

## CHAPTER 204C

### ELECTION DAY ACTIVITIES

204C.06 Conduct in and near polling places.  
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#### 204C.06 CONDUCT IN AND NEAR POLLING PLACES.

**Subdivision 1. Lingering near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote shall stand within 100 feet of the entrance to a polling place. The entrance to a polling place is the doorway or point of entry leading into the room or area where voting is occurring.

*[For text of subds 2 to 7, see M.S.1992]*

**History:** 1993 c 223 s 12

#### 204C.31 CANVASSING BOARDS; MEMBERSHIP.

*[For text of subd 1, see M.S.1992]*

**Subd. 2. State canvassing board.** The state canvassing board shall consist of the secretary of state, two judges of the supreme court or the court of appeals, and two judges of the district court selected by the secretary of state. None of the judges shall be a candidate at the election. If a judge fails to appear at the meeting of the canvassing board, the secretary of state shall fill the vacancy in membership by selecting another judge who is not a candidate at the election. Not more than two judges of the supreme court shall serve on the canvassing board at one time.

*[For text of subd 3, see M.S.1992]*

**History:** 1993 c 223 s 13

#### 204C.32 CANVASS OF STATE PRIMARIES.

**Subdivision 1. County canvass.** The county canvassing board shall meet at the county auditor's office at 10:00 a.m. on or before the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass by the evening of the sixth day following the election and shall promptly prepare and file with the county auditor a report that states:

(a) The number of individuals voting at the election in the county, and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) For each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) The names of the candidates of each major political party who are nominated; and

(e) The number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee voted for only in that county. The county auditor shall

transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

**Subd. 2. State canvass.** The state canvassing board shall meet at the secretary of state's office on the second Friday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. No later than 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:** 1993 c 223 s 14

## **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 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 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.

*[For text of subd 2, see M.S.1992]*

**History:** 1993 c 68 s 1