by law to file ~~such~~ the statements who may apply therefor. The provisions ~~hereof~~ of section 210A.26 relating to the filing of verified statements of expenditures shall be in addition to requirements contained in the charter of any municipalities requiring the filing of verified statements of expenditures in connection with any municipal primary ~~election~~, special municipal election, or regular municipal election held or to be held under any ~~such~~ the municipal charter or applicable law. The verified statements ~~so required~~ shall be filed with the proper filing officer of any ~~such~~ the municipality.

Sec. 28. Minnesota Statutes 1980, Section 210A.28, is amended to read:

210A.28 NAMES OF CANDIDATES SHALL NOT BE PRINTED ON BALLOT UNLESS STATEMENT IS FILED.

The name of a candidate chosen at a primary ~~election~~, or otherwise, shall not be printed on the official ballot for the ensuing general election, unless there has been filed by or on behalf of the candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nomination required by sections 210A.01 to 210A.44.

Sec. 29. Minnesota Statutes 1980, Section 210A.34, Subdivision 4, is amended to read:

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

Subd. 4. It shall not be a violation of this section for a major political party, as defined in section 200.02, subdivision 7, to form a nonprofit corporation for the sole purpose of holding real property to be used exclusively as ~~such political~~ the party's headquarters.

Sec. 30. Minnesota Statutes 1980, Section 290.06, Subdivision 11, is amended to read:

Subd. 11. **CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.** In lieu of the credit against taxable net income provided by section 290.21, subdivision 3, clause (e), a taxpayer may take a credit against the tax due under this chapter of 50 percent of his contributions to candidates for elective state or federal public office and to any political party. The maximum credit for an individual shall not exceed \$50 and, for a married couple filing jointly, shall not exceed \$100. No credit shall be allowed under this subdivision for a contribution to any candidate, other than a candidate for *elective judicial office or federal office, who has not signed an agreement to limit his campaign expenditures as provided in section 10A.32, subdivision 3b.* For purposes of this subdivision, a political party means a major political party as defined by ~~in section 10A.01, subdivision 4~~ section 200.02, subdivision 7.

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 31. Minnesota Statutes 1980, Section 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in

section 290.01, subdivision 25. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income, provided, however, that for an individual taxpayer, the credit shall be allowed in an amount equal to the ratio of the taxpayer's gross income assignable to Minnesota to the taxpayer's gross income from all sources,

(e) to a major political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a major political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a major political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a major political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income,

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i);

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(g) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts,

(h) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe;

(i) in the case of a contribution or property placed in trust as described in section 170(f)(2) of the Internal Revenue Code of 1954, as amended through December 31, 1979, a credit shall be allowed under this subdivision to the extent that a deduction is allowable for federal income tax purposes.

Sec. 32. Minnesota Statutes 1980, Section 365.51, is amended to read:

365.51 ANNUAL TOWN MEETING; PRECINCTS; POLLING PLACES.

There shall be an annual town meeting held in each town on the second Tuesday of March at the place designated by the annual town meeting, and if no designation is so made then at the place designated by the town board. In the event of inclement weather the meeting shall be held on another March day designated by the board. The clerk shall give ten days' published notice specifying time and place in a qualified newspaper having general circulation within the town, or by posted notice, as the town board shall direct unless the voters at the annual town meeting direct otherwise. All town officers required by law to be elected shall be chosen thereat, and other business done as is by law required or permitted. The town board may, with respect to an election by ballot at the annual town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. Precincts and polling places shall be designated by the town board in the manner prescribed by sections 204A.06 and 204A.09 Article IV, Sections 14 and 16.

Sec. 33. Minnesota Statutes 1980, Section 365.52, is amended to read:

365.52 SPECIAL TOWN MEETINGS; PRECINCT; POLLING PLACES.

A special town meeting may be held for the purpose of election to fill a vacancy when the town board has failed to fill the vacancy by appointment, or for transacting any other lawful business whenever the supervisors, town clerk,

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and justices of the peace, or any two of them, together with at least 12 other freeholders of the town, file in the office of the town clerk a written statement setting forth the reasons and necessity for such meeting and the particular business to be transacted thereat and that the interests of the town require that such meeting be held. A town meeting may also be called upon a petition of 20 percent of the qualified electors eligible voters of the town, based upon the number of the electors as shown by the poll list of voters at the next preceding last general election. The town board may, with respect to an election by ballot at a special town meeting for the purpose of selecting town officers or of determining any matter of town business, provide for the casting of ballots in precincts and at polling places. ~~Such~~ The precincts and polling places shall be designated by the town board in the manner prescribed by sections 204A.06 and 204A.09 Article IV, Sections 14 and 16.

Sec. 34. Minnesota Statutes 1980, Section 375.20, is amended to read:

375.20 QUESTIONS SUBMITTED TO VOTE; BALLOT.

When the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon; and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of ~~such~~ the election shall be given as in the case of special elections; and, if the question submitted ~~be~~ is adopted, the board shall pass an appropriate resolution to carry ~~the same~~ it into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall ~~make a cross mark~~ an "X" to indicate his choice; ~~provided that~~. The county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect ~~shall be~~ is adopted by the county board. Upon the adoption of ~~such a~~ the resolution the county auditor shall post and publish notices of ~~such~~ the election, as required by ~~section 202A.66~~ Article VI, Section 22, Subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the manner prescribed by ~~sections 202A.61 to 202A.71~~ Article VI, Sections 20 to 27, so far as practicable.

Sec. 35. Minnesota Statutes 1980, Section 382.28, is amended to read:

382.28 JUSTICES AND LAW ENFORCEMENT OFFICIALS.

In each election district established as provided by ~~section 204A.08~~ Article IV, Section 15 there shall be elected at the general election two law enforcement officials whose term of office shall be two years. The law enforcement position may be filled by a (a) peace officer, (b) constable, or (c)

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deputy constable. Any vacancy that may occur in either of ~~such~~ these offices shall be filled by appointment by the county board.

Sec. 36. Minnesota Statutes 1980, Section 487.03, Subdivision 2, is amended to read:

Subd. 2. **ELECTION.** Each judge shall be elected at the general election for a term of six years, beginning on the first Monday of the January next following his election and until his successor qualifies. No ~~person~~ individual shall be a candidate for more than one county court judgeship at any election.

In any election following reduction of the number of county court judges pursuant to section 487.01, subdivision 7 the requirement contained in ~~section 202A.22, subdivision 3~~ Article IV, Section 6, Subdivision 6, that a candidate for office of judge state the office for which he is a candidate shall not apply. In such a situation all parties filing for office of judge shall run against each other for the remaining seats. However, each candidate who otherwise would have qualified to have the word "incumbent" printed after his name on the ballot pursuant to ~~section 203A.12, subdivision 6~~ Article IV, Section 36, Subdivision 5, shall retain this right.

Sec. 37. RULES OF SECRETARY OF STATE; CONTINUATION.

The rules of the secretary of state in force on the effective date of this section shall remain effective until they are modified or repealed as provided by law. Any rulemaking proceeding initiated by the secretary of state prior to the effective date of this section may be continued and the proposed rule or rules may be promulgated in the manner authorized by this act. With respect to those subjects which were within the rulemaking authority of the secretary of state prior to the effective date of this section, the rulemaking authority given to the secretary of state by this act shall be construed as a continuation of that previously existing authority and not as a new delegation of rulemaking authority.

Sec. 38. INSTRUCTION TO THE REVISOR.

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make the following substitutions as indicated in this section in subdivisions not amended by Articles I to VII.

(a) In chapter 202A substitute:

(1) "Major political party" for "political party;"

(2) "State general election" for "general election;" and

(3) "State primary" for "primary election."

(b) In chapter 205 substitute:

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

- (1) “Major political party” for “political party;”
 (2) “State general election” for “general election;”
 (3) “Primary” for “primary election;”
 (4) “Governing body” or “governing body of the city,” as appropriate, for “council;” and
 (5) “Municipal primary” for “primary municipal election.”
 (c) In chapter 206 substitute:
 (1) “Major political party” for “political party;”
 (2) “State general election” for “general election;”
 (3) “Primary” or “primaries,” as appropriate, for “primary election” or “primary elections;”
 (4) “Governing body of the city” for “council;”
 (5) “Election judges” for “judges,” meaning election judges and not judges of court; and
 (6) “Polling place” or “polling places,” as appropriate, for “polls.”
 (d) In chapter 208 substitute:
 (1) “Major political party” or “major political parties,” as appropriate, for “political party” or “political parties;” and
 (2) “State general election” for “general election.”
 (e) In chapter 209 substitute “primary” for “primary election.”
 (f) In chapter 210A substitute:
 (1) “Major political party” for “political parties;” and
 (2) “Polling place” for “polls.”

Sec. 39. **REPEALER.**

Minnesota Statutes 1980, Sections						
<u>202A.22;</u>	<u>202A.23;</u>	<u>202A.24;</u>	<u>202A.25;</u>	<u>202A.26;</u>	<u>202A.27;</u>	<u>202A.28;</u>
<u>202A.29;</u>	<u>202A.30;</u>	<u>202A.31;</u>	<u>202A.32;</u>	<u>202A.41;</u>	<u>202A.42;</u>	<u>202A.51;</u>
<u>202A.52;</u>	<u>202A.53;</u>	<u>202A.54;</u>	<u>202A.61;</u>	<u>202A.62;</u>	<u>202A.63;</u>	<u>202A.64;</u>
<u>202A.65;</u>	<u>202A.66;</u>	<u>202A.67;</u>	<u>202A.68;</u>	<u>202A.69;</u>	<u>202A.70;</u>	<u>202A.71;</u>
<u>202A.721;</u>	<u>203A.01;</u>	<u>203A.11;</u>	<u>203A.12;</u>	<u>203A.13;</u>	<u>203A.14;</u>	<u>203A.15;</u>
<u>203A.16;</u>	<u>203A.17;</u>	<u>203A.18;</u>	<u>203A.21;</u>	<u>203A.22;</u>	<u>203A.23;</u>	<u>203A.31;</u>
<u>203A.32;</u>	<u>203A.33;</u>	<u>203A.34;</u>	<u>203A.35;</u>	<u>203A.36;</u>	<u>203A.41;</u>	<u>203A.42;</u>
<u>203A.43;</u>	<u>204A.01;</u>	<u>204A.02;</u>	<u>204A.03;</u>	<u>204A.04;</u>	<u>204A.05;</u>	<u>204A.06;</u>
<u>204A.07;</u>	<u>204A.08;</u>	<u>204A.09;</u>	<u>204A.10;</u>	<u>204A.11;</u>	<u>204A.12;</u>	<u>204A.13;</u>

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204A.14; 204A.15; 204A.16; 204A.17; 204A.175; 204A.18; 204A.19;
204A.20; 204A.21; 204A.22; 204A.23; 204A.24; 204A.25; 204A.26;
204A.27; 204A.28; 204A.29; 204A.295; 204A.30; 204A.31; 204A.32;
204A.33; 204A.34; 204A.341; 204A.35; 204A.36; 204A.365; 204A.37;
204A.38; 204A.39; 204A.40; 204A.41; 204A.42; 204A.43; 204A.44;
204A.45; 204A.46; 204A.47; 204A.49; 204A.50; 204A.51; 204A.515;
204A.52; 204A.53; 204A.54; 204A.55; 204A.56; 204A.57; 204A.58;
204A.59; 204A.60; 204A.61; 204A.62; 207.01; 207.02; 207.025; 207.03;
207.04; 207.05; 207.06; 207.07; 207.08; 207.085; 207.09; 207.11; 207.14;
207.151; 207.16; 207.17; 207.18; 207.19; 207.20; 207.21; 207.22; 207.221;
207.23; 207.24; 207.25; 207.26; 207.27; 207.28; 207.29; 207.30; 207.31; and
210.22 are repealed.

Approved April 14, 1981

CHAPTER 30 — H.F.No. 84

An act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

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

Section 1. REVENUE BONDS; PURPOSE; SECURITY.

The city of St. James may issue and sell its revenue bonds in an amount not exceeding \$250,000 for the purpose of providing funds for the city's share of the cost of the acquisition and construction of a new airport facility and air navigation facilities as defined in Minnesota Statutes, Section 360.013 and of other related facilities including hangars, repair shops, and other buildings and equipment used or useful in the storage, repair, and servicing of aircraft. In the resolution authorizing the issuance of revenue bonds pursuant to this act the city council may pledge to the bondholders for the payment of the bonds any defined portion of the net revenues of the city's municipal liquor dispensary. Bonds issued pursuant to this act are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Sec. 2. EFFECTIVE DATE.

This act is effective the day after the filing of a certificate of local approval by the governing body of the city of St. James in compliance with Minnesota Statutes, Section 645.021, Subdivision 3.

Approved April 14, 1981

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