

CHAPTER 8210

SECRETARY OF STATE

ABSENTEE BALLOTS

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8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. Application form. An absentee ballot application prepared by the county auditor or municipal clerk pursuant to Minnesota Statutes, section 203B.06, subdivision 1, shall be in the form in part 8210.9910. An absentee ballot application for the presidential primary must be in the form in part 8210.9917 or 8210.9918.

[For text of subps 2 to 4, see M.R.]

Subp. 5. Presidential primary. In addition to the information required by subpart 2, the absentee ballot application for the presidential primary must include the following instruction to the absent voter: "A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party."

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: 17 SR 8

8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

Subpart 1. Receipt of applications. Upon receipt of an absentee ballot application for the presidential primary, the county auditor or municipal clerk shall immediately verify that the absent voter has indicated the major political party whose ballot the voter is requesting. If the absent voter has not indicated a party choice, the application must be returned to the voter. An absentee ballot for the presidential primary must not be sent to any voter who has not indicated which political party's ballot the voter wishes to receive.

Subp. 2. Notation on polling place roster. The election judges in the polling place shall indicate in the space provided on the polling place roster the party choice specified on the absentee ballot application for each absent voter whose return envelope has been marked "Accepted." The election judges shall record the party choice at the same time that the letters "A.B." are placed on the roster for the voters whose return envelopes have been marked "Accepted."

If absentee ballots are not counted at the polling place, the election judges

of the absentee ballot board shall indicate on the absentee voter list the party choice of the absent voters whose return envelopes have been marked "Accepted." When the judges at the absentee ballot board have completed examining the return envelopes, the absentee voter list must be forwarded to the election judges for each precinct. Upon receipt of the list, the election judges in the polling place shall record the voter's party choice on the roster from the information provided on the list.

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: 17 SR 8

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: 17 SR 351

8210.0500 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 form in parts 8210.9920 and 8210.9925.

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: 17 SR 351

8210.0600 STATEMENT OF ABSENTEE VOTER.

Subpart 1. Form. Except as provided in subpart 4, the statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15 must be printed in the form shown in part 8210.9930.

Subp. 2. First two lines. The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. Printing specifications. The statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "STATEMENT OF ABSENTEE VOTER" shall be printed in no smaller than 12-point bold type in capital letters. The remainder of the statement shall be printed in no smaller than 11-point medium type.

Subp. 4. Alternative statement. As an alternative, a county auditor may print two different versions of the statement. One version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate version may be printed in the form shown in part 8210.9935 and must be provided only to absentee voters who are registered to vote at the time of application. The statement must be printed to the specifications of subpart 3.

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: 17 SR 351

8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

[For text of subpart 1, see M.R.]

Subp. 2. Printing specifications. The absentee ballot return envelope must be printed according to the following specifications:

[For text of items A and B, see M.R.]

C. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

D. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

[For text of items E and F, see M.R.]

[For text of subps 3 to 8, see M.R.]

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: *17 SR 351*

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. Scope. This part applies to mail balloting conducted under Minnesota Statutes, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. Authorization. The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 60 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 45 days before the next affected election. Authorization to conduct a special election pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

Subp. 3. Notice. The municipal clerk or school district clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;
- E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;
- F. the place and time for counting of ballots; and
- G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. Mailing ballots. The county auditor, municipal clerk, or school dis-

strict clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First-class postage must be affixed to the return envelope.

Subp. 4a. Presidential primary ballots. In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope. The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected."

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope. If the party choice does not match the ballot, the ballot is completely defective. If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

[For text of subs 5 to 11, see M.R.]

Subp. 12. Costs. The governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

Statutory Authority: *MS's 201.022; 201.221; 203B.08; 203B.09; 203B.125; 203B.14; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: *17 SR 8; 17 SR 351*

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully.

Before you vote you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

- a. an eligible voter who lives in your county;
- b. a notary public; or
- c. any person having authority to administer an oath, such as a judge.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Place the tan colored Ballot Secrecy Envelope into the white Ballot Return Envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white Ballot Return Envelope. The name, address, and signature of your witness is required as well.

Step 8. The Ballot Return Envelope may be mailed or delivered in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: *17 SR 351*

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

(print or type legal name of voter)

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

(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 a manner that I could not see, marked the ballots, or if the voter was physically unable to mark the ballots, the ballots were marked by another individual under the personal direction of the voter, and enclosed and sealed them in the ballot envelope.

(date)

(legal signature of witness)

(print or type name of witness)

(legal address if witness is an eligible voter)

OR

(official title if witness is
an official)**Statutory Authority:** *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09***History:** 17 SR 8**8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.****ABSENTEE BALLOT APPLICATION****READ INSTRUCTIONS BEFORE COMPLETING**

I hereby apply for absentee ballots for:

(Check one)

- ☐ primary election
☐ general election
☐ primary and general election

I will need an absentee ballot for the following reason:

(Check one)

- ☐ absence from precinct
☐ illness or disability
☐ religious discipline or
observance of religious holiday
☐ service as election judge in another precinct

Name _____
(please print)**My legal residence address is:**

Street or Route No.	Apt. No.	Rural Box No.
<input type="checkbox"/> City <input type="checkbox"/> 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	State	Zip
Date	Legal Signature	

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09***History:** 17 SR 8**8210.9916 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.****ABSENTEE BALLOT APPLICATION****READ INSTRUCTIONS BEFORE COMPLETING**

I hereby apply for absentee ballots for:

(Check one)

- ☐ primary election

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☐ general election
☐ primary and general election

Name _____
 (please print)

My legal residence address is:

Street or Route No.	Apt. No.	Rural Box No.
<input type="checkbox"/> City <input type="checkbox"/> 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	State	Zip

Date _____
 Legal Signature _____

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: 17 SR 8

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

_____ Party
 _____ Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

I will need an absentee ballot for the following reason:

(Check one)

☐ absence from precinct
☐ illness or disability
☐ religious discipline or observance of religious holiday
☐ service as election judge in another precinct

Name _____
 (please print)

My legal residence address is:

Street or Route No.	Apt. No.	Rural Box No.
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☐ 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 State Zip
Date _____

Legal Signature

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: 17 SR 8

8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY

ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party:

(Check one)

_____ Party
_____ Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party.

Name _____

(please print)

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 State Zip

Date _____
Legal Signature

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: 17 SR 8

8210.9920 INSTRUCTIONS TO ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500.**INSTRUCTIONS TO ABSENTEE VOTERS**

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

- a. an eligible voter who lives in your county;
- b. a notary public;
- c. any person having authority to administer oaths; or
- d. a United States Postal Service official, if available.

Step 2. Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

- a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address; or
- b. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you; or

- c. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

- d. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10. Your ballot may be returned in one of the following ways:

- a. by mail;
- b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or
- c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

Statutory Authority: *MS s 201 022; 201 221; 203B.08; 203B.09, 203B 125; 203B.14; 204B.25, 204B.45; 204C 361; 204D 11; 206.57; 207A.09*

History: *17 SR 8; 17 SR 351*

8210.9925 INSTRUCTIONS TO ABSENTEE VOTERS WHO ARE REGISTERED TO VOTE, SPECIFIED BY PART 8210.0500.**INSTRUCTIONS TO ABSENTEE VOTERS**

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following people to serve as your witness:

- a. an eligible voter who lives in your county;
- b. a notary public;
- c. any person having authority to administer oaths; or
- d. a United States Postal Service official, if available.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 4. Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 8. Your ballot may be returned in one of the following ways:

- a. by mail;
- b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope; or
- c. by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, call your county auditor.

Statutory Authority: *MS s 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: *17 SR 351*

8210.9930 STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 1.**STATEMENT OF ABSENTEE VOTER**

(print voter's name)

(print voter's address)

I certify that on election day I will meet the eligibility requirements to vote provided by law.

(signature of voter)

STATEMENT OF WITNESS

I certify that the above named voter showed the enclosed ballots to me unmarked; that in my presence the voter marked the ballots in secrecy, or if the voter was physically unable to mark the ballots they were marked by another individual under the personal direction of the voter, 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 proof of residence was provided as indicated below.

 (date)

 (signature of witness)

 (print witness' name)

 (print witness' address)

 (title if witness is not an
eligible voter in the county)

 For those who need to register: Proof of residence used by absentee voter (check one)..

 Driver's License,
Permit, ID card or
Receipt Number

 Notice of Ineffective
Registration received
from county auditor or
municipal clerk

 Registration in the
same precinct

 Student ID Number

 (signature of registered voter
in the precinct who attested
to residence of the absentee
voter in the precinct)

 (print name of registered
voter who attested to
residence of absentee
voter in the precinct)

 (print address of registered
voter in the precinct who
attested to residence of the
absentee voter in the precinct)

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 203B.125; 203B.14; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: *17 SR 8; 17 SR 351*

8210.9935 ALTERNATIVE STATEMENT OF ABSENTEE VOTER, SPECIFIED BY PART 8210.0600, SUBPART 4.**STATEMENT OF ABSENTEE VOTER**_____
(print voter's name)_____
(print voter's address)

I certify that on election day I will meet the eligibility requirements to vote provided by law.

(legal signature of voter)

I certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence the voter marked the ballots in secrecy and enclosed and sealed them in the ballot envelope.

(date)_____
(signature of witness)_____
(print witness' name)_____
(title if witness is not an
eligible voter in the county)_____
(print witness' address)

Statutory Authority: *MS s 201.022; 201.221; 203B.08; 203B.09; 203B.125; 203B.14; 204B.25; 204B.45; 204C.361; 204D.11; 206.57; 207A.09*

History: *17 SR 8; 17 SR 351*