

CHAPTER 204B

ELECTIONS; GENERAL PROVISIONS

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204B.02 APPLICATION.

This chapter applies to all elections held in this state except as otherwise provided by law.

History: 1987 c 266 art 1 s 23

NOTE: This section, as amended by Laws 1987, chapter 266, article 1, section 23, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.05 [Repealed, 1987 c 39 s 1]

204B.09 TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.

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

Subd. 2. **Other elections.** Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law.

History: 1987 c 266 art 1 s 24

NOTE: Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 24, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

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

Subdivision 1. **Amount; dishonored checks; consequences.** 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, \$200;

(b) for the office of senator in congress, \$300;

(c) for office of senator or representative in the legislature, \$75;

(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. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

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

History: 1987 c 175 s 5; 1987 c 404 s 155

204B.135 REDISTRICTING OF ELECTION DISTRICTS.

Subdivision 1. Cities with wards. A city that elects its council members by wards may not redistrict those wards in a year ending in one or before the legislature has been redistricted in a year ending in two. The wards must be redistricted within 45 days after the legislature has been redistricted or by May 10 in the year ending in two, whichever is first.

Subd. 2. Other election districts. For purposes of this subdivision, "local government election district" means a county district, park and recreation district, school district, or soil and water conservation district. Local government election districts, other than city wards covered by subdivision 1, may not be redistricted until precinct boundaries are reestablished under section 204B.14, subdivision 3, paragraph (c), or by May 10 in a year ending in two, whichever comes first. Election districts covered by this subdivision must be redistricted within 65 days of the time when the legislature has been redistricted or by June 1 in the year ending in two, whichever comes first.

History: 1987 c 297 s 1

204B.14 ELECTION PRECINCTS.

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

Subd. 2. Separate precincts; requirements. The following shall constitute at least one election precinct:

(a) Each city ward; and

(b) Each town and each statutory city, unless municipalities are combined for election purposes under subdivision 8. Notwithstanding any law to the contrary, each town and each statutory city located within the metropolitan area as defined in section 473.121, subdivision 2, shall constitute at least one election precinct.

Subd. 3. Boundary changes; prohibitions; exception. Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in seven to the time when the legislature has been redistricted in a year ending in two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries must be reestablished within 45 days of the time when the legislature has been redistricted, or by May 10 in a year ending in two, whichever comes first.

Precincts must be arranged so that no precinct lies in more than one legislative district.

Subd. 4. Boundary change procedure. Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. Except in the case of the combination or separation of municipalities for election purposes under subdivision 8, the municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 30 days prior to the first election held after the change takes effect.

Subd. 5. Precinct boundaries; description; maps. Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the state planning director maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the state planning director. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories, and the municipal clerk designated in the combination agreement shall prepare and file precinct boundary maps in the case of municipalities combined for election purposes under subdivision 8, in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6.

[For text of subs 6 and 7, see M.S.1986]

Subd. 8. Combined precinct. (a) Up to four contiguous municipalities located entirely outside the metropolitan area as defined in section 473.121, subdivision 2, that are contained in the same legislative district, congressional district, and county commissioner district may enter into a combination agreement to form one precinct for state and county election purposes, upon the approval of the county auditor. The governing body of each municipality proposing to enter into a combination agreement must provide the inhabitants of the municipality with published and posted notice of the proposed agreement three weeks before the second Tuesday in March. A combination agreement must be approved by resolutions of all of the governing bodies of the combining municipalities on or before the second Tuesday in March of an election year. A copy of the combination agreement must be submitted to the county auditor for approval, on or before May 1 of an election year.

(b) One or more of the municipalities in the combined precinct may withdraw from the combination by a resolution of the governing body of the withdrawing municipality, passed on or before the second Tuesday in March of an election year. The withdrawing municipality shall file the resolution with the county auditor no later than May 1 of an election year. The decision of any one municipality to withdraw from the combination agreement automatically dissolves the combination unless all the remaining municipalities continue to meet all the requirements of this subdivision.

(c) The combination agreement must specify the designated polling place and the municipal election officials or governing bodies responsible for appointing election judges and the chair of the election board, posting notices, preparing precinct maps, and carrying out other election duties required by law.

(d) In combining or separating, the municipalities must meet the time requirements specified in this section for changing precinct boundaries and in section 204B.16, subdivision 3, for designating a different polling place.

History: 1987 c 212 s 1-4; 1987 c 297 s 2

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1,500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within the town, then the polling place for a town may be located outside the town within five miles of one of the boundaries of the town.

[For text of subs 2 to 6, see M.S.1986]

History: 1987 c 266 art 1 s 25

NOTE: Subdivision 1, as amended by Laws 1987, chapter 266, article 1, section 25, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.18 POLLING PLACES; EQUIPMENT.

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

Subd. 2. **Ballot boxes.** Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it. When buff or goldenrod ballot boxes are required, a separate box must be provided for each school district for which ballots are to be cast at that polling place. The number and name of the school district must appear conspicuously on the top of each buff or goldenrod ballot box.

History: 1987 c 266 art 1 s 26

NOTE: Subdivision 2, as amended by Laws 1987, chapter 266, article 1, section 26, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

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, or for school district elections, in the same school district. If there are not sufficient voters within the municipality or school district 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.

[For text of subs 2 to 5, see M.S.1986]

History: 1987 c 266 art 1 s 27

NOTE: Subdivision 1, as amended by Laws 1987, chapter 266, article 1, section 27, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.21 APPOINTMENT OF ELECTION JUDGES.

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

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint any other individual to serve as an election judge subject to the same requirements and qualifications. The appointments shall be made at least 25 days before the election at which the election judges will serve.

History: 1987 c 212 s 5

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subdivision 1. **Minimum number required.** A minimum of three election judges shall be appointed for each precinct. In a precinct of municipalities combined for election purposes under section 204B.14, subdivision 8, at least one judge must be appointed from each municipality in the combined precinct, provided that not less than three judges shall be appointed for each combined precinct. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

[For text of subs 2 and 3, see M.S.1986]

History: 1987 c 212 s 6

204B.25 TRAINING FOR ELECTION JUDGES.

Subdivision 1. **Duties of county auditor.** Each county auditor shall provide training for all election judges who are appointed to serve at any election to be held in the county. The county auditor shall also provide a procedure for emergency training of election judges elected to fill vacancies. The county auditor may delegate to a municipal election official the duty to provide training of election judges in that municipality or school district.

[For text of subs 2 and 3, see M.S.1986]

History: 1987 c 266 art 1 s 28

NOTE: Subdivision 1, as amended by Laws 1987, chapter 266, article 1, section 28, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

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 and other blank forms the secretary of state deems necessary for the conduct of the election.

[For text of subs 2 to 5, see M.S.1986]

History: 1987 c 175 s 6

204B.29 ELECTION JUDGES; ELECTION SUPPLIES; DUTIES.

Subdivision 1. **Securing election materials.** Before 9:00 p.m. on the day preceding an election, at least one election judge from each precinct in each municipality, or school district if applicable, shall secure voter registration files, ballots, forms, envelopes and other required supplies from the municipal clerk, school district clerk, or other legal custodian. The election judge shall deliver the materials to the polling place

before the time when voting is scheduled to begin on election day. The county auditor shall send or deliver the election supplies enumerated in this section to the election judges in the precincts in unorganized territory. The election supplies may be sent by certified mail, parcel post, express mail or any other postal service providing assured delivery by no later than the day before the election. If the election supplies are delivered by any other means, they shall be delivered by no later than the day before the election.

Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater. No precinct shall be furnished with any ballots containing the name of any candidate who cannot properly be voted for in that precinct.

The election judges shall be responsible for the preservation of all election materials received by them until returned to the appropriate election officials after the voting has ended.

Subd. 2. Failure of election judges to secure materials. If no election judge secures the election materials for a precinct in any municipality, or school district if applicable, as provided in subdivision 1, the municipal or school district clerk shall deliver them to an election judge for that precinct not later than the time when voting is scheduled to begin. The municipal or school district clerk shall require the election judge accepting delivery of the election supplies to sign a receipt for them. The election judges of that precinct shall pay the expenses of delivery of the materials and shall be liable for the penalty provided by law for neglect of duty.

History: 1987 c 266 art 1 s 29

NOTE: This section, as amended by Laws 1987, chapter 266, article 1, section 29, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

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, school district, 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 any school district election which is not held in conjunction with a state election, an amount fixed by the school board of the school district; 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: 1987 c 266 art 1 s 30

NOTE: This section, as amended by Laws 1987, chapter 266, article 1, section 30, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

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. The school districts shall pay the compensation prescribed for election judges and sergeants-at-arms, the cost of printing the school district ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the school district clerks in connection with school district elections not held in conjunction with state elections. When school district elections are held in conjunction with state elections, the school district shall pay the costs of printing the school district ballots, providing ballot boxes and all necessary expenses of the school district clerk. All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

History: 1987 c 266 art 1 s 31

NOTE: This section, as amended by Laws 1987, chapter 266, article 1, section 31, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.34 NOTICE OF ELECTION.

[For text of subs 1 to 3, see M.S.1986]

Subd. 4. **School district elections.** Notice of school district elections shall be given as provided in sections 205A.06, subdivision 2; and 205A.07, subdivision 1.

History: 1987 c 266 art 1 s 32

NOTE: Subdivision 4, as added by Laws 1987, chapter 266, article 1, section 32, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.35 PREPARATION OF BALLOTS.

Subdivision 1. **Application.** All ballots for every election shall be prepared in accordance with sections 204B.35 to 204B.44 and chapter 204D, except for voting machine ballots or as otherwise provided by law.

[For text of subs 2 and 3, see M.S.1986]

Subd. 4. **Absentee ballots; preparation; delivery.** Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least 30 days before the election to the officials who administer the provisions of chapter 203B.

This section applies to school district elections held on the same day as a statewide election or an election for a county or municipality located partially or wholly within the school district.

History: 1987 c 62 s 4; 1987 c 266 art 1 s 33

NOTE: Subdivision 1, as amended by Laws 1987, chapter 266, article 1, section 33, is effective July 1, 1988. See Laws 1987, chapter 266, article 1, section 69.

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION.

The county auditors and municipal clerks shall retain all election materials returned to them after any election for at least one year from the date of that election. All election materials involved in a contested election shall be retained for one year or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened in a secure location. The county auditor or municipal clerk shall not permit any voted ballots to be tampered with or defaced.

History: 1987 c 175 s 7

204B.45 MAIL BALLOTING.

Subdivision 1. Authorization. Any town having fewer than 400 registered voters and not located in a metropolitan county as defined by section 473.121 may apply to the county auditor to provide balloting by mail at any county or state election with no polling place other than the office of the auditor or clerk. The county board may provide for balloting by mail in unorganized territory.

Subd. 2. Procedure. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 18 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Subd. 3. Election law applied; rules. The Minnesota election law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election.

History: 1987 c 212 s 8

204B.46 EXPERIMENTAL MAIL ELECTIONS.

Between August 1, 1987, and March 30, 1989, the secretary of state may authorize experimental mail elections. A county or municipality submitting questions to the voters at a special election may apply to the secretary of state for approval of an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 or later than 18 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county or municipality. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The Minnesota election law is applicable to experimental mail elections except as provided by this section or as authorized by the secretary of state. The secretary of state shall report to the legislature on implementation of this section.

History: 1987 c 213 s 1