

201.02 REGISTRATION OF VOTERS

CHAPTER 201. REGISTRATION OF VOTERS

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201.03	Repealed.	201.171	Failure to vote; registration removed [New].
201.04	Repealed.	201.18	Armed forces members, registration saved.
201.05	Repealed.	201.19	Repealed.
201.06	Repealed.	201.20	Repealed.
201.061	Registration [New].	201.21	Repealed.
201.07	Repealed.	201.211	Costs [New].
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201.08	Repealed.	201.221	Rules and regulations [New].
201.081	Registration files [New].	201.23	Repealed.
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201.091	Precinct lists; accounts; registration places [New].	201.24	Repealed.
201.10	Repealed.	201.25	Repealed.
201.11	Precinct boundaries changed, change of files.	201.26	Residence, determination.
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201.02 [Repealed, 1973 c 676 s 33]

201.021 Permanent registration system

A permanent system of voter registration by county is established. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

[1973 c 676 s 3]

201.03 [Repealed, 1973 c 676 s 33]

201.04 [Repealed, 1973 c 676 s 33]

201.05 [Repealed, 1973 c 676 s 33]

201.06 [Repealed, 1973 c 676 s 33]

201.061 Registration

Subdivision 1. An eligible voter or any person who upon registration will have the qualifications of an eligible voter at the next election may register as a voter in the precinct in which he resides, at any time prior to the 20th day preceding any election by completing a registration card and submitting it to the county auditor of the county where he resides. Registration cards may be submitted to the county auditor in person or by U.S. mail addressed and postage paid. A registration card that is postmarked no later than 11:59 p.m. on the 20th day preceding any election or received on the next working day shall be deemed timely. Improperly addressed or delivered registration cards shall be forwarded within two working days from receipt by an official receiving one to the auditor of the county where the voter resides if the county can be determined.

Subd. 2. The provisions of subdivision 1 shall not apply to any political subdivision which does not on July 1, 1973 have a permanent system of voter registration provided that the governing body of any political subdivision may by ordinance or resolution elect to come under the provisions of subdivision 1. Once having so elected, the action may not be rescinded.

Subd. 3. A person who on election day presents himself at the polling place for the precinct in which he resides and who is not registered but is otherwise eligible to vote may nevertheless vote upon registering. A person may register at this time by completing a registration card, making an oath in the form prescribed by the commissioner and providing proof of his resi-

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dence. An individual may prove his residence by (1) the showing of his driver's license or nonqualification certificate issued pursuant to section 171.07, or (2) providing any document approved by the commissioner as proper identification, or (3) having an individual who is registered to vote in the precinct sign an oath in the presence of the election judge that he personally knows that the applicant is a resident of the precinct. Forms for the card and oath shall be available at each polling place. Forms used pursuant to this section shall be forwarded to the auditor who shall, unless the information forwarded is substantially deficient, add the name of the voter to the registration system. If the auditor finds a registration pursuant to this subdivision substantially deficient he shall give written notice to the person whose registration is found deficient.

Subd. 4. Registration at the polls on election day shall be conducted by the election judges. The election judge who registers a person at the polls on election day shall not be the same judge who shall have charge of and hand to and receive from the voter his ballots.

Subd. 5. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing the name of the applicant by the registration clerk taking the application. If the registration card is submitted by mail the cross shall be certified by having a voter registered in the precinct of the applicant sign the name of the applicant and sign his own name and give his own address.

Subd. 6. Each eligible voter is entitled to vote only in the one precinct in which he resides. The judges of election in any election precinct may not receive the vote at any election of any person whose name is not registered in accordance with the provisions of Laws 1973, Chapter 676.

Subd. 7. Voters registered under Minnesota Statutes 1971 shall not be required to reregister under Laws 1973, Chapter 676.

[1973 c 676 s 4]

201.07 [Repealed, 1973 c 676 s 33]

201.071 Registration cards

Subdivision 1. Registration cards shall be manila or cardboard cards of size and weight suitable for mailing, and shall be substantially in the following form:

VOTERS REGISTRATION CARD

(Please print or type)

Date:

1. Name:
 Last First Middle Initial

2. Address:
Street or Route No. (do not use P.O. Box) .

City (or Township) _____ County _____ Zip _____

3. Male Female 4. Birth date:

5. Social Security Number, if available:

6. Telephone Number, if available:

7. Most Recent Prior Residence

Street or Route Number

City (or Township) Zip

201.091 Precinct lists; accounts; registration places

Subdivision 1. Each county auditor shall prepare and maintain a current list of the duplicate registration file. This list shall be known as the precinct list and shall show the names and residence address of all voters registered within the precinct. The telephone number shall be included on the list when provided by the person registering.

Subd. 2. On the 80th day before an election, the county auditor shall deliver to the council of each municipality and the board of supervisors of each town within the county current copies of the precinct lists for that municipality.

Subd. 3. Paper copies of precinct lists, current to within seven days of the request, shall be available within ten days of a request to any voter registered within the county, upon written request therefor to the county auditor accompanied by payment of the cost of reproduction. No person to whom a precinct list is made available under this subdivision and no person who acquires a precinct list may use any information contained therein for the purposes which are not related to elections, political activities, or law enforcement.

Subd. 4. Each person to whom the county auditor has delegated responsibility for the administration of the provisions of this chapter shall maintain records and accounts for his office and submit annually to the county auditor a report on the conduct and costs of registration and voting borne by his office.

Subd. 5. Each county auditor shall maintain records and accounts for his office and submit annually a report on the conduct and costs of registration and voting in the county to the commissioner.

Subd. 6. Each county auditor shall determine a number of public buildings located within the county, and not less than one location per 30,000 residents, where eligible voters may register by completing a registration card and leaving it with an official within the building whose duty it shall be to transmit the cards to the appropriate county auditor. An adequate supply of registration cards shall be maintained at the locations determined.

[1973 c 676 s 7]

201.10 [Repealed, 1973 c 676 s 33]**201.11 Precinct boundaries changed, change of files**

When the boundaries of an election precinct in any such municipality shall be changed, the county auditor shall immediately change the registration files to correctly show the names of the voters who are residents therein.

[1973 c 676 s 8]

201.12 Proper registration, verification by mail, challenges

For the purpose of preventing fraudulent voting and eliminating excess names, the county auditor, at any time he deems it necessary, may send by mail to any voter whose name appears in the original registration file a notice that his name and address appear therein as indicated; and, if there is any mistake in the name or the address, the voter shall so notify the office of the county auditor and have the same corrected. Failure to do so or the return of the notice by the post-office to the county auditor shall be sufficient evidence to justify a challenge of his vote at an election, which challenge shall be signed by the county auditor. Upon the return by the post-office of any such notice, the county auditor shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voter; and, if such voter is found to have removed from the address recorded in the original registration file, the county auditor shall cause to be affixed to the duplicate registration file card of the voter the word "challenged." No person so chal-

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lenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

[1973 c 676 s 9]

201.121 Entry of names; mailed notice

Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections 201.091 and 201.11, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

Subd. 2. The county auditor shall mail to the voter a notice indicating the voter's name, address, precinct and polling place. The card shall require that it be returned if not deliverable. For any card returned because not deliverable to the voter at the named address, the county auditor shall cause to be affixed to the duplicate registration card of the voter the word "challenged." No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

[1973 c 676 s 10]

201.13 Local registrar of vital statistics, report deaths to county auditor

The local registrar of vital statistics in each county or municipality, as the case may be, shall report monthly to the county auditor the name and address of each person 18 years of age or older who has died while a resident in the registration jurisdiction since the last previous report. Upon receipt of such report, the auditor shall examine the original and duplicate registration files and remove therefrom and destroy the registration cards of registered persons so reported by the local registrar as deceased.

[1973 c 676 s 11]

201.14 Clerk of district court, report changes of names

The clerk of district court in each county in the state shall report monthly to the county auditor the name and address of each person, 18 years of age or over, residing in such municipality whose name shall have been changed during the month preceding the date of the report, by marriage, divorce or any order or decree of such court. Upon receipt of such report, the auditor shall notify such voter by mail that it is necessary for him to re-register under such changed name in order to vote at an election.

[1973 c 676 s 12; 1973 c 725 s 38]

201.15 Probate judge, report guardianships and commitments

The judge of probate in each county in the state shall report monthly to the county auditor the name, age and address of each person 18 years of age, or over, residing in such municipality, who has, during the month preceding the date of the report, been placed under a guardianship of the person, and each such person under guardianship of the person transferred to the jurisdiction of the probate court, or restored to capacity, and each person, 18 years of age, or over, adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, or as a psychopathic personality, and each such person restored to capacity by the court. Upon receipt of such report, the auditor shall examine the original and duplicate registration files; and, if such examination discloses that any of the persons named in such report as being under guardianship of the person, or as adjudged incompetent or a psychopathic personality, is registered, the auditor shall remove the registration cards of such persons from the active files; and upon notice from the judge of probate of a restoration to capacity, the auditor shall then process the person's registration card in the same manner as if no guardianship or adjudication had occurred.

[1973 c 676 s 13; 1973 c 725 s 39]

201.16 [Repealed, 1973 c 676 s 33]

201.17 [Repealed, 1973 c 676 s 33]

201.171 Failure to vote; registration removed

After the close of each calendar year, the county auditor shall examine the original and duplicate registration files and shall delete therefrom the name of any voter who has not voted in any election where voter registration cards specified in this chapter are used including a school election during the four preceding calendar years. Although not counted in any race, a late absentee ballot shall be considered a vote for the purpose of continuing registration.

[1973 c 676 s 14]

201.18 Armed forces members, registration saved

In the event that the applicant was registered but is not entitled to vote because he has failed to vote at an election at least once in any four successive calendar years wherein elections are held, if the applicant, or someone in his behalf, shall file an affidavit with the county auditor, stating that on the date of any one election during such four-year period the applicant was a member of the armed forces of the United States, such affidavit shall operate as a re-registration, and entitle the applicant to vote.

[1973 c 676 s 15]

201.19 [Repealed, 1973 c 676 s 33]

201.20 [Repealed, 1973 c 676 s 33]

201.21 [Repealed, 1973 c 676 s 33]

201.211 Costs

The costs of administering chapter 201 shall be borne by the office required by Laws 1973, Chapter 676 to perform the functions and duties herein required but if delegated to another office they shall be borne by that office.

[1973 c 676 s 16]

201.22 [Repealed, 1973 c 676 s 33]

201.221 Rules and regulations

Subdivision 1. The commissioner shall adopt rules and regulations to implement the provisions of chapter 201 by October 1, 1973.

Subd. 2. He shall make rules consistent with the federal and state election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures. He shall provide uniform regulations governing the maintenance of voter registration records on electronic or automatic data processing systems so that the records of counties using the systems are compatible with a uniform system of electronic data maintenance. He shall supervise the development and use of the system to insure that it conforms to applicable provisions of law and regulations.

Subd. 3. He shall prescribe the method and manner of transporting and delivering the original and duplicate registration files from the office where now located to the locations required by Laws 1973, Chapter 676.

Subd. 4. He shall prescribe the form of the duplicate registration file so that a duplicate card will contain the voter's name, address, and telephone number, space to indicate whether the voter has voted in a given election and the voter's signature. He shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day so the signatures of voters may be compared with the signatures on the duplicate registration file.

Subd. 5. The county auditor may adopt rules and regulations which provide for the delegation of duties assigned to him by Laws 1973, Chapter 676 to municipal officials. Provided however the county auditor may not delegate the responsibility to maintain custody of the original registration file of voters and the preparation and distribution of precinct lists. Provided further that the county auditor may delegate the power and responsibility to accept

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registrations but a delegation of this power does not relieve him of the power and duty to accept these registrations. When any municipality shall have delegated to it responsibilities given to the county auditor by Laws 1973, Chapter 676, the council shall immediately provide the necessary funds, equipment and facilities and shall proceed to establish a place of registration and put the registration plan into operation without delay.

[1973 c 676 s 17]

201.23 [Repealed, 1973 c 676 s 33]

201.231 Challenges

Subdivision 1. Any voter registered within a county may upon petition filed with the county auditor challenge the eligibility or residence of any voter registered within the county. The petition shall state the grounds for challenge and be accompanied by an affidavit of the challenger on personal knowledge. A copy of the petition shall be served as in a civil action on the challenged voter. Upon receipt of a challenging petition, the county auditor shall set a date within five days for hearing on the challenge. The hearing shall be held on the day set before the county auditor or his delegate who shall then make findings and affirm or set aside the challenge.

Subd. 2. Any voter whose registration has been denied or challenged as above may appeal the challenge or denial to the commissioner. The appeal shall be heard within five days and before election day. Upon hearing the commissioner shall affirm or reverse the challenge or denial and shall give appropriate instructions to the county auditor.

Subd. 3. Hearings before the commissioner shall be considered a contested case and determined in accordance with the administrative procedure act.

[1973 c 676 s 18]

201.24 [Repealed, 1973 c 676 s 33]

201.25 [Repealed, 1973 c 676 s 33]

201.26 Residence, determination

The following rules, so far as may be applicable, shall govern the determination of residency:

(a) The residence of any person shall be held to be in that place in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he intends to return;

(b) A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes only;

(c) A person shall not be considered to have gained a residence in any county into which he has come for temporary purposes only, without the intention of making such county his home;

(d) If a person goes into another state or other county with the intention of making it his residence or files an affidavit of residence there, he shall be considered to have lost his residence in this state or county;

(e) If a person removes to another state with the intention of remaining there for an indefinite time as a place of residence, he shall be considered to have lost his residence in this state, notwithstanding he intends to return at some future time;

(f) The place where a person's family resides shall be considered his residence, but if it is a temporary establishment for his family, or for transient purposes, it shall not be so considered;

(g) If a person has his family living in one place and he does business in another, the former shall be considered his residence, but when a person has taken up his abode at any place with the intention of remaining there, and his family refuses to reside with him, then such place shall be considered his residence;

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(h) The residence of a single person shall be considered to be where he usually sleeps;

(i) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention;

(j) No person employed temporarily for the purpose of cutting timber, or in the construction or repair of any railroad, canal, municipal, or other work of public nature, shall acquire a residence in any precinct into which he came for such purpose, but this provision shall not be held to extend to station agents or sectionmen who permanently reside in such precinct, and in determining the right of any person employed by railroad company or upon any public work to register, the commissioner shall be satisfied that he is a bona fide resident of the precinct and not there for temporary purposes only, and his unsupported affidavit shall not be held conclusive as to any fact necessary to entitle him to register;

(k) Any permanent inmate of a soldiers' home shall be considered a resident of the precinct in which the same is located.

[1973 c 676 s 19]

201.261 [Repealed, 1973 c 676 s 33]

201.27 Violations, penalties

Any officer, deputy, clerk, or other employee who shall wilfully fail to perform or enforce any of the provisions of chapter 201, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration files, or who shall wilfully destroy any record provided by chapter 201 to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any precinct where he is not a resident at any time of registering, or who adds a name or names to the registration files, records or cards, or who violates any of the provisions of chapter 201 is guilty of a felony.

[1973 c 676 s 20]

201.28 [Repealed, 1973 c 676 s 33]

201.29 [Repealed, 1973 c 676 s 33]

201.30 [Repealed, 1973 c 676 s 33]

201.31 [Repealed, 1973 c 676 s 33]

201.32 [Repealed, 1973 c 676 s 33]

201.33 Use in school elections

Upon the request of the board of education of any independent or special school district the county auditor shall make the registration system covering any precincts all or a portion of which are a part of the school district available for use in school district elections whenever its use by the school district will not prevent the use of the system in other elections. The county auditor may impose reasonable requirements to preserve the security and integrity of the system. The county auditor and the school district shall provide by agreement for the details of the use of the system by the school district. The school district may designate a member of its board or a subordinate employee as registration officer. The provisions of Laws 1973, Chapter 676 shall apply to school district elections for which the board of education has requested the use of the registration system.

[1973 c 676 s 21]

201.34 Reimbursement

The state shall reimburse local government units for costs incurred for election judges required for election day registration and counties for assum-

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ing the establishment and maintenance of registration systems. Not more than \$25 reimbursement shall be allowed for each election judge required for election day registration.

[1973 c 676 s 22]

CHAPTER 202. PRIMARY ELECTIONS, NOMINATIONS

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202.03 Nonpartisan nomination

Subdivision 1. Offices, ballot. The chief justice and the associate justices of the supreme court, judges of the district, probate and county courts, and all elective county officers shall be nominated upon separate nonpartisan ballots, as hereinafter provided. The ballot shall be designated "ballot of candidates to be nominated without party designation."

[1973 c 3 s 1; 1973 c 569 s 1]

[For text of subds. 2 to 4, see M.S.1971]

202.04 Affidavit of candidacy

Subdivision 1. Filing, date. Not more than 70 nor less than 56 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential electors, shall file his affidavit with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county stating the following:

(a) That he is a qualified voter in the subdivision where he seeks nomination;

(b) The name of his political party if for a partisan office;

(c) The office for which he desires to be a candidate;

(d) That he has not filed as a candidate for any other office at the same primary election;

(e) That he is, or will be on assuming the office, 21 years of age or more, and 30 days resident in the district from which he seeks election;

(f) If filing to be a United States senator, that on the next January 3 he will be 30 years of age or more and nine years a citizen of the United States;

(g) If filing to be a United States representative, that on the next January 3, or in the case of an election to fill a vacancy within 21 days after the election, he will be 25 years of age or more and seven years a citizen of the United States;

(h) If filing to be governor or lieutenant governor, that on the first Monday of the next January he will be 25 years of age or more and on general election day he will have been a resident of Minnesota for one year;

(i) If filing to be a supreme court justice, a district court judge, a probate judge, county court judge or a municipal judge that he is learned in the law as defined by section 488.06 or other law;

(j) If filing to be a senator or representative in the legislature, that on election day he will have resided in the state for not less than one year and in the legislative district from which he seeks election for not less than six months;

(k) If for a partisan office, that he affiliated with his political party at the last general election, and either that he did not vote thereat or voted for a