

MINNESOTA STATUTES 1979 SUPPLEMENT

204A.23 CONDUCT OF ELECTIONS

CHAPTER 204A. CONDUCT OF ELECTIONS

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204A.23 Compensation.

The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day's attendance at the capitol, and an amount for each mile necessarily traveled in going to and returning from St. Paul, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(b) To persons, other than county, city or township employees during their normal work day, appointed or designated by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(c) To members of county canvassing boards, \$5 for each eight hours of service as members of the canvassing board and seven and one-half cents for each mile of necessary travel each day; provided that in counties now or hereafter having a population of 600,000 or more the members of the county canvassing boards in those counties shall be paid \$12 for each eight hours of service as members of the canvassing board, and mileage;

(d) The compensation for election judges in home rule charter and statutory cities shall be fixed by the governing body of the city. The compensation of election judges in unorganized territory shall be fixed by the county board. The compensation for election judges in towns shall be fixed by the town board. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and

(e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election.

[1979 c 61 s 1; 1979 c 251 s 1]

204A.26 Ballots, judges' initials.

Subdivision 1. Before the voting begins, or as soon thereafter as possible, two judges shall place their initials on the backs of all the ballots in their charge. The judges may not otherwise mark the ballots.

[For text of subd 2, see M.S.1978]

[1979 c 29 s 5]

204A.31 Marking ballots, instructions.

The voter shall mark and prepare each ballot in the following manner:

(a) The voter shall place a mark (X) in the square opposite the printed name of each candidate for whom he desires to vote, and in the square before the "YES" or "NO" if he desires to vote for or against any proposition.

(b) If he so desires, he may write other names in the blank spaces provided therefor under the printed names of the candidates, except that no names may be written in on primary election ballots.

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(c) If, at any primary election the voter votes for the candidates of more than one party on the party ballot, that ballot is void.

(d) When he has prepared his ballots, he shall fold each of them separately so as to conceal the face and all marks thereon, and so as to expose only the initials of the judges on the back of the ballot.

(e) Having marked and folded his ballots in the manner provided in this section, the voter shall withdraw from the voting booth with his ballot.

[1979 c 29 s 6]

204A.32 Ballots, deposits.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. **Ballots, identifying marks.** No voter, judge, or any other person may at any time place any mark as a means of identification upon any ballot handed to or cast by any voter or upon any spoiled or discarded ballots except the initials provided by law to be placed upon ballots.

[For text of subs 4 to 6, see M.S.1978]

[1979 c 29 s 7]

204A.51 County canvassing board.

[For text of subd 1, see M.S.1978]

Subd. 2. **County canvass, primary election information required.** The board shall meet at the auditor's office at 10:00 a.m. on or before the third day after the primary election, take the oath of office, and publicly canvass the returns of the election made to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election, and it shall forthwith make the following report and file the same with the county auditor:

(a) A statement for each political party showing the names of all candidates thereof voted for at the primary election, the number of votes received by each, in each precinct and in the county, and for what office;

(b) A statement showing the names of candidates of each political party who are nominated;

(c) A statement of the total number of persons who voted at the election in the county, and in each precinct;

(d) A statement of the number of persons registering to vote on election day and the number of persons registered prior to election day; and

(e) A statement of the votes received by each of the nonpartisan candidates in each precinct in the county and the names of the nonpartisan candidates nominated. If any candidates receive an equal number of votes for the same nomination, the canvassing board shall determine the tie by lot. Upon completion of the canvass, the county auditor shall forthwith certify to the secretary of state the vote, as shown by the report of the county canvassing board, for all candidates to be voted for in more than one county, and he shall mail or deliver to each nominee who is to be voted for in his county only, a notice of his nomination and that his name will be placed upon the general election ballot.

If the difference between the votes of two or more candidates for legislative office which lies within a single county is 100 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines one or more nominations, the canvassing board shall recount the votes. A recount shall not delay any other part of the report of the board and shall be reported and certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office. A losing candi-

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date may waive the recount required pursuant to this subdivision by filing a written notice of waiver with the canvassing board.

Subd. 3. **County canvass, general election, information required.** The canvassing board shall meet at the auditor's office on or before the third day after the general election, take the oath of office, and publicly canvass the returns of the general election made to the county auditor. The board shall complete the canvass without unnecessary delay, and it shall forthwith make the following report and file the same with the county auditor:

(a) A statement of the number of persons who voted at the election in each precinct in the county and the total number of persons who voted at the election in the county;

(b) A statement of the number of persons registering to vote on election day and the number of persons registered prior to election day;

(c) A statement of the names of all candidates for state offices, representatives and senators in the legislature, representatives and senators in congress, judges of the district court, and county offices; and the number of votes received by each in each precinct and in the whole county;

(d) A statement of the total number of votes counted for and against any proposed change of county lines or county seat; and

(e) A statement of the number of votes counted for and against any constitutional amendment or other proposition in any precinct, and the total number of votes counted therefor in the county.

If the difference between the votes of a candidate who would otherwise be declared elected to a legislative office by the county canvassing board and the votes of any other candidate for that office is 100 votes or less, the canvassing board shall recount the votes. A recount shall not delay any other part of the report of the board and shall be reported and certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office. A losing candidate may waive the recount required pursuant to this subdivision by filing a written notice of waiver with the canvassing board.

In case of a tie, the canvassing board shall determine the results by lot. Upon completion of the canvass, the board shall declare the person receiving the highest number of votes for each county office duly elected thereto; and when the county constitutes or contains a senatorial or representative district in the legislature, it shall declare the person receiving the highest number of votes for each office in the legislature duly elected.

[For text of subd 4, see M.S.1978]

[1979 c 58 s 1,2]

204A.515 Recounts in county and municipal elections.

A losing candidate for nomination or election to a county or municipal office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or

(e) 100 votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

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Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal offices shall file a written request with the municipal clerk. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county and the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality.

A losing candidate for nomination or election to a county or municipal office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor or municipal clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction for the payment of the recount expenses.

Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality.

[1979 c 90 s 1]

204A.53 State canvassing board.

[For text of subd 1, see M.S.1978]

Subd. 2. **State canvass, primary election.** After the primary election the canvassing board shall canvass the returns of the election that were made to the secretary of state; and upon the completion of the canvass, the secretary of state shall forthwith certify to the several county auditors the names of the persons found to be nominated and mail to each nominee a notice of his nomination.

If the difference between the votes of two or more candidates for legislative office to be certified by the secretary of state is 100 or less, the difference is less than ten percent of the total number of votes counted for that nomination, and the difference determines one or more nominations, the canvassing board shall recount the votes. A recount shall not delay any other part of the canvass and the nominees shall be certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office. A losing candidate may waive the recount required pursuant to this subdivision by filing a written notice of waiver with the canvassing board.

Subd. 3. **State canvass, general election.** After the general election, the canvassing board shall canvass the certified copies of the statements made by the county canvassing boards, and they shall prepare therefrom a statement of the following information:

(a) A statement of the whole number of votes counted for candidates for state offices, congressional offices, and such other candidates as shall be voted for in more than one county, specifying the several counties in which they were cast;

(b) The names of the persons receiving the votes and the number received by each, specifying the several counties in which they were cast; and

(c) The number of votes counted for and against each constitutional amendment, specifying the several counties in which they were cast.

If the difference between the votes of a candidate for legislative office who would otherwise be declared elected by the state canvassing board and the votes of any other candidate for that office is 100 or less, the board shall recount the votes. A recount shall not delay any other part of the canvass and the results shall be certified as soon as possible. Time for notice of a contest of an election which is recounted shall begin to run upon completion of the recount and canvass for that office. A losing candidate may waive the recount required pursuant to this subdivision by filing a written notice of waiver with the canvassing board.

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In case of a tie vote for any office, the result of which is to be certified by the state canvassing board, the board shall determine the tie by lot.

[For text of subd 4, see M.S.1978]

[1979 c 58 s 3,4]

CHAPTER 205. MUNICIPAL ELECTIONS

Sec. 205.11	Primary elections, second, third, and fourth class cities and certain towns.	Sec. 205.14	Municipal election, procedure.
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205.11 Primary elections, second, third, and fourth class cities and certain towns.

[For text of subds 1 to 4, see M.S.1978]

Subd. 4a. **Recount.** A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 204A.515.

[For text of subd 5, see M.S.1978]

[1979 c 90 s 2]

205.14 Municipal election, procedure.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. **Recount.** A losing candidate at a municipal election may request a recount of the votes for that office subject to the requirements of section 204A.515.

[1979 c 90 s 3]

CHAPTER 206. VOTING MACHINES

Sec. 206.17	Officials to prepare machines for use.	Sec. 206.185	Canvass of electronic voting system results.
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206.17 Officials to prepare machines for use.

Subdivision 1. It shall be the duty of the proper authority having direct charge of elections in each municipal corporation where voting machines or electronic voting systems which do not use paper ballots are to be used to cause the proper ballot labels to be placed on the voting machines or marking devices and to place the machines in proper order for voting. These ballot labels shall have printed on the face thereof the words "Official Ballot" and the date of the election. The authorities shall examine all voting machines before they are sent out to the different polling places, to see that all the registering counters are set at zero (000), to lock all voting machines so that the counting mechanism cannot be operated, and to seal each voting machine with a numbered seal and to make a written record thereof.

Before preparing the voting machines for any election written notices shall be mailed to the chairman of the county committee of each political party, who have theretofore presented the name of the chairman to the county auditor, stating the times when and the place or places where the voting machines will be prepared, at which times and places one representative of each such political party designated by the respective chairman of such county committee of such party shall be entitled to be present and see that the machines are properly prepared and placed in proper condition and order for use at the election. In non-partisan primaries and elections each candidate may designate one representative who shall have the same powers as the political party representatives.

When the machines have been prepared for the election it shall be the duty of the custodians and political party or candidate representatives to make a certificate in writ-