

CONDUCT OF ELECTIONS 204A.09

CHAPTER 204A. CONDUCT OF ELECTIONS

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204A.06 Election precincts.

Subdivision 1. **Boundaries.** Each town, each statutory city that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts from time to time, except that no changes in precinct boundaries may be made during the period beginning January 1 in any year ending in seven and ending January 1 in any year ending in two. If during the period beginning January 1 of a year ending in seven and ending January 1 of a year ending in two a municipality annexes an unincorporated area located in the same county as the municipality and adjacent to the corporate boundary, the annexed area may be included in the precinct immediately adjacent to it.

Subd. 1a. **Boundary change procedure.** Every change shall be adopted at least 90 days before the date of the next ensuing election, and 60 days notice thereof shall be posted in the office of the clerk before the change may take effect. The clerk shall notify each registered voter in the area affected by the change at least 30 days prior to the first election held after the change takes effect.

Subd. 1b. **Precinct boundaries; description, maps.** The clerk shall file with the secretary of state and the state demographer in the state planning agency a map showing the correct boundaries of the precincts in the municipality and shall keep on file in his office for public inspection a copy of the map. At least 30 days before any change in a precinct or corporate boundary becomes effective, the clerk shall place on file for public inspection a map setting forth the revised precinct boundaries and forward copies to the secretary of state and the state demographer. For every election held in the municipality the clerk shall furnish copies of the appropriate precinct map to the election judges for each polling place.

Subd. 2. [Repealed, 1977 c 149 s 2]

[For text of subds 3 to 5, see M.S.1976]

[1977.c 149 s 1]

204A.09 Polling places designated.

[For text of subds 1 and 2, see M.S.1976]

Subd. 3. **Access by elderly and handicapped.** Each polling place shall be accessible to and usable by elderly persons and by physically handicapped persons by complying with the following standards of accessibility:

(a) Doors, entrances, and exits used to gain access to or egress from the polling place shall have a minimum width of 31 inches.

(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) Any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp.

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(d) In the polling place, no barrier shall impede the path of the physically handicapped to the voting booth.

A governing body shall select as polling places only those sites which meet the standards of accessibility prescribed in this subdivision, except that the governing body may select a site not meeting the standards if no available site within the precinct can be made accessible.

[1977 c 88 s 1]

204A.11 Polling place, requirements.

[For text of subds 1 to 3, see M.S.1976]

Subd. 4. [Repealed, 1977 c 88 s 3]

204A.13 Secretary of state, election supplies, duties.

[For text of subd 1, see M.S.1976]

Subd. 2. **Election law.** On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state also may prepare and transmit to the county auditors detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

[For text of subds 3 and 4, see M.S.1976]

Subd. 5. **Conferences for county auditors.** Before each statewide primary election the secretary of state shall conduct conferences for county auditors for the purpose of giving instructions on the administration of election laws and the training of local election officials and election judges.

Subd. 6. **Election judges training.** The secretary of state may formulate a training program for election judges, and for the conduct of their duties as prescribed by law, throughout the state.

[1977 c 308 s 1,2]

204A.14 Clerks, election supplies, duties.

Subdivision 1. **Instruction meetings for election officials.** Before each statewide primary election, the auditor of each county shall conduct a program of in service training for local election officials, and for this purpose may require the clerks of the municipalities and the chairmen of the several election boards within the county to meet with him at the time the clerks are required to secure the election supplies from him. The auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks and chairmen of the several election boards as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending an in service training program with the county auditor shall be borne by the municipalities.

[For text of subd 2, see M.S.1976]

[1977 c 308 s 3]

204A.17 Judges of election.

Subdivision 1. **Appointment, qualification.** At least 65 days before any election for a partisan political office, the county or legislative district chairman, whichever is designated by the state party, of each political party as defined in section 200.02,

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subdivision 7, shall furnish a list of qualified voters in each election precinct in the county or legislative district, whichever applies, to act as election judges, to the auditor of the county in which the precinct is located. At least 55 days before the date of the election, the county auditor shall furnish to each of the several appointing authorities of judges for the various election precincts, a list of the appropriate names for each election precinct. Separate lists shall be so submitted by the county auditor for each political party. If any county or legislative district chairman of a political party shall fail to submit a list to the county auditor as hereinbefore provided, the appointing authorities shall select and appoint qualified electors as herein or otherwise provided by law. Except in cities of the first class the council of each municipality and the county board in unorganized territory shall appoint, in the manner provided for in this section, qualified voters in that municipality or county to be judges of election. The appointments shall be made at least 25 days before any election. The appointments shall be made from a list of qualified voters provided for in this section subject to the limitations of section 204A.18, subdivision 1. A person may be appointed an election judge for a precinct in which he does not reside if an insufficient number of names of qualified voters in that precinct are on file in the office of the appointing authority. The council or county board may make such rules as it deems necessary including the examination of applicants, to determine the qualification of judges.

[For text of subs 2 to 4, see M.S.1976]

Subd. 5. **Election judges, certain cases, towns and statutory cities.** In towns the members of the town board and the town clerk and treasurer, and in the statutory cities the members of the city council and the city clerk, may be judges of election if the municipality has only one election precinct.

[1977 c 91 s 1; 1977 c 133 s 2]

204A.175 Training for election judges; duties of the county auditor.

The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality.

[1977 c 308 s 4]

204A.34 Assistance to voters.

[For text of subd 1, see M.S.1976]

Subd. 2. **Disabled voter, assistance.** Any person who is unable to enter a polling place which uses paper ballots may register and vote without leaving his vehicle. Two judges, who are not members of the same political party, shall assist a voter who is unable to enter the polling place to register and to complete a voter's certificate, and shall provide him with the necessary ballots. The voter may request additional assistance in marking his ballots as provided in subdivision 1. In other polling places, two judges, who are not members of the same political party, shall assist a disabled voter who is at the entry of the polling place. A person who is intoxicated may not vote.

[1977 c 88 s 2; 1977 c 308 s 5]

204A.365 Public meetings prohibited on election day.

Subdivision 1. **School districts, counties and municipalities.** No school board, county board of commissioners, or governing board or council of a municipality may conduct a meeting between 6:00 p.m. and 8:00 p.m. on the day that an election is held within the boundaries of the school district, county or municipality, respectively.

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Subd. 2. **State universities and community colleges.** Except for regularly scheduled classes, no state university or state community college may schedule an event between 6:00 p.m. and 8:00 p.m. on the day that an election is held in any political subdivision in which the university or college is located.

Subd. 3. **Public elementary and secondary schools.** Except for regularly scheduled classes, no public elementary or secondary school, located in the political subdivision in which an election is held, may hold a school sponsored event between 6:00 p.m. and 8:00 p.m. on the day that an election is held.

[1977 c 91 s 2]

204A.37 Persons in polling place.

Subdivision 1. No individual other than an election judge, peace officer or challenger may remain inside the polling place unless he is in the process of voting, is providing proof of residence for an individual who is registering to vote, or is assisting a physically handicapped voter or a voter unable to read English to vote.

[For text of subd 2, see M.S.1976]

[1977 c 395 s 9]

204A.39 Challenges.

[For text of subd 1, see M.S.1976]

Subd. 2. **Ground, oath.** The challenger shall state the ground for the challenge, and a judge shall administer to the challenged person the following oath:

"Do you solemnly swear that you will fully and truly answer all such questions that shall be put to you relating to your qualifications as a voter at this election?" The judge shall then ask the challenged person such questions as tend to test his residence and his right to vote.

[For text of subds 3 and 4, see M.S.1976]

[1977 c 91 s 3]

204A.41 Ballots, proper number.

Subdivision 1. **Counting.** The judges shall determine the number of ballots distributed by adding the number of return envelopes of accepted absentee ballots to the number of signed voter's certificates, or by counting the number of names on the election register. The judges shall then remove all the ballots from the box, and without considering how the ballots are marked they shall ascertain that each ballot is single, and count them to determine whether the number of ballots corresponds with the number of ballots distributed.

Subd. 2. **Ballots, excess number.** If two or more ballots are found so folded together as to appear like a single ballot, the judges shall lay them aside until all of the ballots in the box have been counted; and if it is evident from the number of ballots distributed that the ballots folded together were cast by one voter, the judges shall preserve but not count them. If there is an excess of ballots in one box, the judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the judges, and if any are not so marked, they shall preserve but not count them. If there is still an excess of properly marked ballots, the judges shall replace them in the box, and one judge, without looking, shall withdraw from the box a number of ballots equal to the excessive number, and the withdrawn ballots shall be preserved but not counted.

Subd. 3. **Ballots in wrong box.** If the judges find ballots in a ballot box that are different from the kind properly belonging therein, they shall lay the different ballots aside. If the number of ballots in any box equals or exceeds the number of ballots distributed, then ballots proper to have been placed therein, but found in an-

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other box, may not be counted. But if the number is less than the number of ballots distributed, and ballots properly belonging in that box are found in another box, they shall be counted the same as those in the proper box, but only to the extent of the deficiency and selected by lot when necessary.

Subd. 4. **Ballots not counted, disposition.** When the number of ballots as finally counted agrees with the number of ballots distributed, those ballots not counted shall be attached to a certificate made by the judges, stating why the ballots were not counted, and the certificate and uncounted ballots shall be sealed in a separate envelope and returned with the other returns to the officer from whom they were received.

[1977 c 91 s 4]

204A.54 Certificates of election; preparation, delivery.

Subdivision 1. **Preparation, delivery.** The auditor of each county, and the secretary of state where the candidates for office are voted for in more than one county, shall make for every person declared elected by the canvassing board of the county or the state canvassing board a certificate of his election and, except as otherwise provided in this subdivision for election certificates of state legislators, shall deliver the certificate to the person entitled thereto upon demand, and without fee. In the case of election to the state house of representatives or senate, the original certificate of election shall be delivered by the auditor or secretary of state to the chief clerk of the house or the secretary of the senate, and shall be returned to the senator or representative upon taking the oath of office. Upon demand, the person elected shall be given a copy by the chief clerk of the house or the secretary of the senate without fee. No certificate of election shall be made or delivered while a recount is being done by a canvassing board because the difference between votes is 100 or less. The auditor of any county also shall make for any candidate or voter of his county, a certified copy of any statement of votes made by the county canvassing board upon payment or tender of one dollar therefor. In case of a contest, the court may invalidate and revoke the certificate, pursuant to chapter 209.

[For text of subd 2, see M.S.1976]

[1977 c 32 s 1]

CHAPTER 206. VOTING MACHINES

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206.026 Methods of using electronic voting systems.

[For text of subs 1 to 4, see M.S.1976]

Subd. 5. Except as otherwise provided in this chapter, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapter 204A.

[1977 c 91 s 5]

206.03 May use experimental machines.

The governing body of any municipality may provide for the experimental use of voting machines in one or more precincts without formal adoption thereof; and the use of voting machines at such election shall be as valid for all purposes as if the machines had been permanently adopted.

When the governing body of any municipality shall determine to use such machines, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions, not inconsistent with the pro-