

CHAPTER 8210

SECRETARY OF STATE

ABSENTEE BALLOTS

8210.0200 ABSENTEE BALLOT APPLICATION
 8210.0700 ABSENTEE BALLOT RETURN
 ENVELOPE AS PROVIDED BY
 MINNESOTA STATUTES, SECTIONS
 203B.04 TO 203B.15

8210.3000 MAIL BALLOTING

8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subps 1 and 2, see M.R.]

Subp. 3. Postcard application. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the auditor or municipal clerk. If the application is printed as a postcard application, it must conform to United States Postal Service requirements.

[For text of subps 4 and 5, see M.R.]

Statutory Authority: *MS s 203B.09*

History: 20 SR 2787

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

[For text of subps 1 and 2, see M.R.]

Subp. 3. Mailing address. 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. A return envelope may be addressed to the county auditor, to the municipal clerk of the city or town, or to the election judges of the precinct in which the absent voter is eligible to vote.

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.

Subp. 4. [Repealed, 20 SR 2787]

Subp. 5. [Repealed, 20 SR 2787]

Subp. 6. [Repealed, 20 SR 2787]

[For text of subp 7, see M.R.]

Subp. 8. Return address. A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the return envelope.

Statutory Authority: *MS s 203B.08; 203B.09*

History: 20 SR 2787

8210.3000 MAIL BALLOTING.

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

Subp. 2. Authorization. The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 45 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 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:

[For text of items A to G, see M.R.]

Subp. 4. Mailing ballots. The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 20 or later than 14 days prior to the election. 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 completes an absentee ballot request as provided in Minnesota Statutes, section 203B.04.

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, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

[For text of subps 4a to 6, see M.R.]

Subp. 7. Undeliverable ballots. Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12, and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the county, municipality, school district, or unorganized territory holding the mail election, the auditor or clerk shall resend a ballot to the voter along with a voter registration card, an absentee ballot return envelope as provided in part 8210.9930, and a notice explaining the need and the procedure to register at the voter's new address. The auditor or clerk shall keep a list of individuals who are sent the second mailing and will provide a copy of that list to the election judges for use in processing the returned ballots. The list of voters sent the second mailing will take the place of the absentee ballot request form specified in part 8210.0200.

Subp. 8. Returning ballots. Mail ballots may be returned to the county auditor, municipal clerk, or school district clerk, by mail, in person, or by designated agent. Ballots returned in person, or by designated agent, must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. Polling place and election judges. The only polling place required for mail balloting is the office of the election official conducting the election. The governing body shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.21. During the day of the election at least three election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If paper ballots are used, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

Subp. 10. Receiving and counting ballots. On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots, applications for absentee ballots, affidavits for replacement ballots, and the list of voters sent a second mailing of the ballot. The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges.

Prior to 8:00 p.m. on election day, the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m. on election day, the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

[For text of subps 11 and 12, see M.R.]

Subp. 13. **Experimental forms.** The secretary of state may authorize the experimental use of envelopes and other forms related to mail elections.

Statutory Authority: *MS s 204B.45*

History: *20 SR 2787*