

MINNESOTA STATUTES 1977 SUPPLEMENT

ABSENT AND DISABLED VOTERS 207.03

CHAPTER 207. ABSENT AND DISABLED VOTERS

Sec.		Sec.	
207.02	Voting by mail.	207.11	Judges to receive and count ballots.
207.03	Application for ballots.	207.19	Registration: request; ballot.
207.05	Applications filed with auditor or municipal clerk; delivery of ballot.	207.31	Hospital patients and health care facility residents. [New]
207.10	Voter to mail ballot.		
207.101	Clerk of municipality to deliver ballots in certain cases.		

207.02 Voting by mail.

Any person entitled to vote at any general election, any primary election, any city election, or any statutory city or town election in statutory cities or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the precinct in which he is entitled to vote, or who by reason of illness or physical disability or because of religious discipline or observance of a religious holiday is unable to go to the polling place of such precinct, or who is employed as a judge of election in a precinct other than his own, may vote therein by having his ballot delivered to the election board of such precinct on the day of such election, either by mail or by the clerk of the municipality in which such precinct is situated as provided for in sections 207.08 and 207.101, and by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions or registers on election day by enclosing a completed registration card with his ballot.

[1977 c 133 s 1]

207.03 Application for ballots.

Subdivision 1. At any time not more than 45 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to: (a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality, for ballots and envelopes, by mailing to or filing with such auditor or such clerk an application substantially in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of, State of Minnesota, residing at (here insert street and number) in said city, or town, because of (absence from home), (illness), (physical disability), (because of religious discipline or observance of a religious holiday) hereby makes application for the ballots to be voted upon in said precinct at the next election. Please mail said ballots and accompanying envelope to me at (insert post office address to which to be sent)

Dated, 19....

.....

(SIGNATURE OF APPLICANT)"

An application need not be on an official or standard form. An application submitted by mail shall be accepted if it contains the information above.

If a person applies in person for an absentee ballot and must register by enclosing a completed registration card with his ballot, his application shall not be accepted unless he shall present, at the time of his application, proof of residence as required by section 201.061, subdivision 3.

Subd. 2. An eligible voter may apply for an absentee ballot on election day if he becomes a resident or patient on the day before election in a health care facility or hospital located in the municipality to which he applies. The voter may request an absentee ballot application directly from the judges engaged in delivering ballots pursuant to section 207.31 or by telephone to the municipal clerk not later than 5

207.03 ABSENT AND DISABLED VOTERS

p.m. on the day before election day. An application shall be delivered to any such voter by the judges designated to deliver ballots pursuant to section 207.31.

Subd. 3. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any precinct or to aid another in so doing shall be guilty of a felony. If the person applying for a ballot resides in a political subdivision which does not accept registration other than on election day and the individual is not registered in that political subdivision, the county auditor shall send a registration card and instructions for completing the registration card along with the ballots and envelopes. For the purposes of this chapter, "municipal clerk" shall mean the clerk designated pursuant to this section.

[1977 c 395 s 10]

207.05 Applications filed with auditor or municipal clerk; delivery of ballot.

Subdivision 1. **Application, delivery.** If any application is made either in person or by mail more than 30 days before election, the auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 30 days of the election, he shall forthwith upon receipt of such application or as soon thereafter as ballots are available, mail, or deliver to the applicant, without charge, if he apply therefor in person, in the manner provided in section 207.03, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 207.31.

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

[1977 c 395 s 12]

207.10 Voter to mail ballot.

Any qualified voter of any precinct of this state to whom ballots have been delivered by the county auditor or by the municipal clerk, may mark and mail the ballots so delivered to him at any place, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 207.08, and before an attesting witness belonging to one of the classes specified in the directions to voters. Ballots delivered to qualified voters pursuant to section 207.31 may be returned in person to the municipal clerk by the judges who delivered the ballots. The municipal clerk shall forthwith deliver those ballots to the judges of the appropriate precincts either by mail or in person.

[1977 c 395 s 13]

207.101 Clerk of municipality to deliver ballots in certain cases.

Any clerk of a municipality who receives "Return Envelopes" as provided for in sections 207.08 and 207.20, subdivision 1 by mail, or by delivery in person by election judges pursuant to section 207.31, before the closing hours of the polls shall forthwith deliver them to the judges of election of the appropriate precincts in his municipality. "Return Envelopes" not delivered as provided herein shall promptly be sent to the county auditor by the clerk with a notation on the "Return Envelope" of the reason for nondelivery.

[1977 c 395 s 14]

207.11 Judges to receive and count ballots.

Subdivision 1. The judges in the several precincts at any election shall receive

ABSENT AND DISABLED VOTERS 207.19

all ballots delivered to them on election day by officers or employees of the United States post office department in due course of the business of that department or by the clerk of the municipality, and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such precinct and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed and returned and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Subd. 2. Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials.

Subd. 3. In municipalities where voter registration is required no ballot envelope may be marked "Received" nor ballots accepted unless the voter who has mailed the ballots is registered in the precinct or has included a properly completed registration form in the return envelope.

Subd. 4. The ballots shall not be so marked with the word "Received" if it appears from the registration file that such voter has already voted at such election, either in person or by mail. If the voter who has mailed the ballots fails to comply with the requirements of this section or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

Subd. 5. If the "Ballot Envelope" is marked with the word "Received", the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

Subd. 6. The "Ballot Envelope" marked "Received" shall be placed by the judges in a separate absentee ballot box until after the last regular mail delivery by the United States post office department on the election day. The absentees ballot box and each "Ballot Envelope" may then be opened, ballots therein initialled, counted and tabulated by the election judges. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be counted but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges shall write their initials on absentee ballots in the same manner as is provided by law with reference to ballots delivered by them to voters in person. No count results from any precinct shall be disclosed by any election official or other individual until all count results are available, nor shall the public media disclose any count results from any precinct before the polls are closed.

[1977 c 91 s 10]

207.19 Registration; request; ballot.

Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces who is an eligible voter or who will be an eligible voter on or before the date of the next primary or general election occurring after such registration by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of 18 years, by filing in the office of the county auditor of the county in which his place of residence is located, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the defense department

MINNESOTA STATUTES 1977 SUPPLEMENT

207.19 ABSENT AND DISABLED VOTERS

or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of County, Minnesota, United States of America:

The name of the person for whom ballots are requested is He is a member of the armed forces of the United States. He expects to be absent from his place of residence in Minnesota on the primary or general election date. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota and has been such resident for more than 20 days last past. He was born on the day of in the year His home and place of residence is and on said election days will be at in the of (Town or City) County of State of Minnesota. His voting precinct according to the best information of the undersigned is (Give precinct and ward number or name of precinct if you know it.) Ballots are to be sent to said member of the armed forces at the following address:

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following paragraph.) The relative who signs this request is the of said voter above-named, and is of the age of 18 years or over (signature of member of armed forces or relative) Subscribed and sworn to before me this day of, 19.... (State title of office. If officer of armed forces, must be a commissioned, noncommissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

[For text of subds 2 and 3, see M.S.1976]

[1977 c 91 s 11; 1977 c 347 s 35]

207.31 Hospital patients and health care facility residents.

Each municipal clerk shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in section 207.03 and who is a resident or patient in a health care facility or hospital located in the municipality to which the application has been submitted. The ballots shall be delivered to any such voter by two election judges, each of whom is affiliated with a different political party. When the judges are engaged in delivering or returning ballots as provided in this section, they shall travel together in the same vehicle. Both judges shall be present when an applicant completes his voter's certificate and casts his absentee ballot, and may assist an applicant to mark his ballot in the manner provided in section 204A.34. The judges shall deposit the return envelopes containing the voted absentee ballots in a sealed container and deliver them to the clerk on the same day that they are delivered and cast. Except as provided in subdivision 2, the judges shall deliver absentee ballots to the applicant during the ten days preceding an election.

[1977 c 395 s 11]

CHAPTER 214. EXAMINING AND LICENSING BOARDS

Sec.
214.01 Definitions.
214.04 Services.
214.05 Repealed.

Sec.
214.06 Fees; license renewals.
214.10 Complaints; investigation and hearing.

214.01 Definitions.

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