

CHAPTER 201

REGISTRATION AND ELIGIBILITY OF VOTERS

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201.01 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.01 DEFINITIONS.

The definitions in chapter 200 apply to chapter 201.

History: 1959 c 675 art 2 s 1; 1981 c 29 art 2 s 1

201.013 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.014 ELIGIBILITY TO VOTE.

Subdivision 1. **Requirements.** Except as provided in subdivision 2, an individual who meets the following requirements at the time of an election is eligible to vote. The individual must:

- (a) Be 18 years of age or older;
- (b) Be a citizen of the United States; and
- (c) Maintain residence in Minnesota for 20 days immediately preceding the election.

Subd. 2. **Not eligible.** The following individuals are not eligible to vote. Any individual:

- (a) Convicted of treason or any felony whose civil rights have not been restored;
- (b) Under a guardianship of the person; or
- (c) Found by a court of law to be legally incompetent.

Subd. 3. **Penalty.** Any individual who votes when he knows he is not eligible to vote is guilty of a felony.

History: 1981 c 29 art 2 s 2

201.016 RESIDENCE REQUIREMENTS FOR VOTING; PENALTY.

Subdivision 1. **Determination of residence; penalty.** An eligible voter may vote only in the precinct in which he maintains residence. The residence of a voter shall be determined in accordance with section 200.031. Any individual who votes in a precinct knowing that he does not maintain residence in that precinct is guilty of a felony.

Subd. 2. **Duration of residence.** The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to

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elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election.

History: 1981 c 29 art 2 s 3

201.018 REGISTRATION REQUIREMENTS FOR VOTING.

Subdivision 1. **County without permanent system.** An eligible voter who maintains residence in a county without a permanent voter registration system, may vote in any election in that county after the voter's name is entered in the election register as provided in section 204C.11.

Subd. 2. **County with permanent system.** An eligible voter who maintains residence in a county with a permanent voter registration system must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, or special election held in the county. An eligible voter who maintains residence in a school district which uses the county voter registration system as authorized by section 201.095, must register in a manner specified by section 201.054, in order to vote in any school election held in that district.

History: 1981 c 29 art 2 s 4

201.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.02 MS 1971 [Repealed, 1973 c 676 s 33]

201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established. Any county not containing a city with a population of 10,000 or more may exempt itself from the provisions of Laws 1981, Chapter 29, Article II, Sections 5 to 24. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

History: 1973 c 676 s 3; 1975 c 204 s 94; 1981 c 29 art 2 s 5

201.03 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.03 MS 1971 [Repealed, 1973 c 676 s 33]

201.04 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.04 MS 1971 [Repealed, 1973 c 676 s 33]

201.05 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.05 MS 1971 [Repealed, 1973 c 676 s 33]

201.054 METHODS OF REGISTERING; PENALTY.

Subdivision 1. **Registration.** An individual may register to vote:

(a) At any time before the 20th day preceding any election as provided in section 201.061, subdivision 1, in counties where preregistration is allowed; or

(b) On the day of an election as provided in section 201.061, subdivision 3; or

(c) When submitting an absentee ballot, by enclosing a completed registration card as provided in section 203B.04, subdivision 4.

Subd. 2. **Prohibitions; penalty.** No individual shall intentionally:

(a) Cause or attempt to cause his name to be registered in any precinct if he is not eligible to vote;

(b) Cause or attempt to cause his name to be registered for the purpose of voting in more than one precinct, or in any precinct in which he does not maintain residence;

(c) Misrepresent his identity when attempting to register to vote; or

(d) Aid, abet, counsel, or procure any other individual to violate this subdivision.

A violation of this subdivision is a felony.

History: 1981 c 29 art 2 s 6

201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.

An individual who is unable to write his name shall be required to sign a registration card by making his mark. If the individual registers in person, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and his own name and give his own address.

History: 1981 c 29 art 2 s 7

201.06 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.06 MS 1971 [Repealed, 1973 c 676 s 33]

201.061 REGISTRATION ON OR BEFORE ELECTION DAY.

Subdivision 1. **Prior to election day.** At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county. A registration card that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence.

Subd. 2. **Political subdivision without permanent system.** Subdivision 1 does not apply to eligible voters in any political subdivision which does not on July 1, 1973 have a permanent system of voter registration unless the governing body of that political subdivision by ordinance or resolution elects to come under the provisions of subdivision 1. The decision to allow preregistration may not be rescinded.

Subd. 3. **Election day registration.** An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

(2) Showing any document approved by the secretary of state as proper identification; or

(3) Having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge stating that he personally knows that the individual is a resident of the precinct. No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

A county or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. The

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election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration cards and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration card until his address is verified by the county auditor. Registration cards completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Subd. 5. Unregistered voters; penalty. No election judge in any precinct in which registration is required may receive the vote at any election of any individual whose name is not registered in a manner specified in section 201.054, subdivision 1 or not recorded under section 203B.19. A violation of this subdivision is a felony.

Subd. 6. Precinct map. Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

Subd. 7. Record of attempted registrations. The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

History: 1973 c 676 s 4; 1974 c 583 s 1,2; 1977 c 395 s 1,2; 1978 c 714 s 1,30; 1981 c 29 art 2 s 8; 1981 c 217 s 3; 2Sp1981 c 2 s 1

201.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.07 MS 1971 [Repealed, 1973 c 676 s 33]

201.071 REGISTRATION CARDS.

Subdivision 1. Form. Registration cards shall be of suitable size and weight for mailing, and shall contain the following information in substantially the following form:

VOTER REGISTRATION CARD (Please print or type)

- Date:
1. Name:
Last First Middle Initial
2. Address:
Street or Route No.
.....
City (or Township) County Zip
3. Telephone Number:
4. Date of birth (optional):

5. Last registration if any

Street or Route Number

City (or Township)

Zip

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. **Instructions.** A registration card shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting and the penalties for false registration.

Subd. 3. **Deficient registration.** No registration is deficient if it contains the voter's name, address, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible. No eligible voter may be prevented from voting unless his registration card is deficient or he is duly and successfully challenged in accordance with sections 201.195 or 204C.12.

Subd. 4. **Change of registration.** Any county auditor who receives a registration card indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form as provided in this subdivision or section 204C.30, subdivision 2, shall delete that individual's name from the registration lists and remove the duplicate voter registration card, if any, and the original voter registration cards from the files. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card or file from the precinct of prior residence to determine whether the individual voted in that precinct in the most recent election.

Subd. 5. **Electronic or data processing system in place of duplicate voter registration cards.** A county or municipality with an electronic or automatic data processing system for maintaining duplicate voter registration records may elect to use the system in place of duplicate voter registration cards. The auditor of a county or the clerk of a city making such an election shall notify the secretary of state of that election in writing.

Subd. 6. **Maintenance of duplicate registration file.** A county or municipality which makes the election authorized in subdivision 5 shall maintain in their data processing system the information required by the alternate form of the duplicate registration file prescribed by the secretary of state under section 201.221, subdivision 3. A county or municipality which makes the election shall not be required to obtain or maintain a duplicate voter registration card. Any reference in chapter 201 to "duplicate registration file" shall not be interpreted as requiring duplicate registration cards or signatures on duplicate registration cards.

Subd. 7. **Duplicate registration file requirements.** Notwithstanding subdivisions 1 and 3, a county or municipality which makes the election authorized by subdivision 5 shall require the day and month of birth of the registrant on the voter registration card. A registration in a county or municipality which makes the election is defective if it does not contain the day and month of birth of the registrant. Currently registered voters shall not be required to re-register to

comply with this subdivision but shall be requested to give their day and month of birth to the county or municipality at any time except at the polling place. A county or municipality which makes the election authorized in subdivision 5 shall make the prescribed duplicate registration file available as authorized by section 201.091 provided that no list which is made available for examination or purchase shall include the day and month of birth of any registered voter.

History: 1973 c 676 s 5; 1974 c 583 s 3,4; 1977 c 395 s 3; 1978 c 714 s 2,30; 1981 c 29 art 2 s 9; 1981 c 92 s 1

201.08 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.08 MS 1971 [Repealed, 1973 c 676 s 33]

201.081 REGISTRATION FILES.

The original registration file and the duplicate registration file shall be the record of registered voters. The original and duplicate registration files shall be kept in the office of the county auditor or in the office of a public official to whom the county auditor has delegated the responsibility of keeping either file. The files shall not be removed except that the duplicate file shall be delivered as provided in section 201.221, subdivision 3, to the duly authorized election judges for use on election day.

History: 1973 c 676 s 6; 1976 c 223 s 4; 1978 c 714 s 30; 1981 c 29 art 2 s 10

201.09 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.09 MS 1971 [Repealed, 1973 c 676 s 33]

201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES.

Subdivision 1. **Precinct list.** Each county auditor shall prepare and maintain a current list of the duplicate registration cards, which list shall be known as the precinct list. It shall show the name and residence address of each voter registered in the precinct. The telephone number shall be included on the list if provided by the voter.

Subd. 2. **Corrected list.** Within 90 days after each state general election, the county auditor shall prepare and on request make available current precinct lists for the county. Each precinct list shall be periodically corrected and updated by the county auditor. A final corrected precinct list for each precinct shall be available 15 days before each primary. A corrected precinct list may be either in the form of a complete corrected list or a separate list of additions and deletions to the preceding list.

Subd. 2a. If the responsibility for maintaining the duplicate registration file has been delegated by the county auditor in accordance with section 201.081, subdivision 2, the official maintaining the duplicate registration file shall deliver the original voter registration cards to the county auditor within 30 days after the primary election and within 60 days after a general election. Within 60 days after he receives the original voter registration cards after a general election the county auditor shall send back the corrected list of registered voters to the official maintaining the duplicate registration file.

Subd. 2b. Subject to reasonable rules and regulations, the duplicate registration file shall be open to public inspection, but no public inspection shall be permitted or allowed that will disarrange the registration files. No person to whom a file of registered electors is made available under this subdivision and no person who acquires a list of registered electors prepared from the file may use any information contained therein for purposes which are not related to elections, political activities, or law enforcement.

Subd. 3. Registration cards delivered to county auditor. A public official maintaining the duplicate registration file pursuant to section 201.081 shall deliver the original voter registration cards to the county auditor within 30 days after a primary and within 60 days after a general election. Within 60 days after receiving the original voter registration cards after a general election, the county auditor shall return the corrected precinct list to the public official maintaining the duplicate registration file.

Subd. 4. Public access to registration files. The duplicate registration file shall be open to public inspection. The public official having custody of the voter registration files may adopt reasonable rules governing access to the files. No individual inspecting the duplicate registration file shall tamper with the cards or their arrangement. No individual who inspects a duplicate registration file or who acquires a list of registered voters prepared from the file may use any information contained in the file or list for purposes unrelated to elections, political activities, or law enforcement.

Subd. 5. Copy of list to registered voter. The county auditor shall provide paper copies of the current precinct lists and may provide lists in some other form to any voter registered in the county within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditor shall make a copy of the list available for public inspection without cost. No individual who inspects or acquires a copy of a precinct list may use any information contained in it for purposes unrelated to elections, political activities, or law enforcement.

Subd. 6. Annual report to county auditor. Each public official to whom the county auditor has delegated responsibility for the administration of the provisions of this chapter shall submit an annual report to the county auditor on the conduct and costs of registration and voting borne by his office. The public official shall maintain adequate records to verify the information contained in the report.

Subd. 7. Annual report to secretary of state. Each county auditor shall submit an annual report on the conduct and costs of registration and voting in the county to the secretary of state. The county auditor shall maintain adequate records to verify the information contained in the report.

Subd. 8. Registration places. Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. At least one public building shall be designated for each 30,000 residents of the political subdivision. An adequate supply of registration cards shall be maintained at each designated location, and a designated individual shall be available there to accept registration cards and transmit them to the county auditor.

History: 1973 c 676 s 7; 1974 c 55 s 1; 1976 c 223 s 1-3; 1977 c 96 s 1; 1977 c 395 s 4-6; 1978 c 714 s 30; 1981 c 29 art 2 s 11

201.095 SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.

The county auditor shall allow independent or special school districts to use the necessary portions of the county's registration system for school district elections, if requested by the school board of the district, and provided that the use does not interfere with 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 board may designate a member of the board or an employee as registration officer. The provisions of chapters 201

and 203B relating to registration of voters shall apply to school district elections in which the county registration system is used.

History: 1981 c 29 art 2 s 12

201.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.10 MS 1971 [Repealed, 1973 c 676 s 33]

201.11 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.11 PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.

When the boundaries of a precinct are changed, the county auditor shall immediately change the registration files to correctly show the names of the voters who are residents of that precinct.

History: 1959 c 675 art 2 s 11; 1973 c 676 s 8; 1981 c 29 art 2 s 13

201.12 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.12 PROPER REGISTRATION, VERIFICATION BY MAIL, CHALLENGES.

Subdivision 1. Notice of registration. To prevent fraudulent voting and to eliminate excess names, the county auditor may mail to any registered voter a notice stating the voter's name and address as they appear in the registration files. The notice shall request the voter to notify the county auditor if there is any mistake in the information.

Subd. 2. Challenges. Upon return of the notice by the postal service, the county auditor or his staff shall personally ascertain the name and address of that individual. If the individual is no longer at the address recorded in the original registration file, the county auditor shall affix the word "challenged" to the duplicate registration card. Any individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote.

History: 1959 c 675 art 2 s 12; 1973 c 676 s 9; 1981 c 29 art 2 s 14

201.121 ENTRY OF NAMES; MAILED NOTICE.

Subdivision 1. Entry of registration information. Upon receiving a registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the appropriate registration files the registration card or the information contained on it.

Subd. 2. Notice of registration; challenges. The county auditor shall mail a notice indicating the individual's name, address, precinct and polling place to each registered voter. The notice shall indicate that it must be returned if it is not deliverable to the voter at the named address. Upon return of the notice by the postal service, the county auditor shall affix the word "challenged" to the voter's duplicate registration card. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote.

Subd. 3. Post-election sampling. Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If the county auditor does not receive or obtain satisfactory

proof of the individual's eligibility to vote, he shall immediately notify the county attorney and the secretary of state.

History: 1973 c 676 s 10; 1978 c 714 s 3,30; 1981 c 29 art 2 s 15

201.13 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.13 LOCAL REGISTRAR OF VITAL STATISTICS, REPORT DEATHS TO COUNTY AUDITOR.

The local registrar of vital statistics in each county or municipality shall report monthly to the county auditor the name and address of each individual 18 years of age or older who has died while maintaining residence in that county or municipality since the last previous report. Upon receipt of the report, the county auditor shall remove from the files the original and duplicate registration cards of the voters reported to be deceased.

History: 1959 c 675 art 2 s 13; 1973 c 676 s 11; 1981 c 29 art 2 s 16

201.14 MS 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 shall report monthly to the county auditor the name and address of each individual, 18 years of age or over, who maintains residence in that county and whose name was changed during the month preceding the date of the report, by marriage, divorce or any order or decree of the court. Upon receipt of the report, the county auditor shall notify by mail each registered voter whose name was changed that it will be necessary for him to re-register under the changed name in order to vote.

History: 1959 c 675 art 2 s 14; 1973 c 676 s 12; 1973 c 725 s 38; 1977 c 395 s 7; 1981 c 29 art 2 s 17

201.15 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.15 PROBATE JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

Subdivision 1. **Guardianships, incompetents and psychopaths.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual 18 years of age or over, who maintains residence in that county and who, during the month preceding the date of the report:

- (a) was placed under a guardianship of the person;
- (b) adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a psychopathic personality.

The judge shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b) or (c). Upon receipt of the report, the county auditor shall determine whether any individual named in the report is registered to vote. The county auditor shall attach a notice to the original and duplicate registration cards of any individual named in the report informing the election judges that the individual is not eligible to reregister or vote. The notice shall contain the reason for ineligibility, the date of the determination, and the dated signature of the county auditor.

Subd. 2. **Restoration to capacity.** The probate judge in each county shall report monthly to the county auditor the name and address of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in

subdivision 1. Upon notice from the judge of probate of a restoration to capacity, or of a transfer from guardianship to conservatorship, the county auditor shall remove the notice from the individual's registration cards and thereafter process the cards in the same manner as if no guardianship or adjudication had occurred.

History: 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; 1978 c 714 s 4; 1979 c 43 s 1; 1981 c 29 art 2 s 18

201.16 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.16 MS 1971 [Repealed, 1973 c 676 s 33]

201.161 DRIVER'S LICENSE CHANGES.

When an individual applies for a corrected duplicate driver's license pursuant to section 171.11, the department of public safety shall transmit a voter registration card to the applicant. Voter registration cards shall also be available from clerks and agents who receive applications pursuant to sections 171.06 and 171.07. Voter registration cards shall be provided at no cost to the department of public safety by the secretary of state.

History: 1977 c 395 s 8; 1981 c 29 art 2 s 19

201.17 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.17 MS 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 remove the original and duplicate registration cards of any voter who has not voted during the four preceding calendar years in any election, including but not limited to a school district election where the permanent voter registration system is used. Although not counted in an election, a late absentee ballot shall be considered a vote for the purpose of continuing registration.

History: 1973 c 676 s 14; 1981 c 29 art 2 s 20

201.18 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.18 MS 1980 [Repealed, 1981 c 217 s 11]

201.19 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.19 MS 1971 [Repealed, 1973 c 676 s 33]

201.191 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.195 CHALLENGES.

Subdivision 1. **Petition; hearing.** Upon petition filed with the county auditor, any voter registered within a county may challenge the eligibility or residence of any other voter registered within that county. The petition shall state the grounds for challenge and be accompanied by an affidavit stating that the challenge is based on the challenger's personal knowledge. Within five days after receipt of the petition, the county auditor shall set a date for a hearing on the challenge and notify the challenger by mail. A copy of the petition and notice of the hearing shall be served on the challenged voter by the county auditor in the same manner as in a civil action. The hearing shall be held before the county auditor or his designee who shall then make findings and affirm or dismiss the challenge.

Subd. 2. **Appeal.** If a challenge is affirmed, the voter whose registration has been challenged may appeal the ruling to the secretary of state. The appeal shall be heard within five days but in any case before election day. Upon hearing the

appeal the secretary of state shall affirm or reverse the ruling and shall give appropriate instructions to the county auditor.

Subd. 3. **Hearing procedures.** A hearing before the secretary of state shall be conducted as a contested case and determined in accordance with chapter 14.

History: 1981 c 29 art 2 s 22; 1982 c 424 s 130

201.20 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.20 MS 1971 [Repealed, 1973 c 676 s 33]

201.21 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.21 MS 1971 [Repealed, 1973 c 676 s 33]

201.211 COSTS.

The office required to perform the functions and duties of this chapter shall bear the costs incurred. If these functions and duties are delegated to another office, that office shall bear the costs.

History: 1973 c 676 s 16; 1981 c 29 art 2 s 23

201.22 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.22 MS 1971 [Repealed, 1973 c 676 s 33]

201.221 RULES.

Subdivision 1. **Adoption of rules.** To implement the provisions of this chapter, the secretary of state shall adopt rules consistent with federal and state election laws.

Subd. 2. **Uniform procedures for counties.** The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for counties maintaining voter registration records on data processing systems so that the systems are compatible with a uniform system of electronic data maintenance. The secretary of state shall supervise the development and use of the system to insure that it conforms to applicable laws and rules.

Subd. 3. **Procedures for duplicate registration file.** The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card contains spaces for the voter's name, address, telephone number, and signature, and space to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day.

The secretary of state shall prescribe an alternate form of the duplicate registration file for counties and cities which make the election authorized by section 201.071, subdivision 5. The alternate form shall not require a duplicate card or voter's signature. Information contained in the duplicate registration file shall include the voter's name, address, month and day of birth, last registration (if any), and a record of the vote history for the previous four years of elections. The secretary of state shall prescribe the form for the duplicate registration file to be used on election day in the polling place and the file shall include the name, address, month and day of birth, and a space for the voters to sign the file when they vote. He shall prescribe the form for a county or municipality to request the day and month of birth from currently registered voters. The county or municipality shall not request the day and month of birth from currently registered voters by any communication other than the prescribed form and the form shall clearly indicate that a currently registered voter does not lose his or her registration status by failing to provide his or her day and month of birth. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the

judges on election day. In accordance with section 204B.40, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.

Subd. 4. County rules. The county auditor of each county may adopt rules which delegate to municipal officials in that county the duties assigned to county auditors by this chapter. If the county auditor delegates the duty to accept registrations, that delegation does not relieve him of the duty to accept registrations. When a municipal official is delegated duties given to the county auditor by this chapter, the governing body of the municipality shall immediately provide the necessary funds, equipment and facilities, establish a place of registration and put the registration plan into operation without delay.

History: 1973 c 676 s 17; 1978 c 714 s 30; 1981 c 29 art 2 s 24; 1981 c 92 s 2

201.23 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.23 MS 1971 [Repealed, 1973 c 676 s 33]

201.231 [Repealed, 1981 c 29 art 7 s 39]

201.24 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

201.24 MS 1971 [Repealed, 1973 c 676 s 33]

201.25 MS 1957 [Renumbered 201.28]

201.25 MS 1971 [Repealed, 1973 c 676 s 33]

201.26 MS 1957 [Renumbered 201.29]

201.26 MS 1980 [Repealed, 1981 c 29 art 7 s 39]

201.261 [Repealed, 1973 c 676 s 33]

201.27 MS 1957 [Renumbered 201.30]

201.27 VIOLATIONS, PENALTY.

Subdivision 1. Intentional violation. No officer, deputy, clerk, or other employee shall intentionally:

(a) Fail to perform or enforce any of the provisions of this chapter except the provisions of subdivision 2;

(b) Remove any registration card or record from its proper place in the registration files, in any manner or for any purpose not authorized by law;

(c) Destroy any record required to be kept by this chapter; or

(d) Add a name or names to the voter registration files, records or cards, except as authorized by law.

An individual who violates this subdivision is guilty of a felony.

Subd. 2. Knowledge of violation. A deputy, clerk, employee or other subordinate of a county auditor or municipal clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of his knowledge or belief to the county auditor or municipal clerk, together with any evidence of the violation coming into his possession. Any county auditor or municipal clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of his knowledge or belief to the county attorney of the county where the violation is thought to have occurred, together with any evidence of the violation coming into his possession. The county auditor or municipal clerk shall also immediately send a copy of the report to the secretary of state. A violation of this subdivision is a misdemeanor.

Subd. 3. General penalty. An individual who intentionally violates any provision of this chapter is guilty of a felony, unless a different penalty is specifically provided by law.

History: 1959 c 675 art 2 s 27; 1973 c 676 s 20; 1978 c 714 s 5,30; 1981 c 29 art 2 s 25

201.275 INVESTIGATIONS; PROSECUTIONS.

A county attorney receiving a report of a possible violation of this chapter shall immediately and diligently inquire into the facts of the possible violation. If there are reasonable grounds for instituting a prosecution, the county attorney shall present the charge, together with all the evidence that he can procure, to the grand jury of the county. A county attorney who fails or refuses to faithfully perform any duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit his office.

History: 1978 c 714 s 6; 1981 c 29 art 2 s 26

- 201.28** MS 1957 [Renumbered 201.31]
- 201.28** MS 1971 [Repealed, 1973 c 676 s 33]
- 201.29** MS 1957 [Renumbered 201.32]
- 201.29** MS 1971 [Repealed, 1973 c 676 s 33]
- 201.30** MS 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.30** MS 1971 [Repealed, 1973 c 676 s 33]
- 201.31** MS 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.31** MS 1971 [Repealed, 1973 c 676 s 33]
- 201.32** MS 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.32** MS 1971 [Repealed, 1973 c 676 s 33]
- 201.33** MS 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.33** MS 1980 [Repealed, 1981 c 29 art 7 s 39]
- 201.34** MS 1957 [Repealed, 1959 c 675 art 13 s 1]
- 201.34** MS 1974 [Repealed, 1975 c 204 s 106]