

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 8210.2700 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 90 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 90 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:

- 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 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 46 or later than 14 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to Minnesota Statutes, section 204B.45.

No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than 46 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to Minnesota Statutes, section 204B.46. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

No ballot may be mailed to a challenged voter. A notice must be transmitted to challenged voters with an explanation of the challenge and with instructions on how they may apply for an absentee ballot if they believe their registration was challenged in error.

The mail balloting process for voters whose registrations are incomplete under Minnesota Statutes, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote. A notice must be transmitted to voters with incomplete registrations with instructions on how they may apply for an absentee ballot.

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 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions must include a telephone number or electronic mail address which voters can call or write for help in mail voting. The instructions must also include a privacy notice that complies with Minnesota Statutes, section 13.04. 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.

Subp. 4a. Form of instructions to mail voters.

Instructions

How to vote by mail ballot

You will need:

- Ballot*
- Tan ballot envelope*
- White signature envelope*
- Pen with black ink

- Witness

Anyone registered to vote in Minnesota,
including your spouse or relative,
or a notary public,
or a person with the authority to administer oaths

* If any of these items are missing, please contact your local election official.

1 Vote!

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

See the other side if you make a mistake on your ballot.

2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

3 Put the tan ballot envelope into the white signature envelope

4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

If your witness is an official or notary, they must print their title instead of an address.

Notaries must also affix their stamp.

- Seal the envelope.

5 Return your ballot by Election Day to the address on the signature envelope

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

This person cannot deliver more than 3 ballots.

If you have questions, please call (...) ---..... .

See other side for special instructions if you have a disability

Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [email] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

If you have a disability:

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Subp. 4b. Form of mail voter's certificate.

Signature Envelope

Voter must complete this section

please print clearly

Voter name _____

Voter MN Address _____
_____ MN

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X _____

Witness must complete this section

Witness name _____

MN street address

(or title, if an
official or notary)

Street Address

MN

City

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

Witness Signature X _____

If notary, must affix stamp

Subp. 4c. [Repealed, 25 SR 616]

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210.0500, subpart 3. The statement of absentee voter must be that specified in part 8210.0600, subpart 1b, or

8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in parts 8210.0710 and 8210.0720.

Subp. 6. **Replacement ballots.** The election official must maintain a record of all replacement ballots issued. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type.

Subp. 6a. [Repealed, 34 SR 1561]

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 and the voter's registration must be treated as provided in Minnesota Statutes, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office prior to 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall resend a ballot to the voter along with a return envelope. If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall transmit instructions on how the voter may apply for an absentee ballot.

If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a nonmail election, the auditor or clerk must transmit a notice via nonforwardable mail to the voter of how to register and vote at the proper polling location. This notice must be treated as a notice of late registration under part 8200.5100, subpart 1.

The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and must provide a copy of that list to the ballot board for use in processing the returned ballots.

Subp. 7a. **Voter registration applications after ballots have been mailed.** When a voter registration application is processed on a voter record where a ballot has been previously mailed, the original mail ballot record must be marked as "Spoiled" and the voter must be notified that the original mail ballot cannot be counted.

If the application is processed prior to 20 days before an election, a voter in a jurisdiction holding a mail election must also be provided a replacement ballot.

If the application is processed within 20 days prior to the election, a voter in a jurisdiction holding a mail election must be sent a notice of late registration that includes a notification that the original mail ballot cannot be counted and instructions on how the voter may apply for an absentee ballot.

If the application is processed within 20 days before an election, the notice of late registration sent to a voter in a jurisdiction holding a nonmail election must be notified that the original mail ballot cannot be counted and how to register and vote at the proper polling location.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. Ballots received after 8:00 p.m. on election day shall be marked as received late by the official conducting the election. An individual shall not be the designated agent of more than three absentee or mail voters in one 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 number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body of the jurisdiction conducting the election 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 of the jurisdiction conducting the election shall appoint election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.21. For state elections, the county auditor shall appoint election judges for mail ballot precincts and shall apportion the cost of the election judges among the precincts voting by mail in that election. The county auditor may delegate the authority to appoint election judges for precincts voting by mail in state elections to the municipal clerk. During the day of the election at least two 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 the ballots are to be counted by hand and there are more than two questions or one office to be voted on, 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 ballot board shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots and applications for absentee ballots, records of replacement ballots, and the list of voters sent a second mailing of the ballot. The ballot board 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 of different major political parties unless the election judges are municipal clerks or deputy clerks, or the judges are exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election judges are municipal clerks or deputy clerks, or the election is exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2.

The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's

ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

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.

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

Statutory Authority: *MS s 14.388; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

History: *12 SR 2142; 17 SR 8; 17 SR 351; 19 SR 593; 20 SR 2787; 23 SR 459; 25 SR 616; 29 SR 155; 34 SR 1561; 36 SR 1407; 38 SR 1368; 40 SR 1553*

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