

CHAPTER 204C

ELECTION DAY ACTIVITIES

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204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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

Subd. 4. **State government.** No state agency, board, commission, department, or committee shall conduct a public meeting on the day of the state primary or general election.

History: 1983 c 303 s 12

204C.05 STATE ELECTIONS; HOURS FOR VOTING.

Subdivision 1. **Opening and closing times.** Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m.

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

History: 1983 c 303 s 13

204C.08 OPENING OF POLLING PLACES.

Subdivision 1. **Display of flag.** Upon their arrival at the polling place on the day of election, the election judges shall cause the national flag to be displayed on a suitable staff at the entrance to the polling place. The flag shall be displayed continuously during the hours of voting and the election judges shall attest to that fact by signing the flag certification statement on the precinct summary statement. The election judges shall receive no compensation for any time during which they intentionally fail to display the flag as required by this subdivision.

[For text of subds 2 to 4, see M.S.1982]

History: 1983 c 253 s 11

204C.10 PERMANENT REGISTRATION; COMPLETION OF VOTER CERTIFICATES; VERIFICATION OF REGISTRATION.

Subdivision 1. In election precincts with a permanent registration system, an individual seeking to vote shall print his name and address on a certificate which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies that he resides at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and will be voting only in that precinct. The individual shall then sign the certificate.

An election judge shall compare the signature on the voter's certificate with the signature as it appears on the duplicate registration card and the address with

the address on the duplicate registration card. If the election judge is satisfied that the signatures are the same, the election judge shall initial the certificate and record the fact of voting on the back of the duplicate registration card. The initialed certificate shall be handed to the voter, who shall deliver it to the election judge in charge of ballots as proof of the right to vote.

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

History: 1983 c 253 s 12

204C.12 CHALLENGES TO VOTERS; PENALTY.

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

Subd. 3. Determination of residence. In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in section 200.031. If the challenged individual's answers to the questions show that he is not eligible to vote in that precinct, he shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine that he is not eligible to vote in that precinct, the marked ballots shall be placed unopened with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall be allowed to vote.

Subd. 4. Refusal to answer questions or sign a voter certificate. A challenged individual who refuses to answer questions or sign a voter certificate as required by this section shall not be allowed to vote. No challenged individual who leaves the polling place and returns later willing to answer questions or sign a voter certificate shall be allowed to vote. In precincts without voter registration the name of the individual shall not be entered or allowed to remain on the election register.

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

History: 1983 c 253 s 13,14

204C.24 ELECTION RETURNS; SUMMARY STATEMENTS.

Subdivision 1. Information requirements. Notwithstanding the provisions of sections 206.185, subdivision 5; and 206.21, subdivisions 1 and 2, precinct summary statements shall be submitted by the election judges in every precinct. The election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

- (a) the number of votes each candidate received or the number of yes and no votes on each question, the number of partially blank ballots and the number of partially defective ballots with respect to each office or question;
- (b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;
- (c) the number of individuals who voted at the election in the precinct;
- (d) in counties with permanent registration, the number of voters registered before the polling place opened and the number of voters registering on election day in that precinct; and

(e) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

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

History: 1983 c 253 s 15

204C.25 DISPOSITION OF BALLOTS.

After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective and blank ballots shall be placed in envelopes marked or printed to distinguish the color of the ballots contained, and the envelopes shall be sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number and kind of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal clerk from whom they were received.

History: 1983 c 253 s 16

204C.32 CANVASS OF STATE PRIMARIES.

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

Subd. 2. **State canvass.** The state canvassing board shall meet at the secretary of state's office on the second Tuesday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Two days after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.

History: 1983 c 303 s 14

204C.33 CANVASS OF STATE GENERAL ELECTIONS.

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

Subd. 2. **County canvassing board reports; public availability.** The county auditor of each county shall provide a certified copy of the county canvassing board report to anyone who requests it upon payment to the auditor of costs of reproduction actually incurred by the auditor's office. The auditor shall not take into account the general office expenses or other expenses.

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

History: 1983 c 303 s 15

204C.35 LEGISLATIVE AND JUDICIAL RACES.

Subdivision 1. **Automatic recounts.** In a state primary when the difference between the votes cast for the candidates for nomination to a legislative office or to a district, county, or county municipal court judicial office 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 the nomination, the canvassing board with responsibility for declaring the results for that office shall recount the vote.

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

Subd. 2. **Optional recount.** A losing candidate for nomination or election to a legislative office or to a district, county or county municipal court judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought. The requesting candidate shall file with the filing officer a bond, cash or surety in an amount set by the filing officer for the payment of the recount expenses.

History: 1983 c 253 s 17

204C.361 RULES FOR RECOUNTS.

The secretary of state shall adopt rules according to the Administrative Procedures Act establishing uniform recount procedures. All recounts provided for by sections 204C.35 and 204C.36 shall be conducted in accordance with these rules.

History: 1983 c 253 s 18