

CHAPTER 207

ABSENT AND DISABLED VOTERS

Sec.		Sec.	
207.01	Definitions	207.15	Absent voting, municipal elections, duties of clerks
207.02	Voting by mail	207.16	Declaration of policy
207.03	Application for ballots	207.17	Application of Minnesota election law
207.04	County auditor to be supplied with ballots	207.18	Armed forces and temporary nonresidents
207.05	Applications filed with auditor; delivery of ballots	207.19	Registration; request; ballot
207.06	Fees	207.20	County auditor; duties
207.07	Auditor may employ additional help	207.21	Affidavit, how executed
207.08	"Return" and "ballot" envelopes, "directions to voters"	207.22	Ballot conform to provisions of the Minnesota election law
207.09	Application to be certified and sealed	207.221	Registration records; delivery by auditor
207.10	Voter to mail ballot	207.23	Return of ballot
207.101	Clerk of municipality to deliver ballots in certain cases	207.24	Cast of ballot in person, effect
207.11	Judges to receive and count ballots	207.25	Death of voter
207.12	Clerk to notify post office of precinct addresses	207.26	Separate record
207.13	County auditor to prepare applications	207.27	No time limit
207.14	Violations	207.28	Expense chargeable to general revenue
		207.29	Provisions exclusive
		207.30	Absentee ballot precinct

207.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.01 DEFINITIONS. The words used in this chapter have the meanings prescribed to them in chapter 200.

[1959 c 675 art 8 s 1]

207.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.02 VOTING BY MAIL. Any person entitled to vote at any general election, any primary election, any city election, or any village or town election in villages or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election, either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101, and by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions.

[1959 c 675 art 8 s 2; 1965 c 4 s 1]

207.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.03 APPLICATION FOR BALLOTS. At any time not more than 45 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, by mailing to or filing with such auditor an application substantially in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of.....
 State of Minnesota, residing at.....(here insert street and number)
 in said city, village or town, because of (absence from home).....,
 (illness)....., (physical disability)....., (because of religious
 discipline or observance of a religious holiday) hereby makes application for the
 ballots to be voted upon in said precinct at the next election. Please mail said bal-
 lots and accompanying envelope to me at.....(insert post office address
 to which to be sent).....

Dated....., 19.....

(Signature of Applicant)"

Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony.

[1959 c 675 art 8 s 3]

207.04 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.04 COUNTY AUDITOR TO BE SUPPLIED WITH BALLOTS. The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor to comply with the provisions of this chapter. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least 15 days before such election.

[1959 c 675 art 8 s 4]

207.05 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.05 APPLICATIONS FILED WITH AUDITOR; DELIVERY OF BALLOTS. Subdivision 1. **Application, delivery.** If any application is made either in person or by mail more than 30 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application or as soon thereafter as ballots are available, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in section 207.03, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified.

Subd. 2. **Air mail.** If an application requests delivery of ballots to a point outside the continental limits of the United States, ballots shall be transmitted by air mail, and the transmitting and return envelopes shall be marked with the words, printed thereon, "OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL."

Subd. 3. **Priority in mailing.** Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 4. **Restrictions.** No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

[1959 c 675 art 8 s 5; 1961 c 606 s 10]

207.06 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.06 FEES. The expense of such extra clerical assistance as may be required for the performance by the auditor of the duties imposed by this chapter; the cost of furnishing and printing the application blanks specified in section 207.03; the cost of furnishing and printing the envelopes and voters' certificates herein specified; the cost of postage both in forwarding and for the return of the ballots as herein specified and in delivering to the judges of the several precincts in his county the applications after the same have been endorsed by him as herein specified, shall be paid by the county.

[1959 c 675 art 8 s 6]

207.07 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.07 AUDITOR MAY EMPLOY ADDITIONAL HELP. Each county auditor is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this

MINNESOTA STATUTES 1971

2505

ABSENT AND DISABLED VOTERS 207.08

chapter, and the expense of such additional clerical assistance shall be paid by the county.

[1959 c 675 art 8 s 7]

207.08 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

207.08 "RETURN" AND "BALLOT" ENVELOPES, "DIRECTIONS TO VOTERS." The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and "Directions to Voters." One envelope shall be known as the "Return Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope, by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope
Postmaster to deliver on Election Day."

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the precinct in which the applicant is entitled to vote, if he knows or can ascertain such precinct; such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election.
Seventh Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."

"To the Judges of Election, Rosedale Town,

.....
(Here insert name of post-office nearest voting place)

Hennepin County, Minnesota."

"To the Judges of Election, Village of Excelsior,
Excelsior, Hennepin County, Minnesota."

If the auditor does not know or cannot ascertain the precinct in which the applicant is entitled to vote he shall cause the Return Envelope to be addressed to the clerk of the municipality in which the applicant is entitled to vote. Such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the city clerk of the city of Minneapolis
For the Judges of Election of the Precinct
in which 3217 Elm Street is situated.
Courthouse, City of Minneapolis
Hennepin County, Minnesota."

"To the Town Clerk of the Town of Fisher
For the Judges of Election of the Precinct
in which Box 32, Route 3, Fisher, Minnesota is situated.
Town Hall, Town of Fisher,
Blue Earth County, Minnesota."

"To the Town Clerk of the Town of White
For the Judges of Election of the Precinct
in which Route 3, Aurora, Minnesota is situated.
Village of Aurora
St. Louis County, Minnesota."

"To the Village Clerk of the Village of Roseville
For the Judges of Election of the Precinct
in which 1787 North Victoria is situated.
City of St. Paul,
Ramsey County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day.

MINNESOTA STATUTES 1971

207.08 ABSENT AND DISABLED VOTERS

2506

If the Return Envelope is addressed to the clerk of a municipality it shall contain a notation in bold face type reading substantially as follows:

"Clerk of

.....
(Here insert name of municipality)

Deliver this envelope to the correct Election Precinct immediately upon receipt thereof."

The county auditor shall also affix to this "Return Envelope" United States postage stamps sufficient in amount to pay the required United States postage on the "Return Envelope," after the ballot envelope and voter's certificate herein prescribed have been enclosed therein. If necessary to assure delivery to the judges of election in the polling place by the postmaster, the county auditor shall affix to this "Return Envelope" United States postage stamps necessary for special delivery.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

"VOTER'S CERTIFICATE

County of }
State of } ss

I do swear that I am a citizen of the United States; that I am an eligible voter; that I am an actual resident of the election precinct indicated by my address in my application; that on the date of the ballots contained herein I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said precinct prior to such date; that at said time I will be a qualified voter in said precinct.

(Signed)
(Voter)

Subscribed and sworn to before me this day of A.D., and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure.

.....
(Attesting Witness)

.....
(Official Title)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc.)"

The Return Envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The following "Directions to Voters" shall be printed and furnished to each voter at the time such ballots are mailed or delivered in person.

"DIRECTIONS TO VOTERS"

(1) Locate a Notary Public, United States Postmaster, Assistant United States postmaster, postal supervisor, clerk in charge of contract postal station, or any officer having authority to administer an oath or take an acknowledgment.

(2) Exhibit the ballots to be voted on to such person unmarked.

(3) In his presence mark the ballots in such a manner that he cannot see your vote. If you are physically incapacitated, you may ask him to mark your ballot for you.

(4) Fold each ballot separately so that your cross marks cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or municipal clerk) on back of ballot can be seen without unfolding ballot. Do not put your name, initials, or any other identifying mark on the ballots.

(5) Enclose all the ballots in the "Ballot Envelope" and seal the envelope.

(6) Sign your name on back of the "Return Envelope." The person taking your acknowledgment must sign his name as attesting witness, indicate his official title, insert proper date, and affix his official seal, or, in the case of postal authorities previously mentioned, the cancellation stamp of their respective post offices. Insert the "Ballot Envelope" in the "Return Envelope" and seal the "Return Envelope."

(7) Deposit the "Return Envelope" in the mail in the presence of the attesting witness or have him do it for you.

(8) The ballots may be marked and mailed at any time after you receive them from the county auditor. However, they must be marked and mailed so that they can be delivered by the post office to the judges of election at your polling place before the polls close on election day."

[1959 c 675 art 8 s 8; 1965 c 4 s 2; 1965 c 247 s 1; 1971 c 181 s 1]

207.09 APPLICATION TO BE CERTIFIED AND SEALED. The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and date the certificate printed on the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to precincts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective judges of the several precincts.

[1959 c 675 art 8 s 9]

207.10 VOTER TO MAIL BALLOT. Any qualified voter of any precinct of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters.

[1959 c 675 art 8 s 10]

207.101 CLERK OF MUNICIPALITY TO DELIVER BALLOTS IN CERTAIN CASES. Any clerk of a municipality who receives "Return Envelopes" as provided for in sections 207.08 and 207.20, subdivision 1 by mail before the closing hours of the polls shall forthwith deliver them to the judges of election of the appropriate precincts in his municipality. "Return Envelopes" not delivered as provided herein shall promptly be sent to the county auditor by the clerk with a notation on the "Return Envelope" of the reason for nondelivery.

[1965 c 4 s 3]

207.11 JUDGES TO RECEIVE AND COUNT BALLOTS. The judges in the several precincts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States post office department in due course of the business of that department or by the clerk of the municipality, and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on

such "Ballot Envelope" and under such word his or their name or initials, provided that in municipalities in which registration of voters is required such ballots shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such precinct, nor shall said ballots be so marked with the word "Received" if it appears from the registration file that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received" as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid shall be carefully kept by the judges in a separate absentees ballot box until the closing of the polls on the election day, but before any of the regular ballot boxes are opened the absentees ballot box and each "Ballot Envelope" shall be opened and the ballots therein taken therefrom initialed by an election judge and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters in person.

[1959 c 675 art 8 s 11; 1965 c 4 s 4; 1967 c 852 s 5]

207.12 CLERK TO NOTIFY POST OFFICE OF PRECINCT ADDRESSES.

It shall be the duty of the clerk of each municipality having more than two voting precincts therein to furnish to the postmaster of said municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the precincts of the municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of post office employees in delivering the "Return Envelopes" and "Official Ballot Return Envelopes" addressed in conformity with section 207.08.

[1959 c 675 art 8 s 12; 1965 c 4 s 5]

207.13 COUNTY AUDITOR TO PREPARE APPLICATIONS. The county auditor shall prepare and print a suitable number of blanks for the "Application for ballots" described herein and deliver a copy thereof to any voter applying therefor.

[1959 c 675 art 8 s 13]

207.14 VIOLATIONS. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony.

[1959 c 675 art 8 s 14]

207.15 ABSENT VOTING, MUNICIPAL ELECTIONS, DUTIES OF CLERKS.

In the case of city elections in all cities, or village or town elections in all villages and towns operating under the "Australian Ballot System," voters' applications for ballots shall be filed with the city or village or town clerk, no fees shall be required to be paid therefor, and the duties prescribed in this chapter for the county auditor shall be performed by the city or village or town clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this chapter for any

MINNESOTA STATUTES 1971

2509

ABSENT AND DISABLED VOTERS 207.19

such city or village or town election shall be paid by the city or village or town in which the same is held.

[1959 c 675 art 8 s 15; 1961 c 564 s 5; 1961 c 606 s 12]

207.16 DECLARATION OF POLICY. In recognition of the state's responsibility to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by sections 207.16 to 207.29 makes necessary adjustments in the absent voting law to provide for the preparation and transmission of ballots to such electors within and without the United States and for the return of such ballots to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in order to effectively carry out the purpose and intent of sections 207.16 to 207.29.

[1959 c 675 art 8 s 16]

207.17 APPLICATION OF MINNESOTA ELECTION LAW. Except as modified by sections 207.16 to 207.29, the provisions of the Minnesota election law shall remain in full force and effect.

[1959 c 675 art 8 s 17]

207.18 ARMED FORCES AND TEMPORARY NONRESIDENTS. The term "armed forces" as used in sections 207.16 to 207.29 shall refer to and include the Army and Navy, the Air Force, the Marine Corps and the Coast Guard of the United States, or the Merchant Marine of the United States, or the spouses or dependents of the same. The voting rights and procedures of sections 207.16 to 207.29 shall also extend in like manner as for the armed forces to a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and a spouse or dependent residing with or accompanying such person.

[1959 c 675 art 8 s 18; 1961 c 606 s 13; 1969 c 705 s 1]

207.19 REGISTRATION; REQUEST; BALLOT. Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces who is an eligible voter or who will be an eligible voter on or before the date of the next primary or general election occurring after such registration by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of 18 years, by filing in the office of the county auditor of the county in which his place of residence is located, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the war and navy departments or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of County, Minnesota, United States of America:

The name of the person for whom ballots are requested is He is a member of the armed forces of the United States. He expects to be absent from his place of residence in Minnesota on the primary or general election date. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota and has been such resident for more than six months last past. He was born on the day of in the year His home and place of residence is and on said election days will be at in the of County of, State of Minnesota. (Town, City or Village)

His voting precinct according to the best information of the undersigned is (Give precinct and ward number or name of precinct if you know it.) Ballots are to be sent to said member of the armed forces at the following address:

.....
.....
.....

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following

MINNESOTA STATUTES 1971

207.20 ABSENT AND DISABLED VOTERS

2510

paragraph.) The relative who signs this request is the of said voter above-named, and is of the age of 18 years or over

.....
(signature of member of armed forces or relative)

Subscribed and sworn to before me this day of 19
(State title of office. If officer of armed forces, must be a commissioned, non-commissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

Subd. 2. Any such communication or request filed with or received by the county auditor shall be registered by the county auditor in a permanent record kept by him for such purpose, and the entry of said name in such register shall constitute the only registration necessary to entitle any member of the armed forces to vote at a primary or general election. Registrations under sections 207.16 to 207.29 may be challenged in the manner provided for in law, except that the county auditor shall not be required to give notice to the voter, and all reasonable doubt shall be resolved in favor of the validity of such registration. If it appears from the communication or request that the applicant is not qualified to vote at the primary election but will be qualified to vote at the general election, then no primary ballot shall be forwarded to the applicant, but such communication or request shall nevertheless constitute a request for ballot for the general election. Should any such request or a communication in the form thereof be addressed to the secretary of state or any other election official, the same shall immediately upon its receipt by said election official be forwarded to the county auditor of the county of residence of such registrant, as specified in such request, and shall have the same force and effect as if it were addressed to the county auditor. The county auditor shall, in no event, send more than one set of ballots to any member of the armed forces for each election.

Subd. 3. Every county auditor shall forthwith prepare at the expense of his county a sufficient supply of blank forms to be used to request that ballots be furnished a member of the armed forces and shall furnish such blanks to any person applying therefor.

[1959 c 675 art 8 s 19; 1967 c 811 s 1; 1971 c 181 s 2]

207.20 COUNTY AUDITOR; DUTIES. Subdivision 1. The county auditor shall, as promptly as possible, mail an official ballot, or ballots if more than one are to be voted at the election, to every absent member of the armed forces who has been registered in accordance with the foregoing provisions. Registration for the primary election shall entitle the registrant to receive a general election ballot without further application, notwithstanding that the registrant may have failed to vote in the primary election. Said ballot or ballots shall be mailed by air mail, postage prepaid, in an envelope upon which shall be printed "OFFICIAL BALLOT." There shall also be sent in the same envelope a return air mail stamped envelope, labeled "Official Ballot Return Envelope" and addressed in conformity with the requirements of the "Return Envelope" prescribed in section 207.08; upon the back of the "Official Ballot Return Envelope" shall be an affidavit in the following form: THIS FORM MUST BE COMPLETED IN ORDER THAT THE ENCLOSED BALLOT BE COUNTED: I, do solemnly swear that I am an eligible voter or will be an eligible voter on or before

(the date of the next primary or general election in Minnesota) that I am a citizen of the United States; that my home and place of residence is and on said election days will be at, in the, of,

(Town, city or village)

county of, State of Minnesota; that I have not cast another vote or returned another ballot for this election to any voting precinct; and that I am otherwise qualified to vote the enclosed ballot which I personally marked and sealed in this envelope without exhibiting it to any other person, or which, in case of my physical incapacity, has been marked for me and sealed in this envelope under my personal direction.

.....
Subscribed and sworn to before me this day of 19.....
.....

MINNESOTA STATUTES 1971

2511

ABSENT AND DISABLED VOTERS 207.25

(State title of office. If officer of armed forces, must be a commissioned, noncommissioned or petty officer (not below the rank of Sergeant or its equivalent). Affix seal, if any.) NOTE: Temporary change of dwelling place made necessary by military service does not affect the voter's residence.

Subd. 2. Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in sections 207.16 to 207.29 through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 3. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

[1959 c 675 art 8 s 20; 1965 c 4 s 6; 1967 c 811 s 2; 1971 c 181 s 3]

207.21 AFFIDAVIT, HOW EXECUTED. Any affidavits made by an absent voter pursuant to the provisions of sections 207.16 to 207.29 may be executed before a commissioned officer, warrant officer or non-commissioned officer not lower in grade than sergeant or its equivalent navy rating, or any other person authorized to administer oaths.

[1959 c 675 art 8 s 21]

207.22 BALLOT CONFORM TO PROVISIONS OF THE MINNESOTA ELECTION LAW. The ballots used under this section conform to the requirements of the Minnesota election law, except that if modification of the size of ballot or envelope, or weight or color of paper, is necessary to conform to mailing requirements of the federal authorities, state and county officials in charge of the preparation of such ballots and envelopes shall cause such modifications to be made. Ballots shall be marked pursuant to instructions contained thereon and shall be returned in the return envelope provided therefor.

[1959 c 675 art 8 s 22]

207.221 REGISTRATION RECORDS; DELIVERY BY AUDITOR. At the time the county auditor delivers the state and county ballots to the town, village, and city clerks within his county he shall also deliver to them a copy, certified by him, of his registration records as kept in conformity with Minnesota Statutes 1961, Section 207.19, Subdivision 2. If members of the armed forces are registered after such ballots have been delivered to such clerks certified copies of such additional registration records shall forthwith be delivered by the county auditor to the appropriate town, village, or city clerk. Such town, village, and city clerks shall in turn deliver such registration records to the respective judges of the several precincts.

[1965 c 4 s 7]

207.23 RETURN OF BALLOT. Upon receipt of the returned ballot, the judges of election shall check the elector's name with the copy of the registration records to insure that the ballot is from a voter entitled to vote and that he has not already returned another ballot for the same election. Any discrepancy or disqualifying fact shall be noted by the judges of election on the envelope. In other respects the provisions of the Minnesota election law, as to deposit and counting of such ballots shall apply, except that failure to return unused ballots shall not invalidate the marked ballot, which shall be counted, and no ballot contained in an Official Ballot Return Envelope in which the affidavit upon the back thereof is not properly executed shall be counted.

[1959 c 675 art 8 s 23; 1965 c 4 s 8]

207.24 CAST OF BALLOT IN PERSON, EFFECT. If any person entitled to vote under the provision of sections 207.16 to 207.29 casts his ballot in person on election day, then no absentee ballot shall be counted for such elector. If more than one absentee ballot is received from any elector entitled to vote under the provisions of sections 207.16 to 207.29, the ballot of such elector bearing the latest county auditor's date stamp shall be cast.

[1959 c 675 art 8 s 24]

207.25 DEATH OF VOTER. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in sections 207.16 to 207.29, has died prior to the opening of the polls on

the date of the election, then the ballot of such deceased elector shall be returned by the judges of election in the same manner as provided for rejected ballots; but the casting of the ballot of a deceased elector shall not invalidate the election.

[1959 c 675 art 8 s 25]

207.26 SEPARATE RECORD. A separate record of the ballots of absent voters under sections 207.16 to 207.29 shall be kept in the various voting precincts.

[1959 c 675 art 8 s 26]

207.27 NO TIME LIMIT. There shall be no limitation of time for filing and receiving applications for ballots under sections 207.16 to 207.29.

[1959 c 675 art 8 s 27]

207.28 EXPENSE CHARGEABLE TO GENERAL REVENUE. The county auditors of the several counties may incur such expenses and expend such amounts for clerk hire, postage and other expenses as are necessary to carry out the provisions of sections 207.16 to 207.29, the same to be paid from the general revenue funds of the counties.

[1959 c 675 art 8 s 28]

207.29 PROVISIONS EXCLUSIVE. The provisions of sections 207.16 to 207.29 shall constitute the exclusive requirements for absentee voting by members of the armed forces.

[1959 c 675 art 8 s 29]

207.30 ABSENTEE BALLOT PRECINCT. Subdivision 1. **Legislative purpose and policy.** The legislature determines that some municipalities in the state have the cumbersome burden of handling absentee ballots. It is the purpose of this section to provide a means through the local option of a municipality to determine whether or not it would be more convenient and more efficient to establish an absentee ballot precinct within the municipality which will handle all absentee ballots received during an election, either primary or general, within the municipality.

Subd. 2. **Establishing an absentee ballot precinct.** Any city, town, village, or borough charged with the responsibility of elections may by ordinance of the governing body of such municipality establish an absentee ballot precinct.

Subd. 3. **Board, duties.** An absentee ballot precinct shall be a board set up by the designated election official of a municipality whose duties shall be as follows:

(a) Receive all absentee ballots for a primary or general election held within the municipality.

(b) Check the registration of each absentee ballot against the permanent voter registration file.

(c) Determine the precinct of each absentee ballot voter and report the results of such election to each precinct with such results to be tabulated with that precinct.

(d) Prepare a list for submission to each precinct within the municipality prior to the close of the election day for the precinct officials to check against the voter registration file to ascertain if any absentee ballot voter voted by person.

(e) Reject any absentee ballots of persons who had voted at a precinct making a notation on the envelope of the absentee ballot as to the reason for rejection.

(f) After the polls have closed in the municipality the board shall count the absentee ballots by opening them and tabulating the vote of each absentee ballot voter in a manner which will indicate each vote of the absentee voter and designate that the vote was received by absentee ballot.

Subd. 4. **Appointment of members.** The election official of each municipality shall be charged with the responsibility, after an ordinance has been adopted by the governing body of the municipality, to appoint the number of persons he deems necessary to carry out the duties of the absentee ballot precinct.

Subd. 5. **Compensation of members.** The election official of each municipality shall pay a reasonable compensation to each member of the absentee ballot precinct for his services rendered during each election.

Subd. 6. **Applicable laws.** Except as otherwise provided by this section, all

MINNESOTA STATUTES 1971

2513

ABSENT AND DISABLED VOTERS 207.30

of the laws applicable to absentee ballots and absentee voters as well as any other applicable provisions of law as contained within the election laws of this state and specifically chapter 207, shall apply to the ballots handled by the absentee ballot precinct. It is intended by this section that an absentee ballot precinct may be established and that the provisions of this section are to be supplementary to the election laws of the state.

[1969 c 657 s 1]