

Sec. 3. EFFECTIVE DATE.

Section 2 is effective the day following final enactment.

Presented to the governor May 4, 1999

Signed by the governor May 7, 1999, 12:18 p.m.

CHAPTER 132—S.F.No. 1144

An act relating to elections; simplifying language on certificates of election; clarifying and simplifying the Minnesota Election Law; making technical and procedural changes; changing certain duties of election officials; listing additional violations; changing certain deadlines; providing for submission of proposed chapter amendments; requiring adoption of certain rules; imposing criminal penalties; amending Minnesota Statutes 1998, sections 3.02; 200.031; 201.016, subdivision 1, and by adding a subdivision; 201.054, subdivision 2; 201.12, subdivision 2; 201.13, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.07, subdivision 2; 203B.08, subdivision 1; 203B.081; 203B.085; 203B.11, subdivisions 2 and 4; 204B.08, subdivision 3; 204B.146, subdivision 2; 204B.21, subdivision 2; 204B.27, subdivision 8; 204C.10; 204C.24, subdivision 1; 204C.26, subdivision 1; 204C.40, subdivision 1; 204D.08, subdivisions 3 and 5; 204D.11, subdivision 4; 204D.13, subdivisions 2 and 3; 205.075, subdivision 2; 205.10, subdivisions 3 and 4; 205.16, subdivision 4; 205.185, subdivision 3; 205A.05, subdivision 1; 205A.07, subdivision 3; 205A.13; 206.86, subdivision 1; 208.04, subdivision 1; 351.055; 367.03, subdivision 4; 410.12, subdivision 1; 412.02, subdivision 2; and 447.32, subdivision 4; Laws 1997, chapter 173, section 6; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 1998, sections 203B.08, subdivisions 1a and 3a; 203B.12, subdivision 5; 204D.14, subdivision 2; 204D.19, subdivision 5; and 365.10, subdivision 2.

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

Section 1. Minnesota Statutes 1998, section 3.02, is amended to read:

3.02 EVIDENCE OF MEMBERSHIP.

For all purposes of organization of either house of the legislature, a certificate of election to it, duly executed by the auditor of the proper county, ~~or by the secretary of state when the member is elected from more than one county,~~ is prima facie evidence of the right to membership of the person named in it.

Sec. 2. Minnesota Statutes 1998, section 200.031, is amended to read:

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:

(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, the individual intends to return;

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

New language is indicated by underline, deletions by ~~strikeout~~.

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

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

(e) If an individual moves to another state with the intention of living there for an indefinite period, the individual loses 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 the individual's family lives, unless the individual's 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 the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;

(h) The residence of a single individual is in the precinct where the individual 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 the individual's 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.

(l) If an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located.

(m) If an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

Sec. 3. Minnesota Statutes 1998, section 201.016, subdivision 1, is amended to read:

Subdivision 1. **DETERMINATION OF RESIDENCE; PENALTY.** An eligible voter may vote only in the precinct in which the voter maintains residence. The residence of a voter shall be determined in accordance with section 200.031. ~~Any individual who votes in a precinct knowing that the individual does not maintain residence in that precinct is guilty of a felony.~~

Sec. 4. Minnesota Statutes 1998, section 201.016, is amended by adding a subdivision to read:

Subd. 1a. **VIOLATIONS; PENALTY.** The county auditor shall mail a violation notice to any voter who the county auditor can determine has voted in a precinct other

New language is indicated by underline, deletions by ~~strikeout~~.

than the precinct in which the voter maintains residence. The notice must be in the form provided by the secretary of state. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor. Any subsequent violation is a misdemeanor.

Sec. 5. Minnesota Statutes 1998, section 201.054, subdivision 2, is amended to read:

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

(a) Cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote;

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

(c) Misrepresent the individual's identity when attempting to register to vote; or

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

A violation of this subdivision is a felony.

Sec. 6. Minnesota Statutes 1998, section 201.12, subdivision 2, is amended to read:

Subd. 2. **CHALLENGES.** Upon return of the notice by the postal service any non-forwardable mailing from an election official, the county auditor or the auditor's staff shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the statewide registration system, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a second notice mailed at least 60 days after the return of the first notice nonforwardable mailing is also returned by the postal service, the county auditor shall change the registrant's status to "inactive" in the statewide registration system.

Sec. 7. Minnesota Statutes 1998, section 201.13, is amended by adding a subdivision to read:

Subd. 4. **REQUEST FOR REMOVAL OF VOTER RECORD.** If a voter makes a written request for removal of the voter's record, the county auditor shall remove the record of the voter from the statewide registration system.

Sec. 8. Minnesota Statutes 1998, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. **VIOLATION.** No individual shall intentionally:

(a) make or sign any false certificate required by this chapter;

(b) make any false or untrue statement in any application for absentee ballots;

New language is indicated by underline, deletions by ~~strikeout~~.

(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;

(e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;

(f) use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement; or

(g) provide assistance to an absentee voter except in the manner provided by section 204C.15, subdivision 1;

(h) solicit the vote of an absentee voter while in the immediate presence of the voter during the time the individual knows the absentee voter is voting; or

(i) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.

Before inspecting information from absentee ballot materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 9. Minnesota Statutes 1998, section 203B.04, subdivision 1, is amended to read:

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 less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. 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, or school district if applicable, where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, at the discretion of the auditor or clerk. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

Sec. 10. Minnesota Statutes 1998, section 203B.07, subdivision 2, is amended to read:

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

New language is indicated by underline, deletions by ~~strikeout~~.

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 a person who is registered to vote in Minnesota 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, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

(c) if the voter was not previously registered, that the voter has provided proof of residence as required by section 201.061, subdivision 3.

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

Sec. 11. Minnesota Statutes 1998, section 203B.08, subdivision 1, is amended to read:

Subdivision 1. **MARKING AND RETURN BY VOTER.** An eligible voter who receives absentee ballots as provided in this chapter 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. If delivered in person by an agent, the return envelope must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election day.

The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1998, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot during the 30 days before the election in the office of the county auditor and at any other polling place designated by the county auditor during the 30 days before the election. The county auditor shall make such designations at least 90 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose.

Sec. 13. Minnesota Statutes 1998, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S OFFICE TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.

The county auditor's office in each county must be open for acceptance of absentee ballot applications and casting of absentee ballots ~~between the hours of 1:00~~ from 10:00

New language is indicated by underline, deletions by ~~strikeout~~.

a.m. to 3:00 p.m. on Saturday and until 5:00 to 7:00 p.m. on Monday immediately preceding a primary or general election. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 14. Minnesota Statutes 1998, section 203B.11, subdivision 2, is amended to read:

Subd. 2. ~~TEN TWENTY DAYS BEFORE AN ELECTION.~~ During the ~~ten~~ 20 days preceding an election, the election judges shall deliver absentee ballots only to an eligible voter who has applied for absentee ballots to the county auditor or municipal clerk under section 203B.04, subdivision 1.

Sec. 15. Minnesota Statutes 1998, section 203B.11, subdivision 4, is amended to read:

Subd. 4. **AGENT DELIVERY OF BALLOTS.** During the four days preceding an election and until 4:00 2:00 p.m. on election day, an eligible voter who is a patient of a health care facility may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. A candidate at the election may not be designated as an agent. The voted ballots must be returned to the county auditor or municipal clerk no later than ~~5:00~~ 3:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

Sec. 16. **[204B.071] PETITIONS; RULES OF THE SECRETARY OF STATE.**

The secretary of state shall adopt rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials.

Sec. 17. Minnesota Statutes 1998, 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;

(d) For a municipal office in a city of the first class, the number specified in section 205.121; and

New language is indicated by underline, deletions by ~~strikeout~~.

(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. 18. Minnesota Statutes 1998, section 204B.146, subdivision 2, is amended to read:

Subd. 2. **PRECINCT AND ELECTION DISTRICT BOUNDARIES.** The secretary of state shall maintain a computer database of precinct and election district boundaries. The secretary of state shall revise the information in the database whenever a precinct or election district boundary is changed. The secretary of state shall prepare maps illustrating precinct and election district boundaries in either paper or electronic formats and make them available to the public at the cost of production.

The secretary of state may authorize municipalities and counties to provide updated precinct and election district boundary information in electronic formats.

The secretary of state shall provide periodic updates of precinct and election district boundaries to the legislative coordinating commission, the state demographer, and the land management information center.

At least 30 days before the state primary, At the request of the county auditor, the secretary of state shall provide the county auditor with precinct maps of each precinct in municipalities with more than one precinct. The county auditor shall forward the maps to the appropriate municipal clerks, who shall post the map in the polling place on the day of the state primary and the state general election.

Sec. 19. Minnesota Statutes 1998, section 204B.21, subdivision 2, is amended to read:

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 and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.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. 20. Minnesota Statutes 1998, section 204B.27, subdivision 8, is amended to read:

Subd. 8. **VOTER INFORMATION TELEPHONE LINE.** The secretary of state shall provide a voter information telephone line for use during the period beginning two weeks before the state primary and ending three days after the state general election. A toll-free number must be provided for use by persons residing outside the metropolitan

New language is indicated by underline, deletions by ~~strikeout~~.

calling area. The secretary of state shall make available information concerning voter registration, absentee voting, election results, and other election-related information considered by the secretary of state to be useful to the public.

Sec. 21. Minnesota Statutes 1998, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

An individual seeking to vote shall sign a polling place roster 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 residence 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 has not already voted in the election. A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth. After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The judges shall destroy the voters' receipts at the end of the day must be maintained during the time for notice of filing an election contest.

Sec. 22. Minnesota Statutes 1998, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **INFORMATION REQUIREMENTS.** Precinct summary statements shall be submitted by the election judges in every precinct. For state elections, 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 undervotes or partially blank ballots, and the number of overvotes or 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) 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 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.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 23. Minnesota Statutes 1998, section 204C.26, subdivision 1, is amended to read:

Subdivision 1. **SUMMARY STATEMENTS.** For state elections, each official responsible for printing ballots shall furnish three or more blank summary statement forms

New language is indicated by underline, deletions by ~~strikeout~~.

for the returns of those ballots for each precinct. At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections. 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.

Sec. 24. Minnesota Statutes 1998, section 204C.40, subdivision 1, is amended to read:

Subdivision 1. **PREPARATION; METHOD OF DELIVERY.** The county auditor shall prepare an election certificate for every county candidate declared elected by the county canvassing board, and the secretary of state shall prepare a certificate for every state and federal candidate declared elected by either a county canvassing board or 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 United States representative in Congress, the ~~filing officer~~ secretary of state shall deliver the original election certificate to the chief clerk of the United States house of representatives. In an election for United States senator, the governor shall prepare an original certificate of election, countersigned by the secretary of state, and deliver it to the secretary of the United States senate. In an election for state representative or state senator, the ~~filing officer~~ 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 section 204C.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 chapter 209.

Sec. 25. Minnesota Statutes 1998, section 204D.08, subdivision 3, is amended to read:

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. If the number of candidates for an office is equal to or less than the number to be elected, no rotation of candidate names is required and the official preparing the ballot shall determine the position of the candidates by lot.

Sec. 26. Minnesota Statutes 1998, section 204D.08, subdivision 5, is amended to read:

Subd. 5. **PARTY COLUMNS; ARRANGEMENT.** The names of candidates for nomination of the major political party that received the highest ~~smallest~~ average vote at the last state general election must 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 ~~smallest~~ average vote at the last state general election must be placed in the second column, and so on. The average vote shall be computed in the manner provided in section 204D.13, subdivision 2.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 27. Minnesota Statutes 1998, section 204D.11, subdivision 4, is amended to read:

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 Public Law Number 94-203 and Minnesota Statutes, chapter 203B.

Sec. 28. Minnesota Statutes 1998, section 204D.13, subdivision 2, is amended to read:

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 state-wide 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.~~

Sec. 29. Minnesota Statutes 1998, section 204D.13, subdivision 3, is amended to read:

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. Prior to the state primary, the secretary of state shall determine by lot the order of candidates nominated by petition. The drawing of lots must be by political party or principle.~~ 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. 30. Minnesota Statutes 1998, section 205.075, subdivision 2, is amended to read:

Subd. 2. **ALTERNATE DATE; METROPOLITAN TOWNS.** A town located in the metropolitan area as defined by section 473.124 may, by resolution or ordinance, designate the first Tuesday after the first Monday in November of either the even-numbered or the odd-numbered year as the date of the town general election. Town supervisors elected at a November town general election shall serve four-year terms.

New language is indicated by underline, deletions by ~~strikeout~~.

The ordinance or resolution changing the date of the town general election must include a plan to shorten or lengthen the terms of office to provide an orderly transition to the November election schedule.

The ordinance or resolution changing the date of the town general election may be proposed by the town board or by a resolution of the electors adopted at the annual town meeting and is effective upon an affirmative vote of the electors at the next town general election.

Sec. 31. Minnesota Statutes 1998, section 205.10, subdivision 3, is amended to read:

Subd. 3. **PROHIBITION.** ~~No special election shall be held under this section on the second Tuesday in December and no special election authorized under subdivision 1 may be held within 40 days after the state general election.~~

Sec. 32. Minnesota Statutes 1998, section 205.10, subdivision 4, is amended to read:

Subd. 4. **VACANCIES IN TOWN OFFICES.** Special elections must be held with the town general election to fill vacancies in town offices as provided in section 367.03, subdivision ~~2~~ 6.

Sec. 33. Minnesota Statutes 1998, section 205.16, subdivision 4, is amended to read:

Subd. 4. **NOTICE TO AUDITOR.** At least ~~45~~ 49 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election ~~and, the offices to be voted on at the election, and questions the title and language for each ballot question~~ to be voted on at the election.

Sec. 34. Minnesota Statutes 1998, section 205.185, subdivision 3, is amended to read:

Subd. 3. **CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.** ~~Within two seven days after an election, the governing body of a city or a town conducting the general election in November shall canvass the returns and declare the results of the election. The governing body of a town conducting the general election in March shall canvass the returns and declare the results of the election within two days after an election. After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court. In case of a tie vote, the governing body shall determine the result by lot. The 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.~~

Sec. 35. Minnesota Statutes 1998, 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

New language is indicated by underline, deletions by ~~strikeout~~.

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 30 days before and the 30 days after the state primary, during the 30 days before and the 40 days after the state general election, ~~or on the second Tuesday in December.~~ 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. 36. Minnesota Statutes 1998, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **NOTICE TO AUDITOR.** At least 45 ~~49~~ days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election and, the offices to be voted on at the election, and ~~questions~~ the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of children, families, and learning and prior to actual initiation of the election.

Sec. 37. Minnesota Statutes 1998, section 205A.13, is amended to read:

205A.13 REQUIREMENTS FOR PETITIONS.

Any petition to a school board authorized in this chapter or sections 126C.17, 126C.40, 126C.41 to 126C.48, and 124D.22, or any other law which requires the board to submit an issue to referendum or election, shall meet the following requirements ~~to be valid provided in section 204B.071.~~

(1) Each page of the petition shall contain a heading at its top which specifies the particular action the board is being petitioned to take. The signatures on any page which does not contain such a heading shall all be invalidated. All pages of the petition shall be assembled and filed with the board as a single instrument.

(2) Each page of the petition shall contain an authentication signed by the circulator of the petition specifying as follows:

~~"I personally have circulated this page of the petition. All signatures were made in my presence, I believe that the signers signed their own names and that each person who has signed is eligible to vote in a school district election according to Minnesota Election Law.~~

Signed: Signature of Petition Circulator

Date:"

The signatures on any page which does not contain such an authentication shall all be invalidated.

(3) Signers of the petition shall personally sign their own names in ink or indelible pencil and shall indicate after the name the place of residence by street and number, or

New language is indicated by underline, deletions by ~~strikeout~~.

other description sufficient to identify the place. Except as provided in clause (4), any signature which does not meet these requirements shall be invalidated.

(4) Individuals who are unable to write their names shall be required to make their marks on the petition. The circulator of the petition shall certify the mark by signing the individual's name and address and shall thereafter print the phrase "mark certified by petition circulator."

(5) A petition, to be valid, must contain the minimum number of valid signatures of eligible voters specified in the law authorizing the petition and election.

Sec. 38. Minnesota Statutes 1998, section 206.86, subdivision 1, is amended to read:

Subdivision 1. **AT THE VOTING LOCATION.** In precincts where an electronic voting system is used, as soon as the polls are closed the election judges shall secure the voting systems against further voting. They shall then open the ballot box and count the number of ballot cards or envelopes containing ballot cards that have been cast to determine that the number of ballot cards does not exceed the number of voters shown on the election register or registration file. If there is an excess, the judges shall seal the ballots in a ballot container and transport the container to the county auditor or municipal clerk who shall process the ballot cards ballots in the same manner as paper ballots are processed in section 204C.20, subdivision 2, then enter the ballots into the ballot counter. The total number of voters must be entered on the forms provided. The judges shall next count the write-in votes and enter the number of those votes on forms provided for the purpose.

Sec. 39. Minnesota Statutes 1998, 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~~ names of the candidates for president and vice-president, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X."

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state 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. 40. Minnesota Statutes 1998, section 351.055, is amended to read:

351.055 PREPARATIONS FOR SPECIAL ELECTIONS.

If a future vacancy becomes certain to occur and the vacancy must be filled by a special election, the appropriate authorities may begin procedures leading to the special election so that a successor may be elected at the earliest possible time. For prospective vacancies that will occur as a result of a resignation, preparations for the special election may begin immediately after the written resignation is received by the official provided in section 351.01, subdivision 1.

New language is indicated by underline, deletions by strikeout.

Sec. 41. Minnesota Statutes 1998, section 367.03, subdivision 4, is amended to read:

Subd. 4. **OFFICERS; METROPOLITAN TOWNS NOVEMBER ELECTION.** Supervisors and other town officers in towns located in the metropolitan area as defined in section 473.121 that hold the town general election in November shall be elected for terms of four years and until their successors are elected and qualified. The clerk and treasurer shall be elected in alternate years.

Sec. 42. Minnesota Statutes 1998, section 410.12, subdivision 1, is amended to read:

Subdivision 1. **PROPOSALS.** The charter commission may propose amendments to such charter and shall do so upon the petition of voters equal in number to five percent of the total votes cast at the last previous state general election in the city. If the city has a system of permanent registration of voters, Proposed charter amendments must be submitted at least 12 weeks before the general election. Only registered voters are eligible to sign the petition. All petitions circulated with respect to a charter amendment shall be uniform in character and shall have attached thereto the text of the proposed amendment in full; except that in the case of a proposed amendment containing more than 1,000 words, a true and correct copy of the same may be filed with the city clerk, and the petition shall then contain a summary of not less than 50 nor more than 300 words setting forth in substance the nature of the proposed amendment. Such summary shall contain a statement of the objects and purposes of the amendment proposed and an outline of any proposed new scheme or frame work of government and shall be sufficient to inform the signers of the petition as to what change in government is sought to be accomplished by the amendment. The summary, together with a copy of the proposed amendment, shall first be submitted to the charter commission for its approval as to form and substance. The commission shall within ten days after such submission to it, return the same to the proposers of the amendment with such modifications in statement as it may deem necessary in order that the summary may fairly comply with the requirements above set forth.

Sec. 43. Minnesota Statutes 1998, section 412.02, subdivision 2, is amended to read:

Subd. 2. **TERM.** Terms of elective officers shall commence on the first business day of Monday in January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Sec. 44. Minnesota Statutes 1998, section 447.32, subdivision 4, is amended to read:

Subd. 4. **CANDIDATES; BALLOTS; CERTIFYING ELECTION.** A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the election. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 12:00 p.m. on the day after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. ~~Ballots must contain the names of the proposed candidates for each office, the length of the term of each office, and an additional~~

New language is indicated by underline, deletions by ~~strikeout~~.

blank space for the insertion of another name by the voter be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers or on a different ballot. The hospital board may also authorize the use of voting machines systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. They may be paid by the district at a rate set by the board. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 45. Laws 1997, chapter 173, section 6, is amended to read:

Sec. 6. INCUMBENT TERMS.

All supervisors who are incumbents on the effective date of this section shall serve out the terms to which they have been elected. At the end of their terms, their successors shall be elected to four-year terms, except that the successors to the two supervisors whose terms expire on December 31, 1998, shall be elected to two-year terms at the 1998 general election and to four-year terms thereafter, as provided in this section. By January 1, 2000, the district board must prepare a plan to lengthen or shorten the terms of office, as needed, for each office elected in 1998 and to be elected in 2000, so that no more than three of the supervisors are elected at each general election. In 2002 and thereafter, supervisors shall be elected to four-year terms. The district board shall determine by lot which offices' terms are to be lengthened or shortened. The plan must be filed with the county auditor and the state board.

Sec. 46. REPEALER.

Minnesota Statutes 1998, sections 203B.08, subdivisions 1a and 3a; 203B.12, subdivision 5; 204D.14, subdivision 2; 204D.19, subdivision 5; and 365.10, subdivision 2, are repealed.

Presented to the governor May 4, 1999

Signed by the governor May 7, 1999, 1:48 p.m.

CHAPTER 133—S.F.No. 1060

An act relating to state government; secretary of state; regulating service of process and certain notice requirements; regulating the names of certain business organizations; providing certain technical and conforming changes; amending Minnesota Statutes 1998, sections 5.23, subdivision

New language is indicated by underline, deletions by ~~strikeout~~.