

**8215.0400 ABSENTEE VOTING.**

Subpart 1. **Scope.** Except as provided in this part, absentee voting for the presidential nomination primary must be conducted in the manner provided by chapter 8210 and Minnesota Statutes, chapter 203B, for the state primary.

**Subp. 2. Application form.**

A. The absentee application form prepared by the secretary of state for the presidential nomination primary must:

- (1) contain the following heading "For Presidential Nomination Primary Use Only;"
- (2) provide a place for the voter to indicate which major political party ballot the voter is requesting; and
- (3) contain the following instruction: "A presidential nomination primary ballot cannot be sent to you unless you indicate on this application which major political party ballot you wish to receive. You may receive the ballot of only one major political party."

B. The absentee ballot oath must also contain the following statement: "I am in general agreement with the principles of the party for whose candidate I intend to vote, and I understand that my choice of a party's ballot will be public information."

Subp. 3. **Receipt of application.** Upon receipt of an absentee ballot application for the presidential nomination primary meeting the requirements of subpart 2, the county auditor or municipal clerk shall immediately verify that the voter has indicated the major political party whose ballot the voter is requesting. If the voter has not indicated a major political party choice, the application must be returned to the voter. A presidential nomination primary absentee ballot must not be transmitted to any voter who has not indicated which major political party's ballot the voter has requested to receive.

Subp. 4. **Uniformed and overseas citizens.** For voters with a current Federal Post Card Application or other absentee application pursuant to the Uniformed Overseas Citizens Absentee Voting Act, United States Code, title 52, sections 20301 to 20310, which does not contain the voter's major political party choice, the county auditor must contact the voter by electronic mail, United States mail, or phone between 63 and 48 days before the presidential nomination primary and attempt to collect the voter's political party choice for purposes of the presidential nomination primary. A voter must not be sent a presidential nomination primary ballot until the voter has communicated a party choice by electronic mail, United States mail, or phone.

**Subp. 5. Receipt of Federal Write-in Absentee Ballots.**

A. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter's major political party choice was received, the county auditor must accept or reject the ballot in accordance with Minnesota Statutes, section 203B.24.

B. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter's major political party choice was not received, and a major party

candidate or major party write-in candidate can be ascertained, and the voter has not already voted, the county auditor must accept the Federal Write-in Absentee Ballot.

C. If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application containing the voter's major political party choice was not received, and a major party candidate or major party write-in candidate cannot be ascertained, or the voter has already voted, the county auditor must reject the ballot.

Subp. 6. **Using the registration system.** Upon accepting an application for the presidential nomination primary, the county auditor or municipal clerk shall record in the statewide voter registration system the voter's name, date of birth, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security number, if provided by the voter, and the voter's major political party choice. When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted in the statewide registration system.

Subp. 7. **Change of major party choice.** Until the close of business on the seventh day before the election, a voter may change the voter's choice of which major political party ballot the voter wishes to receive by spoiling the voter's ballot and submitting an application indicating the major political party ballot the voter is requesting. An absentee ballot cast under the alternative procedures provided in Minnesota Statutes, section 203B.081, subdivision 3, cannot be spoiled after it has been deposited in the ballot box.

Subp. 8. **Notation on polling place roster.** When marking rosters to indicate that a voter has already cast a presidential nomination primary ballot pursuant to Minnesota Statutes, section 203B.121, subdivision 3, paragraph (b), the voter's major political party choice must be recorded on the polling place roster at the same time.

Subp. 9. **Instructions for voters.** In addition to instructions provided in part 8210.0500, the following instruction must be included in instruction "1 Vote!": "The party ballot you received is based on the party you selected on the application form. You may receive the ballot of only one major political party. If you received the incorrect ballot, contact your election office at (email) or (phone number)."

**Statutory Authority:** *MS s 207A.11*

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