

CHAPTER 203

ABSENT AND DISABLED VOTERS

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**203.01 ABSENT AND DISABLED VOTERS MAY VOTE BY MAIL.** Any person entitled to vote at any general election, any primary election, any city election, or any village or town election in villages or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the district in which he is entitled to vote, or who by reason of illness or physical disability is unable to go to the polling place of such district, may vote therein by having his ballot delivered by mail to the election board of such district on the day of such election, by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions.

[1939 c. 345 part 4 c. 1 s. 1] (601-4(1))

**203.02 APPLICATION FOR BALLOTS.** At any time not more than 30 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, and at the time of making such application, he shall subscribe and swear to the oath hereinafter directed to be printed on the back of the application for ballots. Such oath shall be taken before an officer authorized to administer oaths and the jurat thereof shall be authenticated with the official seal of such officer, if he have a seal.

If the applicant for ballots be a resident of a city of the first, second, or third class, the application for ballots shall be in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified and registered voter of the.....  
 Precinct of the.....Ward of the City of.....  
 (in case a ward constitutes an election district strike out the word 'Precinct') in  
 the County of.....State of Minnesota, residing at  
 .....(here insert street and number) in said city,  
 because of (absence from the city)....., (illness).....,  
 (physical disability).....hereby makes application for the ballots to  
 be voted upon in said district at the next election. Please mail said ballots and  
 accompanying envelopes to me at.....(insert  
 post-office address to which to be sent)  
 Dated.....19.....

(Signature of Applicant)"

If the applicant for ballots be not a resident of a city of the first, second, or third class, the application for ballots shall be in the following form:

"The undersigned, a duly qualified voter of the.....  
 (here insert name of town, village or other description of the district), residing at  
 .....in the.....  
 (Town, village or city of the fourth class)  
 (because of absence from the city), (illness), (physical disability), hereby makes  
 application for the ballots to be voted for in said district at the next election. Please  
 mail said ballots to me at.....(here insert  
 post-office address to which to be mailed).  
 Dated.....19.....

(Signature of Applicant)"

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There shall be printed on the back of each of said forms the following: "This is to certify that ballots were mailed, delivered in person as per enclosed application, this.....day of.....19.....

(County Auditor) (Municipal Clerk)  
Per.....  
(Deputy)"

## "OATH

County of.....  
State of..... SS

I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in the within application; that on the.....day of.....19..... I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said district prior to the.....day of.....19.....; that at said time I will be a qualified voter in said district.

(Signature of Applicant)

Subscribed and sworn to before me this.....day of.....19.....

(Signature of Officer).....  
(Description of Officer)....."

[1939 c. 345 part 4 c. 1 s. 2] (601-4(1)a)

**203.03 COUNTY AUDITOR TO BE SUPPLIED WITH BALLOTS.** The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor to comply with the provisions of this chapter. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least 15 days before such election.

[1939 c. 345 part 4 c. 1 s. 3] (601-4(1)b)

**203.04 COUNTY AUDITOR TO FILE APPLICATIONS.** If any application is made either in person or by mail more than 15 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant, without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 15 days of the election, he shall forthwith upon receipt of such application, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in section 203.02, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes herein-after specified.

[1939 c. 345 part 4 c. 1 s. 4; 1945 c. 501 s. 1] (601-4(1)c)

**203.05 FEES.** The expense of such extra clerical assistance as may be required for the performance by the auditor of the duties imposed by this chapter; the cost of furnishing and printing the application blanks specified in section 203.02; the cost of furnishing and printing the envelopes and voters' certificates herein specified; the cost of postage both in forwarding and for the return of the ballots as herein specified and in delivering to the judges of the several districts in his county the applications after the same have been endorsed by him as herein specified, shall be paid by the county.

[1939 c. 345 part 4 c. 1 s. 5; 1943 c. 288 s. 1; 1945 c. 501 s. 2] (601-4(1)d)

**203.06 AUDITOR MAY EMPLOY ADDITIONAL HELP.** Each county auditor is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this chapter, and the expense of such additional clerical assistance shall be paid by the county.

[1939 c. 345 part 4 c. 1 s. 6; 1945 c. 501 s. 3] (601-4(1)e)

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**203.07 AUDITOR TO DELIVER BALLOTS.** The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and a voter's certificate. One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the "Ballot Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope

Postmaster to deliver on Election Day."

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the district in which the applicant has certified in his application he is entitled to vote, such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election,  
Seventh Precinct, Third Ward,  
City of Minneapolis,  
Hennepin County,  
Minnesota."

"To the Judges of Election, Rosedale Town,

.....  
(Here insert name of post-office nearest voting place)  
Hennepin County, Minnesota."

"To the Judges of Election, Village of Excelsior,  
Excelsior, Hennepin County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day.

The county auditor shall also affix to this "Return Envelope" postage stamps sufficient in amount to pay the postage on the "Return Envelope," after the ballot, ballot envelope and voter's certificate herein prescribed have been enclosed therein, from any post-office within the territorial limits of the United States, other than the overseas possessions of the United States to the place to which it is addressed.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

"This is to certify that.....after marking  
and enveloping the enclosed ballots as set forth in the enclosed certificate  
by me attested, enclosed the said ballot envelope in this return envelope in  
my presence without opening the said ballot envelope or permitting me or  
any other person to know or learn how he had voted as to any candidate  
or proposition and that in this return envelope was sealed in my presence  
and after being sealed was deposited in my presence in the United States  
post-office at.....without being opened.

Dated this.....day of....., 19.....

.....  
Attesting Witness."

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The auditor shall also furnish to the applicant with the ballots, a "Voter's Certificate," which certificate shall be substantially in the following form:

### "VOTER'S CERTIFICATE

The undersigned hereby certifies that he is a qualified voter in the  
.....Precinct of the.....Ward of  
City of.....County of....., State of  
Minnesota; (Strike out the word "Precinct" if the ward or wards constitute  
an election district); that the ballots enclosed in the "Ballot Envelope" were  
exhibited by me to the attesting witness named below the same were marked  
by me; that at the time I so exhibited the same to said attesting witness  
there were no cross marks opposite the names of any candidate or proposi-  
tions to be voted on; that thereafter I marked the same in the presence of  
said attesting witness, but in such a way that neither he nor any other person

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could see or learn for what candidates or propositions thereon I voted; that thereupon in his presence I folded said ballots and without showing the same to any person, enclosed the same in the "Ballot Envelope" and sealed said "Ballot Envelope."

Dated at....., this.....day of....., 19.....  
Voter"

### "CERTIFICATE OF ATTESTING WITNESS

I hereby certify that I have read the foregoing certificate and know the contents thereof and that the same is true.

Dated at....., this.....day of....., 19.....  
Attesting Witness

(Here write name of office or official character of attesting witness, such as postmaster, etc.)"

Printed on the back of the voter's certificate shall be the following directions to voters:

### DIRECTIONS TO VOTERS

(1) You may mark and mail your ballot at any place within the United States other than Alaska and the Island Possessions of the United States.

(2) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(3) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" and "Certificate of Attesting Witness."

(4) Do not put "Voter's Certificate" in "Ballot Envelope" but enclose same in "Return Envelope."

(5) Enclose "Ballot Envelope" and "Voter's Certificate" in "Return Envelope," seal the latter, have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Post-office in presence of, or by the attesting witness.

(6) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(7) The attesting witness who signs the voter's certificate must also sign the certificate on the back of the "Return Envelope."

(8) Any United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness.

If a postmaster, or assistant postmaster, or postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the "Certificate of Attesting Witness" should be authenticated by the cancellation stamp of their respective post-offices. If one of the other officers named acts as attesting witness his signature on the "Certificate of Attesting Witness" should be authenticated with his official seal. It is not necessary to thus authenticate the signature to the certificate on the back of the "Return Envelope."

(9) Remember that the officers above named are not bound to act as attesting witness for you, but if they do, do so only as a favor.

(10) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or city clerk) under whose direction the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot.

[1939 c. 345 part 4 c. 1 s. 7; 1945 c. 501 s. 4] (601-4(1)f)

**203.08 APPLICATION TO BE CERTIFIED AND SEALED.** The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and dated the certificate printed on the back of the application for ballots and authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village, and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village, and city clerks shall in turn deliver the applications so endorsed to the respective judges of the several districts.

[1939 c. 345 part 4 c. 1 s. 8] (601-4(1)g)

**203.09 VOTER MAY MAIL BALLOT.** Any qualified voter of any district of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place within the territorial jurisdiction of the United States, exclusive of Alaska and the so-called island possessions of the United States, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 203.07, and before an attesting witness belonging to one of the classes specified in the directions to voters.

[1939 c. 345 part 4 c. 1 s. 9] (601-4(1)h)

**203.10 JUDGES TO RECEIVE AND COUNT BALLOTS.** The judges in the several districts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States post-office department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such district and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed, and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage the signature of the attesting witness on the outside thereof. They shall then take from the "Return Envelope" the "Voter's Certificate" and "Certificate of Attesting Witness;" they shall compare the signature of the "Attesting Witness" on the outside of the "Return Envelope" with the signature on the certificate enclosed therein and shall also compare the signature on the "Voter's Certificate" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them are satisfied that the signature of the "Attesting Witness" on the outside of the "Return Envelope" is the genuine signature of the person that signed the "Certificate of Attesting Witness" enclosed in the "Return Envelope," and if the signature of such witness on said certificate shall be authenticated as prescribed in the "Directions to Voters" set forth in this chapter, and if the judges or a majority of them, shall be satisfied that the signatures of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second, or third class such ballot shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such district, nor shall the ballots be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" with the "Voter's Certificate" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail, as herein provided, shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received," as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received," as aforesaid, shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the "Ballot Envelope" shall be opened and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in the "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing these ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person.

[1939 c. 345 part 4 c. 1 s. 10] (601-4(1)i)

**203.11 CLERK TO NOTIFY POST-OFFICE OF DISTRICT ADDRESSES.** It shall be the duty of the clerk of each municipality having more than two voting districts therein to furnish to the postmaster of the municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the districts of the municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of post-office employees in delivering the "Return Envelopes."

[1939 c. 345 part 4 c. 1 s. 11] (601-4(1)j)

**203.12 COUNTY AUDITOR TO PREPARE APPLICATIONS.** The county auditor shall prepare and print a suitable number of blanks for the "Application for Ballots" described herein and deliver a copy thereof to any voter applying therefor.

[1939 c. 345 part 4 c. 1 s. 12] (601-4(1)k)

**203.13 VIOLATIONS.** Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots;" any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony.

[1939 c. 345 part 4 c. 1 s. 13] (601-4(1)l)

**203.14 DISPOSITION OF FEES.** In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System," voters' applications for ballots shall be filed with the city or village clerk, no fees shall be required to be paid therefor, and the duties prescribed in this chapter for the county auditor shall be performed by the city or village clerk. The cost of carrying out the provisions of this chapter for any such city or village election shall be paid by the city or village in which the same is held.

[1939 c. 345 part 4 c. 1 s. 14; 1945 c. 501 s. 5] (601-4(1)m)