

the commissioner of public safety to use debt collection services authorized by this subdivision when civil penalties relating to the use of highways have been reduced to money judgment. Money received as full or partial payment shall be deposited in to the trunk highway appropriate fund. When money is collected through contracted services, the commissioner may make payment for the service from the money collected. The amount necessary for payment of contractual collection costs is appropriated from the trunk highway fund in which money so collected is deposited.

Approved April 25, 1984

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### CHAPTER 559 — S.F.No. 1931

*An act relating to the city of St. Paul; permitting the city to adopt certain regulations for smoke detection devices.*

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

Section 1. **ST. PAUL; SMOKE DETECTION DEVICES.**

Notwithstanding Minnesota Statutes, section 299F.362, subdivision 7, or other law, the governing body of the city of St. Paul may adopt, by ordinance, rules and regulations for the installation of a smoke detector in single family homes in the city which are more restrictive than the standards provided by section 299F.362. Rules and regulations adopted pursuant to this section shall be enforced through the truth-in-housing inspection or similar inspection or notification at the time of sale of a dwelling.

Sec. 2. **EFFECTIVE DATE.**

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of St. Paul.

Approved April 25, 1984.

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### CHAPTER 560 — S.F.No. 1954

*An act relating to elections; making procedural changes; correcting erroneous and obsolete provisions; amending Minnesota Statutes 1982, sections 200.02, subdivision 7; 201.021; 201.061, subdivision 2; 203B.04, subdivision 4; 203B.06, subdivision 4; 203B.12, subdivisions 3, 4, and 6; 204B.27, subdivisions 2 and 3; 204B.28, subdivision 2; 204B.29, subdivision 1; 204C.27; 204D.11, subdivision 3, and by adding a subdivision; 206.15; 208.04; Minnesota Statutes 1983 Supplement, sections 203B.12, subdivision 2; 204B.36, subdivision 2; 204C.10, subdivision 1; 204C.32, subdivision 2; and 204D.11, subdivisions 1 and 5; 205.175, subdivisions 1 and 3; repealing Minnesota Statutes 1982, sections 201.018, subdivision 1; 204C.11; and 204C.30, subdivision 2.*

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

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

Section 1. Minnesota Statutes 1982, section 200.02, subdivision 7, is amended to read:

Subd. 7. **MAJOR POLITICAL PARTY.** "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 present to the county auditor secretary of state a petition for a place on the state partisan primary 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.~~

Sec. 2. Minnesota Statutes 1982, section 201.021, is amended to read:  
**201.021 PERMANENT REGISTRATION SYSTEM.**

A permanent system of voter registration by county is established. ~~Any county not containing a city with a population of 10,000 or more may exempt itself from the provisions of Laws 1981, Chapter 29, Article II, 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. 3. Minnesota Statutes 1982, section 201.061, subdivision 2, is amended to read:

Subd. 2. **POLITICAL SUBDIVISION WITHOUT PERMANENT SYSTEM PREREGISTRATION.** Subdivision 1 does not apply to eligible voters in any political subdivision which does not on ~~July 1, 1973 have a permanent system of voter registration~~ August 1, 1984 allow prereregistration unless the governing body of that political subdivision by ordinance or resolution elects to come under the provisions of subdivision 1. The decision to allow prereregistration may not be rescinded.

Sec. 4. Minnesota Statutes 1982, section 203B.04, subdivision 4, is amended to read:

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 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. Minnesota Statutes 1982, section 203B.06, subdivision 4, is amended to read:

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 section 203B.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.

Sec. 6. Minnesota Statutes 1983 Supplement, section 203B.12, subdivision 2, is amended to read:

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 return envelope "Accepted" and initial or sign the ballot return 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 mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor with the unused ballots.

Sec. 7. Minnesota Statutes 1982, section 203B.12, subdivision 3, is amended to read:

Subd. 3. **NOTATION ON DUPLICATE REGISTRATION CARD OR ELECTION REGISTER FILE.** If the ballot return envelope is marked with the word "Accepted", the election judges shall record the fact that the voter has

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voted by absentee ballot on the duplicate voter registration card or ~~in the election register in precincts with no permanent voter registration file~~. This shall be done by placing the letters "A.B." in the appropriate space on the duplicate card or register file. After a registration card or election register file 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.

Sec. 8. Minnesota Statutes 1982, section 203B.12, subdivision 4, is amended to read:

Subd. 4. **PLACEMENT IN CONTAINER; OPENING AND COUNTING OF BALLOTS.** The ballot envelopes ~~from~~ return 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 section 204C.25 for return of spoiled ballots.

Sec. 9. Minnesota Statutes 1982, section 203B.12, subdivision 6, is amended to read:

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 ~~from~~ return envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.

Sec. 10. Minnesota Statutes 1982, section 204B.27, subdivision 2, is amended to read:

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 enough copies of this volume so that each county auditor, and

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municipal clerk and election precinct will have at least one copy. The secretary of state shall prepare an extract of this volume containing all the election laws related to the duties of election judges. On or before August 1 of every even-numbered year, the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this extract so that each election precinct will have at least one copy. The secretary of state shall determine the manner in which the volume is and extract are 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.

Sec. 11. Minnesota Statutes 1982, section 204B.27, subdivision 3, is amended to read:

Subd. 3. **INSTRUCTION POSTERS.** At least 15 ~~25~~ 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.

Sec. 12. Minnesota Statutes 1982, section 204B.28, subdivision 2, is amended to read:

Subd. 2. **ELECTION SUPPLIES; DUTIES OF COUNTY AUDITORS AND CLERKS.** Except as otherwise provided for absentee ballots in section 204B.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 section 204B.29, subdivision 1.

Sec. 13. Minnesota Statutes 1982, section 204B.29, subdivision 1, is amended to read:

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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 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.

Sec. 14. Minnesota Statutes 1983 Supplement, section 204B.36, subdivision 2, is amended to read:

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. 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

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level with these words and directly above the squares shall be printed a 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).<sup>2</sup>

Sec. 15. Minnesota Statutes 1983 Supplement, section 204C.10, subdivision 1, is amended to read:

Subdivision 1. ~~In election precincts with a permanent registration system,~~ An individual seeking to vote shall print his name and address on a certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies that he resides at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and will be voting only in that precinct has not already voted in the election. 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 and the address with the address on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who shall deliver it to the election judge in charge of ballots as proof of the right to vote.

Sec. 16. Minnesota Statutes 1982, section 204C.27, is amended to read:

**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. 17. Minnesota Statutes 1983 Supplement, section 204C.32, subdivision 2, is amended to read:

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

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canvass the certified copies of the county canvassing board reports received from the county auditors. No later than two days after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.

Sec. 18. Minnesota Statutes 1983 Supplement, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. **WHITE BALLOT; RULES; REIMBURSEMENT.** The names of the candidates for all partisan offices voted on at the state general election 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 contribute to 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 establishing a basis for distributing to the counties the money appropriated by the state for white ballot costs. The appropriation shall be available both years of the biennium and shall be used for all state general and special elections. The secretary of state shall report to the chairmen of the senate finance and house appropriations committees on all money used for special elections.

Sec. 19. Minnesota Statutes 1982, section 204D.11, subdivision 3, is amended to read:

Subd. 3. **CANARY BALLOT; GRAY 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.

When the length of the canary ballot would exceed 30 inches, all of the municipal judicial offices that are to be placed on the canary ballot may be placed instead on a single separate ballot printed on gray paper. Separate ballot boxes must be provided for these gray ballots.

Sec. 20. Minnesota Statutes 1982, section 204D.11, is amended by adding a subdivision to read:

Subd. 6. **GRAY BALLOT.** All soil and water conservation district supervisor offices that are to be placed on the canary ballot under the provisions of section 40.05 may be placed instead on a single separate ballot printed on gray paper. Separate ballot boxes must be provided for these gray ballots. So far as is practicable, gray ballots must be distributed to voters, handled, counted, and canvassed in the manner provided by law for precincts using only paper ballots. The canvass of the gray paper ballots must not delay the canvass of votes recorded on the voting machines. A separate summary statement may be provided for reporting of the canvass of the gray paper ballots. The returns from

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the voting machines may be filed as provided in section 206.21 before the canvass of the gray paper ballots is completed. Additional or replacement election judges may be appointed to count the gray paper ballots. Soil and water district supervisor offices may be placed on the same separate gray paper ballot used for any other offices which are placed on a separate gray paper ballot under the provisions of state law.

Sec. 21. Minnesota Statutes 1983 Supplement, section 204D.11, subdivision 5, is amended to read:

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 "Ballot of County and Judicial District Nonpartisan Candidates General Election Ballot." When the canary ballot is divided into two separate ballots as provided in subdivision 3, the ballot printed on canary paper must be headed "County Nonpartisan General Election Ballot" and the ballot printed on gray paper must be headed "Judicial Municipal Nonpartisan General Election Ballot."

Sec. 22. Minnesota Statutes 1983 Supplement, section 205.175, subdivision 1, is amended to read:

Subdivision 1. **CITIES.** In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent municipal elections, until the resolution is revoked. Cities covered by this subdivision shall certify their election hours to the county auditor upon adoption of the resolution giving notice of the election.

Sec. 23. Minnesota Statutes 1983 Supplement, section 205.175, subdivision 3, is amended to read:

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 giving notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until it is revoked by the town board. Towns covered by this subdivision shall certify their election hours to the county auditor in January of each year.

Sec. 24. Minnesota Statutes 1982, section 206.15, is amended to read:

**206.15 MAY BE USED AT ALL ELECTIONS.**

**Subdivision 1. GENERAL.** Where voting machines shall be provided in the manner permitted by law, such voting machines may be used at all elections, insofar as the use of the same is applicable, and not inconsistent with this chapter.

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If the mechanism of such machines will not permit the voter to record his vote in the manner provided by this chapter said machines may be used in the manner now provided by law so far as is applicable, and as to offices to which such voting machines will not apply, separate paper ballots conforming with the law shall be used. All votes on voting machines shall be recorded and counted and the results thereof ascertained, canvassed and returned as provided by this chapter. When voting machines are used in an election, a reasonable supply of paper ballots and ballot boxes shall be maintained in the possession of the authority charged with the duty of providing ballots for any polling place where voting machines are used. If one or more of the voting machines in any such polling place fails to function during the election, such authority may dispatch paper ballots and ballot boxes to the polling place in such quantity as the authority deems necessary to avoid undue delay occasioned by the machine failure. If paper ballots are used in an election pursuant to this section, they shall be handled, counted, and canvassed in the same manner as absentee ballots. At such time as notification of machine failure is received the officer in charge of supplying ballots shall notify the county headquarters of all major political parties with an office therein or the county chairman of said parties without delay and before said paper ballots are distributed.

Subd. 2. GRAY BALLOTS. If the number of offices to be voted on exceeds the number that can be accommodated on the voting machine, all the municipal judicial offices to be voted on must be placed on a single separate paper ballot prepared according to law. The separate paper ballot must be headed "Judicial Municipal Nonpartisan General Election Ballot" and printed on gray paper. Gray ballots must be distributed to voters, handled, counted, and canvassed in the manner provided by law for precincts using only paper ballots, so far as is practicable. The canvass of the gray paper ballots must not delay the canvass of votes recorded on the voting machines. A separate summary statement may be provided for reporting of the canvass of the gray paper ballots. The returns from the voting machines may be filed as provided in section 206.21 before the canvass of the gray paper ballots is completed. Additional or replacement election judges may be appointed to count the gray paper ballots.

Sec. 25. Minnesota Statutes 1982, section 208.04, subdivision 2, is amended to read:

Subd. 2. The rules for preparation, state contribution to the cost of printing, and delivery of presidential ballots shall be are the same as the rules for white ballots under section 204D.11, subdivision 1. The secretary of state shall reimburse the counties for the cost of the preparation of the presidential ballot.

Sec. 26. **REPEALER.**

Minnesota Statutes 1982, sections 201.018, subdivision 1; 204C.11; and 204C.30, subdivision 2 are repealed.

Approved April 25, 1984

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