

corner of Section 4, Township 45 North, Range 19 West, measured along West boundary line thence northeasterly forming an angle of 53 degrees 21 minutes with West boundary line 124.6 feet, more or less, to point 100 feet East of West boundary line measured at right angles thereto on East line of land.

(d) The county has determined that the county's land management interests would best be served if the lands were privately owned.

Sec. 17. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 12, 1990

Signed by the governor April 16, 1990, 4:42 p.m.

CHAPTER 453—S.F.No. 1920

An act relating to elections; making various changes in laws applicable to school district elections; amending Minnesota Statutes 1988, sections 201.071, subdivision 3; 203B.08, subdivision 3; 204B.08, subdivision 3; 204B.14, subdivision 5; 204B.17; 204B.44; 204C.22, subdivisions 9, 10, 15, and by adding a subdivision; 204D.04, subdivision 2; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 205A.09, subdivision 2; 205A.11; 209.02, subdivision 1; 209.03; 209.09, subdivision 1; and 211A.01, subdivision 6; and Minnesota Statutes 1989 Supplement, sections 205A.10, subdivisions 2 and 3; and 209.021, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 201.071, subdivision 3, is amended to read:

Subd. 3. **DEFICIENT REGISTRATION.** No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or ~~may request~~ if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with sections 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the card deficient.

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Sec. 2. Minnesota Statutes 1988, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **PROCEDURES ON RECEIPT OF BALLOTS.** When absentee ballots are returned to a county auditor or ~~town or city~~ municipal clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or ~~town or city~~ municipal clerk shall deliver them to the appropriate election judges on election day.

Sec. 3. Minnesota Statutes 1988, section 204B.08, subdivision 3, is amended to read:

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 section 205.121; and

(e) For any other municipal or school district office, ten percent of the total number of individuals voting in the municipality, ward, school district, or other election district at the last preceding municipal, or school district if applicable, general election, or 500, whichever is less.

Sec. 4. Minnesota Statutes 1988, section 204B.14, subdivision 5, is amended to read:

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 planning commissioner 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 planning commissioner. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file

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precinct boundary maps for precincts in unorganized territories, and the municipal clerk designated in the combination agreement shall prepare and file precinct boundary maps in the case of municipalities combined for election purposes under subdivision 8, 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 section 201.061, subdivision 6. If a municipality changes the boundary of an election precinct, the county auditor shall notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change.

Sec. 5. Minnesota Statutes 1988, section 204B.17, is amended to read:

204B.17 CHANGE OF POLLING PLACE BY ELECTION JUDGES.

When a designated polling place does not comply with the requirements of this chapter 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 school districts 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 in large print of the change in a conspicuous place. They shall also post a notice in a location visible by voters who vote from their motor vehicles as provided in 204C.15, subdivision 2. 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. 6. Minnesota Statutes 1988, section 204B.44, is amended to read:

204B.44 ERRORS AND OMISSIONS; REMEDY.

Any individual may file a petition in the manner provided in this section 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 or any question on any official ballot;
- (b) Any other error in preparing or printing any official ballot;
- (c) Failure of the chair or secretary of the proper committee of a major political party to execute or file a certificate of nomination;
- (d) Any wrongful act, omission, or error of any election judge, municipal

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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, or school district 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 for not doing 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.

Sec. 7. Minnesota Statutes 1988, section 204C.22, is amended by adding a subdivision to read:

Subd. 3a. VOTES YES AND NO. If a voter votes both yes and no on a question, no vote may be counted for that question, but the rest of the ballot must be counted if possible.

Sec. 8. Minnesota Statutes 1988, section 204C.22, subdivision 9, is amended to read:

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

Sec. 9. Minnesota Statutes 1988, section 204C.22, subdivision 10, is amended to read:

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~~ response to a question 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~~ response to a question marked, unless the ballot is marked by distinguishing characteristics that make the entire ballot defective as provided in subdivision 13.

Sec. 10. Minnesota Statutes 1988, section 204C.22, subdivision 15, is amended to read:

Subd. 15. BLANK BALLOT FOR ONE OR MORE OFFICES VALID. If

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no name or ~~position~~ response to a question 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. 11. Minnesota Statutes 1988, section 204D.04, subdivision 2, is amended to read:

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, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, in an amount not less than \$1,000 conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. If the cost of the ballots exceeds \$1,000 the official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount no greater than the value of the purchase.

Sec. 12. Minnesota Statutes 1988, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **QUESTIONS.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the ~~20~~ 30 days before and the 30 days after ~~any regularly scheduled statewide~~ the state primary or state general election or, in addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 13. Minnesota Statutes 1988, section 205A.07, is amended by adding a subdivision to read:

Subd. 4. NO ADDITIONAL POSTING REQUIREMENTS. A school

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district is only required to comply with the election posting requirements specified in the Minnesota election law and the education code and is not required to comply with additional posting requirements specified in any other law.

Sec. 14. Minnesota Statutes 1988, section 205A.09, subdivision 2, is amended to read:

Subd. 2. **OTHER SCHOOL DISTRICTS.** At a school district election in a school district other than one described in subdivision 1, the school board, by resolution adopted before 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 later school district ~~general~~ elections. The resolution must remain in force until it is revoked by the school board or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last school district election, is presented to the school district clerk no later than 30 days before a school district election, then the polling places for that election must open at 10:00 a.m. and close at 8:00 p.m. The school district clerk must give ten days' published notice and posted notice of the changed voting hours and notify appropriate county auditors of the change. ~~School districts covered by this subdivision must certify their election hours to the county auditor in January of each year.~~

Sec. 15. Minnesota Statutes 1989 Supplement, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **ELECTION, CONDUCT.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204C.15; 204C.19; 206.63; 206.74, subdivision 3; 206.75; and 206.83 relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

Sec. 16. Minnesota Statutes 1989 Supplement, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.** Within ~~two~~ seven days after a school district election other than a recount of a special election conducted under section 124A.03, subdivision 2, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candi-

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date. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

A school district canvassing board shall perform the duties of the school board according to the requirements of this subdivision for a recount of a special election conducted under section 124A.03, subdivision 2, or 475.59.

Sec. 17. Minnesota Statutes 1988, section 205A.11, is amended to read:

205A.11 PRECINCTS; POLLING PLACES.

The precincts and polling places for school district elections are those precincts or parts of precincts and polling places set in sections 204B.14 to 204B.16, except that at a school district election not held on the day of a statewide election, the school board may, in the manner specified in this section, combine several precincts into a single combined precinct with one polling place and one set of election judges. The school board shall establish combined precincts and polling places for an election by resolution adopted at least 30 days before ~~an~~ the election, post a map of the combined precincts, ~~and~~ file a copy of the map and resolution with the county auditor, and cause notice of the election to be published in the official newspaper of the district, which notice must include information concerning each established combined precinct and polling place. At school district elections not held on the day of a statewide election, precincts located in separate counties may be combined into a single combined precinct with one polling place and one set of election judges if duplicate voter registration files are maintained for the voters of each county.

Sec. 18. Minnesota Statutes 1988, section 209.02, subdivision 1, is amended to read:

Subdivision 1. Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or

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against a question, or on the grounds of deliberate, serious, and material violations of the Minnesota election law.

Sec. 19. Minnesota Statutes 1989 Supplement, section 209.021, subdivision 1, is amended to read:

Subdivision 1. **MANNER; TIME; CONTENTS.** Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Notice must be served and filed within five days after the canvass is completed in the case of a primary or special primary or within seven days after the canvass is completed in the case of a special or general election; except that if a contest is based on a deliberate, serious, and material violation of the election laws which was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general or special election or within five days after the filing of the statements in the case of a primary or special primary. If a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count.

Sec. 20. Minnesota Statutes 1988, section 209.03, is amended to read:

209.03 CONTESTEE'S ANSWER.

Subdivision 1. **CONTEST OF VOTE COUNT.** If a notice of contest questions only which of the parties to the contest received the highest number of votes legally cast at the election or the number of votes legally cast in favor of or against a question, the contestee need not file an answer, unless the contestee desires to raise issues not specified in the notice of contest.

Subd. 2. **OTHER CONTESTS.** For all other election contests the contestee's answer to the notice of contest must be filed and served on the contestant. The answer must so far as practicable conform to the rules for pleading in civil actions. If the contest relates to a primary or special primary, service of the answer must be made within the time fixed by the court, but no more than five days after service of the notice of contest. If the contest relates to a general or special election, service of the answer must be made within seven days after service of the notice of contest. The contestee's answer must be served in the same manner as the answer in a civil action or in the manner the court may order. Any other notices must be served in the manner and within the times the court may order.

Sec. 21. Minnesota Statutes 1988, section 209.09, subdivision 1, is amended to read:

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Subdivision 1. **MOST CONTESTS.** If the decision of the district court in any contest under this chapter is appealed, the appellant shall file in the district court a bond of \$500 for the payment of all costs incurred by the respondent if appellant fails on the appeal. Except for a statewide contest or a state legislative contest, the notice of appeal must be served and filed in the court of appeals in the case of a general or special election no later than ten days and, in the case of a primary or special primary, no later than five days after the entry of the district court's decision in the contest. The record on appeal must be made, certified, and filed in the court of appeals within 15 days after service of notice of appeal. The appeal may be brought on for hearing in the court at any time, upon notice from either party, as the court determines; and may be heard and determined summarily by the court.

Sec. 22. Minnesota Statutes 1988, section 211A.01, subdivision 6, is amended to read:

Subd. 6. **DISBURSEMENT.** "Disbursement" means money, property, office, position, or any other thing of value that passes or is directly or indirectly conveyed, given, promised, paid, expended, pledged, contributed, or lent. "Disbursement" does not include payment by a county, municipality, school district, or other political subdivision for election-related expenditures required or authorized by law.

Sec. 23. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor April 12, 1990

Signed by the governor April 16, 1990, 4:45 p.m.

CHAPTER 454—S.F.No. 1696

An act relating to human services; including the commissioners of commerce and health in designing the demonstration project for uninsured low-income persons; clarifying eligibility and enrollee participation requirements for the demonstration project; amending Minnesota Statutes 1988, section 256B.73.

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

Section 1. Minnesota Statutes 1988, section 256B.73, is amended to read:

256B.73 DEMONSTRATION PROJECT FOR UNINSURED LOW-INCOME PERSONS.

Subdivision 1. **PURPOSE.** The purpose of the demonstration project is to

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