

## CHAPTER 203B

### ABSENTEE VOTING

203B.01	Absentee balloting; definitions.	203B.10	Delivery of absentee ballot applications to election judges.
203B.03	Prohibitions; penalties.	203B.12	Election judges to receive and count ballots.
203B.04	Application for ballots.	203B.13	Absentee ballot counting boards.
203B.05	Designation of municipal clerks to administer absentee voting laws.	203B.15	Administrative expenses.
203B.06	Applications; filing with county auditor or municipal clerk; delivery of ballot.	203B.19	Recording applications.
203B.08	Marking and return of absentee ballots.	203B.23	Application records; delivery to election judges.

#### 203B.01 ABSENTEE BALLOTING; DEFINITIONS.

*[For text of subd 1, see M.S.1986]*

Subd. 2. **Municipal clerk.** "Municipal clerk" means a full-time town or city clerk who is authorized or required to administer the provisions of sections 203B.04 to 203B.15, as provided in section 203B.05. "Municipal clerk" also means clerk of the school district who is authorized or required to administer the provisions of sections 203B.04 to 203B.15, as provided in section 203B.05 for a school district election not held on the same day as a statewide election.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 266 art 1 s 12

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 12, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

#### 203B.03 PROHIBITIONS; PENALTIES.

Subdivision 1. **Violation.** No individual shall intentionally:

- (a) make or sign any false certificate required by this chapter;
- (b) make any false or untrue statement in any application for absentee ballots;
- (c) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
- (d) exhibit a ballot marked by that individual to any other individual;
- (e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote; or
- (f) use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement.

Before inspecting information from absentee ballot materials or records, an individual shall provide identification to the public official having custody of the material or information.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 175 s 3

#### 203B.04 APPLICATION FOR BALLOTS.

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) the county auditor of the county where the applicant maintains residence; or
- (b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02.

*[For text of subds 2 to 4, see M.S.1986]*

**History:** 1987 c 266 art 1 s 13

**NOTE:** Subdivision 1, as amended by Laws 1987, chapter 266, article 1, section 13, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## **203B.05 DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER ABSENTEE VOTING LAWS.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. City, school district, and town elections.** For city elections not held on the same day as a statewide election, for school district elections not held on the same day as a statewide election, and for town elections conducted under the Australian ballot system, applications for absentee ballots shall be filed with the city, school district, or town clerk and the duties prescribed by this chapter for the county auditor shall be performed by the city, school district, or town clerk unless the county auditor agrees to perform those duties on behalf of the city, school district, or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city, town, or school district holding the election.

Notwithstanding any other law, this chapter applies to school district elections held on the same day as a statewide election or an election for a county or municipality wholly or partially within the school district. partially within the school district.

**History:** 1987 c 62 s 3; 1987 c 266 art 1 s 14

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 14, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## **203B.06 APPLICATIONS; FILING WITH COUNTY AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT.**

*[For text of subd 1, see M.S.1986]*

**Subd. 2. Applications to wrong official.** If for any reason an application for absentee ballots is submitted to the wrong county auditor or municipal clerk, that official shall promptly forward it to the proper county auditor or municipal clerk.

**Subd. 3. Delivery of ballots.** If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(a) Mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; or

(b) Deliver the absentee ballots directly to the voter if the application is submitted in person.

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed to an applicant for any election.

This subdivision does not apply to applications for absentee ballots received pursuant to sections 203B.04, subdivision 2, and 203B.11.

*[For text of subds 4 to 8, see M.S.1986]*

**History:** 1987 c 175 s 4; 1987 c 266 art 1 s 15

**NOTE:** Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 15, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.08 MARKING AND RETURN OF ABSENTEE BALLOTS.

*[For text of subds 1 to 3a, see M.S.1986]*

**Subd. 4. Rules.** The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

**History:** 1987 c 266 art 1 s 16

**NOTE:** Subdivision 4, as amended by Laws 1987, chapter 266, article 1, section 16, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.

On the day before an election:

(a) The county auditor shall deliver to the municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

(b) The municipal clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in section 203B.06, subdivision 5, to the appropriate election judges. Applications received on election day pursuant to section 203B.04, subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot counting board.

**History:** 1987 c 266 art 1 s 17

**NOTE:** This section, as amended by Laws 1987, chapter 266, article 1, section 17, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.12 ELECTION JUDGES TO RECEIVE AND COUNT BALLOTS.

*[For text of subds 1 to 5, see M.S.1986]*

**Subd. 6. Exception for municipalities or school districts with absentee ballot counting boards.** In municipalities or school districts with an absentee ballot counting board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes from return envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality or the school board of a school district with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.

**History:** 1987 c 266 art 1 s 18

**NOTE:** Subdivision 6, as amended by Laws 1987, chapter 266, article 1, section 18, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.13 ABSENTEE BALLOT COUNTING BOARDS.

**Subdivision 1. Establishment.** The governing body of any municipality may by ordinance, or the school board of any school district may by resolution, authorize an absentee ballot counting board for the purpose of counting all absentee ballots cast in that municipality or school district. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Subd. 2. **Duties.** The absentee ballot counting board shall:

(a) Receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; and

(c) Report the vote totals tabulated for each precinct.

Subd. 3. **Compensation of members.** The municipal clerk shall pay a reasonable compensation to each member of the absentee ballot counting board for services rendered during each election.

Subd. 3a. **Duplicate registration files.** If the election judges of an absentee ballot counting board are authorized to receive, examine, and validate absentee ballots, the county auditor or municipal clerk shall remove from the duplicate registration files the cards of all persons who have applied for absentee ballots at the election and deliver them to the election judges of the absentee ballot counting board along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose it shall be replaced with a notification to the election judges that the voter's card has been removed and directing them to contact the election judges of the absentee ballot counting board if that voter should appear at the polling place for the purpose of voting in person. If contacted by the judges of the precinct, the election judges of the absentee ballot counting board shall examine the duplicate registration card of the voter to determine if an absentee ballot has been cast. They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to vote in person. The election judges of the absentee ballot counting board shall make a notation on the duplicate registration card that the voter has voted and no absentee ballot shall be counted for that voter.

Subd. 4. **Applicable laws.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law shall apply to an absentee ballot counting board.

**History:** 1987 c 266 art 1 s 19

**NOTE:** This section, as amended by Laws 1987, chapter 266, article 1, section 19, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.15 ADMINISTRATIVE EXPENSES.

Each county shall pay the expenses incurred by its county auditor and each municipality or school district shall pay the expenses incurred by its clerk for administering the provisions of sections 203B.04 to 203B.15.

**History:** 1987 c 266 art 1 s 20

**NOTE:** This section, as amended by Laws 1987, chapter 266, article 1, section 20, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

## 203B.19 RECORDING APPLICATIONS.

Upon accepting an application, the county auditor shall record in a permanent register the voter's name, address of present or former residence in Minnesota, mailing address, school district number, and the category under section 203B.16, to which the voter belongs. After recording this information, the county auditor shall retain the application for two years after the date of the next general election. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27.

**History:** 1987 c 266 art 1 s 21

**NOTE:** This section, as amended by Laws 1987, chapter 266, article 1, section 21, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

**203B.23 APPLICATION RECORDS; DELIVERY TO ELECTION JUDGES.**

When election materials are transmitted to the municipal clerks as provided in section 204B.28, subdivision 2, the county auditor shall also transmit a certified copy of the record of applications compiled as provided in section 203B.19, for absentee ballots to be cast at that election in that town, school district, or city. A certified copy of the record of additional applications received by the county auditor after the ballots have been delivered shall also be delivered to the appropriate municipal clerk. Each municipal clerk shall in turn deliver to the election judges in the appropriate precincts the application records received from the county auditor.

**History:** 1987 c 266 art 1 s 22

**NOTE:** This section, as amended by Laws 1987, chapter 266, article 1, section 22, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.