

5505.1100 VOTER CHALLENGE.**Subpart 1. Challenging right to vote.**

A. The right of any employee to vote at an election under part 5505.1000 may be challenged by:

- (1) any authorized challenger under part 5505.1000, subpart 2; or
- (2) an employee entitled to vote at the election.

B. The individual making the challenge must state fully the grounds for the challenge, and a record of the challenge must be made by the agent conducting the election.

C. After making a record, the agent must:

- (1) examine the challenged employee as to the employee's qualifications for voting; and
- (2) make a record of the examination.

Subp. 2. Challenge not withdrawn.

A. If the challenge is not withdrawn, and the challenged employee insists on voting, the employee must be permitted to vote upon filing with the agent a statement in writing, signed by the employee and witnessed by the agent, alleging eligibility to vote and describing the employee's qualifications.

B. Ballots received under this subpart must not be marked or otherwise distinguished from nonchallenged ballots.

Subp. 3. Sending record of challenges to commissioner. The agent conducting the election must send the record of all challenges to the commissioner with the tally sheet and election results.

Subp. 4. Holding hearing on challenges. If the commissioner determines that the number of challenged votes is sufficient to have affected the election results, the commissioner must hold a hearing under this chapter after notice to:

- A. all challenged voters;
- B. persons or organizations voted upon as representatives; and
- C. other parties, if any, to whom notice of the election was given.

Subp. 5. Declaring election void.

A. At the hearing under subpart 4, the commissioner must determine whether:

- (1) the respective challenged voters were eligible to vote; and
- (2) the election results might have been affected by votes cast by ineligible voters.

B. If the commissioner determines that the election results might have been affected by votes cast by ineligible voters, the commissioner must declare the election void.

Statutory Authority: *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *L 1987 c 186 s 15; 17 SR 1279; 46 SR 1387*

Published Electronically: *July 27, 2022*