

ARTICLE 6

EFFECTIVE DATE

Section 1. EFFECTIVE DATE.

Articles 1 to 5 are effective June 1, 1994.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 10:58 a.m.

CHAPTER 223—S.F.No. 567

An act relating to elections; changing registration, filing, boundary change, ballot preparation, canvassing, system testing, and notice requirements and procedures; changing certain duties of election officials; clarifying certain language; adding to reimbursable expenses; amending Minnesota Statutes 1992, sections 201.071, subdivision 1; 201.081; 201.11; 201.13, subdivision 2, and by adding a subdivision; 201.15; 204B.06, subdivisions 4 and 6; 204B.14, subdivision 4; 204B.16, by adding a subdivision; 204B.46; 204C.06, subdivision 1; 204C.31, subdivision 2; 204C.32; 204D.04, subdivision 2; 204D.11, subdivisions 2, 3, and 6; 204D.24, subdivision 2; 204D.27, subdivision 11; 206.83; 206.90, subdivision 6; 207A.02, subdivision 1; 207A.10, subdivision 2; 211B.11, subdivision 1; 211B.14; and 365.51, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **FORM.** A registration eards shall card must be of suitable size and weight for mailing; and ~~shall contain the following information in substantially the following form:~~

VOTER REGISTRATION CARD

(Please print or type)

Date:.....

1. Name:

Last	First	Middle Initial
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2. Address:

Street or Route No.

City (or Township)	County	Zip
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3. Telephone Number:

4. Date of birth:

Month:.... Day:.... Year:....

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5. Last registration if any.....

.....None

Street or Route Number

City (or Township)

Zip

6. spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number; date of registration; and voter's signature. The card must also contain the following certification: I certify that I will be at least 18 years old on election day and am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

.....
Signature of Voter

The form of the voter registration card must be as provided in the rules of the secretary of state.

Sec. 2. Minnesota Statutes 1992, section 201.081, is amended to read:

201.081 REGISTRATION FILES.

The ~~voter registration cards and the~~ statewide registration system is the official record of registered voters. The voter registration cards and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration cards and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this subdivision. The county auditor may make photographic copies of voter registration cards in the manner provided by section 138.17.

Sec. 3. Minnesota Statutes 1992, section 201.11, is amended to read:

201.11 PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.

When the boundaries of a precinct are changed, the county auditor shall immediately ~~change the registration files to correctly show the names of the voters who are residents of~~ update the voter records for that precinct in the statewide registration system to accurately reflect those changes.

Sec. 4. Minnesota Statutes 1992, section 201.13, subdivision 2, is amended to read:

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Subd. 2. VOTER REGISTRATION CARD REMOVAL FOR DECEASED NONRESIDENTS. The county auditor may remove from the files the ~~original and duplicate~~ voter registration cards of voters who have died outside of the county, after receiving notice of death. Notice must be in the form of a printed obituary or a written statement signed by a registered voter of the county. The county auditor shall also make the appropriate changes in the data base of the ~~central~~ statewide registration system when voter registration cards are removed from the files.

Sec. 5. Minnesota Statutes 1992, section 201.13, is amended by adding a subdivision to read:

Subd. 3. USE OF CHANGE OF ADDRESS SYSTEM. The county auditor may delete the records in the statewide registration system of voters whose change of address can be confirmed by the United States Postal Service. The secretary of state may provide the county auditors with periodic reports on voters whose change of address can be confirmed by the United States Postal Service.

Sec. 6. Minnesota Statutes 1992, section 201.15, is amended to read:

201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

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

- (a) was placed under a guardianship of the person;
- (b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a psychopathic personality.

The judge shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall determine 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~~ change the status on the record in the statewide registration system of any individual named in the report ~~informing the election judges to indicate~~ that the 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. The cards may be retained in the registration file for the entire period of the voter's ineligibility and need not be purged in accordance with section 201.171. The county auditor shall also make the appropriate changes in the data base of the central registration system.~~

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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. The county auditor shall also make the appropriate changes in the data base of the central registration system.~~ change the status on the voter's record in the statewide registration system to "active."

Sec. 7. Minnesota Statutes 1992, section 204B.06, subdivision 4, is amended to read:

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, court of appeals judge, or district court judge, that the candidate is learned in the law;

(e) for county ~~or county,~~ municipal court judge or other judicial officer, school district, or special district office, that the candidate ~~is qualified as~~ meets any other qualifications for that office 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.

Sec. 8. Minnesota Statutes 1992, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **JUDICIAL CANDIDATES; DESIGNATION OF TERM.** An individual who files as a candidate for the office of chief justice or associate jus-

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tice of the supreme court, judge of the court of appeals, or 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 court of appeals, and ~~district, county or county municipal court~~ judge is deemed to hold a separate nonpartisan office.

Sec. 9. Minnesota Statutes 1992, section 204B.14, subdivision 4, is amended to read:

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. ~~Except in the case of the combination or separation of municipalities for election purposes under subdivision 8; the municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 14 days prior to the first election held after the change takes effect.~~

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision may be established in the manner provided in the rules of the secretary of state.

Sec. 10. Minnesota Statutes 1992, section 204B.16, is amended by adding a subdivision to read:

Subd. 1a. NOTICE TO VOTERS. If the location of polling place has been changed, the governing body establishing the polling place shall send each registered voter in the affected precinct a nonforwardable mailed notice stating the location of the new polling place at least 25 days before the next election. The secretary of state shall prepare a sample of this notice. A notice that is returned as undeliverable must be forwarded immediately to the county auditor, who shall change the registrant's status to "challenged" in the statewide registration system. This subdivision does not apply to a polling place location that is changed on election day under section 204B.17.

Sec. 11. Minnesota Statutes 1992, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

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A county, municipality, or school district submitting questions to the voters at a special election may apply to the county auditor for approval of an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 or later than ~~18~~ 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B.

Sec. 12. Minnesota Statutes 1992, section 204C.06, subdivision 1, is amended to read:

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 one except an election official or an individual who is waiting to register or to vote shall ~~congregate in any number or~~ stand within 100 feet of the entrance to a polling place. The entrance to a polling place is the doorway or point of entry leading into the room or area where voting is occurring.

Sec. 13. Minnesota Statutes 1992, section 204C.31, subdivision 2, is amended to read:

Subd. 2. **STATE CANVASSING BOARD.** The state canvassing board shall consist of the secretary of state, two judges of the supreme court or the court of appeals, 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. 14. Minnesota Statutes 1992, section 204C.32, is amended to read:

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;

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(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

(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~~ transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state ~~the vote reported by the county canvassing board for candidates voted for in more than one county by express mail or similar service immediately upon conclusion of the county canvass.~~

Subd. 2. **STATE CANVASS.** The state canvassing board shall meet at the secretary of state's office on the second ~~Tuesday~~ Friday after the state primary to 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. 15. Minnesota Statutes 1992, 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; and 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 exceeding \$1,000 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~~ equal to the value of the purchase.

Sec. 16. Minnesota Statutes 1992, section 204D.11, subdivision 2, is amended to read:

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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 county auditor, in the manner provided in the rules of the secretary of state.

Sec. 17. Minnesota Statutes 1992, section 204D.11, subdivision 3, is amended to read:

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 in the manner provided in the rules of the secretary of state.

Sec. 18. Minnesota Statutes 1992, section 204D.11, subdivision 6, is amended to read:

Subd. 6. **GRAY BALLOT.** When the canary ballot would be longer than 30 inches or when it would not be possible to place all offices on a single ballot card, the ~~following~~ judicial offices that should be placed on the canary ballot may be placed instead on a separate gray ballot:

(a) ~~all county or municipal judicial offices; or~~

(b) ~~all county or municipal judicial offices; and all district judicial offices.~~

~~All soil and water conservation district supervisor offices may be placed on the gray ballot. The gray ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.~~

The gray ballot must be headed with the words: "District Judicial Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray ballots.

Sec. 19. Minnesota Statutes 1992, section 204D.24, subdivision 2, is amended to read:

Subd. 2. **VOTER REGISTRATION.** ~~In any county with a permanent registration system no~~ An individual may register to vote at a special primary or special election without being properly registered or not recorded under section 203B.19 at any time before the day that the polling place rosters for the special primary or special election are prepared by the secretary of state. The secretary of state shall provide the county auditors with notice of this date at least seven days before the printing of the rosters. This subdivision does not apply to a special election held on the same day as the presidential primary, state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 20. Minnesota Statutes 1992, section 204D.27, subdivision 11, is amended to read:

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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 appropriate canvassing boards finish board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 21. Minnesota Statutes 1992, section 206.83, is amended to read:

206.83 TESTING OF ~~MACHINES~~ VOTING SYSTEMS.

The official in charge of elections shall have the ~~automatic tabulating equipment~~ voting system tested to ascertain that the ~~equipment~~ system will correctly count the votes cast for all candidates and on all questions (1) within five days prior to election day, for ~~electronic punch card~~ voting systems, or (2) within 14 days prior to election day, for optical scan voting systems. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the ~~automatic tabulating equipment~~ voting system to reject those votes. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the ~~automatic tabulating equipment is approved~~ voting system may be used in the election. The test for punch card voting systems must be repeated immediately before the start of the official count of the ballots, in the manner provided in this section. After the completion of the count, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 22. Minnesota Statutes 1992, section 206.90, subdivision 6, is amended to read:

Subd. 6. **BALLOTS.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white or buff colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. If more than one ballot card is required, the cards must, so far as practicable, be of the same color as is required for paper ballots.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal

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offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

Sec. 23. Minnesota Statutes 1992, section 207A.02, subdivision 1, is amended to read:

Subdivision 1. **REQUIRED LISTING.** The following individuals must be listed as candidates on the appropriate major political party presidential ballot with a separate ballot for each major political party:

(1) any individual who files an affidavit of candidacy pursuant to section 204B.06 and submits the appropriate filing fee or petition in place of filing fee pursuant to section 204B.11; and

(2) any individual nominated as a candidate for the presidential nomination of a political party by a petition submitted not later than ten weeks before the primary and bearing the names of 1,000 eligible voters from each congressional district.

In addition, each major political party's ballot must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, and a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot.

The candidates must be listed on the appropriate major political party ballot in the order that the affidavits of candidacy or nominating petitions for the candidates are filed with the secretary of state.

Sec. 24. Minnesota Statutes 1992, section 207A.10, subdivision 2, is amended to read:

Subd. 2. **REIMBURSABLE EXPENSES.** The following expenses are eligible for reimbursement: salaries of election judges; postage for absentee ballots; preparation of polling places, in an amount not to exceed \$25 per polling place; preparation of electronic voting systems or lever voting machines, in an amount not to exceed \$50 per precinct; compensation of county canvassing board members; publication of the sample ballot; and compensation for temporary staff or overtime payments.

Sec. 25. Minnesota Statutes 1992, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **SOLICITING NEAR POLLING PLACES.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or

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about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may ~~distribute~~ provide stickers to the ~~county auditors~~ which contain the words "I VOTED" and nothing more, ~~and which have been donated to the state without cost. Any stickers of this type must be delivered to the county auditors at least 30 days prior to the election.~~ Election judges may offer a sticker of this type to each voter who has signed the polling place roster.

Sec. 26. Minnesota Statutes 1992, section 211B.14, is amended to read:

211B.14 DIGEST OF LAWS.

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the secretary of state.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient.

Sec. 27. Minnesota Statutes 1992, section 365.51, subdivision 2, is amended to read:

Subd. 2. **NOTICE.** The clerk shall give ten days' published notice of the time and place of the meeting in a qualified newspaper having general circulation in the town. An alternative to published notice is posted notice, as directed by the town board unless the electors at an earlier annual town meeting direct otherwise. The notice must include the date on which the election will be held if postponement due to bad weather is necessary.

Sec. 28. **EFFECTIVE DATE.**

Section 24 is effective the day following final enactment.

Presented to the governor May 14, 1993

Signed by the governor May 17, 1993, 3:11 p.m.

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