

## CHAPTER 208

## PRESIDENTIAL ELECTORS

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208.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

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

[1959 c 675 art 9 s 1]

208.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

208.02 **ELECTION OF PRESIDENTIAL ELECTORS.** Presidential electors shall be chosen at the general election held in the year preceding the expiration of the term of the president of the United States.

[1959 c 675 art 9 s 2]

208.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

208.03 **NOMINATION OF PRESIDENTIAL ELECTORS.** Presidential electors for the several political parties of this state shall hereafter be nominated by delegate conventions called and held under the supervision of the respective state central committees of the several parties of this state. The names of the persons nominated as presidential electors shall be certified to the secretary of state by the chairman of such convention for the office of presidential elector.

[1959 c 675 art 9 s 3]

208.04 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

208.04 **PREPARATION OF BALLOTS.** When presidential electors are to be voted for, a vote cast for the party candidates for president and vice-president shall be deemed a vote for that party's electors as filed with the secretary of state. The secretary of state shall cause the names of the candidates of each political party and those nominated by petition to be printed in capital letters, set in ten-point type, before the party designation. To the left of, and on a line of such surnames, near the margin, shall be placed in a square or box, in which the voter may indicate his choice by marking an "X", and one such mark opposite the candidate's name of any one party shall be counted as a vote for each elector in the party group on file with the secretary of state.

The form for the Presidential Ballot shall be as follows:

Put an (X) opposite the name of the Presidential Candidate you wish to vote for, in the box indicated by the arrow.

## PRESIDENTIAL BALLOT

Mark your (X) in one Box Only

STEVENSON and KEFAUVER—Democratic-Farmer-Labor

EISENHOWER and NIXON—Republican

The relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed below the presidential ballot with a blank space between one inch in width.

[1959 c 675 art 9 s 4; 1961 c 606 s 2]

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

208.05 **STATE CANVASSING BOARD.** The state canvassing board at its meeting on the second Tuesday after each such general election shall open and canvass the returns made to the secretary of state for presidential electors, and

prepare a statement of the number of votes cast for the several persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of such persons shall be declared elected. The governor shall transmit to each person so declared elected a certificate of election, signed by him, sealed with the state seal, and countersigned by the secretary of state; and immediately after the canvass is completed he shall cause a statement of their election to be published in one or more of the newspapers printed in the county of the state capitol and in one or more newspapers printed and published in a city of the first class contiguous to the city containing the state capitol.

[1959 c 675 art 9 s 5; 1961 c 606 s 3]

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

**208.06 ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.** Every presidential elector, before 12:00 M. on the day next preceding that fixed by congress for such electors to vote for president and vice president of the United States, shall notify the governor that he is at the state capitol, and ready at the proper time to fulfill his duties as such elector. The governor shall thereupon deliver to the electors present a certificate of the names of all the electors, and if any elector named therein fails to appear before 9:00 A.M. on the day, and at the place, fixed for voting for president and vice president of the United States, the electors then present shall, in the presence of the governor, immediately elect by ballot a person to fill such vacancy. If more than the number of persons so required have the highest and an equal number of votes, the governor, in the presence of the electors attending, shall decide by lot which of the persons shall be elected.

[1959 c 675 art 9 s 6]

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

**208.07 CERTIFICATE OF ELECTORS.** Immediately after such vacancies have been filled, the electors present originally chosen shall certify to the governor the names of the persons so elected to complete their number, and the governor shall at once cause written notice to be given to each person so elected to fill a vacancy; and the persons so chosen shall be presidential electors, and meet and act with the other electors.

[1959 c 675 art 9 s 7]

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

**208.08 ELECTORS TO MEET AT STATE CAPITOL.** Such original and substituted presidential electors, at 12:00 M., shall meet in the executive chamber, at the state capitol, and then and there perform all and singular the duties imposed upon them as such electors by the constitution and laws of the United States and this state.

[1959 c 675 art 9 s 8]

208.09-208.11 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

**208.21 ELIGIBILITY OF NEW RESIDENTS TO VOTE.** Each citizen of the United States who, immediately prior to his removal to this state, was a citizen of another state and who has been a resident of this state for less than six months prior to a presidential general election is entitled to vote for presidential and vice presidential electors at that election, but for no other offices, if

(1) he otherwise possesses the substantive qualifications to vote in this state, except the requirement of residence, and registration in areas where it is required, and

(2) he complies with the provisions of sections 208.21 to 208.35.

[1965 c 128 s 1]

**208.22 APPLICATION FOR PRESIDENTIAL BALLOT BY NEW RESIDENTS.** A person desiring to qualify under sections 208.21 to 208.35 in order to vote for presidential and vice presidential electors is not required to register but shall, not less than 30 days prior to the election at which he wishes to vote, make an application in the form of an affidavit executed in triplicate in the presence of the county auditor substantially as follows:

State of .....  
County of ..... ss.  
I, ....., do solemnly swear that:  
1. I am a citizen of the United States.

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2. Before becoming a resident of this state, I resided at ..... street, in the (town) (township) (village) (city) of ....., (county) of the state of .....

3. On the day of the next presidential election, I shall be at least 21 years of age. I have been a resident of this state since ....., 19....., now residing at ..... street, in the (precinct) of the (ward) of the (town) (township) (village) (city) of ....., (county).

4. I have resided in Minnesota less than six months. I believe I am entitled under the laws of this state to vote at the presidential election to be held ....., 19.....

5. I hereby make application for a presidential and vice presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed .....  
(applicant)

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

Signed .....

County Auditor

[1965 c 128 s 2]

**208.23 FILING, INDEXING AND FORWARDING INFORMATION.** The county auditor shall file a copy of each application so received. He shall also file any other official information received by him from another state indicating that a former resident of this state has made application to vote at a presidential election in another state. All applications and other information so received shall be maintained in an alphabetical index for a period of one year after the election. The auditor shall also forward a copy of the application to the appropriate official as provided in Minnesota Statutes, Section 207.08, and acts amendatory thereof, and section 207.221. The county auditor shall also immediately forward to the appropriate official of the state in which the applicant last resided a copy of the application.

[1965 c 128 s 3]

**208.24 DELIVERY OF BALLOT TO APPLICANT.** If satisfied that the application is proper and that the applicant is qualified to vote under sections 208.21 to 208.35, the county auditor shall deliver to the applicant a ballot for presidential and vice presidential electors consistent with Minnesota Statutes, Section 207.08, and acts amendatory thereof, not sooner than 15 days nor later than one day prior to the next presidential election.

[1965 c 128 s 4]

**208.25 VOTING BY NEW RESIDENTS.** (a) The applicant upon receiving the ballot for presidential and vice presidential electors shall mark and secure his ballot in the same manner as prescribed for absentee voting in Minnesota Statutes, Section 207.08, and acts amendatory thereof.

(b) The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. There shall be imprinted on the outside of the carrier envelope a statement substantially as follows:

Certification of New Resident Voter

I have qualified as a new resident voter in this state to vote for presidential and vice presidential electors. I have not applied nor do I intend to apply for an absentee voter's ballot from the state from which I have removed. I have not voted and I will not vote otherwise than by this ballot.

DATED .....

.....  
(Signature of voter)

Witness .....

(Attesting Witness)

The voter shall sign the certification upon the carrier envelope as set forth above, and shall then mail the sealed carrier envelope in the manner specified for absentee ballots in Minnesota Statutes, Section 207.08, and acts amendatory thereof.

[1965 c 128 s 5]

**208.26 LIST OF APPLICANTS OPEN FOR PUBLIC INSPECTION.** The county auditor shall keep open to public inspection a list of all persons who have

applied under sections 208.21 to 208.35 to vote as new residents with their names, addresses, and application dates.

[1965 c 128 s 6]

**208.27 PROCESSING AND RECORDING OF BALLOTS.** The election judges of the appropriate precincts shall process the ballots of new residents in the same manner as absentee ballots and shall record the new resident voter's name with a notation designating him as a new resident voting for presidential and vice presidential electors in a general election only.

[1965 c 128 s 7]

**208.28 CHALLENGE OF NEW RESIDENT'S VOTE.** The vote of any new resident may be challenged in the same manner absentee voter ballots are challenged except the oath shall provide that such voter has lived in this state for less than six months.

[1965 c 128 s 8]

**208.29 PENALTIES.** Any person wilfully making a false statement or affidavit under sections 208.21 to 208.35 shall be guilty of a felony. Any public official who wilfully refuses or neglects to perform any of the duties prescribed by sections 208.21 to 208.35 or violates any of its provisions shall be guilty of a felony.

[1965 c 128 s 9]

**208.30 APPLICATION OF OTHER STATUTES.** Except as provided in sections 208.21 to 208.35, the provisions of law relating to absentee ballots apply also to the casting and counting of ballots and challenging of votes by new residents, the furnishing of election supplies, applications for presidential ballot by new residents, ballots, canvassing of ballots, and making proper returns of the results of the election.

[1965 c 128 s 10]

**208.31 DEFINITION OF STATE.** As used in sections 208.21 to 208.35 "state" includes the District of Columbia.

[1965 c 128 s 11]

**208.32 UNIFORMITY OF INTERPRETATION.** Sections 208.21 to 208.35 shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

[1965 c 128 s 12]

**208.33 SEVERABILITY.** If any provision of sections 208.21 to 208.35 or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of sections 208.21 to 208.35 are severable.

[1965 c 128 s 13]

**208.34 CITATION.** Sections 208.21 to 208.35 are the uniform act for voting by new residents in presidential elections.

[1965 c 128 s 14]

**208.35 PREPARATION OF BALLOTS.** The ballots for this purpose shall be prepared by the secretary of state in the manner prescribed by Minnesota Statutes, Section 208.04, except that said ballots shall omit the state ballot, and shall be distributed by the secretary of state in quantities sufficient to permit compliance with sections 208.21 to 208.35.

[1965 c 128 s 15]