

## Elections

## CHAPTER 200

## GENERAL PROVISIONS; DEFINITIONS

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**200.01 MS 1957 [Repealed, 1959 c 675 art 13 s 1]**

**200.01 CITATION, MINNESOTA ELECTION LAW.**

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C shall be known as the Minnesota election law.

**History:** 1959 c 675 art 1 s 1; 1981 c 29 art 1 s 1; 1987 c 266 art 1 s 1; 1988 c 578 art 1 s 1; 1996 c 469 art 2 s 1

**200.015 APPLICATION.**

The Minnesota election law applies to all elections held in this state unless otherwise specifically provided by law.

**History:** 1981 c 29 art 1 s 2; 1987 c 266 art 1 s 2

**200.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]**

**200.02 DEFINITIONS.**

**Subdivision 1. Application.** The terms defined in this section apply to the Minnesota election law.

**Subd. 2. General election.** "General election" means an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

**Subd. 3. Primary.** "Primary" means an election at which the voters of the state or any of its subdivisions choose by ballot the nominees for the offices to be filled at a general election.

**Subd. 4. Special election.** "Special election" means:

- (a) An election held at any time to fill vacancies in public offices; or
- (b) An election held by a subdivision of the state for a special purpose.

**Subd. 5. Special primary.** "Special primary" means an election held to choose the nominees for vacant public offices to be filled at a special election.

**Subd. 6. Political party.** "Political party" means an association of individuals under whose name a candidate files for partisan office.

**Subd. 7. Major political party.** "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and:

(1) that has presented at least one candidate for election to a partisan office at the last preceding state general election who received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election; or

(2) whose members present to the secretary of state for a place on the state partisan primary ballot a petition that contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election.

Votes cast for a candidate who was the nominee of more than one political party in a state general election are not counted in determining whether a minor political party should become a major political party under clause (1).

**Subd. 8. City.** "City" means a home rule charter or statutory city.

Subd. 9. MS 1971 [Repealed, 1973 c 123 art 3 s 7]

Subd. 9. **Municipality.** "Municipality" means any city or town.

Subd. 10. **Governing body.** "Governing body" means the board of commissioners of a county, the elected council of a city, or the board of supervisors of a town.

Subd. 11. **Precinct.** "Precinct" means a geographical area the boundaries of which are established for election purposes in accordance with section 204B.14.

Subd. 12. **Polling place.** "Polling place" means the place of voting.

Subd. 13. **Convention.** "Convention" means an organized body of delegates assembled for the purpose of transacting the business of a major political party.

Subd. 14. **Election board.** "Election board" means the election judges serving in a precinct.

Subd. 15. **Eligible voter.** "Eligible voter" means an individual who is eligible to vote under section 201.014.

Subd. 16. **County auditor.** "County auditor" means the county auditor or, in counties where that office does not exist, the principal county officer charged with duties relating to elections.

Subd. 17. **Member of a major political party.** "Member of a major political party" means an individual who:

- (a) Supports the general principles of that party's constitution;
- (b) Voted for a majority of that party's candidates in the last general election; or
- (c) Intends to vote for a majority of that party's candidates in the next general election.

Subd. 18. **Oath, swear, sworn.** "Oath" means an oath or affirmation, as the conscience of the individual dictates. If an affirmation is given instead of an oath, "swear" means to affirm and "sworn" means affirmed.

Subd. 19. **School district.** "School district" means an independent, special, or county school district.

Subd. 20. **Statewide registration system.** "Statewide registration system" means the computerized central statewide voter registration system and database developed and maintained by the secretary of state pursuant to section 201.022.

Subd. 21. **Local election official.** "Local election official" means the municipal clerk or principal officer charged with duties relating to elections.

Subd. 22. **Minor political party.** (a) "Minor political party" means a political party that is not a major political party as defined by subdivision 7 and that has adopted a state constitution, designated a state party chair, and met the requirements of paragraph (b) or (c), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for a partisan office voted on statewide at the preceding state general election who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election.

(c) To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office.

(d) Votes cast for a candidate who was the nominee of more than one political party in a state general election are not counted in determining whether a minor political party should remain a minor political party under this subdivision.

**History:** 1959 c 675 art 1 s 2; Ex1961 c 10 s 1; 1973 c 123 art 3 s 1; art 5 s 7; 1973 c 576 s 1; 1973 c 676 s 1,2; 1973 c 725 s 37; 1978 c 725 s 2; 1981 c 29 art 1 s 3; 1984 c 560 s 1; 1987 c 266 art 1 s 3; 1990 c 585 s 1; 1991 c 227 s 3; 1996 c 419 s 2,3

**NOTE:** The amendments to this section by Laws 1996, chapter 419, are suspended during any time that the decision of the eighth circuit court of appeals in *Twin Cities Area New Party v. McKenna*, No. 94-3417MN, is stayed or the mandate of the court is recalled. If the McKenna decision is reversed, the amendments to this section expire and the prior law is revived. Laws 1996, chapter 419, section 10.

**200.03 MS 1957 [Repealed, 1959 c 675 art 13 s 1]**

### **200.031 DETERMINATION OF RESIDENCE.**

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(a) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return;

(b) An individual does not lose residence if the individual leaves home to live temporarily in another state or precinct;

(c) An individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home;

(d) If an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct;

(e) If an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) Except as otherwise provided in this section, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily;

(g) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;

(h) The residence of a single individual is in the precinct where the individual lives and usually sleeps;

(i) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located;

(k) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

**History:** 1981 c 29 art 1 s 4; 1986 c 444

**200.04-200.38 MS 1957 [Repealed, 1959 c 675 art 13 s 1]**