

1 Secretary of State

2

3 Adopted Permanent Rules Relating to Elections; Housekeeping
4 Rules

5

6 Rules as Adopted

7 8200.6300 COST DETERMINATION.

8 When the secretary of state or a county auditor determines
9 the cost of producing lists of registered voters, the secretary
10 of state or auditor shall take into account only the costs
11 actually incurred to fill the specific request. The secretary
12 of state or auditor shall not take into account the general
13 office expenses or other expenses which would have been incurred
14 by the secretary of state or auditor's office even without the
15 preparation of the request.

16 8205.1000 NOMINATING PETITION FORM, PROCEDURES, AND VERIFICATION.

17 [For text of subps 1 to 6, see M.R.]

18 Subp. 7. Petition in lieu of filing fee. Candidates
19 filing for office pursuant to Minnesota Statutes, section
20 207A.02, may submit a petition in lieu of payment of the filing
21 fee. The petition must be submitted at the same time that the
22 affidavit of candidacy is submitted.

23 The words "PRESIDENTIAL PETITION IN LIEU OF FILING FEE"
24 must be printed at the top of each page of the petition. The
25 petition must conform in all other respects to the form of the
26 nominating petition provided in subpart 1 with the exception
27 that the number of signatures, residency requirement, and oath
28 requirements of persons signing the petition is as provided in
29 Minnesota Statutes, section 204B.11, subdivision 2.

30 A nominating petition filed pursuant to Minnesota Statutes,
31 section 207A.02, may also be used as a petition in lieu of
32 filing fee if the words "PRESIDENTIAL NOMINATING PETITION AND
33 PETITION IN LIEU OF FILING FEE" are printed at the top of each
34 page of the petition and a statement indicating that the
35 petition will be used for both purposes is printed on each page

1 of the petition. The petition must conform in all other
2 respects to the form of the nominating petition provided in
3 subpart 1.

4 The procedures in subparts 2 to 6 apply to petitions in
5 lieu of filing fee and combined nominating and filing fee
6 petitions to the extent practicable.

7 The secretary of state shall make available sample filing
8 fee and combined nominating and filing fee petition forms at
9 least four weeks before the first day to file affidavits of
10 candidacy for the presidential primary.

11 8210.0200 ABSENTEE BALLOT APPLICATION.

12 Subpart 1. Application form. An absentee ballot
13 application prepared by the county auditor or municipal clerk
14 pursuant to Minnesota Statutes, section 203B.06, subdivision 1,
15 shall be in the form in part 8210.9910. An absentee ballot
16 application for the presidential primary must be in the form in
17 part 8210.9917 or 8210.9918.

18 [For text of subps 2 to 4, see M.R.]

19 Subp. 5. Presidential primary. In addition to the
20 information required by subpart 2, the absentee ballot
21 application for the presidential primary must include the
22 following instruction to the absent voter: "A presidential
23 primary ballot cannot be sent to you unless you indicate on this
24 application which political party's ballot you wish to receive.
25 You may receive the ballot of only one political party."

26 8210.0250 RECORDING PARTY CHOICE FOR PRESIDENTIAL PRIMARY.

27 Subpart 1. Receipt of applications. Upon receipt of an
28 absentee ballot application for the presidential primary, the
29 county auditor or municipal clerk shall immediately verify that
30 the absent voter has indicated the major political party whose
31 ballot the voter is requesting. If the absent voter has not
32 indicated a party choice, the application must be returned to
33 the voter. An absentee ballot for the presidential primary must
34 not be sent to any voter who has not indicated which political
35 party's ballot the voter wishes to receive.

1 Subp. 2. Notation on polling place roster. The election
2 judges in the polling place shall indicate in the space provided
3 on the polling place roster the party choice specified on the
4 absentee ballot application for each absent voter whose return
5 envelope has been marked "Accepted." The election judges shall
6 record the party choice at the same time that the letters "A.B."
7 are placed on the roster for the voters whose return envelopes
8 have been marked "Accepted."

9 If absentee ballots are not counted at the polling place,
10 the election judges of the absentee ballot board shall indicate
11 on the absentee voter list the party choice of the absent voters
12 whose return envelopes have been marked "Accepted." When the
13 judges at the absentee ballot board have completed examining the
14 return envelopes, the absentee voter list must be forwarded to
15 the election judges for each precinct. Upon receipt of the
16 list, the election judges in the polling place shall record the
17 voter's party choice on the roster from the information provided
18 on the list.

19 8210.3000 MAIL BALLOTING.

20 [For text of subps 1 to 4, see M.R.]

21 Subp. 4a. Presidential primary ballots. In precincts
22 voting by mail in the presidential primary, the county auditor
23 shall mail the ballots of each of the major political parties to
24 every registered voter. The county auditor shall include a
25 secrecy envelope that provides a place for the voter to indicate
26 the party whose ballot has been enclosed by the voter. The
27 secretary of state shall supply the county auditors with the
28 format for the secrecy envelope. The voter must be instructed
29 to vote and return the ballot of only one party and indicate
30 their party choice on the secrecy envelope.

31 The election judges must inspect the secrecy envelope and
32 record the voter's party choice on the polling place roster. If
33 the voter has not indicated a party choice, the return envelope
34 must be marked "rejected."

35 When the election judges open the secrecy envelopes, they

1 shall determine whether the party choice indicated by the voter
2 on the face of the envelope matches the party of the ballot in
3 the envelope. If the party choice does not match the ballot,
4 the ballot is completely defective. If more than one ballot is
5 included, only the ballot whose party matches the party choice
6 indicated by the voter can be counted. The remaining ballots
7 are completely defective.

8 [For text of subps 5 to 12, see M.R.]

9 8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000,
10 SUBPART 4.

11 MAIL VOTER'S CERTIFICATE

12 OF

13 _____
14 (print or type legal name of voter)

15 _____
16 (print or type legal address of voter)

17 I certify that on election day I will be at least 18 years of
18 age. I certify that I am a citizen of the United States and a
19 resident of _____ (name of township
20 or territory); that I am not under guardianship of the person,
21 have not been found by a court of law to be legally incompetent
22 to vote, or been convicted of a felony without having my civil
23 rights restored. I have not cast and will not cast any other
24 ballots in this election.

25 _____
26 (legal signature of voter)
27

28 I hereby certify that the above named voter exhibited the
29 enclosed ballots to me unmarked; that in my presence and in a
30 manner that I could not see, marked the ballots, or if the voter
31 was physically unable to mark the ballots, the ballots were
32 marked by another individual under the personal direction of the
33 voter, and enclosed and sealed them in the ballot envelope.

34 _____
35 (date)

_____ (legal signature of witness)

36 _____
37 (print or type name of witness)

38 _____
39 (legal address if witness is
40 an eligible voter)

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City Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ Legal Signature _____

8210.9917 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION,
SPECIFIED BY PART 8210.0200.

PRESIDENTIAL PRIMARY
ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for
the following political party:

(Check one)

_____Party
_____Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you
unless you indicate on this application which political party's
ballot you wish to receive. You may receive the ballot of only
one political party.

I will need an absentee ballot for the following reason:

(Check one)

- absence from precinct
- illness or disability
- religious discipline or observance of religious holiday
- service as election judge in another precinct

Name _____
(please print)

My legal residence address is:

Street or Route No. Apt. No. Rural Box No.

City Township County Zip
(check whichever is applicable)

Mail my absentee ballot to me at the following address:

Street or Route No. Apt. No. Rural Box No.

City State Zip

Date _____ Legal Signature _____

8210.9918 PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION,

1 SPECIFIED BY PART 8210.0200.

2 PRESIDENTIAL PRIMARY

3 ABSENTEE BALLOT APPLICATION

4 Read Instructions Before Completing

5
6 I hereby apply for a presidential primary absentee ballot for
7 the following political party:

8
9 (Check one)

10
11 _____Party

12 _____Party

13
14 PLEASE NOTE: A presidential primary ballot cannot be sent to you
15 unless you indicate on this application which political party's
16 ballot you wish to receive. You may receive the ballot of only
17 one political party.

18 Name _____
19 (please print)

20
21 My legal residence address is:

22
23 _____
24 Street or Route No. Apt. No. Rural Box No.
25 City Township County Zip
26 (check whichever is applicable)

27
28 Mail my absentee ballot to me at the following address:

29
30 _____
31 Street or Route No. Apt. No. Rural Box No.
32 _____
33 City State Zip
34 Date _____
35 _____
Legal Signature

36 8210.9920 INSTRUCTIONS TO ABSENT VOTER, SPECIFIED BY PART
37 8210.0500.

38 INSTRUCTIONS TO ABSENT VOTER

39 Follow these instructions carefully. AN IMPROPERLY
40 COMPLETED BALLOT OR ABSENT VOTER'S CERTIFICATE WILL INVALIDATE
41 YOUR BALLOT.

42 (1) Locate any one of the following people to serve as your
43 witness:

44 a. an eligible voter of the same county in which you are
45 registered or registering to vote;

46 b. a notary public;

47 c. a United States postmaster, assistant postmaster,
48 postal supervisor or clerk of a postal contract station;

49 d. any officer having authority to administer an oath.

50 (2) If no voter registration card is enclosed with your

1 ballot, you are properly registered and may proceed to (4).

2 (3) If a registration card is enclosed with your ballot,
3 you are not registered and must complete the registration card
4 in order to have your ballot counted. After completing the
5 voter registration card you must furnish proof of residence to
6 your witness by one of the following means:

7 a. valid Minnesota Driver's License or Learner's Permit or
8 a receipt for either that contains your valid address in the
9 precinct in which you are registering;

10 b. valid Minnesota Identification Card issued by the
11 Minnesota Department of Public Safety or a receipt thereof that
12 contains your valid address in the precinct in which you are
13 registering;

14 c. a current student identification card, a current
15 student fee statement, or copy of a current student registration
16 card that contains your valid address in the precinct in which
17 you are registering;

18 d. valid registration in the same precinct under a
19 different address;

20 e. "ineffective registration notice" mailed by the county
21 auditor or municipal clerk;

22 f. a person who is registered to vote in the precinct and
23 knows you are a resident of the precinct swearing to your
24 residence.

25 Show these instructions to your witness. Your witness must
26 indicate in the proper box on the Absent Voter's Certificate on
27 the white Absentee Ballot Return Envelope which method of
28 proving residence you used. INSERT THE COMPLETED VOTER
29 REGISTRATION CARD IN THE WHITE ABSENTEE BALLOT RETURN ENVELOPE.
30 DO NOT PUT THE VOTER REGISTRATION CARD IN THE BUFF-COLORED
31 BALLOT ENVELOPE.

32 (4) Exhibit the unmarked ballots to your witness.

33 (5) In the presence of your witness mark the ballots in
34 such a manner that your vote is not visible to your witness. If
35 you are physically unable to mark your ballot or cannot read
36 English, you may ask your witness to mark your ballot for you.

1 (6) Fold each ballot separately so that your cross marks
2 cannot be seen without unfolding the ballot and so that the
3 blank lines for the election judges' initials on the back of the
4 ballot can be seen without unfolding the ballot. DO NOT PUT
5 YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE
6 BALLOTS.

7 (7) Enclose all the ballots in the buff-colored Ballot
8 Envelope and seal the envelope. Do not write on the Ballot
9 Envelope.

10 (8) Print your name and address and sign your name on the
11 Absent Voter's Certificate on the back of the white Absentee
12 Ballot Return Envelope. Your witness must complete the rest of
13 the certificate with the date, the witness's printed or typed
14 name, signature, and title if the witness is an official or
15 address if the witness is an eligible voter.

16 (9) Insert the buff-colored Ballot Envelope in the white
17 Absentee Ballot Return Envelope. If you received a voter
18 registration card, be sure it is completed and enclosed in the
19 white Absentee Ballot Return Envelope. Seal the white Absentee
20 Ballot Return Envelope. An unsealed envelope will not be
21 accepted.

22 (10) You may deposit the Absentee Ballot Return Envelope in
23 the mail or hand deliver it to the county auditor or municipal
24 clerk from whom you received it.

25 (11) You may designate an agent to mail the Absentee Ballot
26 Return Envelope or to deliver it in person to the county auditor
27 or municipal clerk from whom you received it. An agent must be
28 at least 18 years old. No individual may serve as the agent for
29 more than three voters in one election. Be sure to SEAL your
30 Absentee Ballot Return Envelope before giving it to your agent.

31 (12) You may mark and mail or deliver your ballots at any
32 time after you receive them. However, if mailing your ballots,
33 allow sufficient time so that they can be delivered by the
34 United States postal service on election day. If you or your
35 agent deliver in person your Absentee Ballot Return Envelope,
36 the auditor or clerk must receive it before 7:00 p.m. on the day

1 before election day.

2 8210.9930 ABSENT VOTER'S CERTIFICATE, SPECIFIED BY PART

3 8210.0600, SUBPART 1.

4 ABSENT VOTER'S CERTIFICATE

5 OF

6 _____
7 (print or type legal name of voter)

8 _____
9 (print or type legal name of voter)

10 I swear or affirm that on election day I will meet the
11 requirements provided by law to vote by absentee ballot, and
12 that I have not cast another absentee ballot in this election.

13 _____
14 (legal signature of voter)
15 I hereby certify that the above named voter exhibited the
16 enclosed ballots to me unmarked; that in my presence and in a
17 manner that I could not see, the voter marked the ballots, or if
18 the voter was physically unable to mark the ballots they were
19 marked by another individual under the personal direction of the
20 voter, and enclosed and sealed them in the ballot envelope; that
21 if the above-named voter registered to vote by enclosing a voter
22 registration card in the Absentee Ballot Return Envelope, then
23 proof of residence was provided as indicated below.

24 _____ (date) _____ (legal signature of witness)
25 _____ (print or type name of witness)
26 _____ (official title if witness is an
27 official)
28 _____ (legal address if witness is an
29 eligible voter)
30 _____
31 _____
32 _____
33 _____
34 _____

35 FOR REGISTRATION ONLY - Indicate method used by voter to
36 prove residence.

37 Method used by voter to prove residence:
38 Driver's License _____ Notice of Ineffective
39 or Permit or (number) Registration _____
40 Receipt
41 Minn. ID Card or _____ Student ID _____
42 Receipt (number) (number)
43 same precinct _____
44 _____ (legal signature of registered
45 voter in the precinct who

attested to residence in
the precinct)

(legal address of registered
voter in the precinct who
attested to residence in
the precinct)

8210.9935 ALTERNATIVE ABSENT VOTER'S CERTIFICATE, SPECIFIED BY
PART 8210.0600, SUBPART 4.

ABSENTEE VOTER'S CERTIFICATE

OF

(print or type legal name of voter)

(print or type legal address of voter)

I swear or affirm that on election day I will meet the
requirements provided by law to vote by absentee ballot, and
that I have not cast another absentee ballot in this election.

(legal signature of voter)

I hereby certify that the above named voter exhibited the
enclosed ballots to me unmarked; that in my presence and in a
manner that I could not see, marked the ballots and enclosed and
sealed them in the ballot envelope.

(date)

(legal signature of witness)

(print or type name of witness)

(official title if witness is
an official)

(legal address if witness is an
eligible voter.)

8220.1150 TEST BALLOTS.

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the
number allowed by law for each office and proposal appearing on
the ballot.

For district offices in which the number of candidates
appearing on the ballot for that office varies by district, test
ballots must be prepared with the number of votes allowed by law
for that office in that district and also must include votes in
positions which are assigned to that office for which no

1 candidate's name appears in those positions for that district.

2 In partisan primary elections test ballots must be prepared
3 to check the program for splitting tickets. Test ballots must
4 be prepared with votes appearing in the same ballot for
5 candidates of opposite political parties, nonpartisan
6 candidates, and proposals. At least one ballot must be prepared
7 with votes for one party and including votes for a nonpartisan
8 office in excess of the number permitted by law.

9 Test ballots must be prepared in which votes appear in
10 positions other than those used for candidates or proposals. In
11 preparing the test deck or ballot image a number of the ballots
12 must be voted to include valid votes in the partisan,
13 nonpartisan, and proposal sections of the ballot.

14 Blank ballots in which no positions have been voted must be
15 included in the test deck or ballot image.

16 At least one test ballot must be prepared with votes in all
17 positions where there is a candidate or measure on the ballot.

18 A duplicate of the test deck must be prepared to be used
19 with the duplicate or backup computer program.

20 8220.1650 ADDITIONAL TEST DECKS.

21 Upon request the secretary of state must be provided a test
22 deck for any state, county, municipal, or school district
23 election computer program, in which case a test deck of at least
24 50 blank ballots must be delivered to the secretary of state
25 with directions for its use. The state chair of a major
26 political party or designee may obtain a test deck for use at
27 the public accuracy test. The secretary of state may request a
28 test deck from a jurisdiction no later than 15 days prior to the
29 election. The use of test decks provided by the secretary of
30 state or a major political party does not substitute for the
31 requirement for an election jurisdiction to prepare and use a
32 test deck in accordance with parts 8220.1050 and 8220.1150.

33 8230.0250 ARRANGEMENT OF VOTING DEVICES.

34 Voting devices may be used in voting booths or
35 self-contained stations. The booths or stations must be

1 equipped with lights or arranged so that adequate lighting is
2 available for voters to be able to see and mark the ballots.
3 Precincts using punch card or optical scan voting systems may
4 provide voting booths or self-contained stations for use by
5 voters in casting their ballots. The booths or stations must be
6 arranged so the secrecy of the ballot is not violated. If a
7 voter claims that the arrangement of the booths or stations does
8 not afford the opportunity to vote in secrecy, the judges shall
9 rearrange the device or booth to provide for increased secrecy.

10 8230.3950 COPIES OF RETURNS.

11 The election official in charge of the counting center must
12 certify at least three copies of the returns. The certification
13 must state the name of the community, municipality or township,
14 precinct numbers, offices, names of candidates, number of
15 persons registered before polls open on election day, number of
16 ballots counted, vote totals, and any other data required by the
17 secretary of state such as precinct identification number.
18 Authorized personnel in the counting center shall transfer any
19 numbers to forms supplied by the secretary of state for the
20 purpose of state reporting of election results. The statement
21 of returns may be a computer printout as well as any forms
22 designated by the secretary of state for the purpose of
23 preparing the state canvassing board report and publication of
24 election results.

25 8230.4050 DISTRIBUTION OF RETURNS.

26 Returns referred to in part 8230.3950 must be certified to
27 the municipal clerk who shall retain one copy of the statement
28 of returns and send at least two copies to the county auditor,
29 along with any forms determined by the secretary of state to be
30 filed with the state. The county auditor shall retain one copy
31 of the statement and forward at least one copy of the statement
32 to the secretary of state together with two copies of the report
33 of the county canvassing board report. Copies of any additional
34 forms required by the secretary of state for preparation of the
35 state canvassing board report and other public reports of the

1 election must be completed and returned to the secretary of
2 state.

3 8230.4350 OPTICAL SCAN VOTING SYSTEMS

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

5 Subp. 2. **Ballot cards.** Each ballot card must have printed
6 on it either the name of the precinct and a machine-readable
7 precinct identifier, or a ballot style indicator. Voting
8 instructions must be printed at the top of the ballot card on
9 each side that includes ballot information. The instructions
10 must include an illustration of the proper mark to be used to
11 indicate a vote. Detachable stubs or consecutive numbers are
12 not required. Lines for the initials of at least two election
13 judges must be printed on one side of the ballot card so that
14 the judges' initials are visible when the ballot is enclosed in
15 a secrecy sleeve.

16 Ballot cards must meet or exceed the specifications the
17 equipment manufacturer has filed with the secretary of state.
18 The election official responsible for preparing the ballots must
19 supply to the ballot printer the manufacturer's recommended
20 standards and specifications for ballot printing.

21 The equipment manufacturer must file with the secretary of
22 state recommended procedures and standards for checking ballot
23 specifications. Upon receipt of the ballots the election
24 jurisdiction must immediately examine the ballot cards to
25 determine that they meet the required specifications. The
26 ballot cards must be packaged and stored in a manner to protect
27 against moisture.

28 [For text of subps 3 and 4, see M.R.]

29 Subp. 5. **Precinct counting equipment.** Precinct counting
30 systems that read ballots as they are inserted into the ballot
31 box may not be used for a central counting center, except that
32 one ballot counter may be supplied for up to ten precincts with
33 a combined total of fewer than 1,500 registered voters.
34 Separate prom packs must be used for each of the precincts.
35 Except as provided in this subpart, at least one ballot counter

1 must be supplied to each precinct.

2 If the ballot counter will be used to count ballots of only
3 one precinct, machine readable ballot configuration
4 identification may be printed on each ballot card in place of
5 the precinct name and identification required by subpart 2. A
6 ballot configuration means a unique ballot format prepared for
7 use in one or more precincts in which all ballot information,
8 including offices and questions to be voted on, candidate names,
9 and rotation sequence, is identical.

10 If the locked ballot box cannot be detached from the ballot
11 counter, the number of ballot counters supplied to the precinct
12 must be sufficient so that the number of ballots expected to be
13 counted on any counter will be at least ten percent less than
14 the maximum capacity of the ballot box. The maximum capacity
15 must be determined on the basis of the size of the ballot to be
16 voted at the election.

17 The auditor or clerk must test each prom pack individually
18 and, after testing, seal it with a numbered seal. Each ballot
19 counter must be tested to ensure that the components are
20 operating properly. The election judges shall verify that the
21 ballot counter at the precinct has the correct seal number and
22 certify the seal number on the summary statement.

23 Before opening the polls, the election judges shall
24 initialize the ballot counter in accordance with the
25 manufacturer's instructions. The judges shall verify that the
26 initial counts for the voting positions are zero, that the
27 public counter is set at zero, and that the ballot positions and
28 other ballot information for each candidate and proposal printed
29 on the initial tape agree with those on the ballot cards.

30 If the ballot counter is programmed to return to the voter
31 a ballot having defects, the rejected ballot must be treated as
32 a spoiled ballot and a new ballot must be issued to the voter
33 after the spoiled ballot has been deposited in the spoiled
34 ballot container. The election judges shall read the error
35 message to the voter and may explain the conditions that cause a
36 ballot to be rejected, but the judges shall not examine the

1 voted ballot unless the voter requests assistance as provided in
2 Minnesota Statutes, section 204C.15. Election judges monitoring
3 the depositing of ballots into an optical scan precinct counting
4 system must be stationed no closer than six feet from the
5 precinct ballot counter.

6 If the ballot counter is programmed to return to the voter
7 a ballot having defects, no means of overriding the rejection
8 may be used that do not meet the conditions in items A to C.

9 A. The override must be protected against being
10 inadvertently activated.

11 B. The override must not allow more than one ballot
12 to be processed each time it is operated.

13 C. A message, to be initialed by the election judges
14 who activated the override, must be printed on the results tape
15 each time the override is operated.

16 As soon as voting has ended, the election judges shall
17 process any ballots in the auxiliary ballot box and then secure
18 the ballot counter against receiving any more ballots. The
19 election judges shall produce a printed record of results and
20 sign the certificate that is part of the printed record.

21 At a general election, after the ballot counter has been
22 secured against receiving additional ballots, the election
23 judges shall open the write-in compartment and count and record
24 on the summary statement the valid write-in votes.

25 One unbroken tape that includes the initial zero report at
26 the opening of the polls, messages printed during the hours of
27 voting, and the first printout of results must be certified to
28 the county canvassing board. In the event of equipment failure,
29 the election judges and any technicians working on the equipment
30 shall make entries on the tape of initials and time of
31 occurrence to indicate the points at which the equipment failed
32 and was returned to service. If the tape has been broken, the
33 election judges shall seal the parts together and sign over the
34 seal so that it cannot be broken without disturbing the
35 continuity of the signatures. Additional copies of the record
36 of results must be certified as required by the election

1 jurisdiction.

2 [For text of subps 6 and 7, see M.R.]

3 8235.0200 AUTOMATIC AND ADMINISTRATIVE RECOUNTS.

4 This chapter establishes procedures for the conduct of all
5 automatic and administrative recounts provided for in Minnesota
6 Statutes, sections 204C.35 and 204C.36. The secretary of state
7 or secretary of state's designee is the recount official for
8 recounts conducted by the State Canvassing Board. The county
9 auditor or auditor's designee is the recount official for
10 recounts conducted by the county canvassing board. The county
11 auditor or auditor's designee shall conduct recounts for county
12 offices. The municipal clerk or clerk's designee is the recount
13 official for recounts conducted by the municipal governing
14 body. The school district clerk or clerk's designee is the
15 recount official for recounts conducted by the school board, or
16 by a school district canvassing board as provided in Minnesota
17 Statutes, section 205A.10, subdivision 5. When the person who
18 would otherwise serve as recount official is a candidate for the
19 office to be recounted, the appropriate canvassing board shall
20 select an election official from another jurisdiction to conduct
21 the recount. "Legal adviser" means counsel to the recount
22 official and the canvassing board for the office being
23 recounted. The scope of an automatic or administrative recount
24 is limited to the recount of the ballots cast and the
25 declaration of the person nominated or elected.

26 8235.0800 COUNTING AND CHALLENGING BALLOTS.

27 Ballots must be recounted by precinct. The recount
28 official shall open the sealed envelope of ballots and recount
29 them in accordance with Minnesota Statutes, section 204C.22. If
30 a candidate or candidate's representative disagrees with the
31 recount official's determination of whether and for whom the
32 ballot should be counted, the ballot may be challenged. At a
33 recount of a ballot question, the manner in which a ballot is
34 counted may be challenged by the person who requested the
35 recount or that person's representative. Challenges may not be

1 automatic or frivolous and the challenger must state the basis
2 for the challenge. The precinct name, the reason for the
3 challenge, and the name of the person challenging the ballot
4 must be marked on the back of each challenged ballot before it
5 is placed in an envelope marked "Challenged Ballots." After the
6 count of votes for the precinct has been determined, all ballots
7 except the challenged ballots must be resealed in the ballot
8 envelopes and returned with the other election materials to the
9 custodian of the ballots. After the count of votes for all
10 precincts has been determined, the challenged ballot envelope
11 must be sealed and kept secure for presentation to the
12 canvassing board.

13 8240.1300 COURSES REQUIRED.

14 An election judge who must receive training pursuant to
15 Minnesota Statutes, section 204B.25 shall successfully complete
16 a basic training course which meets the requirements of part
17 8240.1600. After completing the basic training course, an
18 election judge may serve at future elections by successfully
19 completing a review course which meets the requirements of part
20 8240.1700 before service at such election. The basic training
21 course need not be repeated if the judge serves at least one
22 election every four years.

23 The basic training course and the review course shall be
24 conducted not more than 60 days or fewer than three days before
25 the election. When one or more election judges are unable to
26 attend a scheduled training session, a makeup session shall be
27 held which conforms to the scheduled training session so far as
28 practicable.

29 A special training course must be conducted for all
30 election judges not more than 60 nor fewer than three days
31 before a presidential primary election. The county auditor
32 shall establish either a one or two hour training course for the
33 presidential primary. The length of training for the
34 presidential primary should be determined by the voting method
35 used at the presidential primary, and the experience level of

1 election judges with the voting method.

2 No election judge who successfully completes the training
3 required by these rules for a state primary election shall be
4 required to complete additional training for the succeeding
5 general election.

6 The training authority shall determine the maximum number
7 of trainees in each training session conducted pursuant to parts
8 8240.1600 and 8240.1700. The maximum number of trainees shall
9 be appropriate to the methods of instruction used.

10 8240.1650 PRESIDENTIAL PRIMARY TRAINING COURSE.

11 Subpart 1. **Length.** The training course shall be
12 established by the county auditor at either one or two hours in
13 length.

14 Subp. 2. **Materials.** By February 1 in years in which a
15 presidential primary is conducted, the secretary of state shall
16 provide each county auditor with examples of all forms and
17 documents used by election judges that are unique to the
18 presidential primary. The county auditor shall provide copies
19 of this material to each training authority in the county. The
20 forms and documents provided to a county auditor must include
21 but are not limited to: polling place rosters; absentee ballot
22 applications and return envelopes; ballots; and precinct summary
23 statements. Additional material may be provided by the training
24 authority as considered useful.

25 Subp. 3. **Use of equipment.** A voting system or specimen
26 paper ballot and ballot box must be used at each training
27 session to familiarize each election judge with the voting
28 procedures used at the presidential primary.

29 Subp. 4. **Course content.** The presidential primary
30 training course must include information and preparation in the
31 following areas:

32 A. declaration of party preference noted on polling
33 place roster;

34 B. transfer of party preference from absentee ballot
35 applications to polling place roster;

1 C. counting of ballots, including party order and
2 write-in ballots;

3 D. all forms, rules, laws, and procedures unique to
4 the presidential primary; and

5 E. methods for responding to voters concerns about
6 privacy.

7 8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.

8 Subpart 1. **Requirement.** Trainee election judges appointed
9 under Minnesota Statutes, section 204B.19, must meet the
10 requirements of this part.

11 Subp. 2. **Training.** A trainee election judge must complete
12 the basic two hour training course as defined in part 8240.1650
13 before serving in a special, primary, or general election.

14 Subp. 3. **Qualifications.** A trainee election judge must be
15 a United States citizen, a resident of the municipality in which
16 the trainee election judge serves, and be at least 16 years of
17 age. Trainee election judges must provide certification from
18 their school that they are enrolled in a Minnesota high school,
19 have completed or be enrolled in a course on government at the
20 time of service, and are performing at an academic level
21 acceptable to the principal of the trainee's high school.

22 Subp. 4. **Appointment.** Trainee election judges may be
23 appointed by the municipality or school district conducting the
24 election if:

25 A. the trainee election judge is appointed without
26 party affiliation;

27 B. the trainee election judge has submitted a written
28 request, approved and signed by the trainee's parent or
29 guardian, to be absent from school to the principal of the
30 trainee's high school;

31 C. a certificate from the appointing authority is
32 submitted with the request stating the date and hours the
33 student will serve as a trainee election judge;

34 D. the request and certificate are submitted to the
35 student's principal at least ten days prior to the election; and

1 E. the appointment will not require the trainee
2 election judge to serve past 10:00 p.m.

3 Subp. 5. **Payment.** For attending required training or for
4 service as a trainee election judge, students must be paid not
5 less than two-thirds of the minimum wage for large employers as
6 provided in Minnesota Statutes, section 177.24.

7 Subp. 6. **Number of trainee election judges allowed per**
8 **precinct.** No more than one-third of the election judges at a
9 precinct may be trainees. The appointment of trainee election
10 judges may count towards meeting the minimum number of election
11 judges required by Minnesota Statutes, section 204B.22.

12 8250.0350 FORM OF STATE PRIMARY BALLOT.

13 The state partisan primary paper ballot must be prepared in
14 the same manner as the white ballot, except as provided in this
15 part. Ballot preparation for the state partisan primary ballot
16 used with optical scan voting systems must conform to this part
17 as much as practicable. The columns containing the names of
18 candidates must be 5-1/4 inches wide. If fewer than three major
19 political parties appear on the ballot, the center column
20 containing instructions must be three inches wide.

21 The statements required by Minnesota Statutes, section
22 204D.08, subdivision 4, must be printed in upper case in as
23 large as practicable but not smaller than 10-point type.
24 Directly above the statement preceding the party names the words
25 "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold
26 face in as large as practicable but not smaller than 12-point
27 type.

28 8250.0360 FORM OF PRESIDENTIAL PRIMARY BALLOTS.

29 [For text of subps 1 to 4, see M.R.]

30 Subp. 5. **Order of candidates.** The secretary of state or
31 the county auditor shall prepare a separate ballot for each
32 major political party containing the names of the candidates of
33 each party certified by the secretary of state. The names of
34 the candidates must be rotated in the manner provided in
35 Minnesota Statutes, section 204D.08, subdivision 3. In the

1 first position under the last candidate name, the words
2 "UNCOMMITTED DELEGATES" must be printed. In the second position
3 under the last candidate name, a blank line must be printed to
4 allow a voter to write in the name of an individual whose name
5 is not listed on the ballot.