

## 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**200.01** MS 1957 [Repealed, 1959 c 675 art 13 s 1]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**200.02** MS 1957 [Repealed, 1959 c 675 art 13 s 1]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.** (a) "Major political party" means a political party that maintains a party organization in the state, political division or precinct in question and that has presented at least one candidate for election to the office of:

- (1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or
- (2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate 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.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has presented at least 45 candidates for election to the office of state representative, 23 candidates for election to the

office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices.

(c) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and whose members present to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition 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.

(d) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (a) or a political party that presents candidates at an election as required by paragraph (b) becomes a major political party as of January 1 following that election and retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (a) or fails to present candidates as required by paragraph (b) at subsequent state general elections.

(e) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (a) and that fails to present candidates as required by paragraph (b) at each of two consecutive state general elections described by paragraph (a) or (b), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

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. [Expired]

Subd. 23. **Minor political party.** (a) “Minor political party” means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general, at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the preceding state general election for presidential electors; and

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 at any time before the close of filing for the state partisan primary ballot 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) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b) becomes a minor political party as of January 1 following that election and retains its minor party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b) at subsequent state general elections.

(d) A minor political party whose candidates fail to receive the number and percentage of votes required under paragraph (b) at each of two consecutive state general elections described by paragraph (b) loses minor party status as of December 31 following the later of the two consecutive state general elections.

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. 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.

Subd. 24. **Metropolitan area.** “Metropolitan area” means the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

**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 2,3,10; 1999 c 220 s 48; 1Sp2001 c 10 art 18 s 4,5; 1Sp2003 c 9 art 2 s 41,42; 1Sp2003 c 17 s 1; 2005 c 156 art 6 s 11–13

**200.03** [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;

(l) if an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located;

(m) if an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

**History:** 1981 c 29 art 1 s 4; 1986 c 444; 1997 c 147 s 1; 1999 c 132 s 2

## **200.039 PETITION REQUIREMENTS FOR BALLOT QUESTIONS.**

If a statute:

(1) provides that a ballot question may or must be placed on the ballot when a specified number of individuals have signed a petition; and

(2) specifies the number of individuals required under the statute as a percentage of the individuals who voted in a previous election,

the statute must be construed to mean that the petition must be signed by a number of current voters equal to the required percentage specified in the statute. The statute must not be construed to restrict the eligibility to sign the petition to only those individuals who were eligible to cast ballots or who did cast ballots in the previous election.

**History:** 1Sp2001 c 10 art 18 s 6

## **200.04 HELP AMERICA VOTE ACT COMPLAINTS.**

Subdivision 1. **Procedure.** The secretary of state shall establish a procedure for the review of complaints regarding the administration of Title III of the Help America Vote Act of

2002, Public Law 107–252, including complaints about voting system standards, computerized statewide registration lists and equipment, voter registration requirements, and other features of state implementation of that act. The secretary of state shall provide a complaint form that requires the signature of the complainant, an affidavit and notarization, and the attachment of any supporting documentation. The form must indicate that any election judge, while serving, is deemed a notary public for purposes of Public Law 107–252, section 402.

**Subd. 2. Political subdivisions.** (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to a town, city, school, or county employee or official.

(b) The secretary of state must provide the town clerk, city clerk, school district clerk, or county auditor with a copy of the complaint within three business days of receiving it.

(c) The town clerk, city clerk, school district clerk, or county auditor has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the secretary of state.

(d) The secretary of state shall provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the town clerk, city clerk, school district clerk, or county auditor must be given notice and the opportunity to participate.

(f) The secretary of state shall issue a final determination, and, if necessary, a remedial plan, no later than 90 days after the filing of the complaint. If the secretary of state fails to issue the determination within 90 days, the secretary of state must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

**Subd. 3. Secretary of state.** (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to the secretary of state.

(b) The secretary of state must forward the complaint to the Office of Administrative Hearings within three business days after receiving it.

(c) The secretary of state has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the Office of Administrative Hearings.

(d) The Office of Administrative Hearings must provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the secretary of state must be given notice and an opportunity to participate.

(f) The Office of Administrative Hearings must issue a final determination and remedial plan if necessary no later than 90 days after the filing of the complaint. If the Office of Administrative Hearings fails to issue the determination within 90 days, it must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

**Subd. 4. Application of chapter 14.** Proceedings under this section are not subject to chapter 14.

**Subd. 5. Appeal.** A determination made under subdivision 2 is not an agency determination subject to appellate review. Either party may initiate an appeal from the secretary of state's final order in the district court in the county where the town, city, or county employee or official is employed.

**Subd. 6. Review.** A determination made under subdivision 3 is subject to appellate review.

**History:** *1Sp2003 c 7 s 2*

**200.04–200.38** [Repealed, 1959 c 675 art 13 s 1]