

CHAPTER 204B

ELECTIONS; GENERAL PROVISIONS

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204B.06 FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. [Repealed, 1983 c 253 s 26]

Subd. 4. **Particular offices.** Candidates who seek nomination for the following offices shall state the following additional information on the affidavit:

(a) for United States senator, that the candidate will be 30 years of age or older and a citizen of the United States for not less than nine years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(b) for United States representative, that the candidate will be 25 years of age or older and a citizen of the United States for not less than seven years on the next January 3 or, in the case of an election to fill a vacancy, within 21 days after the special election;

(c) for governor or lieutenant governor, that on the first Monday of the next January the candidate will be 25 years of age or older and, on the day of the state general election, a resident of Minnesota for not less than one year;

(d) for supreme court justice, court of appeals judge, or district court judge, that the candidate is learned in the law;

(e) for county or county municipal court judge or other judicial officer, that the candidate is qualified as prescribed by law;

(f) for senator or representative in the legislature, that on the day of the general or special election to fill the office the candidate will have resided not less than one year in the state and not less than six months in the legislative district from which the candidate seeks election.

[For text of subd 5, see M.S.1982]

Subd. 6. **Judicial candidates; designation of term.** An individual who files as a candidate for the office of associate justice of the supreme court, judge of the court of appeals, judge of the district court, or judge of county or county municipal court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a candidate. The individual shall be a candidate only for the office identified in the affidavit. Each justice of the supreme court and each court of appeals, district, county or county municipal court judge is deemed to hold a separate nonpartisan office.

[For text of subd 7, see M.S.1982]

History: 1982 c 501 s 14; 1983 c 247 s 83,84

204B.11 CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING FEE.

Subdivision 1. **Amount.** Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the court of appeals, judge of the district court, or judge of the county municipal court of Hennepin county, \$150;

(b) for the office of senator in congress, \$200;

(c) for office of senator or representative in the legislature, \$50;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded.

[For text of subd 2, see M.S.1982]

History: 1983 c 112 s 1; 1983 c 247 s 85

204B.12 WITHDRAWAL OF CANDIDATES.

Subdivision 1. **Before primary.** A candidate may withdraw his name from the primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than three days after the last day for filing for the office.

Subd. 2. [Repealed, 1983 c 303 s 24]

[For text of subd 3, see M.S.1982]

History: 1983 c 303 s 6

204B.16 POLLING PLACES; DESIGNATION.

[For text of subds 1 to 5, see M.S.1982]

Subd. 6. **Public facilities.** Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities, including parking, available for the holding of city, county, state, and federal elections. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

History: 1983 c 124 s 4

204B.19 ELECTION JUDGES; QUALIFICATIONS.

Subdivision 1. **Individuals qualified to be election judges.** Any individual who is eligible to vote in an election precinct is qualified to be appointed as an election judge for that precinct subject to this section. If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality. If there are not sufficient voters within the municipality who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.

Subd. 2. **Individuals not qualified to be election judges.** No individual shall be appointed as an election judge for any precinct if that individual:

(a) Is unable to read, write or speak the English language;

(b) Is the spouse, parent, child or sibling of any election judge serving in the same precinct or of any candidate at that election or of any member of the governing body of the municipality or county which established the precinct; or

(c) Is a candidate at that election.

[For text of subds 3 to 5, see M.S.1982]

History: 1983 c 126 s 1; 1983 c 303 s 7

204B.195 TIME OFF FROM WORK TO SERVE AS ELECTION JUDGE.

An individual who is selected to serve as an election judge pursuant to section 204B.21, subdivision 2 may, after giving his employer at least ten days' written notice, absent himself from his place of work for the purpose of serving as an election judge. An employer may not penalize an employee for that absence other than a deduction in salary for the time he absented himself from his place of employment.

History: 1983 c 126 s 2

204B.21 APPOINTMENT OF ELECTION JUDGES.

Subdivision 1. **Appointment lists; duties of political parties and county auditor.** On July 1 in a year in which there is an election for a partisan political office, the county or legislative district chairmen of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairmen shall furnish the lists to the county auditor of the county in which the precinct is located.

By July 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

[For text of subd 2, see M.S.1982]

History: 1983 c 303 s 8

204B.27 DUTIES OF SECRETARY OF STATE.

Subdivision 1. **Blank forms.** At least 25 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of

blank county abstract forms, affidavits of challenged voters, and any other blank forms that the secretary of state deems necessary for the conduct of the election.

[For text of subds 2 to 5, see M.S.1982]

History: 1983 c 303 s 9

204B.31 COMPENSATION FOR ELECTION SERVICES.

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 of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with section 43A.18, subdivision 2;

(b) To individuals, other than county, city, or town employees during their normal work day, who are appointed 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 spent in carrying ballots and mileage in the amount allowed pursuant to section 471.665, subdivision 1;

(c) To members of county canvassing boards, 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 pursuant to section 471.665, subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city, to election judges serving in unorganized territory, an amount fixed by the county board, and to election judges serving in towns, an amount fixed by the town board. Election judges shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places and in attending training sessions required by section 204B.25. 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 pursuant to section 471.665, subdivision 1; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

History: 1983 c 126 s 3; 1983 c 253 s 8

204B.32 ELECTION EXPENSES; PAYMENT.

The secretary of state shall pay the compensation for presidential electors, the cost of printing the pink paper ballots, and all necessary expenses incurred by the secretary of state in connection with elections. The counties shall pay the compensation prescribed in section 204B.31, clauses (b) and (c), the cost of printing the canary ballots, the white ballots, the pink ballots when machines are used, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections. The municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections. All disbursements

under this section shall be presented, audited, and paid as in the case of other public expenses.

History: 1983 c 301 s 162

204B.33 NOTICE OF FILING.

Between June 1 and July 1 in each even numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

History: 1983 c 253 s 9

204B.34 NOTICE OF ELECTION.

Subdivision 1. **State elections.** At least 15 days before any state primary or state general election the municipal clerk shall post in his office a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours for voting. An optional provision of the notice may include municipal officers to be nominated or elected. The county auditor shall post a similar notice in his office including information concerning any polling places in unorganized territory in the county. The governing body of a municipality or county may publish this notice in addition to posting it. Failure to give the notice required in this section shall not invalidate a state primary or state general election.

[For text of subd 2, see M.S.1982]

Subd. 3. **Judicial elections.** When one or more justices of the supreme court or judges of the court of appeals or of a district, county or county municipal court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected.

History: 1982 c 501 s 15; 1983 c 247 s 86; 1983 c 303 s 10

204B.35 PREPARATION OF BALLOTS.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Absentee ballots; preparation; delivery.** Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least 20 days before the election to the officials who administer the provisions of chapter 203B.

History: 1983 c 303 s 11

204B.36 BALLOTS; FORM.

[For text of subd 1, see M.S.1982]

Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office

shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate his vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one (or more, according to the number to be elected)."

[For text of subd 3, see M.S.1982]

Subd. 4. Judicial candidates. The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the supreme court:

"For the office of associate (or chief) justice of the supreme court to which (name of justice)..... was elected for the regular term" or "to which (name of justice)..... was appointed";

(b) In the case of the court of appeals:

"For the office of judge of the court of appeals to which (name of judge) was elected for the regular term" or "to which (name of judge) was appointed";

(c) In the case of the district court:

"For the office of judge of the district court of the (number)..... judicial district to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed"; or

(d) In the case of the county court:

"For the office of judge of the county court of the county (or counties) of to which (name of judge)..... was elected for the regular term" or "to which (name of judge)..... was appointed."

For voting machine ballots on which the statements required by this subdivision cannot be printed because of length, the title of each judicial office shall be printed as follows:

"Successor to (name)....., elected (or appointed)."

[For text of subd 5, see M.S.1982]

History: 1983 c 247 s 87; 1983 c 253 s 10