

CHAPTER 203

ABSENT AND DISABLED VOTERS

203.01 MAY VOTE BY MAIL

HISTORY. 1917 c 68 s 1; 1917 c 120 s 1; 1933 c 108 s 1; 1925 c 289 s 1; Mason's 1927 c 496; 1929 c 29 s 1; 1937 c 413 s 1; 1939 c 345 Pt 4 c 1 s 1; Mason's Supp s 601-4 (1); 1949 c 365 s 1.

To vote at a school election the voter must be a citizen of the United States for three months preceding the election. No person can vote in a district in which he has ceased to reside. There is no property qualification. The absent voter's law applies in school elections. OAG Feb. 26, 1951 (187-A-9).

For the purpose of voting no person is deemed to have lost his residence by reason of his absence while employed in the service of the United States, and as long as it is the intention of the voter to continue his legal residence in Minnesota, established prior to his accepting employment in United States service outside Minnesota, he will not lose his right to vote in Minnesota. OAG June 16, 1952 (639-J).

The laws relating to the right of absent and disabled voters to vote by mail, are now applicable to school district elections where administratively possible. OAG Oct. 4, 1949 (639-K).

A soldier in military service, absent from the district of his residence, has a right to vote by mail at a school election. OAG Sept. 18, 1951 (639-K).

Elections held for the formation of a soil conservation district or the election of supervisors pursuant to the Soil Conservation Act, Minnesota Statutes Chapter 40, do not constitute a general election, primary election, city, school, village or town election as used in section 203.01. Consequently, the provisions relating to absent and disabled voters are not applicable to elections held under the provisions of the Soil Conservation Act for the formation of a soil conservation district or for the election of supervisors. OAG Dec. 2, 1953 (705-A-3).

203.02 APPLICATION FOR BALLOTS

HISTORY. 1917 c 68 s 2; 1927 c 77 s 1; Mason's 1927 s 497; 1939 c 345 Pt 4 c 1 s 2; Mason's Supp s 601-4(1)a; 1949 c 368 s 1.

Under the provisions of Laws 1949, Chapter 368, application for absent or disabled voter ballot should be filed with the clerk of the school district. OAG May 24, 1949 (639-A).

Application for absentee ballots must be made to the county auditor in writing or in person. The ballots are mailed or delivered to the applicant. The auditor is not authorized to appoint a special deputy to take applications for absentee ballots outside of the county seat. OAG Sept. 15, 1952 (639-A).

Application form supplied by the federal authorities for absentee voting by members of the armed forces should be treated as substantial compliance with the requirements of section 203.02; such application should be forwarded by the secretary of state to the county auditor who may supply ballots to an applicant who is in the military service within the continental United States. OAG June 1, 1948 (639-E).

203.04 COUNTY AUDITOR TO FILE APPLICATIONS

The name of the candidate nominated in the primary must not be changed for the final election. OAG Sept. 30, 1948 (28-B-2).

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The county auditor is not authorized to appoint a special deputy to take applications for ballots outside the county seat. OAG Sept. 15, 1952 (639-A).

203.07 AUDITOR TO DELIVER BALLOTS

HISTORY. 1917 c 68 s 6; 1925 c 277 s 1; Mason's 1927 s 501; 1931 c 170 s 1; 1933 c 242 s 1; 1939 c 345 Pt 4 c 1 s 7; Mason's Supp s 601-4(1)f; 1949 c 368 s 2.

Under the provisions of Laws 1949, Chapter 368, application for absent or disabled voter ballot should be filed with the clerk of the school district. OAG May 24, 1949 (639-A).

In forwarding election ballots to absentees the county auditor is authorized to forward a return envelope, stamped so that it may be delivered to him by mail by the absentee. OAG Oct. 24, 1950 (639-F).

203.08 APPLICATION TO BE CERTIFIED AND SEALED

HISTORY. 1917 c 68 s 7; Mason's 1927 s 562; 1939 c 345 Pt 4 c 1 s 9; Mason's Supp s 601-4(1)g; 1947 c 368 s 3.

Under the provisions of Laws 1949, Chapter 368, application for absent or disabled voter ballot should be filed with the clerk of the school district. OAG May 24, 1949 (639-A).

203.09 VOTER MAY MAIL BALLOT

A county auditor may, in his discretion, attach a special delivery stamp to a return envelope in connection with the absentee ballot. The election judge cannot pick up envelopes at the post office but they must be delivered at the voting place. OAG Oct. 24, 1950 (639-F).

203.10 JUDGES TO RECEIVE AND COUNT BALLOTS

HISTORY. 1917 c 68 s 9; Mason's 1927 s 504; 1939 c 345 Pt 4 c 1 s 10; Mason's Supp s 601-4(1)j; 1949 c 368 s 4.

Delivery on election day of absentee votes by the postoffice authorities must be to the judges of election at the polling places. OAG Oct. 24, 1950 (639-F).

203.14 DISPOSITION OF FEES

HISTORY. 1917 c 68 s 13A; 1925 c 388 s 1; Mason's 1927 s 508-1; 1929 c 168 s 1; 1937 c 413 s 2; 1939 c 345 Pt 4 c 1 s 14; Mason's Supp 601-4(1)m; 1945 c 501 s 5; 1949 c 368 s 5.

Under the provisions of Laws 1949, Chapter 368, application for absent or disabled voter ballot should be filed with the clerk of the school district. OAG May 24, 1949 (639-A).

203.15 DECLARATION OF POLICY

HISTORY. 1949 c 383 s 1.

The law with reference to voting by members of the armed forces applies to a presidential primary election. OAG Jan. 14, 1952 (28-C-5).

203.16 APPLICATION OF CHAPTERS 200 TO 212

HISTORY. 1949 c 383 s 2.

203.17 ARMED FORCES DEFINED

HISTORY. 1949 c 383 s 3.

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Persons other than members of the "armed forces," cannot cast absentee ballots outside the territory of the United States exclusive of Alaska and the island possessions. The question whether a person is or is not a member of the armed forces is a fact question. OAG May 6, 1952 (639-E).

203.18 REGISTRATION; REQUEST; BALLOT

HISTORY. 1949 c 383 s 4.

Unless a person applying for a ballot under the law with reference to voting by members of the armed forces designates his party choice, no ballot should be forwarded to him. The voter under the armed forces law must name his party choice. OAG Jan. 14, 1952 (28-C-5).

203.19 COUNTY AUDITOR; DUTIES

HISTORY. 1949 c 383 s 5.

If a member of the armed forces registers for the presidential primary he should receive a ballot for the state primary and general election without further application. OAG Feb. 11, 1952 (639-E).

203.20 AFFIDAVIT, HOW EXECUTED

HISTORY. 1949 c 383 s 6.

203.21 BALLOTS CONFORM TO CHAPTERS 200 TO 212

HISTORY. 1949 c 383 s 7.

203.22 RETURN OF BALLOT

HISTORY. 1949 c 383 s 8.

203.23 CAST OF BALLOT IN PERSON, EFFECT

HISTORY. 1949 c 383 s 9.

203.24 DEATH OF VOTER

HISTORY. 1949 c 383 s 10.

203.25 SEPARATE RECORD

HISTORY. 1949 c 383 s 11.

203.26 NO TIME LIMIT

HISTORY. 1949 c 383 s 12.

The thirty day limitation for registration does not apply to registration by or on behalf of members of the armed forces. OAG May 6, 1952 (639-E).

203.27 EXPENSE CHARGEABLE TO GENERAL REVENUE

HISTORY. 1949 c 383 s 13.

203.28 PROVISIONS EXCLUSIVE

HISTORY. 1949 c 383 s 14.