

1 Secretary of State

2

3 Adopted Permanent Rules Relating to Mail Ballots

4

5 Rules as Adopted

6 8210.3000 MAIL BALLOTING.

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

13 Subp. 2. Authorization. The municipal governing body or
14 county board for unorganized territory shall authorize mail
15 balloting by resolution adopted no later than 90 days prior to
16 the first election at which mail balloting will be used. The
17 resolution remains in effect for all subsequent state and county
18 elections until revoked. Revocation of the resolution may occur
19 no later than 90 days before the next affected election. Except
20 as approved by the secretary of state under Minnesota Statutes,
21 section 204B.50, mail balloting may not be used for a municipal
22 or school district election not held on the same day as a state
23 or county election.

24 Subp. 3. Notice. The municipal clerk shall notify the
25 county auditor and the secretary of state of the adoption or
26 discontinuance of mail balloting no later than two weeks after
27 adoption or revocation of the resolution. The municipal clerk
28 shall post notice of mail ballot procedures at least six weeks
29 before each election. Notice of mail ballot procedures must
30 include:

31 A. the name or description of the municipality or
32 unorganized territory;

33 B. the date of the election and the dates that
34 ballots will be mailed;

35 C. a statement that each voter registered by the 21st

1 day before the election will be mailed a ballot;

2 D. the times, places, and manner in which voted
3 ballots can be returned;

4 E. an explanation of how an eligible voter who is not
5 registered may apply for a ballot and how a registered voter who
6 will be absent from the precinct may apply to receive the ballot
7 at a temporary address;

8 F. the place and time for counting of ballots; and

9 G. the name and address or telephone number of the
10 official or office where additional information can be obtained.

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

17 Subp. 4. Mailing ballots. No earlier than 20 days or
18 later than 18 days before the election the county auditor shall
19 mail ballots to the voters registered in the municipality or
20 unorganized territory. A ballot mailing must be sent to each
21 voter whose name is included in the registration file on the
22 21st day before the election, except that no ballot may be
23 mailed to a challenged voter.

24 Ballots must be sent by nonforwardable mail. Ballots for
25 eligible voters who reside in health care facilities may be
26 delivered as provided in Minnesota Statutes, section 203B.17.
27 The ballot mailing must be addressed to the voter at the voter's
28 residence address as shown on the registration file unless the
29 voter requests, in writing, that the ballot be mailed to the
30 voter at a different address.

31 A return envelope, a ballot secrecy envelope, and
32 instructions for marking and returning mail ballots must be
33 included with the ballots. At the request of the secretary of
34 state, a survey card that the voter can return to the secretary
35 of state must also be included. The ballot return envelope must
36 be printed with the mail voter's certificate. The ballot return

1 envelope must be addressed for return to the county auditor as
2 specified in part 8210.0700, subpart 4. First class postage
3 must be affixed to the return envelope.

4 Subp. 5. Nonregistered eligible voters. An eligible voter
5 who was not registered on the 21st day prior to the election may
6 apply for and receive an absentee ballot. Absentee voting in
7 precincts using mail balloting must be conducted under Minnesota
8 Statutes, sections 203B.04 and 203B.06, except that the time for
9 applying for, receiving, and returning absentee ballots is
10 extended until 8:00 p.m. on the day of the election. The absent
11 voter's certificate and instructions must be those specified in
12 parts 8210.9920 and 8210.9930.

13 Subp. 6. Replacement ballots. A voter who has spoiled a
14 ballot may request a replacement ballot from the auditor. The
15 spoiled ballot must be returned to the auditor, either by mail
16 or in person, before a replacement ballot can be issued. A
17 replacement ballot may also be issued to a voter who signs an
18 affidavit stating that the voter did not receive the ballot
19 mailed to the voter. The auditor shall stamp or mark on all
20 replacement ballot return envelopes the words "REPLACEMENT
21 BALLOT" and shall maintain a record of all replacement ballots
22 issued.

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

33 If the ballot is returned by the post office with
34 notification of the voter's new address within the municipality
35 or unorganized territory, the municipal clerk shall notify the
36 voter of the procedure for requesting an absentee ballot and

1 registering at the voter's new address.

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

6 Subp. 9. Polling place and election judges. The only
7 polling place required for mail balloting is the office of the
8 county auditor. If adequate space for counting ballots is not
9 available at the county courthouse, the governing body shall
10 designate another suitable location where the election judges
11 can meet on election day to receive and count ballots. The
12 location must be open for public observation of the counting of
13 ballots. The governing body shall appoint a suitable number of
14 election judges as provided in Minnesota Statutes, sections
15 204B.19 to 204B.22.

16 Subp. 10. Receiving and counting ballots. On election
17 day, at the time stated in the notice, the election judges shall
18 receive from the county auditor all returned ballots,
19 applications for absentee ballots, and affidavits for
20 replacement ballots. The judges shall arrange to receive from
21 the auditor any additional ballots received in the mail or
22 returned by a voter prior to 8:00 p.m. on election day. If the
23 counting location is not at the county courthouse, ballots must
24 be transported in a sealed transfer case by two or more election
25 judges of different major political parties. During the
26 receiving and counting of ballots, the ballots must at all times
27 remain in the custody of two or more election judges of
28 different major political parties.

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

36 Subp. 11. Challenges. Challengers appointed under

1 Minnesota Statutes, section 204C.07 may be present while the
2 election judges are examining and accepting or rejecting the
3 return envelopes. Challenges must be made and determined as
4 provided in Minnesota Statutes, section 204C.13, subdivision 6.

5 Subp. 12. Costs. The municipality shall pay the costs of
6 the mailing. Costs of mailing include postage costs and the
7 costs of printing required envelopes, instructions, affidavits,
8 and mailing labels. Other expenses must be paid as provided in
9 Minnesota Statutes, section 204B.32.

10 8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART
11 8210.3000, SUBPART 6.

12

13 REPLACEMENT MAIL BALLOT AFFIDAVIT OF

14

15
16 (print or type legal name of voter)

17

18
19 (print or type legal address)

20

21 I certify that I am a resident and eligible voter in
22
23 (name of township or territory)

24 I certify that I am requesting a replacement ballot
25 because I did not receive the ballot mailed to me.

26

27 I certify that if I receive both ballots, I will destroy
28 the unused ballot and will vote only once.

29

30 I understand that voting twice is a felony punishable
31 by not more than five years imprisonment and a fine of
32 not more than \$10,000, or both.

33

34
35 (date) (legal signature of voter)

36 8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART

37 8210.3000, SUBPART 4.

38 INSTRUCTIONS TO MAIL BALLOT VOTERS

39 Follow these instructions carefully so your ballot can be
40 counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD
41 INVALIDATE YOUR BALLOT.

42 Step 1. Locate any eligible voter of the county or other
43 qualified person to serve as your witness. Any one of the
44 following people can be your witness:

- 1 a. any eligible voter of the county where you reside;
- 2 b. a notary public;
- 3 c. a United States postmaster, assistant postmaster,
- 4 postal supervisor, or clerk of a postal contract station; or
- 5 d. any officer having authority to administer an oath.

6 Step 2. Show your witness the unmarked ballot.

7 Step 3. In the presence of your witness mark the ballots
8 in such a manner that your vote is not visible to your witness.
9 If you are physically unable to mark your ballot or cannot read
10 English, you may ask your witness to assist you or mark your
11 ballot for you. If you mark your ballot incorrectly and want to
12 receive a new ballot, contact your county auditor.

13 Step 4. Fold the ballot so that your marks cannot be seen
14 without unfolding the ballot. DO NOT PUT YOUR NAME, INITIALS,
15 OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.

16 Step 5. Enclose the ballots in the buff colored Ballot
17 Secrecy Envelope and seal the envelope. Do not write on this
18 envelope.

19 Step 6. Print your name and address and sign your name on
20 the Mail Voter's Certificate on the back of the white Ballot
21 Return Envelope. Your witness must complete the rest of the
22 certificate with the date, the witness's name, signature, and
23 address if the witness is an eligible voter or title if the
24 witness is an official.

25 Step 7. Insert the buff colored Ballot Envelope into the
26 white Ballot Return Envelope. Seal the white Ballot Return
27 Envelope. An unsealed envelope will not be accepted.

28 Step 8. You may deposit the Ballot Return Envelope in the
29 mail or deliver it in person to the county auditor's office.

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

34 8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000,
35 SUBPART 4.

36 MAIL VOTER'S CERTIFICATE

37 OF

38
39 (print or type legal name of voter)

41
42 (print or type legal address of voter)

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

