

CHAPTER 201

REGISTRATION OF VOTERS

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201.01 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.01 DEFINITIONS. The words used in sections 201.01 to 201.27 have the meanings prescribed to them in chapter 200.

[1959 c 675 art 2 s 1]

201.013 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.02 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.02 M.S. 1971 [Repealed, 1973 c 676 s 33]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201.03 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.03 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.04 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.04 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.05 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.05 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.06 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.06 M.S. 1971 [Repealed, 1973 c 676 s 33]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 Once having so elected, the action may not be rescinded.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 residence. An individual may prove his residence by (1) the showing of his drivers 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

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6. I certify that I will be at least 18 years old on election day and that the above facts are correct. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$5,000, or both.

.....
Signature of Voter

Subd. 2. When made available for potential registrants the registration card shall be accompanied by instructions specifying the manner and method of registration and stating the qualifications for an eligible voter and specifying penalties for false registration.

Subd. 3. No registration is faulty or defective if the registration card contains the voter's name, address, prior residence, prior registration if any and signature, as in items 1, 2, 4, 5 and 6 of the registration card above. The absence of a zip code number does not cause the registration to be faulty or defective. The judges of election may request a voter to complete a registration card that is incomplete or illegible. No voter may be prevented from voting unless his registration is faulty or defective or he is duly and successfully challenged in accordance with provisions of chapter 201.

Subd. 4. Upon receipt of a registration card indicating that a voter has changed residence since voting last in Minnesota, a county auditor shall notify the county auditor of the voter's last registration and of last residence if different than last registration. Notification shall be made upon a form prescribed by the commissioner. A county auditor receiving a notification shall delete the voter's name from the registration lists and affix the notification to the cancelled registration card.

[1973 c 676 s 5; 1974 c 583 s 3, 4]

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

201.08 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.081 REGISTRATION FILES. Subdivision 1. Within 90 days after the effective date of regulations of the commissioner implementing Laws 1973, Chapter 676, the municipal official for each municipality who has custody of the original record of voters pursuant to Minnesota Statutes 1971, Chapter 201, shall deliver to the county auditor of the county where the municipality is located:

(1) The original registration file of voters registered under any law prior to Laws 1973, Chapter 676; and

(2) The duplicate registration file of the voters.

Subd. 2. The original registration file and the duplicate registration file shall be the record of voters. The original registration file shall be maintained in the office of the county auditor and shall not be removed except on order of a court of competent jurisdiction. The duplicate registration file shall be kept in the office of the county auditor or in the office of a person to whom the county auditor has delegated the responsibility of keeping the duplicate file and shall not be removed except when delivered to the duly authorized judges of election for use on election day.

Subd. 3. The original registration file shall be maintained alphabetically by name of voter. The duplicate registration file shall be maintained by precinct.

[1973 c 676 s 6]

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

201.09 M.S. 1971 [Repealed, 1973 c 676 s 33]

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. All such locations shall remain open until 9:00 P.M. on the last registration day and for at least two days not including Saturdays, Sundays, and legal holidays immediately preceding the last registration day, and shall also remain open from 10:00 A.M. to 4:00 P.M. on the Saturday immediately preceding the last registration day. An adequate supply of registration cards shall be maintained at the locations determined.

[1973 c 676 s 7; 1974 c 55 s 1]

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

201.10 M.S. 1971 [Repealed, 1973 c 676 s 33]

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

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.

[1959 c 675 art 2 s 11; 1973 c 676 s 8]

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

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

[1959 c 675 art 2 s 12; 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 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

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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.

[1959 c 675 art 2 s 13; 1973 c 676 s 11]

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

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.

[1959 c 675 art 2 s 14; 1973 c 676 s 12; 1973 c 725 s 38]

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

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.

[1959 c 675 art 2 s 15; 1961 c 697 s 1; 1967 c 839 s 2; 1973 c 676 s 13; 1973 c 725 s 39]

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

201.16 M.S. 1971 [Repealed, 1973 c 676 s 33]

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

201.17 M.S. 1971 [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 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

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.

[1959 c 675 art 2 s 18; 1973 c 676 s 15]

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

201.19 M.S. 1971 [Repealed, 1973 c 676 s 33]

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

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

201.20 M.S. 1971 [Repealed, 1973 c 676 s 33]

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

201.21 M.S. 1971 [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 here-in required but if delegated to another office they shall be borne by that office.

[1973 c 676 s 16]

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

201.22 M.S. 1971 [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 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 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.23 M.S. 1971 [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 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

201.24 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.25 M.S. 1957 [Renumbered 201.28]

201.25 M.S. 1971 [Repealed, 1973 c 676 s 33]

201.26 M.S. 1957 [Renumbered 201.29]

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;

(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.

[1959 c 675 art 2 s 26; 1961 c 564 s 1; 1973 c 676 s 19]

201.261 [Repealed, 1973 c 676 s 33]

201.27 M.S. 1957 [Renumbered 201.30]

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.

[1959 c 675 art 2 s 27; 1973 c 676 s 20]

- 201.28 M.S. 1957 [Renumbered 201.31]
- 201.28 M.S. 1971 [Repealed, 1973 c 676 s 33]
- 201.29 M.S. 1957 [Renumbered 201.32]
- 201.29 M.S. 1971 [Repealed, 1973 c 676 s 33]
- 201.30 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.30 M.S. 1971 [Repealed, 1973 c 676 s 33]
- 201.31 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.31 M.S. 1971 [Repealed, 1973 c 676 s 33]
- 201.32 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.32 M.S. 1971 [Repealed, 1973 c 676 s 33]
- 201.33 M.S. 1957 [Repealed, 1959 c 675 art 13 s 1]

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.

[1969 c 636 s 2; 1971 c 68 s 1; 1973 c 676 s 21]

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

201.34 REIMBURSEMENT. The state shall reimburse local government units for costs incurred for election judges required for election day registration and counties for assuming 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]