

## MUNICIPAL ELECTIONS 205.09

the polling place but who is unable to enter because of physical disability; provided, however, that for the purpose of this section, intoxication is not physical disability, and a person who is intoxicated may not vote.

[1973 c 694 s 2]

## 204.17 Challenges

[For text of subds. 1 and 2, see M.S.1971]

**Subd. 3. Determination of residence.** The judges, in determining the legal residence of any challenged person, shall be governed by the rules provided in the Minnesota election law; and if the challenged person by his answers to the questions put to him reveals that he is not a qualified voter, he may not be allowed to vote. If, after all questions have been answered, the challenge is not withdrawn, the judge shall administer the following oath:

"Do you swear that you are a citizen of the United States; that you are 18 years of age; that you are an actual resident of this precinct; that you are a qualified voter in this precinct and that you have not voted at this election?" After taking this oath, the challenged person is entitled to vote.

[1973 c 676 s 27]

## CHAPTER 205. MUNICIPAL ELECTIONS

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## 205.041 Application

Sections 205.05 to 205.09 apply to towns and statutory cities.

[1973 c 123 art. III s 2]

## 205.07 City election

**Subdivision 1. Date.** The regular city election shall be held biennially on the first Tuesday after the first Monday in November every year; except that the governing body of any statutory city may, by ordinance passed at a regular meeting held before September 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. Any city which is a village on January 1, 1974 and has before that date provided for a system of biennial elections in the odd-numbered year shall continue to hold its elections in that year until changed in accordance with this section. Whenever the time for holding the city election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date; and thereafter the regular city election shall be held on the first Tuesday after the first Monday in November in each odd-numbered year until the ordinance is revoked.

**Subd. 2. Notice.** The city clerk shall cause ten days' posted notice and may also cause two weeks' published notice of the biennial city election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote.

[1973 c 123 art. III s 4]

## 205.09 Village primary election

[For text of subd. 1, see M.S.1971]

**Subd. 2. Primary election, time.** The primary election shall be held not less than 10 days nor more than 14 days preceding the city election, and the time shall be determined by the governing body; except that whenever the biennial city election is to be held on the day of the state general election, the governing body may provide that the city primary election shall be held

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on the day of the state primary election. The city clerk shall give notice of the city primary election in the same manner provided for notice of the biennial city election.

[1973 c 123 art. III s 5]

[For text of subd. 3, see M.S.1971]

**205.091 Application**

Sections 205.10 to 205.19 apply only to home rule charter cities.

[1973 c 123 art. III s 3]

**205.17 City election, ballots, form**

Subdivision 1. In all cities of the second, third and fourth class, however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 on light green paper the official ballot upon which the names of all candidates for city offices shall be printed. The ballot shall be headed "City Election Ballot," and shall state the name of the city, the date of the election, and otherwise shall conform to the white ballot used at the general election. Unless the charter or law under which the city is organized specifically prohibits the rotation of names of candidates on the ballot or unless the council provides otherwise by resolution, the names shall be arranged thereon in the manner provided for the state elections.

Subd. 2. In all cities of the first class however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "Partisan City Election Ballot". The nonpartisan ballot shall be printed on light green paper and shall be headed "Nonpartisan City Election Ballot". Both ballots shall state the name of the city, the date of the elections and otherwise conform to the white ballot used at the general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be rotated in the same manner as are the names on nonpartisan ballots except that the names of the candidates of a political party shall be rotated in concert so that the names of all candidates of a political party are placed in the same row or column.

Subd. 3. The city primary election ballot of cities of the second, third and fourth class shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper, and blank spaces may not be provided for writing in the names of candidates.

Subd. 4. The city of the first class nonpartisan primary election ballot shall conform as far as practicable with the regular municipal election ballot except that it shall be printed on white paper. The city of the first class partisan primary election ballot shall conform as far as practicable with the state consolidated primary election ballot.

Subd. 5. All questions relating to the adoption of a city charter or amendments thereto, or any proposition for the issuance of bonds, and all other questions and propositions relating to city affairs submitted at any election to the electors of the municipality, shall be printed on one separate blue colored ballot and shall be prepared, printed and distributed under the direction of the city clerk at the same time and in the same manner as other city ballots. The ballots, when voted, shall be deposited in a

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separate ballot box, painted blue, to be procured by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other city ballots, and the tally books and returns shall provide appropriate blank spaces for the counting, canvassing and returning of the results of the questions submitted on the blue ballot.

[1973 c 387 s 2]

## CHAPTER 206. VOTING MACHINES

Sec. 206.026	Methods of using electronic voting systems.	Sec. 206.08	Minnesota voting machine commission created.
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**206.026 Methods of using electronic voting systems**

**Subdivision 1.** In precincts where an electronic voting system is used, a sufficient number of voting booths or compartments shall be provided for the use of such a system, and the booths or compartments shall be arranged in the same manner as provided for use with paper ballots. In primary elections, separate marking devices may be provided in each voting booth or compartment for the use of the separate partisan primary ballots authorized by section 206.09 provided that the use of such separate ballots shall not be permitted if such use would impair the right of the elector to vote in secret.

[1973 c 763 s 1]

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

**206.07 Candidates, arrangement of names**

**Subdivision 1. Placement.** Where voting machines are authorized and employed, the titles of offices may be arranged horizontally with the names of the candidates arranged vertically under the title of the office, or the titles of the offices may be arranged vertically with the names of the candidates arranged horizontally opposite the respective titles. On the "Consolidated Primary Election Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. Candidates for governor and lieutenant governor shall appear so that a single vote will apply to both offices. More than one column or row may be used for the same office or party. Questions, constitutional amendments, or other propositions shall be placed on the machines in the space provided for that purpose and shall be arranged in the manner which the construction of the machine requires.

[1973 c 3 s 8; 1973 c 318 s 4]

**Subd. 2. Alternation.** The provisions of the election laws requiring the alternation of the names of candidates shall be observed so far as practicable by changing the order of the names on the voting machines in the various precincts so that each name shall appear upon the several machines used in a given municipality substantially an equal number of times at the top, at the bottom, and in each intermediate place, of any of the list or group in which they belong; provided, however, that the arrangement of the names shall be the same on each voting machine used in the same precinct.

[1973 c 3 s 9]

[For text of subds. 3 to 5, see M.S.1971]

**206.08 Minnesota voting machine commission created**

There is hereby created a body to be known as the Minnesota voting machine commission, consisting of three members, including the secretary of state, who shall be chairman.