MINNESOTA CODE OF AGENCY RULES

,ULES OF THE OFFICE OF THE SECRETARY OF STATE

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Prepared by

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OFFICE OF THE SECRETARY OF STATE

VOTER REGISTRATION

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VOTER REGISTRATION

1 MCAR §§ 2.0101-2.1101

Chapter One: 1 MCAR §§ 2.0101-2.0102 County Auditor's Duties.

1 MCAR S 2.0101 Delegation of duties. The county auditor may delegate to municipal officials all duties assigned to him by 1 MCAR SS 2.0101-2.1101 and by Minn. Stat. ch. 201, except the preparation and distribution of lists of registered voters and the duties assigned to him by 1 MCAR SS 2.0901-2.0903. The auditor may delegate the responsibility to accept voter registrations, but a delegation of this responsibility does not relieve the auditor of his duty to accept voter registrations.

§ 2.0102 Auditor's rules filed with the Secretary of State. Whenever a county auditor adopts rules for the delegation of voter registration duties assigned to him, the auditor shall file a copy of the rules with the secretary of state no later than five working days before the effective date of the rules. *1 MCAR S 2.0103 (see AR040057)→*

Chapter Two: 1 MCAR §§ 2.0201-2.0202 Registration Files.

§ 2.0201 Maintenance of duplicate file. Duplicate registration files shall be maintained by street address or alphabetically by voter's last name. Whichever system of arrangement is used, it shall be used consistently throughout the political subdivision.

§ 2.0202 Delivery of duplicate file for elections. The county auditor shall provide for the transportation of the duplicate voter registration file to the precinct polling place on election day. The auditor shall prescribe procedures which will insure the safety of the voter registration records and their timely delivery at the precinct polling place on election day. It shall be the duty of the auditor to maintain the dignity and integrity of the voting system.

Chapter Three: 1 MCAR §§ 2.0301-2.0302 Voter Registration Cards.

§ 2.0301 Specifications. *see new AR040057 →*

    A. Printing. Voter registration cards printed for the purpose of distribution and mailing shall be printed in the following manner:

    1. The size shall be 6" x 12-3/4" (including 3/4" stub).

    2. The paper shall be at least while 100 lb. offset.

    3. The ink shall be blue with red X's next to the line indicating the voter's name, address, last previous registration address (if any) and signature. The certification also shall be printed in red ink on the original voter registration card.

4.   The duplicate card shall have a light blue screen.

5. The card shall have three 1/16" perforations that result in the three equal size cards 6" x 4".

6. The top stub shall have a substance applied to it so that the card can be sealed when it is folded together for mailing.

B. Original card; form. The original voter registration card shall be in the following form:

VOTER REGISTRATION CARD

Please type or print in ink

Read instructions before completing

```
X Name_____        W_____P_____
        Last      First    Middle
X Legal Residence _____        S.D. No._____
              Street or Route No.        OFFICE USE ONLY
                                         Election day voter
_____         registration proof:
 Apt. No. and Rural Box No.              ☐ Driver's License
_____          ☐ Minn. Ident. Card
☐ City or ☐ Township   County   Zip     ☐ Witness
(Check whichever is applicable)          ☐ Prior Registration
Mailing Address (if different from above) ☐ Ineffective Notice
                                         ☐ Student I.D.

_____         _____
Street or Route No.   Apt. No. and      Number(if applicable)

_____
Rural Box No.      City or Township   County    Zip
Telephone Number _____
Date of Birth (optional) _____
Previous Name _____
              (if changed since last registration)
X Address of Your Last
Registration If Any _____
                    Street or Route No.      Apt. No.

_____
City or Township      County      State         Zip
BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE
QUALIFIED TO REGISTER.
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I certify that I will be at least 18 years old on election day and the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than $5,000, or both.

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___/___/___
Date                      _____
                          X Legal Signature of Voter
                            Be sure to sign the blue card
```

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W __", "P __" and "S.D. No. __". (These initials stand for "ward", "precinct" and "school district".) Other information may

also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "office use only" box.

C. The duplicate voter registration card shall be in the following form:

DUPLICATE VOTER REGISTRATION CARD
Sign this card–DO NOT COMPLETE
The information will be typed by the voter registration office.

W_____ P_____
Name_____
            Last   First   Middle
S.D. No. _____
OFFICE USE ONLY

Legal Residence _____
            Street or Route No.

Apt. No. and Rural Box No.

☐ City or ☐ Township   County   Zip
(Check whichever is applicable)
Mailing Address (if different from above) _____
                                          Street or Route No.

Apt. No. and Rural Box No.   City or Township   County   Zip
Telephone Number_____

Date of Birth (optional) _____

Previous Name _____
                    (if changed since last registration)
Address of Your Last
Registration If Any _____
                    Street or Route No.   Apt. No.

City or Township   County   State   Zip

BE SURE TO CHECK INSTRUCTIONS TO DETERMINE WHETHER YOU ARE QUALIFIED TO REGISTER.

___/___/___   X _____
Date   Legal Signature of Voter
                     (for identification only)

In the upper right hand corner of the card there shall be a box marked for "office use only". In the box there shall be: "W__", "P__" and "S.D. No.__". (These initials stand for "ward", "precinct" and "school district".) Other information may also be included.

D.   Instruction card; form.   The instruction card shall be in the following form:

INSTRUCTIONS FOR VOTER REGISTRATION

READ CAREFULLY BEFORE REGISTERING

Lines indicated by an (X) must be completed by the registrant before his or her registration may be accepted.

1. Print in ink or type all information requested on white card.

2. Print or type your legal name—Do not use nicknames.

3. Your residence should be that place where you actually live. Check the appropriate box indicating whether you live in a city or township.

4. Print or type your mailing address if it is different from your residence address.

5. Place your telephone number (optional) on the appropriate line.

6. Place your date of birth (optional) on the appropriate line.

7. If your name has been changed through marriage, divorce or decree or order of court since your last voter registration, print or type your former name on the appropriate line.

8. Address of last previous registration—Print or type the address from which you were last registered to vote. If you have never been registered to vote before, print or type "none".

9. After the white card is completed, sign your full name in ink and fill in the date on the white card.

10. SIGN THE BLUE CARD.

11. The blue card must be signed in ink on the line where it is required, but do not fill in the blue card. It will be typed in by the voter registration office.

12. After the white card is completed and both cards are signed, seal using sealing tab attached.

13.   Complete the address on the reverse of the white registration card by filling in the name of the county where you reside and the name of the city which is the county seat.   Mail or deliver to the office of the county auditor.   An eligible voter is a person who at the time of any election:

     a.   is 18 years of age or older,

     b.   is a citizen of the United States and

    c.   has resided in Minnesota for 20 days.

The following persons are not eligible voters:

    a.   any person who has been convicted of a felony or treason, whose civil rights have not been restored;

    b.   any person who is under guardianship of the person;

    c.   any person who has been found by a court to be legally incompetent, whose civil rights have not been restored.

E. The reverse side of the original (white) registration card shall be in the following form:

first
class
postage

RETURN TO:
(here the county auditor shall
supply the address)

F. The reverse side of the duplicate (blue) registration card shall be lined horizontally to create spaces 1/4" wide and divided vertically into four sections to allow the judges of election to record the date of the election in which the voter voted.

G.

— 6" —

¾"   (Substance applied here for sealing)

4"

VOTER REGISTRATION CARD   W_____ P_____
                               SD_____

                               For Office Use Only

4"

INSTRUCTIONS FOR VOTER REGISTRATION

12¾"

OVER

4"

DUPLICATE
VOTER REGISTRATION CARD   W_____ P_____
                               SD_____

                               For Office Use Only

For Office Use Only
Record of Voting

ELECTION DATE	ELECTION DATE	ELECTION DATE	ELECTION DATE

INSTRUCTIONS FOR VOTER REGISTRATION—Continued

RETURN TO:

PLACE
STAMP
HERE

H.

§ **2.0302 Printing and distribution.** Each county auditor in each county with voter registration shall cause to be printed and shall maintain an adequate number of voter registration cards in compliance with Minn. Stat. ch. 201 and these rules. Any election official who causes voter registration cards to be printed shall print the cards in a form prescribed by Minn. Stat. ch. 201 and these rules. The auditor shall provide voter registration cards to any person or group who requests a reasonable number of cards for the purpose of distribution. In those areas which have pre-election day registration, the auditor shall encourage pre-election day registration by making registration cards available to persons and groups for distribution.

Chapter Four: 1 MCAR § § 2.0401-2.0403 Places of Registration.

§ **2.0401 Duties.** Each county auditor in every county with voter registration shall designate a number of public buildings within the county where persons may obtain, complete and deposit registration cards. The county auditor or his designee shall be on duty in the building so designated and it shall be the duty of the person on duty to transmit completed registration cards, or copies thereof if the county auditor does not maintain the original registration file, within two working days after receipt to the county auditor.

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1 MCAR S 2.0402 Number of buildings.  A political subdivision
with voter registration shall have at least one building where
voter registration cards may be obtained and deposited, for
every 30,000 residents of the political subdivison.  The auditor
may designate more buildings than are required by law.
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§ **2.0403 Polling places.** Procedures concerning election day registration at the polling place are covered in Minn. Stat. ch. 201 and Chapter Six of these rules.

Chapter Five: 1 MCAR § § 2.0501-2.0513 Notifications.

1 MCAR S 2.0501 Properly completed registrations.

    When a county auditor determines that a registration card is not faulty or defective, he shall separate the parts of the card. Using the information on the original card, the auditor shall complete the duplicate card. The auditor shall then file the original card in the original card file and the duplicate card in the duplicate card file. The county auditor shall maintain both files in an orderly manner. The county auditor shall cause a notice to be mailed to each newly registered voter a card indicating the voter's name, address, precinct and polling place. The card shall require that it be returned if not deliverable.

§ 2.0502 **Auditor's random notification.** Following each election in which voters register on election day, the county auditor shall send a mailed notice of registration to a random sample of 3 percent of the election day registrants within 10 days of the election. This rule shall not relieve the county auditor of the responsibility to send a mailed notice to all registrants.

§ 2.0503 Registrations received fewer than twenty days before an election. When an auditor receives correctly completed registrations during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that he must register on election day to vote at the upcoming election. Included in this notification shall be information to the voters concerning the manner in which they may register to vote on election day at the polls. In the notice to the applicant the auditor shall explain that the registration card received by the auditor makes the applicant an eligible voter at the next election following the upcoming election.

§ 2.0504 Faulty or deficient registrations. When a person attempts to register prior to election day and the county auditor determines that the registration is faulty or defective, the auditor shall notify the person attempting to register that his registration was not correctly completed. The auditor shall attempt to obtain the needed information by mail or telephone. If a registration card is faulty or defective and the address or the telephone number cannot be determined, the registration card shall be removed from the files and maintained separately for one year. The applicant shall be allowed to vote only after correctly completing a registration card.

When the auditor notifies a person of an incorrectly completed registration, the auditor shall also notify the applicant of the dates on which registrations cannot be accepted for an election and of the procedures for election day registration. In the notice to the applicant the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant an eligible voter at the next election following the upcoming election.

When an auditor receives a faulty or deficient registration during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that he must register at the polling place of the precinct in which he resides on election day to vote at the election. The auditor shall also notify the applicant of the procedures for election day registration. In the notice to the applicant the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant an eligible voter at the next election following the upcoming election.

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1 MCAR S 2.0505 Wrong county.  When a county auditor receives a
registration card from a person who the auditor has reason to
believe is a resident of another county, the auditor shall
within two working days forward the registration card to the
auditor of the proper county if it can be ascertained.
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1 MCAR S 2.0506 Ineffective registration.  Upon receipt of a
voter registration card that is faulty or defective, filed with
the wrong office or filed during a period when pre-election day
voter registrations cannot by law be accepted, the following
notice of ineffective registration shall be mailed to the person
requesting to become registered.  The notice shall require that
it be returned if not deliverable.
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NOTICE OF INEFFECTIVE REGISTRATION

IMPORTANT INFORMATION

ABOUT YOUR VOTER REGISTRATION

To: _____

Your Voter Registration cannot be accepted by this office for the following reason(s):

   1. __Incomplete: _____
_____
   2. __Your registration was received fewer than 20 days before the upcoming election. It will be effective on ___/___/___ (day after next election).

    You may register to vote at the polling place on election day by presenting either:

        (a) this mailed notice;

        (b) a valid Minnesota Driver's License, Learner's Permit or receipt for either that contains the voter's valid address in the precinct;

        (c) a Minnesota Identification Card or receipt thereof that contains the voter's valid address in the precinct;

        (d) a current student identification card that contains the student's valid address in the precinct;

        (e) a current student fee statement that contains the student's valid address in the precinct;

        (f) a copy of a current student registration card that contains the student's valid address in the precinct;

        (g) a registered voter in your precinct who can attest to your address; or

        (h) a valid registration in the same precinct under a different address.

Your Polling Place is _____
_____County Auditor___/___/___
     (signature)   (date)

See new (AR040057) —→

§ 2.0507 Notification of registration. When a county auditor receives a registration card listing a prior registration in another county, the auditor shall notify the auditor of the other county.

§ 2.0508 Auditor's notification form. When a registration is received by a county auditor and the person requesting to register indicates he was previously registered to vote, the county auditor shall notify the county auditor in the county of previous residence that the voter has changed residency. The form for notification shall be as follows:

To the Auditor of_____County
County Courthouse

_____, Minnesota
    (county seat)

The following person has registered to vote in _____
County. You are hereby requested to check your registration files and remove
the person's name if it should appear in your file.

Voter's name _____
Address of voter's former registration _____
_____
Date of voter's new registration ___/___/___
                                                   Auditor of _____County
Copy of original voter registration card enclosed_____
The county auditor who sends the form may attach a reproduction of the
original registration card rather than fill in "Voter's name" and "Voter's
former address."

§ 2.0509 Prior residence outside Minnesota. When a county auditor receives
a registration card which lists a former registration in a state other than Min-
nesota, the auditor shall notify the secretary of state of the state of former
registration that the person has registered to vote in Minnesota.

§ 2.0510 Acknowledgement of ineligible applications. Ineligible applicants
shall be notified of the reasons for their ineligibility and their cards main-
tained separately by the auditor for one year.

§ 2.0511 Change of residence. Any person previously registered to vote in
Minnesota who changes his residence shall be permitted to vote only after re-
registering using his new residence.

§ 2.0512 Removal of cards. Whenever a registration card is to be removed
from the registration files, except that of a deceased person, the county audi-
tor shall notify the person whose card is to be removed of such action and the
reason for such action in writing. The cards removed shall be maintained in
separate files for one year.

§ 2.0513 Name omitted, emergency voting. When any voter who has regis-
tered prior to an election day is challenged because his name does not appear
in the duplicate registration file of the precinct in which he desires to vote, he
may register on that election day by following the election day registration
procedures provided by Chapter Six of these rules; or if it appears upon ex-
amination that such name was erroneously omitted from the file, he shall be
permitted to vote in the precinct, and an emergency voting card shall be
signed by the applicant and the judges, containing the following information:

EMERGENCY VOTING CARD

Ward _____ Precinct _____
Voter's name _____
Residence _____
_____
The undersigned judges hereby certify that the above named voter was per-

mitted to vote in this precinct at the election held on _____ , 19 ___ pursuant
to instructions from the office of the county auditor.

_____   _____
    (Signature of Voter)   (Judge of Election)

_____   _____
    (Signature of judge   (Judge of Election)
      calling auditors
         office)   _____
                                          (Judge of Election)

                                   _____
                                          (Authorized by)

Chapter Six: 1 MCAR § § 2.0601-2.0607 Election Day Registration.

1 MCAR S 2.0601 Residence. Any person otherwise qualified but
not registered to vote in the precinct in which he resides may
register to vote on election day at the polling place of the
precinct in which he resides in areas with voter registration.
To register on election day a person must complete and sign the
original card, sign the duplicate card and provide proof of his
residence. A person may prove his residence on election day
only by presenting a valid Minnesota Driver's License, Learner's
Permit, or a receipt for either that contains the voter's valid
address in the precinct, a valid Minnesota Identification Card
issued by the Minnesota Department of Public Safety or a receipt
thereof that contains the voter's valid address in the precinct;
a current student identification card that contains the
student's valid address in the precinct, a current student fee
statement that contains the student's valid address in the
precinct, or a copy of a current student registration card that
contains the student's valid address in the precinct; by having
a valid registration in the same precinct under a different
address; by presenting an "ineffective registration notice"
mailed by the county auditor or municipal clerk; or by having a
person who is registered to vote in the precinct and knows the
applicant is a resident of the precinct sign the following oath:

I, _____ swear that I am a registered
voter in _____
              County   City or Township   Ward
_____ and that I personally know that _____
 Precinct
_____ is a resident of this
     Name of person registering
precinct.
                    _____
                    Signature of Registered Voter

                    Subscribed and sworn to before me

__/__/__   _____
 Date   Signature of Election Judge

     The above oath shall be attached to the voter registration
card until the address of the applicant is verified by the
county auditor.

The above oaths shall be printed on a 4" X 6" card by the county auditor. After every election day the county auditor shall file the oaths and maintain them for one year.

1 MCAR S 2.0602 Swearing to residence. No person in a polling place as a challenger, pursuant to Minn. Stat. S 204C.07, shall be permitted to swear to the residence of any persons attempting to register on election day. A voter registered in the same precinct, including an election judge, may swear to the residence of any person who he knows to be a resident of the precinct. An election judge, however, must swear to a person's residence before another election judge.

§ 2.0603 Election judges. One judge may both distribute ballots and register voters during the course of an election day, but one judge shall not perform both functions for the same voter. Persons wishing to register to vote on election day may determine whether they wish to fill out the voter registration card themselves or request the assistance of an election judge. The judges shall confine their questions to information necessary to complete the voter registration card.

1 MCAR S 2.0604 Notation. When a voter uses a Minnesota Driver's License, Learner's Permit, or Minnesota Identification Card to prove residence when registering on election day, the election judge who is registering voters shall record the number on the card in the "office use only" area of the original card.

§ 2.0605 Registration cards received on election day. Registrations received at polling places on election day, whether in governmental units having pre-election day registration or in governmental units having only election day registration, shall be filed in the same file and in the same manner as registrations received prior to that election day.

1 MCAR S 2.0606 Training. Election judges who will be registering voters on election day shall receive training on election day voter registration procedures from the county auditor or designated municipal clerk at the same time training is provided pursuant to Minn. Stat. S 204B.25.

§ 2.0607 Notices. A voter registration office may send notices to election day registrants whose cards are found to be faulty or defective and request that the voters contact the registration office.

Chapter Seven: 1 MCAR §§ 2.0701-2.0703 Copies of Lists of Registered Voters.

§ 2.0701 Request form. Persons requesting copies of lists of registered voters shall make the request in the following form:

To the Auditor of _____County
County Courthouse
_____, Minnesota
          (County Seat)

I hereby request copies of the lists of registered voters for the following pre-

cincts: _____

_____
(attach additional sheets if necessary)

My name is _____.

I reside at _____
             Street address   City (or Township)

I certify that I am a registered voter in this county. I am aware that using the lists of registered voters for purposes not related to elections, political activi-ties, or law enforcement is a violation of the law.

___/___/___   _____
   Date   (signature)

§ 2.0702 Lists in other forms. A county auditor may make available lists of registered voters in forms other than paper copies, such as duplicate com-puter tapes. The Secretary of State may review and determine satisfactory methods of reproducing lists of registered voters. This rule does not relieve the auditor of the duty to make paper copies of lists of registered voters avail-able. A paper copy of the list of registered voters shall be available for public inspection at all times in the county auditor's office.

§ 2.0703 Cost determination. When a county auditor determines the cost of copies of lists of registered voters, the auditor shall take into account only the costs of reproduction actually incurred by his office to fill the specific re-quest. The auditor shall not take into account the general office expenses or other expenses which would have been incurred by the auditor's office even without the preparation of the request.

Chapter Eight: 1 MCAR §§ 2.0801 Challenges.

1 MCAR S 2.0801 Procedure.   Persons wishing to challenge a voter's registration pursuant to Minn. Stat. S 201.195 may do so in the following form:

To the Auditor of _____ County
County Courthouse

_____, Minnesota
  (County Seat)

I,_____, am a registered voter in
 (Name of person making challenge)
_____County, Minnesota. I reside
at_____
     (Street or Route No.)   (City or Township)
I challenge the registration of _____
                                       Name of challenged voter
whose registration lists his residence as

_____
     (Street or Route No.)   (City or Township)
The grounds for my challenge are:_____

_____
  (attach additional sheets of signed statement if necessary)
_/__/__   _____
(Date)   (signature of challenger)

     The petition shall be accompanied by an affidavit of the
challenger stating the basis for the challenge on personal
knowledge.

Chapter Nine: 1 MCAR §§ 2.0901-2.0903 Annual Report. *Repealed 8 SR 1348 12-5-83*

 § 2.0901 Auditor's duties. Each county auditor, in every county where there
is permanent voter registration, shall file with the secretary of state by Febru-
ary 1 of each year a report of the conduct of voter registration and voting in
the county for the period from January 1 through December 31 of the pre-
ceding calendar year. The report shall be on a form provided by the secretary
of state. *Repealed 8 SR 1348 12-5-83*

 § 2.0902 Information on the report. In general election years the following
information shall be contained on the annual report for the state primary and
the state general elections:

    A. 1. The number of registered voters.

    2. An itemized account of the cost of registering voters.

    3. The name of each governmental unit having pre-election day regis-
tration.

       a. the number of persons registered in each.

       b. the number of persons registered on the days of the state primary
and general elections.

    4. The name of each governmental unit having only election day regis-
tration.

       a. the number of persons registered in each.

   b. the number of persons registered on the days of the state primary and general elections.

   5. a. the name of each governmental unit in which the county auditor has delegated the duty of training election day voter registration judges to the municipal clerk.

   b. the name of each governmental unit in which the county auditor trains the election day voter registration judges.

   B. 1. The number of persons voting in the state primary and general elections.

   2. An itemized account of the cost of elections.

   3. The number of persons voting in each governmental unit having pre-election day registration on the day of the state primary and general elections. ˙

   4. The number of persons voting in each governmental unit having only election day registration on the days of the state primary and general elections.

   C. 1. The number of requests for copies of lists of registered voters. The cost charged to each person making the request.

   2. The number of requests for voter registration cards for the purpose of general distribution. The number given for each request. The total number of cards given out for general distribution.

   D. 1. The number of persons eligible to register, whether or not registered in each governmental unit (estimated).

   2. A narrative description of any registration drives conducted in the county.

   E. The name of each governmental unit to which the county auditor has delegated voter registration duties pursuant to 1 MCAR § 2.0101, and the date of the delegation.

Repealed 8 SR 1348 12-5-83

§ 2.0903 Information on the report compiled during years when there is no state primary or general election.

   A. The total number of registered voters in the county.

   B. The total cost of registering voters in the county.

Chapter Ten: 1 MCAR §§ 2.1001-2.1002 Electronic or Automatic Data Processing Systems.

§ 2.1001 Approval by Secretary of State. Any county auditor may maintain voter registration records on electronic or automatic data processing systems; provided, however, that the auditor shall obtain the approval of the proposed system from the secretary of state prior to its implementation.

§ 2.1002 Compatibility. Any voter registration records maintained on electronic or automatic data processing systems and provided to registered voters within the county shall include registrant name, address (including street or route number, city or township and zip code) and telephone number when provided by the registrant. Each precinct shall be entered in the municipality listing in numerical order by precinct number. Each municipality shall be entered in alphabetical order by municipality name within the county. Standards for data entry shall be compatible with secretary of state standards.

See new (2RO4005) →

1 MCAR S 2.1005 Electronic or automatic data processing system of maintaining duplicate voter registration records.

A. Notification. The auditor of the county or clerk of a city electing to use an electronic or automatic data processing system in place of duplicate voter registration cards shall notify the Secretary of State of that election no later than 90 days before the first election at which the system will be used.

Notification may be made simultaneously with a request for approval, pursuant to 1 MCAR S 2.1001, of an electronic or automatic data processing system for maintaining voter registration records, but no system shall be used in place of duplicate voter registration cards unless the system has been approved for maintenance of voter registration records.

The notification shall be in writing and shall include:

1. A sample of no less than three pages of the form of the duplicate registration file to be used at the polling place;

2. A sample of no less than three pages of the duplicate registration list to be made available for examination or purchase;

3. A plan to be implemented for obtaining day and month of birth for previously registered voters;

4. A copy of a plan providing for back-up records and emergency service; and

2.   Registrant's address;

3.   Month and day of registrant's birth;

4.   Notations about challenges, notices of guardianship, or other special information required to be affixed to the original or duplicate voter registration card.

Directly underneath or next to the voter's name shall be printed *OATH and a line indicating the place for the voter to sign the list. Sufficient space shall be provided so that the voter's signature will not obscure any voter's name. In no case shall the space be smaller than 1/2 by 3-1/2 inches.

If any computer identification numbers or other information not required by this rule is printed on the precinct election list, it shall not obscure required information or be printed in a manner to cause confusion for voters or election judges.

A separate precinct list in the same format shall be prepared for use by voters who register on election day. The newly registered voter shall print on the list the voter's name, address, and month and day of birth and shall sign the precinct election list.

In a split precinct, separate lists shall be prepared for each part of the precinct with specific information differentiating the split printed at the top of each list.

The precinct election list shall be ready no later than three days prior to any election.

The election jurisdiction may choose to attach forms required by 1 MCAR S 2.0513 for emergency voting as part of the precinct election list. If separate cards are used, the election judges shall return the cards with the list.

E.   Request for birthdate. Prior to the first election at which electronic or automatic data processing equipment is used in place of the duplicate registration file, and prior to the subsequent statewide general election, the county or municipality shall send a request for the voter's birthdate to each previously registered voter whose month and day of birth is not included in the duplicate registration file.

The request for a voter's birthdate shall be in the form of a nonforwardable mailed notice with a postage pre-paid return form. The notice shall include the following information:

1.   At the next election in (name of political subdivision) the duplicate registration file for use at the polling place will be prepared by automatic data processing equipment. The month and day of each registered voter's birth will be used as an additional identifier and precaution against fraud.

2.   Please fill in your month and day of birth on the enclosed return form, correct any information that is not printed properly on the form, sign the form, and mail it to (name of political subdivision). Return postage has been prepaid. Only the month and day of your birth are requested; the year of your birth is not needed.

3.   You will NOT lose your registration if you do not provide this information or return this form, but your cooperation will be appreciated and helpful to election officials.

The return form shall include the following material:

The voter's name and address, pre-printed as they appear in the duplicate registration file.
. . . . / . . . .
     month of birth   day of birth
. . . .
          voter's signature

When a request for birthdate is returned as undeliverable by the post office, it shall be treated as a returned verification notice pursuant to Minn. Stat. S 201.12.

F.   Challenges and other notices. A record of any challenge to a voter registration shall be made part of the duplicate registration file and remain until removed according to law. The word "challenged" shall appear on the same line as or directly above the name of a challenged voter on the precinct election list. A record of any notice affixed to an original voter registration card pursuant to Minn. Stat. S 201.15 shall be made part of the duplicate registration file and remain part of the file until removed according to law. The word "guardianship" shall appear on the same line as or directly above the name of the voter on the precinct election list. If any other special notice or information is affixed to a voter registration card, a record of that notice shall be part of the duplicate registration file and an indication of the notice shall be printed on the precinct election list.

G.   Absentee voting. When an absentee ballot envelope is marked "Accepted" pursuant to Minn. Stat. S 203B.12, subd. 3, the election judge shall place the letters "A.B." in the space for the voter's signature on the precinct election list followed by the judge's initials.

When a ballot envelope is accepted from a voter who registers on election day by including a registration card with the absentee ballot, the election judge shall print the voter's name, address, and month and day of birth and the letters "A.B." in the appropriate places on the precinct election list.

H.   Security. The auditor or clerk shall be responsible for maintaining the integrity of the duplicate registration file and for restricting access to the electronic or data processing

equipment to properly authorized persons. The auditor or clerk
may make available lists of registered voters in forms other
than paper copies, but in whatever form, no list made available
for examination or purchase shall include the birth dates of
registered voters. The auditor or clerk shall provide for the
transport and security of the precinct election lists in
accordance with 1 MCAR S 2.0202.

    I. Voter's Receipt. The election judges shall determine the
number of ballots to be counted by adding the number of return
envelopes from accepted absentee ballots to the number of
voter's receipts issued pursuant to Minn. Stat. S 204C.10, subd.
2 or to the number of names signed on the precinct election
lists.   The election jurisdiction may require that the election
judges number or initial each voter's receipt as it is issued.

    J. Voter registration cards. Any voter registration
accepted by a county or municipality after the date of its
notification to the Secretary of State of the election under
Minn. Stat S 201.071, subd. 5, and this rule, is defective if
it does not contain the day and month of birth of the registrant.
Voter registration cards must conform to the specifications of 1
MCAR S 2.0301, except that the card and instructions must be
modified to indicate that the day and month of birth are not
optional.

Chapter Eleven: 1 MCAR § 2.1101 Violations.

§ 2.1101 County attorneys to report. County attorneys shall report the out-
come of any investigation of alleged violations of voter registration laws to
the commissioner within 10 days of the determination.

PREPARATION OF THE WHITE BALLOT

1 MCAR §§ 2.2101-2.2115

See new (aro4005T) →

§ 2.2101 Definition. The "white ballot" is the ballot used at general elections and is the paper ballot on which are printed the names of the candidates nominated for the offices of senator and representative in Congress, senator and representative in the Legislature, governor and lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and chief justice and associate justice of the Supreme Court.

See new (aro4005T) →

1 MCAR S 2.2102 Auditor's duties. The white ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with the provisions of Minn. Stat. S 204B.29. It shall be the duty of the county auditors to prepare and print the white ballot as soon as practicable, but in no event less than 15 days before the election. Two weeks before the general election the auditor shall file sample copies of the white ballot in his office for public inspection.

1 MCAR S 2.2103 Form of ballots; size, weight and color. The white ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be 5 1/4" wide and printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions and other matter proper to be printed on the ballot. The auditor shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate his choice easily and accurately.

1 MCAR S 2.2104 Top of ballot. At the top of the white ballot shall be printed in upper and lower case letters the words "Put an (X) in the square opposite the name of each candidate you wish to vote for." On the left side of the words and directly above the squares in which a voter marks his choices shall be printed a small arrow pointing downward.

1 MCAR S 2.2105 Ballot heading. Below the marking instructions on the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in upper case letters.

See new (aro4005T) →

§ 2.2106 Offices. The offices shall appear on the white ballot in the following order and shall be identified as follows in upper case letters:

"UNITED STATES SENATOR IN CONGRESS"
"UNITED STATES REPRESENTATIVE IN CONGRESS"
"SENATOR IN THE LEGISLATURE"
"REPRESENTATIVE IN THE LEGISLATURE"
"GOVERNOR AND LIEUTENANT GOVERNOR"
"SECRETARY OF STATE"
"STATE AUDITOR"

"STATE TREASURER"
"ATTORNEY GENERAL"
"CHIEF JUSTICE OF THE SUPREME COURT"
"ASSOCIATE JUSTICE OF THE SUPREME COURT"

Any nonpartisan office for which there is no opposition shall appear after any nonpartisan office for which there is opposition. If an office is not to be filled at a general election, the office shall not appear on the ballot. Directly underneath the titles of the offices of representative in Congress and senator and representative in the Legislature shall be printed in upper case letters and/or numbers the district (e.g. "SIXTH DISTRICT," "DISTRICT SIX" or "DISTRICT 6") that the person elected will represent. A single vote shall be cast for governor and lieutenant governor. Each justice of the Supreme Court is deemed to hold a separate office. Directly beneath the titles of the offices of justice of the Supreme Court, each office shall be identified in upper case letters as follows:

"FOR THE OFFICE OF ASSOCIATE JUSTICE (or CHIEF JUSTICE) OF THE SUPREME COURT TO WHICH (name of justice) WAS ELECTED FOR THE REGULAR TERM (or WAS APPOINTED)"

The appropriate designation shall be printed on the ballot with the name of the justice whose successor is to be elected printed in the appropriate place. At least 32 days before the general election, the secretary of state shall certify to the county auditors the order in which the offices of associate justice shall appear.

§ 2.2107 Number of candidates. Directly underneath the title and identification of each office shall be printed in upper case letters the words "VOTE FOR ONE" or more, according to the number to be elected.

§ 2.2108 Names of candidates. The full name of each candidate shall be printed in upper case letters and at right angles to the length of the white ballot. At least 32 days before a general election, the secretary of state shall certify to each county auditor the nominations that are required by law to be certified by the secretary and that are required by law to appear on the ballot in the county. Below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled; the voter's choice may be written in the blanks. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed squares, each square to be of the same size, in which the voter may designate his choice by a mark (X). The name of a candidate may not appear on a ballot in any way which gives the candidate an advantage over an opponent except as provided by law.

see new (AR040005T) →

1 MCAR S 2.2109 Designation of candidates. Above or below the
name of each candidate for a partisan office shall appear in
upper and lower case letters the designation in not more than
three words of the party or principle the candidate represents
Words used in the name of a political party as defined in Minn.
Stat. S 200.02, subd. 6, may not be used to identify the party
of a candidate of any other party. The word "nonpartisan" may
not be used in the designation of any candidate. The words
"Nominated Without Party Designation" in upper and lower case
letters shall appear above or below the name of each candidate
for a nonpartisan office. If a justice of the Supreme Court is
a candidate to succeed himself, the word "Incumbent" shall be
printed in upper and lower case letters on the same line and
following the candidate's name. The words "Nominated by
Petition" shall be printed in upper and lower case letters on
the same line and to the right of the name of the candidate.

See new (AR0400ST) →

1 MCAR S 2.2110 Order of candidates. Before a general election,
the secretary of state shall certify to the county auditors the
order in which the names of the candidates representing the
political parties as defined in Minn. Stat. S 200.02, subd. 6,
shall appear for every partisan office on the white ballot.
Candidates nominated by petition shall appear on the ballot
beneath the names of the candidates of the political parties as
defined in Minn. Stat. S 200.02, subd. 6, and in the order in
which the petitions were filed with the filing officer. The
names of the candidates for nonpartisan offices shall be rotated
on the white ballot so that each name appears substantially an
equal number of times at the top, at the bottom and at each
intermediate place in the group of candidates for an office.

§ 2.2111 **Back of ballot.** On the back of the white ballot shall be printed the
words "OFFICIAL BALLOT," the date of the election and lines for the
initials of two judges. The printing shall be so placed as to be visible when the
ballot is properly folded for deposit.

see new (AR040005T) →

1 MCAR S 2.2112 Type styles and sizes. The words "Put an (X) in
the square opposite the name of each candidate you wish to vote
for" shall be printed in upper and lower case in as close to 8
point Century Bold type as practicable.

     The words "STATE GENERAL ELECTION BALLOT", shall be printed
in upper case in as close to 18 point Franklin Gothic type as
practicable.

     The office and its identification shall be printed in upper
case in as close to 10 point Century Bold type as practicable.

     The words "VOTE FOR ONE" shall be printed in upper case in
as close to 8 point Century Bold type as practicable.

     The names of the candidates shall be printed in upper case
in as close to 8 point Century Bold type as practicable.

The party designation or political principle and the words "Nominated Without Party Designation," "Incumbent" and "Nominated by Petition" shall be printed in upper and lower case in as close to 8 point Century Bold type as practicable.

The words "OFFICIAL BALLOT" on the back of the ballot shall be printed in upper case in as close to 18 point Cheltingham Bold as practicable, the date in upper case in as close to 8 point Antique as practicable, and the word "Judge" in upper and lower case in as close to 10 point Caslon Old Face Italic as practicable.

Repealed 8 SR 1348 12-5-83

1 MCAR S 2.2113 Binding and distribution of ballots. The white ballots shall be bound in blocks of 50.

Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots they have, and shall not otherwise mark the same.

No official ballot shall be distributed except to voters in the voting room about to vote, or to disabled voters in their vehicles pursuant to Minn. Stat. S 204C.15, subd. 2, and no ballot which is not officially endorsed in the handwriting of such judges shall be placed in the box.

Having withdrawn from the voting booth with his ballots, the voter shall hand them to the judge in charge of the ballot boxes. The judge immediately shall deposit each ballot in the proper box.

See new (AR040005T)→

§ 2.2114 Example ballots. At least 32 days before a general election, the secretary of state shall supply each auditor with a copy of an example ballot. The secretary of state shall have printed on the ballot the names of all candidates for statewide office. The state white ballot shall conform in all respects to the example ballot.

See new (AR040005T)→

1 MCAR S 2.2115 Reimbursement of costs. The secretary of state shall reimburse counties for the cost of printing the white ballot, the white sample ballot and the summary statement for white ballot offices and constitutional amendments. On or before December 31 of every general election year and within 45 days of a special election, the county auditor shall submit to the secretary of state a statement of the costs of preparation of these supplies. The statement shall contain the name and address of the printer, the number of white ballots printed, a statement that the white ballot and the summary statement prepared by the county conformed to the form prescribed by the secretary of state, pursuant to Minn. Stat. S 204C.26, subd. 3, the cost to the county of printing and an itemization of costs.

Chapter One: 1 MCAR §§ 2.3101-2.3104 Definitions and Other General Matters.

§ 2.3101 Conduct of elections. Except as provided in other Minnesota Statutes or in these rules, election judges shall conduct elections in the manner prescribed for precincts using paper ballots in the Minnesota election law.

§ 2.3102 Additional procedures. These rules set minimum standards for procedures in the use of voting machines. An election jurisdiction may by resolution require additional procedures. A copy of such resolution including the procedures shall be filed with the secretary of state within five days after its adoption.

See new (ARO4005) →

§ 2.3104 Meanings of terms.

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A. As used in 1 MCAR §§ 2.3101-2.3999, terms defined in Minn. Stat. § 206.01 shall have the meanings given them in that section.

B. The following terms shall have the meanings given them as follows:

1. Acceptance test. Initial tests which shall be successfully completed before a vendor shall be licensed to sell voting machines in Minnesota.

2. Application program. A computer program that solves a problem posed by a computer user.

3. Approval computer. Vendor's model which has been approved by the secretary of state to tabulate official ballots in Minnesota.

4. Back up (duplicate) program. An identical computer program for vote-recording and vote-tallying to be prepared and tested and held in readiness should it be needed to replace the computer program prepared for use in the election.

5. Ballot card. A data processing card which is preprinted with numbers or names of the offices, candidates for those offices, and propositions to be voted on in an election. The ballot card is used by the voter to designate his choices and is subsequently tabulated by a computer.

6. Ballot envelope. A paper container approved by the secretary of state into which the ballot card is inserted by a voter after voting.

7. Ballot image. A corresponding representation in electronic form on tape or disc of the punch or mark pattern of a voted ballot.

8. Ballot label. That portion of the cardboard paper, or other material within the ballot frames, the cards, papers, booklets, pages, or other material containing the names of the candidate, the official title, party designation, or a statement of a proposed constitutional amendment or other question or proposition, with the word "Yes" for voting for any question or the word "No" for voting against any question.

9. Bit-for-bit comparison. A method for comparison of machine encoded characters.

10. Chad. The pre-scored portion of the ballot card which is removed from the ballot card by the voter when casting his ballot.

11. Combination ballot card. A ballot card with a card attached by perforation for write-ins, containing instructions and spaces for write-ins.

12. Computer. A data processor which can automatically perform a sequence of logical and/or arithmetic operation without human interventions.

13. Computer expert. A person knowledgeable in the engineering, programming, and operation of a computer for the purposes of vote-recording and vote-tallying.

14. Computer facility. The counting center where votes are tabulated from all the precincts included in the election jurisdiction.

15. Computer program. The set of operating instructions for a computer by which it examines, counts, tabulates, and prints votes recorded by a voter on a ballot card or other electronic medium.

16. Console log (also computer log, log book). Computer generated listing of actions performed by the computer, including both normal and abnormal operations.

17. Counting center. A location selected by the governing body of a municipality subject to approval of the secretary of state where an electronic system is used for the automatic tabulation of ballots.

18. Crimp hinge. A hinge with locking spurs which is attached to the ballot label pages to allow for insertion, proper alignment, and positioning of the ballot label pages in the ballot frame assembly.

19. Damaged ballot. A valid ballot cast by a voter which is mutilated at the precinct, in transportation to the counting center, and/or in processing at the counting center to the extent that it cannot be entered into the computer and must be duplicated.

20. Defective ballot. A voted ballot card which the election judges have determined that the voter either mutilated or placed thereon some mark, printing, or writing, for the purpose of distinguishing it. A ballot may also be declared defective in whole or in part because of the inability of the judges to determine the intent of the voter.

21. Demonstration ballot card. A ballot card of a distinctive color used to instruct voters in the use of the voting device.

22. Demonstration model. An approved copy of the voting machine in use in a precinct containing ballot labels representing offices and containing fictitious names, to demonstrate to voters the method of voting.

23. Detachable stub. A two-part section of each ballot card, each part of which is printed with the identical number, which is part of a serial numbering of all ballot cards assigned to that precinct.

24. Duplicate ballot card. A ballot card on which the word "DUPLI-CATE" is printed, stamped, or written and which may be of a different color to which election judges transfer a voter's selections from the original ballot card when necessary.

25. Edit listing. A computer generated listing showing the names, rotation sequence, and ballot position numbers for each candidate as they appear in the computer program for each precinct.

26. Election jurisdiction. Any municipality, township, county or special election district holding original responsibility for an election or part thereof.

27. Election official in charge of the counting center. If one election jurisdiction is using the counting center, the official in charge of the election for that jurisdiction; if more than one election jurisdiction is involved, the county auditor of the county in which these jurisdictions are located.

28. End card. A data processing card which instructs the computer program that all ballots of a precinct have been counted.

29. Hardware. Physical equipment, as opposed to computer program, used in vote-recording and vote-tallying by computer.

30. Header cards. Data processing cards which contain the necessary data to identify the precinct of the following ballot cards to the computer.

31. List of persons voting. The list maintained by election judges in the precinct from the voters certificates completed by voters as they qualify to receive a ballot.

32. Marking devices. Either an apparatus in which ballots or ballot cards are inserted and used in conjunction with a punch apparatus for the piercing of ballots by the voter or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment. The mark or punch made by such marking device may be in the form of a round dot, a square, or any other shape that will clearly indicate the intent of the voter.

33. Municipal corporation. An election jurisdiction however constituted; same meaning in these rules as "election jurisdiction".

34. Object code. The machine code of a computer program on which the computer operates.

35. Official in charge of the election for the election jurisdiction. The city or township clerk or a designated official of the special district holding the election.

36. Operating systems. Software which controls the execution of computer programs and which provides scheduling, debugging, input/output control, accounting, compilation, storage assignment, data management, and related services.

37. Overvote. A condition of a voted ballot in which more votes have been cast for an issue or office than the number of votes which the voter is lawfully entitled to cast.

38. Precinct certification. The certification supplied by the election jurisdiction to each precinct on which to record unusual occurrences at the precinct, the number of voters who registered on election day, the number who voted, and other information as may be requested by the election jurisdiction and the secretary of state.

39. Programmer. Person, persons, or commercial vendor designated by an election jurisdiction to write a computer program to record and tally votes in an election.

40. Public accuracy test. A public test conducted prior to election day for the purpose of demonstrating the accuracy of the computer program and computer which will be used to count the ballots and to demonstrate and explain the testing procedures being used to determine the accuracy.

41. Rules. Regulations of procedures for conduct of elections in accordance with Minnesota election law which, when duly promulgated by the secretary of state, shall have the force of law.

42. Seal. Device of metal or other material with a number on it. Such a seal is used to secure voting machines. Another seal is used to secure transfer cases.

43. Self-contained voting station. A unit which contains a voting machine or marking device having all four sides enclosed and lighted; when assembled the unit creates one individual voting station.

44. Software. Computer programs, procedures, rules, and possibly assorted documentation concerned with the operation of a data processing system. Contrast with "hardware". Computer program and paper media used in vote-recording and vote-tallying for computer use.

45. Source code. The instructional language in which a programmer writes a computer program. The object code is a translation of this language.

46. Spoiled ballot card. A ballot which has been returned to the election judges by a voter and for which a new ballot card may have been issued.

47. State office. Any office in nomination or election of candidates for president and vice president, U.S. senate, U.S. congress, state legislature, and state constitutional office.

48. Stylus. An instrument which a voter uses to punch out the prescored position of a ballot card.

49. Support software. All software, such as an operating system, that does not pertain to any specific user need.

50. Test deck. A set of pre-audited mock voted ballot cards used to determine that the computer and software to be used in the election count the votes.

51. Transfer case. A container for transporting ballots to the counting center.

52. Unassigned locations. Voting positions on the voting machine or data processing card not programmed to receive an indication of votes in the election in progress.

53. Undervote. A condition of a voted ballot in which fewer votes have been cast for an issue or office than permitted by law.

54. Valid vote. A voted ballot cast according to the instructions on the voting machine in keeping with the Minnesota election law and these rules.

55. Vendor. Organization contracting to supply any elements of a vote-counting and vote-tallying system which can include hardware, support software, and computer program.

56. Vote. An indication by a voter of intent recorded by a variety of mechanical or electronic methods.

57. Vote-recording medium. The material or configuration thereof on which data are recorded, such as paper tape, cards, magnetic tape.

58. Voter registration list. A list of voters registered in that precinct sometimes used for the purpose of checking off each voter who comes to vote in that election.

59. Voting booth. A structure constructed in a manner prescribed in Minn. Stat. § 204A.11, subd. 2 so that the voter while preparing his ballot may be free from observation. Each booth has a facility to hold a voting machine.

60. Voting machine. A lever machine or an electronic or mechanical equivalent thereof utilized by a voter to record his choices relative to candidates and issues to be voted on in an election.

61. Voting system. A system in which votes are recorded and such votes are subsequently counted and tabulated by automatic tabulating equipment.

62. Write-in. A vote for a candidate whose name does not appear on the official ballot for the office for whom a voter elects to vote.

Chapter Two: 1 MCAR §§ 2.3201-2.3205 Certification.

This chapter pertains to the vendor only. It does not pertain to computer center operators or responsible authorities of election jurisdictions.

§ 2.3201 Acceptance testing.

A. In addition to the general testing of the integrity of the computer pro-

gram, the voting system (both hardware and software) shall demonstrate its
storage requirements and its speed of operation which may include its print-
out capability to provide speed for unofficial results and full audit capability
for official results to be certified. There shall be demonstrated any special
parameter alteration that can be programmed into it and a full explanation of
any modification that can be inserted.

B. Test conditions shall involve a simulation of realistic conditions, cou-
pled with a checkoff of the design specifications which were imposed.

C. Vendor of the program shall identify all the hardware configurations
with which the computer program is intended to operate and also identify the
maximum values of election parameters which the program can support.
These parameters shall include the maximum number of precincts, offices and
issues, candidates per office, as well as statistical data required by the secre-
tary of state as identified in law and these rules.

§ 2.3202 Simulation of vote-counting.

A. Simulation of vote-counting for the purpose of acceptance testing shall
involve a configuration of number of voters, precincts, offices, and candidates
which involves the largest number of voters in an election in which it is ex-
pected to be used. Testing should be in a manner commensurate with the
logic of the computer program, the capabilities of the program and storage to
correctly tally the quantity of votes anticipated. Simulated ballots may be
prepared by use of ballot images on tape or disc. Simulated ballots (however
produced) shall include those involving no overvotes or marks in unassigned
locations as well as ballots showing overvotes, undervotes, and invalid votes.

B. When the computer program is to be used with several different hard-
ware configurations, a test of the computer program with each configuration
shall be completed including the various election arrangements of different
numbers of voters, precincts, offices, numbers of candidates, and issues.

C. Use of ballot-generating program;

1. To develop a computer-readable medium of randomly configurated
ballot images which is the inverse of the vote-tallying program under test, the
secretary of state may begin with a set of results for every precinct and every
office and issue and decompose the results into a set of ballots, including
some which involve valid votes, overvotes, and undervotes, in many different
combinations.

2. Results obtained by the vote-tallying program under test shall match
the results of the tape of ballot images at the option of the secretary of state.

3. At the option of the secretary of state the ballot-generating program
may also be used to generate actual ballots as well as a tape of ballot images.

§ 2.3203 Audit trail.

A. There shall be a complete printout of overvotes and undervotes as an audit trail.

B. The computer printout containing the tally shall include the following:

1. For each precinct the candidates and issues shall be listed in rotational order given in the instructions for voters in that precinct.

2. The number of ballots counted for that precinct shall be shown.

3. The number of overvotes, the number of undervotes and the number of non-overvoted ballots for each office and issue shall be shown.

4. The program shall be designed so that undervotes are recorded directly from the ballots and not determined by subtraction of candidate totals from non-overvoted ballots.

§ 2.3204 Approval. For certification, the vendor shall deposit with the secretary of state a copy of the source vote-tallying program, documentation describing the program, and copies of all compilers and other support software which are used to convert the vote-tallying program to object code. If the vendor considers these data proprietary, the secretary of state shall maintain the integrity and security of the program. The secretary of state shall notify the vendor of decision in the matter of the approval of the voting machine tested within five working days of the completion of the tests described in these rules. Approval shall be valid as long as the voting machine meets the standards set out in the statutes and rules.

§ 2.3205 Decertification. If a voting machine no longer meets the standards of the statutes and rules, the secretary of state may withdraw approval of the voting machine after a hearing.

Chapter Three: 1 MCAR § § 2.3301-2.3304 Pre-election Check Out of Computer Programs.

§ 2.3301 Design of computer programs.

A. Computer programs shall be written so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with the laws of the state of Minnesota and these rules.

B. Computer programs shall include instructions requiring that precinct identification be punched on all ballot cards. Two identical header cards may precede the deck of ballot cards of each precinct. The program may provide that if two identical header cards do not appear in front of the ballot cards of a precinct, no counting of ballots for that precinct shall take place.

C. A data processing card may follow the ballots of each precinct instructing the computer that all ballots of the precinct have been counted. The program may provide that if header cards contain instructions to the computer that all ballots of the preceding precinct have been counted, no separate end card is needed.

D. Computer programs may be contained on data processing cards, magnetic tape, disc, ROM (read only memories), PROM (programmable read only memories), or any combination thereof.

E. The operators shall prepare at least two edit listings from the computer program showing candidates' names and respective ballot position numbers as they appear in the computer program for each precinct. The edit listings shall be delivered to the appropriate election jurisdiction at least 14 days prior to the election.

F. No later than five days after candidates' names are certified by the secretary of state the election jurisdiction responsible for requesting the computer program shall supply any information such as candidates' names and rotation to the programmers designated to write the computer program.

G. The computer program for any election must be completed and delivered to the election jurisdiction or the county auditor, when two or more election jurisdictions elect to use a common counting center, at least 14 days prior to the election. The programmers shall also prepare and deliver to the election jurisdiction or to the county auditor, when two or more election jurisdictions elect to use a common counting center, at the same time an exact duplicate or duplicates of the program for use as backup. One duplicate shall be required if county offices are included in the election, and a second duplicate shall be required if state offices and questions are included in the election. Instructions containing the necessary information, steps and procedures required to operate the computer program shall be prepared to accompany the original program and the backup program or programs delivered with them. There shall be at least two copies of the instructions for each computer facility. It shall be the responsibility of the election jurisdiction to see that the instructions are made available to the computer operators.

H. The vote tabulation portion of the computer program shall be written as follows:

1. In nonpartisan races in all elections and in the partisan primary elections, the computer program shall reflect the rotation sequence of the candidates' names and ballot position numbers as they appear on the ballot labels in the various precincts.

2. The computer program shall count valid votes cast by a voter for candidates for an office.

3. The computer program shall count valid votes cast by a voter for or against any question.

4. The computer program shall not count the votes cast by a voter for an office or question if the number of votes cast exceeds the number which the voter is entitled to vote for on such office or question, but it shall record that there is an overvote condition as referred to in 1 MCAR § 2.3203.

5. The computer program shall ignore marks and/or punches in a ballot card in positions where no candidates' names or questions appear on the official ballot; these marks and/or punches shall have no effect on any portion of the ballot.

6. For the purpose of programming, the partisan, nonpartisan, and proposal sections of the ballot are to be considered independent ballots. No action of a voter on one such section of the ballot shall affect his action on another section of the ballot.

7. In partisan primary election, the computer program shall count the votes recorded by a voter for candidates in one political party only and reject all of the partisan section of the ballot if votes are cast for candidates of more than one political party, but count valid votes in the non-partisan section of the ballot.

8. In partisan primary elections the computer program shall check for the situation of a voter casting votes for candidates of more than one political party prior to checking for overvote conditions.

§ 2.3302 Preparation of test deck or ballot image.

A. It shall be the duty of the election jurisdiction requesting the computer program to prepare a test deck of ballot cards to be used to determine that the computer and the computer program will correctly count the votes cast for all offices and/or all proposals in compliance with the laws of the state of Minnesota.

B. Simulated ballots through use of ballot images on tape or disc may be used to evaluate the logic of the computer program.

C. The test deck or ballot image shall include ballots involving no overvotes or marks in unassigned locations as well as ballots involving overvotes, undervotes, and invalid votes in many different combinations.

D. The test deck or ballot image shall test in a manner commensurate with the logic of the computer program, the capabilities of the program and storage to correctly tally the maximum number of votes which might be cast for any office or question in the election.

E. The test deck shall conform to 1 MCAR § 2.3104 B. 50. A test deck shall be prepared specifically for each election.

F. The test deck or ballot image prepared shall consist of a pre-audited

configuration of ballots to record a pre-determined number of valid votes for each candidate and issue.

G. A documentation, record, chart, or listing shall be prepared indicating the punches recorded in the test ballots. Said documentation shall indicate whether punches are valid or invalid.

H. Ballots shall be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

I. For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots shall be prepared with the number of votes allowed by law for that office in that district and also shall include votes in positions which are assigned to that office for which no candidate's name appears in those positions for that district.

J. In partisan primary elections test ballots shall be prepared to check the program for splitting tickets. Test ballots shall be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot shall be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

K. Test ballots shall be prepared in which votes appear in positions other than those used for candidates or proposals.

L. In preparing the test deck or ballot image a number of the ballots shall be voted to include valid votes in each section of the ballot, i.e. partisan, nonpartisan, and proposal sections.

M. At least 50 blank ballot cards shall be run before the test deck is run. Blank ballots in which no positions have been voted shall be included in the test deck or ballot image.

N. At least one test ballot shall be prepared with votes in all positions where there is a candidate or measure on the ballot.

O. A duplicate of the test deck shall be prepared to be used with the duplicate or back-up computer program. The duplicate test deck may consist of standard data processing cards.

§ 2.3303 Preliminary testing of computer programs.

A. Prior to the public accuracy test, the election jurisdiction providing the computer programs shall test the computers and programs to ascertain that they will correctly count the votes for all offices and measures. The computer programs shall be tested on all precincts.

B. The election jurisdiction requesting the computer programs shall compare the edit listing against the ballot labels of all precincts to ascertain that:

1. The appropriate labels are in each precinct.

2. The ballot position numbers for each candidate and proposal appearing on the ballot labels agree with those recorded on the edit listing for each precinct. It shall be the duty of each election jurisdiction to make a certificate as to the above and file it with the county auditor. In elections where state and county officers are to be voted for, an additional certificate shall be filed with the secretary of state.

C. The test shall be conducted using the test deck or ballot image prepared under the direction of the election jurisdiction, and the results shall be compared against the pre-determined results of the test deck or ballot image. For the purpose of this test, the test deck may be reproduced onto standard data processing cards.

D. When an errorless count has been made on all precincts, it shall be the duty of the election jurisdiction providing the computer program to:

1. Secure all computer programs, including the object code, all support software utilized except the operating system, test decks, and pre-determined results of the test decks, in a metal container which shall be sealed with a metal seal and stored in a secured area that is subject to normal computer temperature humidity restraints.

2. Prepare a certificate that all precincts have been tested using the test deck or ballot image prepared under the direction of the election jurisdiction and that the results agree with the pre-determined results of the test deck. The certificate shall also contain the seal number which was used in 1. The certificate shall be attached to the computer results of the test.

3. Deliver the items mentioned in 1. and 2. to the county auditor.

§ 2.3304 Public accuracy test.

A. A public accuracy test shall be held within five days prior to the election for the purpose of demonstrating the accuracy of the computer programs and computers to be used at the election.

B. The public accuracy test shall be conducted according to Minn. Stat. § 206.17.

C. The time and place of the public accuracy test shall be designated by the election jurisdiction providing the computer program, which shall give public notice of the time and place of the test at least 48 hours before by publication in official newspapers.

D. The test shall be open to the public. The chief election official of the election jurisdiction shall explain the methods and test procedures used to determine the accuracy of the computer programs. This will include submitting as public record the certificate prepared in accordance with 1 MCAR §

2.3303 D. 2. of these rules that all precincts have been tested using the test deck or ballot image prepared under the direction of the election jurisdiction.

E. The sealed container containing the computer programs, test deck, pre-determined results, and header cards shall be opened and the computer programs and computers tested to determine their accuracy on the computer on which they are to be used on election night. The initial testing of the computers and programs shall be with the test deck or ballot image prepared under the direction of the election jurisdiction. The number of precincts to be tested shall be at the discretion of the election jurisdiction.

F. Persons allowed in the immediate area of the computer at the public accuracy test shall be limited to those persons allowed in the immediate area on election night provided in Minn. Stat. § 206.185, subd. 3. Each of the above named parties may be accompanied by a computer expert of his choice. In conventional data processing installations, the immediate area of the computer shall mean the room in which the computer is located. All other interested persons may observe from an observation area.

G. Any back-up or duplicate computer programs prepared and delivered according to 1 MCAR § 2.3301 G. shall be tested on the computer on which they would be used on election night. The test decks used in these procedures shall be the ones prepared in accordance with this chapter. Any test cards made under this chapter shall be marked "TEST".

H. If an error is detected in any part of the testing, the cause shall be ascertained, the error corrected, and an errorless count shall be made on all precincts. If determined by the election jurisdiction, the meeting may be adjourned to a time and date certain.

I. The secretary of state may provide a test deck for any computer program. If so, it shall be delivered at the public accuracy test. The computers and computer programs shall be tested by use of this test deck. Thereafter, at the discretion of the secretary of state it shall be used in lieu of or in addition to the test deck prepared by the election jurisdiction.

J. After the completion of the public accuracy test and an errorless count has been made, the election jurisdiction shall certify the results of the test conducted. Certification shall be signed by the witnesses specified in Minn. Stat. § 206.17 and shall be attached to or written on the computer results of the public accuracy test; a copy of the certification shall be sent to the secretary of state.

K. Immediately after certifying the results of the public accuracy test, the election jurisdiction shall secure all computer programs, including the object code, software utilized, test decks, certified computer results of the test, and the pre-determined results in a metal container which shall be sealed with a metal seal in a manner so that the container cannot be opened without breaking the seal. Attached to or inside the container shall be a certificate describing its contents and on which the number of the seal has been recorded. The

certificate shall be signed by at least two witnesses as specified in Minn. Stat. § 206.17, and if attached to the container in a plastic envelope it shall be attached in such a manner that it cannot be removed without breaking the seal.

L. All computer programs, test decks, and other related materials shall be clearly identified as to the computer on which they were tested and shall be used on no other computer until tested in accordance with 1 MCAR § 2.3304.

M. The election jurisdiction shall immediately deliver to the county auditor or his designee the metal case containing the computer programs and test decks which are to be used to tabulate the results of the election. The county auditor shall retain and secure the programs and deliver them to the counting center on election night no earlier than 6:00 P.M. The container containing back-up or duplicate computer programs and related material shall be delivered to and secured by the county auditor. It shall be the responsibility of the county auditor to store the original and duplicate or back-up computer program in separate locations. If state offices and questions are included in the election, the container containing the second back-up or duplicate computer program and related materials shall be delivered to and secured by the secretary of state.

Chapter Four: 1 MCAR §§ 2.3401-2.3409 Security of Computer Programs and Systems for Use in Elections.

§ 2.3401 Isolation from other influences. A computing system shall be set up so that the vote-tallying procedures will function in isolation from other influences while being tested or run.

§ 2.3402 Initialization of system. Before beginning vote-tallying computer program testing or running on a computer also used for other purposes, make certain that computer programs are not influenced by extraneous peripheral equipment. The erasure of memory locations that are to remain accessible to the system, except those minimally required to load a new operating system, if any, shall be accomplished. Active measures shall be undertaken to assure that all tapes and discs to be used that are supposed to be initially blank are actually blank (except for machine-readable inventory identifiers) and have no defects.

§ 2.3403 Support software. All the support software used with the vote-tallying computer programs shall be maintained on media under the control of the election administration.

§ 2.3404 Physical protection of object codes. Master copies of all computer programs including support software and application programs shall be retained in secured locations, separate from the location of working copies. Once generated the master copy shall be used in a read-only mode. No writing shall be done on the storage medium of the master copy. Before use of the

working copy it shall be computed bit-for-bit against the master copy. Any difference must be explainable.

§ 2.3405 **Labeling of discs and tapes.** Discs and tapes employed for any vote-tallying purpose shall have both human-readable and machine-readable labels. When the machine-readable label is read by the operating system, a halt in further operation shall occur until the computer operator enters the human-readable label. A match between the two labels must precede any further computer operation.

§ 2.3406 **Control of system control cards.** Punched cards used for modification of operating system conditions shall have a use code and version number punched in identification fields of the cards. Each card shall be checked for proper use and version when read by the operating system, and the effect of the card on system operation shall be reported on the system output printer.

§ 2.3407 **Logging of operations.** The operating system of the computer must be programmed to report automatically on the system printer all actions taken by the operators to change conditions and their times of occurrence. These actions may include mounting and dismounting tapes, connecting or removing peripherals, insertion of data, or a changing of control switch settings.

§ 2.3408 **Separation of computer room duties.** A basic principle of internal control is to divide the execution of critical functions among two or more persons. One individual shall not be totally responsible for a given activity, such as computer operation.

§ 2.3409 **Control of computer program changes.** Every change to a computer program used for vote-tallying and under control of the election jurisdiction, even those involving only one statement, shall be authorized, approved, and documented by the responsible authority of the election jurisdiction with no exceptions.

Chapter Five: 1 MCAR §§ 2.3501-2.3503 Preparation of Election Supplies.

§ 2.3501 **Preparation of ballots.**

A. Ballot cards. All ballot cards used in an election shall have attached by perforation a detachable stub on which duplicate numbers shall be printed in consecutive order. On all ballot cards, the words "OFFICIAL BALLOT CARD" shall be printed or stamped on the face of the detachable stub. The ballot card shall have a corner cut on one corner. The following statement shall be printed or stamped on the back of the stub of all official ballot cards in bold face capital letters:

<div align="center">

STOP
WRONG SIDE
TURN CARD OVER

</div>

The precinct number designation shall be printed, stamped, or written and punched on each ballot card used in an election so as to identify in which precinct it originated. In the case of a combination ballot card/write-in ballot, the portion of the ballot for write-ins shall contain instructions and spaces for write-ins. Numbers of the offices to be voted for and of the candidates for those offices shall be printed on the ballot cards and on the ballot labels so that the voter may review his choices before leaving the voting booth or station.

B. Ballot envelopes. The ballot envelope shall be of sufficient size and construction so that when the ballot is inserted in it all portions thereof indicating voting marks are hidden from view. Instructions shall be printed on the ballot envelope and shall include the following:

1. After you have voted, check your ballot with the ballot label to be sure that your vote is recorded for the candidate and/or question of your choice.

2. Insert ballot in this envelope with the stub exposed.

3. Return this envelope with the ballot enclosed to the election judge.

4. If you spoil your ballot or if you make a mistake in voting, return it to the election judge and receive another ballot.

In voting machine systems where write-in votes are not written on the media contained in the machine or the cards inserted in the machine, the inside flap of the envelope shall contain language which clearly indicates that this is the place to vote for write-in candidates. It shall contain the following language:

A write-in vote will not be counted unless it includes the name of the person voted for and the title of the office.

C. Voting instructions shall be printed on the first page of the ballot label pages. Following each page of the ballot label pages containing candidates or measures, instructions shall be printed as to where the voter is to proceed to continue voting. Additional instructions which conform with the election laws may be printed on the ballot labels when deemed advisable so as to assist the voter in casting his ballot.

D. When a state office or question appears on the ballot, five days before the election the election jurisdiction shall forward to the secretary of state two copies of the sample ballot, two copies of a ballot card, and two copies of a ballot envelope.

§ 2.3502 Preparation of voting machines.

A. All voting machines shall be identified as to the precinct in which they will be used.

B. The election official in charge of the election jurisdiction shall prepare the voting machines so that in every particular they will meet the requirements for voting and counting at such election.

C. All ballot label pages shall have a crimp hinge attached for insertion and positioning in the ballot frame. Ballot label pages attached by tape to a rod or which are placed into a clear plastic envelope through which a rod is inserted are not allowed.

D. If a machine uses masks, the official in charge of the election jurisdiction shall prepare or cause to be prepared the masks to be used. The masks shall have holes punched in appropriate positions for which the elector will be entitled to vote and in no others.

E. Ballot label pages assembly shall be inserted and sealed into each voting machine so that the ballot label pages assembly cannot be removed without breaking the seal. Flat metal or wire seals shall be used for this purpose. On voting machines which do not have permanent rivets on the back or sides which prevent the removal of the ballot label pages assembly, a second seal must be used so that the ballot pages assembly cannot be removed without breaking the seal.

F. The ballot labels in each voting machine of a precinct shall be compared against the edit listing and/or sample ballot for that precinct to ascertain that the offices, candidates' names and ballot position numbers are the same and appear in the same position.

G. The ballot label pages of each voting machine shall be examined to ascertain that holes in the mask appear directly opposite each arrow and that no other holes appear in the mask and that the ballot label pages are in proper sequence.

H. Operation of each voting machine using a ballot card shall be tested by inserting a demonstration ballot card and voting for each candidate and proposition appearing on the ballot. The ballot card shall then be examined to insure that each received a clear punch or mark.

I. The identifying number of the voting machine and the seal number used to seal the ballot label pages assembly to the machine shall be recorded on the precinct certification for the precinct in which the device will be used. The election official who sealed the machine shall also sign the certification.

J. When a voting machine has been prepared for the election, it shall be the duty of the official in charge of the election jurisdiction to make a certificate in writing which shall be filed with the county auditor. This certificate shall contain precinct number, identifying number of the machine, and number of the metal seal or seals used to seal the machine and state that the ballot labels have been compared against the edit list and/or sample ballot for that precinct and that the candidates' names and ballot numbers agree and appear in the same position and that the machine has been properly prepared and tested.

K. In elections where state or county officers are to be voted for, an additional certificate as required in 1 MCAR § 2.3502 J. shall be filed with the secretary of state.

§ 2.3503 Preparation of election supplies.

A. The municipal clerk of the election jurisdiction which owns the voting machines shall prepare and package or place into a transfer case the ballot cards for each precinct. Each package shall be sealed with a red paper seal or, if a transfer case is used, sealed with a metal seal. The package or transfer case shall contain a certificate signed by the municipal clerk setting forth the number of ballots therein and that such ballots where counted, packaged, and sealed by that clerk personally or by his duly authorized assistant. All ballot cards not issued to a precinct or assigned for absentee voting shall be secured and accounted for by the municipal clerk. The municipal clerk shall maintain a record of the number of ballot cards and serial numbers issued to each precinct. The ballot cards shall be delivered to the chief election judge of the proper precinct.

B. The following additional items shall be included in the precinct supplies:

1. edit listing for precinct;

2. ballot envelopes in sufficient quantity to match quantity of ballots;

3. envelopes marked "spoiled ballot cards," "defective ballot cards," "absentee ballots";

4. envelope for "original ballot cards for which duplicates are to be made for any reason";

5. precinct certification form;

6. set of instructions for operating the precinct on election day;

7. copy of current Minnesota Election Laws published by the secretary of state.

C. If the precinct header card is to be sent to the precinct, it shall be contained in an envelope for that purpose, placed into the transfer case of the precinct and delivered to the appropriate precinct.

D. An approved ballot box shall be provided to each precinct for the deposit of voted ballot cards. This ballot box need not be made of metal but must be capable of being sealed during election day.

E. No vendor or vendor's representative shall be present during election day activities in precincts.

Chapter Six: 1 MCAR §§ 2.3601-2.3604 Election Judges Duties Prior to Opening of Polls.

§ 2.3601 Arrangement of voting machines. Voting machines may be used in voting booths or in self-contained voting stations. If voting machines are used in voting booths, they shall be arranged so that the activity of the voter while preparing his ballot shall be concealed from all other persons. If voting machines are used in self-contained voting stations, the stations shall be arranged so that the secrecy of the ballot is not violated. Should a voter object to the arrangement of the self-contained voting station at which he has been assigned to vote, claiming that the station is so positioned as to not afford him an opportunity to vote in secrecy, the election judges shall evaluate the claim. If the judges determine that the claim is valid, they shall rearrange said voting device so as to afford the voter the opportunity to vote his ballot in secrecy.

§ 2.3602 Examination of voting machines. The election judges shall inspect the voting machines by:

A. comparing the seal number of the machines with seal numbers recorded by the municipal clerk on the precinct certification;

B. comparing the names and ballot position numbers printed on the ballot labels with the edit listing to ascertain that the offices and candidates' names are the same and appear in the same order on each;

C. checking to see that the ballot label pages are in the proper sequence and agree with sequence indicated on the edit listing;

D. checking that holes only appear directly opposite each arrow and that the arrow points directly to the hole opposite it;

E. placing a demonstration card into each device and punching or marking it for each candidate and proposition on the ballot and attempting to punch or mark in places other than those indicated by an arrow; examining the card to see that each candidate and proposition received a clean punch or mark and that no holes appear in the ballot card in any other position;

F. in an election in which write-ins are permitted, checking that there is a marking pencil provided for write-ins for each machine in each voting booth or self-contained voting station;

G. checking the stylus to see that it is not broken and that a point exists on each;

H. checking that there is adequate lighting and that the lights are in proper working condition.

§ 2.3603 Discrepancy. In the event of a discrepancy, the election judges shall notify the municipal clerk immediately, and the voting device shall not be used until such discrepancy is resolved.

§ 2.3604 Demonstration voting machine. The demonstration voting machine shall be arranged so as to be able to offer each voter an opportunity to use it prior to voting.

Chapter Seven: 1 MCAR §§ 2.3701-2.3702 Conduct of Elections, Including Absentee Voting.

§ 2.3701 Election procedures and manner of voting.

A. Unless otherwise provided for in Minnesota law or in these rules, paper ballot procedures as provided in Minn. Stat. ch. 204A shall be followed to the extent possible.

B. Where combination ballot card/write-in ballots are used, all rules relating to write-in, security, and identification shall apply to the combination ballot card/write-in ballot.

C. The election judges shall offer each voter the opportunity to use the demonstration voting machine. The judges shall explain that the demonstration voting machine is only a sample of the actual voting machine.

D. The election judge shall explain to the voter how to compare ballot card with ballot label pages after voting.

E. Any voter who requests information about the voting system shall be instructed by an election judge about the system and counting procedures.

F. In precincts where there is voter registration, the election judge shall deliver to the voter his ballot card after the judge receives the certificate of registered voter signed by the voter and initialed by an election judge. The ballot card number shall be recorded on or attached to that certificate. Ballot cards and envelopes are not to be issued until a voting station is vacant.

G. Upon being issued a ballot card and envelope the voter shall go to the voting station which is unoccupied and vote his ballot card. Before leaving the voting station the voter shall place the ballot card in the envelope with the detachable stub exposed.

H. Upon leaving the voting station the voter shall publicly hand the envelope containing the ballot card with the stub attached to an election judge. If the voter has not placed the ballot card in the envelope before leaving the voting station, he shall be instructed to return to the voting station and place the ballot card in the envelope.

I. The judge receiving the ballot card and envelope from the voter shall compare the number on the ballot stub with the ballot card number recorded on or attached to the voter certificate to determine if the ballot card is the one issued to the voter. If the ballot card number is not the same as that assigned, the ballot card and the certificate shall be placed in the spoiled ballot

envelope and not counted. In no case shall a spoiled ballot card be placed in the ballot card box.

J. If the numbers compare, the judge shall detach the ballot card stub in the presence of the voter and deposit the ballot card in the envelope in the ballot card box.

K. If any voter spoils his ballot card by inadvertently defacing it or removing the prenumbered ballot card stub or should the voter request a new ballot card, the voter shall in secret place the ballot card in the ballot envelope and return it to the election judge and the judge shall deliver to him another ballot card and ballot envelope. The spoiled ballot card and ballot envelope shall be placed in the envelope marked "SPOILED BALLOT CARDS". In precincts where there is voter registration, one of the election judges shall note the change in the ballot card number given such voter upon the certificate of registered voter. The method of changing the number of the ballot card issued shall be by drawing a line through the number of the original ballot issued and writing the new number above.

L. As frequently as possible and at least every half hour the election judges shall check the seals and ballot label pages of the voting machines to assure that none has been altered or defaced. Should the judges find that the ballot label pages of a voting machine have been altered, mutilated, or damaged in such a manner that the judges cannot correct the same without doing damage to the offices and candidates' names appearing thereon, said voting machine shall not be used until such condition is corrected. A note of such occurrence shall be made in the precinct certification.

M. Any ballot card found in a booth or voting machine shall be marked "found in booth." The card shall be placed in an envelope which shall be placed in the transfer case. In no case shall such ballot be placed with the properly cast ballots. A note of such occurrence shall be made in the remarks section of the precinct certification.

§ 2.3702 Absentee ballots. *see new (aro4cost)* →

A. The issuing, receipt, processing, and tabulation of absentee ballots in election jurisdictions using electronic voting systems shall be as provided by law and these rules.

B. Voters requesting absentee ballots shall be supplied with paper absentee ballots, as provided by law.

C. Absentee votes shall be cast on paper absentee ballots. These paper absentee ballots shall be delivered to the polling place in the voters' precinct. *1 MCAR § 2.3703 (aro4cost)* →

Chapter Eight: 1 MCAR §§ 2.3801-2.3802 Election Judges Duties After Polls Close.

see new (CARO4005T) →

§ 2.3801 Procedures following close of polls.

A. All unused ballot cards and envelopes shall be secured for return to the official in charge of the election for the election jurisdiction.

B. The ballot labels and seals of each voting machine shall be inspected to insure that they have not been altered and are intact and that seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy shall be noted in the remarks section of the precinct certification.

C. The election judges shall compare the number of certificates of registered voters with the number of names recorded on voter registration list, voter registration cards, or election register as having voted that day. The number of electors who voted as indicated by these records shall be entered on the precinct certification.

D. The election judges shall open the ballot box and remove the ballots therefrom. Prior to removing the ballots from their envelopes they shall be counted to determine the total number. The judges shall compare the total number of names recorded in the precinct certification. If the ballots shall be in excess of the number of electors voting and it is impossible to reconcile the number, the ballots shall be replaced in the ballot box and one of the election judges shall publicly draw out so many ballots as shall be equal to such excess.

Such excess ballots while still in their envelopes shall be marked "excess" and be placed in an envelope and sealed. The judges shall note on the outside of the envelope its contents and place it in the transfer case. A notation of the pertinent facts shall be made in the precinct certification. If the number of ballots counted is less than the number of electors voting according to the count determined in 1 MCAR § 2.3801 C. the reason for the discrepancy shall be noted in the precinct certification. If the judges are unable to explain the discrepancy, they shall so state in the precinct certification.

E. Each ballot in its envelope shall be examined for write-ins. Ballot cards for which no write-in exists shall be separated from their envelopes and placed in appropriate piles.

F. The judges shall examine all ballot cards for ballot cards with chad hanging and for defective ballot cards.

G. The intent of the voter is to be ascertained when processing ballot cards. Ballot cards with chad hanging shall be processed in the following manner:

1. Where a chad is found attached to the card by one or two corners, the chad shall be removed by the election judge and the ballot card placed with the other valid ballots.

2. Where chad is found hanging by three corners the ballot card shall be defective for that office and shall be placed in the envelope for original cards for which duplicates are to be made at the counting center. (See Chapter Nine, these rules.)

H. Where it is clearly evident from examination of the ballot card that the ballot card has been mutilated or marked for the purpose of distinguishing it then such ballot card shall be defective and shall not be counted. Such ballot shall be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

I. Where a write-in vote exists, the judges shall determine if it is valid and process it in the manner prescribed in 1 MCAR § 2.3802.

J. When the ballot cards have been processed and checked, the judges shall determine that the number of ballot cards which they are submitting to the counting center for tabulation agrees with the number of names recorded in 1 MCAR § 2.3801 C. less any discrepancy for which notations have been made in the precinct certification. The number of valid ballot cards which are being submitted for tabulation shall be entered in the appropriate place on the precinct certification and on the transfer case certificate.

K. The election judges shall enter in the appropriate place on the precinct certification the number of ballot cards issued to the precinct, the number of ballot cards issued to voters, the number of spoiled ballot cards, the number of defective ballot cards, the number of cards for which duplicates are to be made for any reason, and the number of unused ballot cards.

L. The election judges shall place in the transfer case for delivery to the counting center all of the following items:

1. valid voted ballot cards;

2. ballot envelopes used in the election (unless they are placed and sealed in a separate metal container for separate delivery as determined by the election jurisdiction);

3. envelope containing absentee ballots;

4. envelope containing spoiled ballot cards;

5. envelope containing defective ballot cards;

6. envelope containing original ballot cards for which duplicates are to be made for any reason;

7. envelopes with notations of containing any other issued ballot cards which are not to be counted;

8. certificate signed by the judges indicating number of ballot cards received, issued and used;

9. write-in tally return sheet;

10. precinct header card (if included in precinct supplies);

11. precinct certification.

If space in the transfer case is inadequate, then a second transfer case or metal container of a type approved by the election jurisdiction for storage of ballots is to be used and the sealing and security handled in the same manner as the transfer case.

M. The election judges shall sign a "certificate of election judges". The certificate shall state:

1. the number of electors who voted as shown by the precinct certification;

2. that prior to opening the polls, all voting machines were examined and found to be sealed with metal seals bearing the same numbers as certified by the election jurisdiction;

3. that the ballot labels were in their proper places;

4. that the position of candidates' names and ballot numbers on the ballot labels and the ballot cards were the same as appeared in the same position as indicated on the edit listing;

5. that at the close of the polls each voting machine was examined and found to be sealed with the same numbers as verified at the opening of the polls and that the ballot labels were in their correct position;

6. the number of ballot cards being submitted for tabulation;

7. that the ballot cards have been counted while in their envelopes and agree with the number of names as shown on the precinct certification;

8. that all ballot cards requiring duplication are in the proper envelope;

9. that all write-in votes have been properly recorded;

10. that all ballot cards used in the election and all ballot cards to be du-plicated have been placed in the transfer case and that the case was securely sealed with an official metal seal in such a manner as to render it impossible to open the case without breaking the seal;

11. the number of the seal used to seal the transfer case.   ·

N. The unused ballot cards and unused ballot envelopes shall be returned to the election official in charge of the election jurisdiction who shall issue a receipt therefor.

O. The transfer case shall be sealed with a metal seal in such a manner so as to render it impossible to open the case or insert or remove ballots without breaking the seal. Attached to the transfer case by the seal shall be a certifi-cate signed by the judges indicating its content and the number of the metal seal used to seal the said case. The seal number shall also be recorded in the certificate of the election judges. The transfer case certificate shall be in a clear plastic envelope of a type approved by the secretary of state and affixed to the case by the metal seal.

P. The transfer case containing the required items as identified in 1 MCAR § 2.3801 L. shall be delivered to the counting center by two election judges, not of the same political party.

§ 2.3802 Processing write-in votes.

A. The election judges shall check all ballot envelopes (with the ballot card inside) or the write-in ballot portion of a combination ballot card/write-in ballot in which a write-in appears, number the ballot envelope serially begin-ning with number one and place the same number on the ballot card of the voter, and then determine whether the write-in vote is valid.

B. A valid write-in vote shall record on the appropriate designated place for write-ins the following information:

1. an office to be voted on at that election;

2. any name to be considered as a write-in candidate for that office.

Stickers containing the above information are permissible.

C. All write-in votes which are not recorded in the appropriate designated place for write-ins are not valid unless the number of write-ins exceed the number of spaces allowed for write-ins. In such a case, the write-ins in excess of the spaces provided are to be considered valid provided they are contained on the ballot envelope or write-in portion of the ballot card. All write-in votes which do not have an office or candidate's name indicated shall not be valid.

D. When a valid write-in exists, the election judges shall determine whether the write-in vote has caused an overvote. If the voter who writes in the name of a candidate also votes on the ballot card for that same office, then the ballot is defective for that office only.

E. When a write-in vote is determined to be valid and no overvote condition exists, the election judges shall enter the candidate's name and the office on the write-in tally return. The ballot card shall be placed with the other valid ballot cards for tabulation. The envelope containing the write-in vote shall be placed in a separate pile containing write-in votes.

F. When a write-in vote is determined to be valid and an overvote condition exists for that office, the election judges shall place the ballot card and write-in vote in the envelope of "original ballot cards for which duplicates are to be made." The manner of duplication shall be prescribed in Chapter Nine of these rules.

G. At the discretion of the official in charge of the election for the election jurisdiction the processing of write-in ballots may be done at the counting center instead of at the precinct.

Chapter Nine: 1 MCAR §§ 2.3901-2.3907 Proceedings at the Counting Center.

§ 2.3901 Preliminary procedures.

A. The person(s) who shall operate the computer used for tabulation of ballots on election night shall not be the same person(s) who wrote the computer program. This shall not exclude the official in charge of the election for the election jurisdiction or his authorized assistant. The computer operator(s) shall take and subscribe to the election judges' oath.

B. Persons assigned to administer the counting center shall compare the seal number on the container containing the computer programs, computer center header cards, official test deck, and pre-determined results with that recorded in the certificate of the public accuracy test to see that they agree.

C. Prior to the tabulation of ballots and again after the last precinct has been counted, the counting center personnel shall test the computer program and computer as to their accuracy and certify the results. The accuracy test shall be conducted with the test deck or ballot image designated in Chapter Three of these rules. Copies of these test results shall be designated "prior to tabulation of ballots" or "after tabulation of ballots". A copy of each test certificate shall accompany the results of the tabulation of the ballots and be filed with the county auditor in the county where the precincts are located. When official in charge of the counting center certifies that the tabulation has been done in isolation, the test after tabulation need not be performed.

D. Authorized counting center personnel may at their discretion test the

program using the official test deck or ballot image periodically throughout the tabulation of ballots to insure that the program and computer are operating accurately.

E. A console log including the count and accuracy test and the tabulation of the ballots shall be maintained and certified by the computer operators and the election official in charge of the counting center to the municipal clerk unless it contains information on more than one municipality in which case it shall be delivered to the county auditor. In the event the computer is not capable of creating a console log, then a manual log of any abnormal events shall be maintained.

§ 2.3902 Procedures for transfer cases.

A. Upon receipt of the transfer case from the election judges of a precinct, authorized counting center personnel shall check the identification on the transfer case to see that it matches the identification on the judges' certificate. The transfer case shall then be opened and checked to see that it contains the ballots and all other material required by these rules. The opened metal seal from the transfer case shall be placed inside the case. The identification on the case shall be noted on all reporting materials. Authorized counting center personnel shall then issue a certificate to the election judges delivering the case acknowledging receipt of all materials.

B. The transfer case containing the ballot cards shall then be delivered to the proper counting center personnel for preparation for tabulation. The election official in charge of the counting center shall provide adequate security at the counting center.

C. In processing the ballot cards of a given precinct, the computer center header card and the precinct header card shall be placed in front of the deck of ballot cards of the respective precinct. The end card shall immediately follow the deck of ballot cards.

D. Immediately upon the completion of the counting of a precinct, all ballot cards for the precinct and precinct header cards shall be returned to transfer case or other suitable container and sealed as to make it impossible to open the case without breaking the seal.

E. The election official in charge of the counting center shall determine whether the number of ballot cards tabulated by the computer agrees with the number of ballot cards submitted by the election judges at the precinct. If a discrepancy exists, authorized counting center personnel shall correct it. In the event the discrepancy cannot be resolved, a notation shall be made of the pertinent facts on the statement of returns.

§ 2.3903 Duplication of ballots. Any ballots requiring duplication at the counting center shall be duplicated in the following manner:

A. Whenever a ballot card is required to be duplicated, the duplication

process shall be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot card, the duplicate card and the original card shall be identified with a single number written on both cards. The number on the duplicate card shall be the same number as on the original. When more than one card is being duplicated in a precinct, the numbering shall be serial.

C. The reason for duplication shall be written on the duplicate ballot card, e.g., write-in, chad, damaged. The election judges duplicating the card shall initial the duplicated card and the original card.

D. When duplicating a ballot card, one election judge shall call from the original ballot card the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. Duplicate ballot card shall be compared against the original ballot card to assure it has been accurately duplicated.

E. All original ballot cards which require duplication shall be placed in an envelope marked "original ballot cards for which duplicates have been made." The duplicated ballot card shall be placed with the other valid ballot cards to be tabulated.

F. Any writing required on any ballot card shall be done with a soft tip marking instrument.

§ 2.3904 Copies of returns. The election official in charge of the counting center shall certify four copies of the returns. The certification shall state the name of the community, municipality or township, precinct numbers, offices, names of candidates, number of persons registered before polls open on election day (in those areas having voter registration), number of ballots counted, vote totals, and any other data defined by the secretary of state such as precinct identification number. Authorized personnel in the counting center shall transfer any numbers to forms supplied by the secretary of state for the purpose of state reporting of election results. The statement of returns may be a computer printout as well as any form(s) designated by the secretary of state for the purpose of preparing the state canvassing board report and publication of election results.

§ 2.3905 Distribution of returns. Returns as referred to in 1 MCAR § 2.3904 shall be certified to the municipal clerk who shall retain one copy of the statement of returns and send the remaining three copies to the county auditor, along with any forms determined by the secretary of state to be on file with the state. The county auditor shall retain one copy of the statement and forward the two remaining copies of the statement to the secretary of state together with two copies of the report of the county canvassing board report. Copies of any additional forms determined by the secretary of state for preparation of the state canvassing board report and other public reports of the election shall be completed and returned to the secretary of state.

§ 2.3906 Delivery of material after counting. After the last precinct has been counted and the final accuracy test has been conducted, the election official in charge of the counting center shall deliver all materials to the office of the municipal clerk of each election jurisdiction served by the counting center. That clerk upon filing reports as prescribed in 1 MCAR § 2.3905 shall retain ballots and voter certificates for one year unless otherwise ordered by a court order or recount procedure as defined by Minnesota Statutes. Test decks or ballot images, accuracy test results and computer programs shall be delivered to the county auditor.

§ 2.3907 County auditor to maintain materials. The county auditor shall maintain all the material forwarded as required in 1 MCAR §§ 2.3905 and 2.3906 for a period of one year unless otherwise advised by a court order or recount procedure as defined by Minnesota Statutes.

The regulations adopted by the attorney general September 6, 1968 governing the experimental use of electronic voting systems are repealed.

*insert new
(aro3955) →*

Chapter One: Forms for Absentee Voting.

1 MCAR S 2.4101 Absentee ballot application.

A.   Form.   An absentee ballot application prepared by the
county auditor or municipal clerk pursuant to Minn. Stat. S
203B.06, subd. 1, shall be in the following form:

                                        OFFICE USE ONLY
                                        RECEIVED _____
                                        BALLOTS ISSUED _____

                  ABSENTEE BALLOT APPLICATION

Absentee Ballot Application for _____
                                   (print or type your name)
READ INSTRUCTIONS BEFORE COMPLETING
I hereby apply for absentee ballots to be voted upon in my
precinct at the next election for the following reason:
(check one box)
☐ absence from precinct
☐ illness or disability
☐ religious discipline or observance of religious holiday
☐ service as election judge in another precinct
My legal residence address is:

Street or Route No.   Apt. No.   Rural Box No.

☐ City   ☐ Township   County   Zip
(check whichever is applicable)
Mail my absentee ballot to me at the following address:

Street or Route No.   Apt. No.   Rural Box No.

City or Township   State   Zip
Date _____
                          Legal Signature

The following instructions shall be printed on the Absentee
Ballot Application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an
eligible voter, you must be a resident of the election precinct
indicated by your legal residence address on this application,
and you must not intend to abandon this residence prior to
election day. Please note that Minnesota law provides that it
is a felony to make a false or untrue statement in an
application for an absentee ballot, to apply for an absentee
ballot more than once in an election with the intent to cast an
illegal ballot, to exhibit a ballot marked by a person to
another person, or to violate an absentee ballot provision for
the purpose of casting an illegal vote in a precinct or to
assist anyone to cast an illegal vote.

2. Be sure to check the appropriate box indicating why you
are unable to go to your polling place on election day; these
are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as
completely as possible, since this is used to verify your
precinct number.

4. Be sure to sign the application.

5. Return the completed application as soon as possible to
the county auditor or municipal clerk from whom you received it.

Remember:

1. This application form will obtain ballots for only the
NEXT election. You must apply separately for each election.

2. Do not submit more than one application for each
election.

3. Your absentee ballots will be mailed or delivered to
you as soon as they are available.

B.   The absentee ballot application may be printed as a
postcard application or in any other manner deemed appropriate
by the county auditor or municipal clerk.   If the application is
printed as a postcard application, it shall be printed in the
following manner:

1. The postcard shall be white with black ink.

2. The postcard shall weigh not more than one ounce.

3. The size shall be no smaller than 3-1/2 inches by 5 inches and no
larger than 6-1/8 inches by 11-1/2 inches.

4. The postcard shall be at least .007 inches thick.

1 MCAR S 2.4102 Ballot envelope.   The ballot envelope shall be
printed in the following manner:

A. The envelope shall be buff in color with black ink.

B. The envelope shall be of a size to fit inside the absentee ballot return
envelope.

C. The words "Ballot Envelope" shall be printed on the front of the en-
velope.

D. & E. *Repealed 8 SR 1348 12-5-83*

D.   The words "Accepted" and "Rejected" shall be printed on
the front of the envelope.   Next to each word shall be printed a
box in which the election judges may make a mark indicating
whether the envelope is accepted or rejected.

E. Two lines shall be printed below the boxes. Under the bottom line shall
be printed the words "Election Judges".

1 MCAR S 2.4103 Instructions to absent voter.   Instructions to
absent voter shall be enclosed with the absentee ballot
materials mailed or delivered to the absent voter.   The
instructions shall be in the following form:

INSTRUCTIONS TO ABSENT VOTER

Follow these instructions carefully.   AN IMPROPERLY-COMPLETED
BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE YOUR BALLOT.

(1) Locate any one of the following people to serve as your
witness:

a.   an eligible voter of the same county in which you are
registered or registering to vote;

b.   a notary public;

     c.   a United States postmaster, assistant postmaster, postal supervisor or clerk of a postal contract station;

     d.   any officer having authority to administer an oath.

(2) If no voter registration card is enclosed with your ballot, you are properly registered and may proceed to (4).

     (3) If a registration card is enclosed with your ballot, you are not registered and must complete the registration card in order to have your ballot counted. After completing the voter registration card you must furnish proof of residence to your witness by one of the following means:

     a.   valid Minnesota Driver's License or Learner's Permit or a receipt for either that contains your valid address in the precinct in which you are registering;

     b.   valid Minnesota Identification Card issued by the Minnesota Department of Public Safety or a receipt thereof that contains your valid address in the precinct in which you are registering;

     c.   a current student identification card, a current student fee statement, or copy of a current student registration card that contains your valid address in the precinct in which you are registering;

     d. valid registration in the same precinct under a different address;

     e. "ineffective registration notice" mailed by the county auditor or municipal clerk;

     f. a person who is registered to vote in the precinct and knows you are a resident of the precinct swearing to your residence.

Show these instructions to your witness. Your witness must indicate in the proper box on the Absent Voter's Certificate on the white Absentee Ballot Return Envelope which method of proving residence you used. INSERT THE COMPLETED VOTER REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE. DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED BALLOT ENVELOPE.

     (4) Exhibit the unmarked ballots to your witness.

     (5) In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark your ballot or cannot read English, you may ask your witness to mark your ballot for you.

(6) Fold each ballot separately so that your cross marks cannot be seen without unfolding the ballot and so that the blank lines for the election judges' initials on the back of the ballot can be seen without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

(7) Enclose all the ballots in the buff-colored Ballot Envelope and seal the envelope. Do not write on the Ballot Envelope.

(8) Print your name and address and sign your name on the Absent Voter's Certificate on the back of the white Absentee Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's printed or typed name, signature, and title if the witness is an official or address if the witness is an eligible voter.

(9) Insert the buff-colored Ballot Envelope in the white Absentee Ballot Return Envelope. If you received a voter registration card, be sure it is completed and enclosed in the white Absentee Ballot Return Envelope. Seal the white Absentee Ballot Return Envelope. An unsealed envelope will not be accepted.

(10) You may deposit the Absentee Ballot Return Envelope in the mail or hand deliver it to the county auditor or municipal clerk from whom you received it.

(11) You may designate an agent to mail the Absentee Ballot Return Envelope or to deliver it in person to the county auditor or municipal clerk from whom you received it. An agent must be at least 18 years old. No individual may serve as the agent for more than three voters in one election. Be sure to SEAL your Absentee Ballot Return Envelope before giving it to your agent.

(12) You may mark and mail or deliver your ballots at any time after you receive them. However, if mailing your ballots, allow sufficient time so that they can be delivered by the United States postal service on election day. If you or your agent deliver in person your Absentee Ballot Return Envelope, the auditor or clerk must receive it before 4:30 p.m. on the day before an election day.

See new (AR04005T)→

1 MCAR S 2.4104 Absent voter's certificate.

A. The Absent Voter's Certificate shall be printed in the following form:

_____

ABSENT VOTER'S CERTIFICATE

OF

_____

(legal name of absent voter)

(print or type)

_____

(legal address of absent voter)

(print or type)

I swear that on election day I will meet the requirements provided by law to vote by absentee ballot.

_____
(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in such manner that I could not see his vote, he marked the ballots and enclosed and sealed them in the Ballot Envelope; that if the above-named voter registered to vote by enclosing a voter registration card in the Absentee Ballot Return Envelope, then he provided proof of his residence as indicated below.

_____   _____
(date)   (legal signature of witness)

                             _____
                             (print or type name of witness)

                             _____
                             (official title if witness is an official)

                             _____
                             (legal address if witness is an eligible voter)

_____
FOR REGISTRATION ONLY - Indicate method used by voter to prove residence.
     Method used by voter to prove residence:
☐Driver's License _____   ☐Notice of Ineffective Registration

```
or Permit or        (number)
Receipt
☐ Minn. ID Card or  _____    ☐ Student ID _____
Receipt             (number)                    (number)
☐ Registration in
same precinct                    ☐ _____
                                   (legal signature of registered
                                   voter in the precinct who
                                   swore to residence)

                                   _____
                                   (legal address of registered
                                   voter in the precinct who
                                   swore to residence)
```
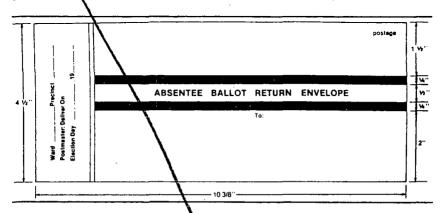
   B. The county auditor or municipal clerk may complete the first two lines of an Absent Voter's Certificate before mailing it to the absent voter by printing the name and address of the absent voter.

C. The Certificate shall be printed on the right-hand three-fourths of the back of the Absentee Ballot Return Envelope. The words "ABSENT VOTER'S CERTIFICATE OF" shall be printed in 12 point bold type in capital letters. The remainder of the certificate shall be printed in 11 point medium type.

See new (aro40057) →

1 MCAR § 2.4105 Absentee ballot return envelope.

A. The Absentee Ballot Return Envelope shall be printed in the following form:

B. The Absentee Ballot Return Envelope shall be printed according to the following specifications:

1. The envelope shall be 10-3/8 inches by 4-1/2 inches.

2. A solid rule line 1-1/2 picas wide shall be placed 1-1/2 inches from the top of the envelope and another placed 2 inches from the bottom of the envelope.

3. The words and numbers printed on the left-hand end of the envelope shall be in 12 point bold type.

4. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope shall be in 18 point bold type in capital letters.

5. The envelope shall be white in color with black ink.

C. Mailing adress. County auditors and municipal clerks shall cause a mailing address to be printed on each Return Envelope which they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. Each county auditor or municipal clerk shall determine which of the following address forms shall be used on each Return Envelope in his county as the facts require:

1. A Return Envelope may be addressed to the county auditor who mailed or delivered the absentee ballots to the absent voter.

Example: To: Anoka County Auditor
                Courthouse
                Anoka, MN 55303

2. A Return Envelope may be addressed to the municipal clerk of the city or town in which the absent voter is eligible to vote.

Example: To: Edina City Clerk
                City Hall
                4801 W. 50th St.
                Edina, MN 55424

3. A Return Envelope may be addressed to the election judges of the precinct in which the absent voter is eligible to vote provided that the polling place of the precinct is located on a regular mail delivery route. On each Return Envelope addressed to the election judges, the county auditor or municipal clerk shall cause to be clearly printed or typed the address of the polling place in a manner to expedite handling by the United States postal service. The name and street address, rural route or township address, if applicable, of the polling place shall be on the address block. The city or town, state and zip code shall appear in that order on the bottom line of the address block.

Example: To: Election Judges
                c/o Webster School
                500 Holly St.
                St. Paul, MN 55102

4.   When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

D. The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number and the date of the election in the spaces provided on the left-hand end of the Return Envelope.

E. County auditor or municipal clerk may affix his return address to the upper left-hand corner of the Return Envelope.

1 MCAR §§ 2.4106, 2.4107 (CR04000ST) →

Chapter Two: Methods and Procedures of Return of Absentee Ballots.

1 MCAR S 2.4201 Mailing or delivering absentee ballot return envelopes. Except as provided in Minn. Stat. S 203B.11, an absent voter who receives his absentee ballots by mail or in person may cause his Absentee Ballot Return Envelope to be returned by any of the following methods:

A. Causing the envelope to be mailed to the address on it.

B. Delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received.

C. Designating an agent who shall deliver in person the sealed envelope to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

1 MCAR § 2.4202 Duties of county auditor or municipal clerk upon receipt of Absentee Ballot Return Envelope.

A. Absentee Ballot Return Envelopes which are delivered in person by an absent voter or an agent must be received by the county auditor or municipal clerk by 4:30 p.m. on the day before election day.

B. Before accepting an Absentee Ballot Return Envelope which is hand delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the Absent Voter's Certificate is properly completed.

1. When an absent voter hand delivers an envelope which is unsealed or has an improperly completed Absent Voter's Certificate, the absent voter shall be allowed to seal the envelope, correct, or complete the certificate.

2. When an agent hand delivers a sealed envelope with an improperly completed Absent Voter's Certificate the agent may return the envelope to the absent voter for correction or completion.

3. When an agent hand delivers an envelope which is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "Rejected" across the Absentee Ballot Return Envelope and shall write the reason for rejection on the envelope. The Absentee Ballot Return Envelope shall be retained by the auditor or clerk in his office. A Notice of Nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent, and the reason for nonacceptance. The absent voter may apply for replacement absentee ballots.

C. When an Absentee Ballot Return Envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print his name and address, the name and

address of the absent voter whose ballot he is delivering, and sign his name. The agent shall show to the auditor or clerk identification which contains the agent's name and signature.

1 MCAR § 2.4203 Retaining ballots. A county auditor or municipal clerk who receives an Absentee Ballot Return Envelope in person from an absent voter or an agent may deposit the envelope in the mail or retain it in his office as provided in 1 MCAR § 2.4204; provided, however, that if an auditor or clerk receives the Return Envelope on the day before election day, he shall retain the Return Envelope in his office as provided in 1 MCAR § 2.4204 and deliver the Return Envelope to the polling place on election day.

1 MCAR § 2.4204 Safeguarding procedures. The county auditor or municipal clerk shall establish measures for safeguarding Absentee Ballot Return Envelopes received by him prior to election day.

A. If an auditor or clerk intends to deposit Return Envelopes in the mail, he shall do so promptly upon receipt of the Return Envelope from the absent voter or agent.

B. The auditor or clerk shall establish a record of Absentee Ballot Return Envelopes which are retained in his office. The record shall state the absent voter's name, address and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

C. All retained envelopes shall be placed in a locked, secure location after being dated, stamped, and recorded. The envelopes shall not be removed from this location or handled until election day, except as necessary in an emergency.

D. A part-time municipal clerk who receives Return Envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

E. On election day all Absentee Ballot Return Envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly. Each Return Envelope shall then be delivered to the polling place in the precinct where the absent voter resides.

1 MCAR § 2.4205 Mail pick-up. Each municipal clerk shall communicate with the United States postal service facility serving his municipality with regard to the handling of Absentee Ballot Return Envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all Return Envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the election judges in the precinct where the absent voter resides.

1 MCAR S 2.5101 Scope and purpose. Rules 1 MCAR SS
2.5101-2.5119 establish the program for training of election
judges required by Minn. Stat. S 204B.25.

   A. The purpose of the training program is to provide for uniform applica-
tion of Minnesota election laws and rules by election judges and to promote
accuracy, honesty and efficiency in election procedures.

   B. Minimum standards. Rules 1 MCAR SS 2.5101-2.5119 shall
be construed as the minimum standards required of training
programs conducted pursuant to Minn. Stat. S 204B.25. Nothing
in 1 MCAR SS 2.5101-2.5119 shall restrict training authorities
from implementing training programs more comprehensive than are
required by 1 MCAR SS 2.5101-2.5119.

1 MCAR S 2.5102 Definitions. Terms used in 1 MCAR SS
2.5103-2.5118 have the meanings given:

   A. Training program. A system of instruction to promote the
competence of election judges by supplying necessary information
to improve election-related skills.

   B. Training authority. A county auditor or the municipal election official
to whom the county auditor has delegated training duties.

1 MCAR S 2.5103 Delegation of training duty. Each county
auditor shall notify the secretary of state of municipal
election officials to whom the auditor has delegated the duty to
train election judges. The notification of delegation shall
include the name of the municipality, the date of delegation,
the name and address of the municipal clerk and the name and
address of the municipal election official designated, if
different from the municipal clerk. The auditor shall notify
the secretary of state within thirty days after the delegation.

1 MCAR § 2.5104 Training conference. Each training authority shall attend
a conference on election administration and training conducted by the secre-
tary of state before each state primary election. If a county auditor delegates
the duty to train election judges to a municipal election official and an elec-
tion is to take place in that municipality prior to the next training conference
held by the secretary of state, the county auditor shall train the municipal
election official in administration of a training program.

1 MCAR § 2.5105 Training program. A training program shall consist of a
Basic Training course, a Review course, an Emergency Training course and, in
municipalities conducting absentee voting pursuant to Minn. Stat. § 207.31,
a Health Care Facility Absentee Voting course. A training authority may de-
sign the courses to meet the election problems peculiar to the jurisdiction,
but the courses shall meet at least the minimum standards set forth in 1
MCAR §§ 2.5109-2.5112.

1 MCAR S 2.5106 Training requirements.   Widow

A. Courses required. An election judge who must receive training pursuant to Minn. Stat. S 204B.25 shall successfully complete a Basic Training course which meets the requirements of 1 MCAR S 2.5109. After completing the Basic Training course, an election judge may serve at future elections by successfully completing a Review course which meets the requirements of 1 MCAR S 2.5110 before service at such election. The Basic Training course need not be repeated if the judge serves at at least one election every four years.

B. Time of training. The Basic Training course and the Review course shall be conducted not more than 30 days or fewer than three days before the election. When one or more election judges are unable to attend a scheduled training session, a make-up session shall be held which conforms to the scheduled training session so far as practicable.

C. No election judge who successfully completes the training required by these rules for a primary election shall be required to complete additional training for the succeeding regular election.

D. The training authority shall determine the maximum number of trainees in each training session conducted pursuant to 1 MCAR § § 2.5109 and 2.5110. The maximum number of trainees shall be appropriate to the methods of instruction used.

1 MCAR § 2.5107 Health care facility absentee voting requirement. Each election judge who conducts absentee voting in health care facilities pursuant to Minn. Stat. § 207.31 shall successfully complete the course for Health Care Facility Absentee Voting as provided in 1 MCAR § 2.5111 before performing his duties.

1 MCAR § 2.5108 Emergency training requirement. When an election judge is elected after the opening of the polls and has not completed the Basic Training course or Review course conducted for that election, he shall complete the Emergency Training course as provided in 1 MCAR § 2.5112.

1 MCAR § 2.5109 Basic training course.

A. Length. The Basic Training course shall be at least two hours long.

B. Materials. The training authority shall provide each election judge trainee with examples of all forms which election judges must complete in the course of their duties; with examples of all forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with all materials contemplated in the training plan approved by the secretary of state pursuant to 1 MCAR § 2.5116. Additional materials may be provided by the training authority as he deems useful.

C. A voting machine, electronic voting system, or specimen paper ballot and ballot box shall be utilized at each training session to familiarize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.

D. Course content. A Basic Training course shall include necessary information and skill development in the following areas:

1. Judges' duties before election day

   a. Supplies

   b. Voter registration cards

   c. Voting machine checkout

   d. Ballots

2. Preparations on election day before polls open

3. Judges' duties during voting hours

   a. Election day voter registration

   b. Persons allowed in polling place

   c. Challenge process

   d. Voting process

   e. Spoiled ballots

   f. Assistance to disabled voters

   g. Absentee ballots

4. Judges' duties after polls close

   a. Closing polls

   b. Canvass process

   c. Defective and spoiled ballots

   d. Summary statements

   e. Delivery of election materials

5. New laws, rules, forms, and procedures

6. Major problems at prior elections

1 MCAR § 2.5110 Review course.

A. Length. A Review Course shall be at least one hour long.

B. Course content. The training authority shall plan a Review course which is tailored to the needs of the jurisdiction as demonstrated by performance and problems in prior elections. It shall include information on the following topics:

1. Summary of new laws, rules, forms, and procedures

2. Summary of specific problems in previous elections

3. Step-by-step review of election judges' duties, emphasizing problem areas.

1 MCAR § 2.5111 Course for health care facility absentee voting. The course content shall include information on the following topics:

A. Who is eligible to vote absentee from health care facilities

B. Application process

C. Registration process, including methods for providing proof of residence.

D. Assistance to voters

E. Voting procedures

F. Procedures for transporting voted ballots

G. Particular problems encountered in previous elections

1 MCAR § 2.5112 Emergency training course.

A. The chairman judge shall conduct emergency training at the polling place. The training authority shall provide an outline of emergency training procedures and otherwise ensure that the chairman judge is prepared to conduct emergency training, if necessary.

B. Course content. The chairman judge shall review with a replacement judge all procedures and duties which are assigned to the replacement judge.

C. The chairman judge shall provide additional instruction as necessary throughout election day.

1 MCAR § 2.5113 Training materials. The secretary of state shall provide the county auditor with Minnesota Election Judges Guides and training materials concerning changes in election laws, rules, forms and procedures. The county auditor shall transmit these materials to training authorities in the county. At each training session, the training authority shall provide election judge trainees with copies of the Minnesota Election Judges Guide received from the county auditor and with at least one copy for each polling place. The munici-

pal clerk shall ensure that a Minnesota Election Judges Guide is available at each polling place on election day for use by the election judges.

1 MCAR § 2.5114 Training record. Each municipal clerk, and county auditor in unorganized territory, shall maintain a record of all election judges who receive training.

A. The record shall be a list or a card system containing the name of the election judge; his precinct number; his party affiliation, if any; dates of training; type of course completed on each date; and dates of election judge service.

B. The record shall be kept current for each election judge in the county or municipality.

C. An election judge may be eliminated from the training record if he does not serve as an election judge or receive election judge training during the preceding four years.

1 MCAR S 2.5115 Certification of training. Each election judge who succesfully completes a Basic Training course or Review course shall receive a Certification of Training.

A. The Certification shall include the election judge's name, municipality, date of training, course completed and the signature of the training authority.

B. Must show certification. Except as provided in Minn. Stat. S 204B.25, each election judge must show a Certification of Training to the chairman judge of the precinct prior to being sworn in on election day.

1 MCAR S 2.5116 Training plan. Each training authority shall submit a training plan to the secretary of state by August 1 of each general election year.

A. The training plan shall include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of the Basic Training course, Review course, Emergency Training course and any Health Care Facility Absentee Voting course.

B. Copies of all materials which will be distributed at the training sessions shall be submitted with the training plan or as soon thereafter as they are available.

C. The training plan shall be subject to approval by the secretary of state, who shall approve the plan if it conforms to applicable state statutes and these rules.

D.   Notice of no change. If there is no change in the approved training plan on file with the secretary of state, the training authority may file a notice to this effect with the secretary of state in lieu of the training plan.

1 MCAR § 2.5117 In-service review. After each primary election and before each ensuing general, special or municipal election, the training authority shall confer or correspond with the chairman judge of each precinct to review problems or questions encountered at the primary. The training authority shall analyze problems indicated by the election returns, incorrect registrations, or voter complaints and shall answer questions of the chairman judges.

1 MCAR § 2.5118 Training evaluation. Each training authority shall complete a training evaluation form provided by the secretary of state after each election for which election judge training is conducted.