

## MINNESOTA RULES RELATED TO ELECTIONS

### CHAPTER 8200 - VOTER REGISTRATION

#### COUNTY AUDITOR'S DUTIES

##### **8200.0300 DELEGATION OF DUTIES.**

The county auditor may delegate to municipal officials all duties assigned to the county auditor by chapter 8200 and by Minnesota Statutes, chapter 201, except the preparation and distribution of lists of registered voters. The auditor may delegate the responsibility to accept voter registration applications, but a delegation of this responsibility does not relieve the auditor of the duty to accept voter registration applications.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221; 204B.25*

**History:** *12 SR 2215; 25 SR 616; 29 SR 155*

##### **8200.0400 [Repealed, 20 SR 2787]**

##### **8200.0700 [Repealed, 20 SR 2787]**

#### REGISTRATION RECORDS

##### **8200.0800 DELIVERY OF VOTER REGISTRATION RECORDS FOR ELECTIONS.**

The county auditor shall provide for the transportation of the necessary voter registration records to the precinct polling place on election day. The auditor shall prescribe procedures to ensure the safety of the voter registration records and their timely delivery at the precinct polling place on election day.

The auditor shall maintain the dignity and integrity of the voting system.

**Statutory Authority:** *MS s 201.022; 201.221*

**History:** *12 SR 2215*

#### VOTER REGISTRATION APPLICATIONS

##### **8200.1100 PRINTING SPECIFICATIONS.**

Subpart 1. **Applications returned by mail.** Voter registration applications printed for the purpose of distribution and mailing must be printed pursuant to items A to D.

A. The size must be 8-1/2 inches by 11 inches, including a 9/16-inch stub.

B. The paper must be at least 80-pound white offset.

C. The secretary of state may approve alternate forms of voter registration applications to be attached to or included in tax booklets and forms used by state agencies, and other forms deemed appropriate by the secretary of state if the forms have spaces for the information required in Minnesota Statutes, section 201.071. The secretary of state may approve the county use of an application with dimensions other than those prescribed in item A.

D. The stub must have an adhesive applied to it so that the application can be sealed when it is folded together for mailing.

E. County auditors may consume the existing stock of voter registration applications on hand as of January 1, 2008, through the 2008 general election and on election days thereafter.

Subp. 2. **Other applications.** Voter registration applications for use at county auditor offices or at polling places on election day may be printed pursuant to items A to D.

A. The size must be 8-1/2 by 11 inches.

B. The paper must be at least 40-pound white offset.

C. The secretary of state may approve the county use of an application with dimensions other than those prescribed in item A.



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D. The voucher oath prescribed by part 8200.9939 may be printed on the reverse side of the voter registration application produced under this subpart.

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.071; 201.221; 203B.09*

**History:** *8 SR 1348; 12 SR 2215; 20 SR 2787; 25 SR 616; 29 SR 155; 31 SR 350; 32 SR 2055*

### **8200.1200 REGISTRATION APPLICATION; FORMAT.**

Subpart 1. **Form.** Any voter registration application must:

A. meet the requirements of Minnesota Statutes, section 201.071;

B. be consistent in layout with the data entry screens used by the statewide voter registration system;

C. take into consideration readability and ease of understanding;

D. if produced under part 8200.1100, subpart 1, provide room for including a mailing address for returning the completed registration;

E. have printed on or with the application a set of instructions for the application;

F. have printed on or with the application a statement that assistance for registration and voting is available for elderly and disabled persons and residents of health care facilities;

G. have printed on the application a reference to where a privacy information statement may be found, if produced under part 8200.1100, subpart 1; and

H. have printed on or with the application a privacy information statement, if produced under part 8200.1100, subpart 2.

#### **Subp. 1a. [Repealed, 31 SR 350]**

Subp. 1b. **Design specifications.** The secretary of state shall provide examples of the voter registration application to all county auditors.

Subp. 2. **Box for office use only.** Voter registration applications must contain a box marked for "election judge official use only" which contains "W \_\_", "P \_\_", and "SD." These abbreviations stand for "ward," "precinct," and "school district." Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the "election judge official use only" box.

Subp. 3. **Identifying mark.** Voter registration applications may include a mark identifying where the applicant obtained the application or how the application was delivered to the county auditor or secretary of state.

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.071; 201.221; 203B.09*

**History:** *8 SR 1348; 12 SR 2215; 20 SR 2787; 23 SR 459; 25 SR 616; 29 SR 155; 31 SR 350 ; 32 SR 2055*

### **8200.1300 [Repealed, 12 SR 2215]**

### **8200.1400 [Repealed, 20 SR 2787]**

### **8200.1500 [Repealed, 20 SR 2787]**

### **8200.1600 [Repealed, 12 SR 2215]**

### **8200.1700 PRINTING AND DISTRIBUTING VOTER REGISTRATION APPLICATIONS.**

Each county auditor shall have printed and shall maintain an adequate number of voter registration applications in compliance with this chapter and Minnesota Statutes, chapter 201. An election official who causes voter registration applications to be printed shall print the applications in a form prescribed by this chapter and Minnesota Statutes, chapter 201. The auditor shall provide voter registration applications to any person or group who requests a reasonable number of applications for the purpose of distribution.

**Statutory Authority:** *MS s 14.388; 201.022; 201.071; 201.221*

**History:** *12 SR 2215; 20 SR 2787; 29 SR 155; 31 SR 350*

**8200.1800 EXPERIMENTAL FORMS.**

The secretary of state may provide for the experimental use of alternate forms on a trial basis.

**Statutory Authority:** *MS s 201.221*

**History:** *8 SR 1348*

**PLACES TO REGISTER**

**8200.2100 DUTIES OF AUDITOR.**

Each county auditor shall designate a number of public buildings within the county where persons may obtain, complete, and deposit registration applications. The county auditor or a designee shall be on duty in the designated building and the person on duty shall transmit completed registration applications to the county auditor within two working days after receipt.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History Authority:** *12 SR 2215; 20 SR 2787; 29 SR 155*

**8200.2200 BUILDINGS FOR REGISTRATION.**

Each political subdivision shall have at least one building where voter registration applications may be obtained and deposited.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *12 SR 2215; 20 SR 2787; 29 SR 155; 38 SR 1368*

**8200.2300 [Repealed, 10 SR 1690]**

**ACCEPTED OR PROCESSED APPLICATIONS**

**8200.2500 DEFINITION OF ACCEPTED OR PROCESSED.**

For purposes of section 303(a)(5)(A)(i) of the Help America Vote Act of 2002, Public Law 107-552, "accepted or processed" means that the determination has been made that the voter registration application is not deficient and the registration status of the voter is "active" or "challenged."

**Statutory Authority:** *MS s 14.388*

**History:** *29 SR 155*

**AUDITOR'S DUTIES; NOTIFICATIONS; PROCESSING APPLICATIONS**

**8200.2600 REGISTRATIONS AND NAME AND ADDRESS CHANGES TO REGISTRATIONS.**

If a county auditor determines that a registration application or a name or address change to registration has been completed, the auditor shall file the application or name or address change to registration and enter the registration or name or address change to registration and enter the registration or name or address change to registration on the state registration system. The county auditor shall file and maintain each voter registration application in an orderly manner. The county auditor shall have a notice mailed to each newly registered voter and to each voter who changed name or address information indicating the voter's name, address, precinct, and polling place. The notice must require that it be returned if not deliverable as addressed.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *12 SR 2215; 25 SR 616; 29 SR 155*

**8200.2700 AUDITOR'S RANDOM NOTIFICATION.**

Following each election in which voters register on election day, the county auditor shall send a mailed notice of registration to a random sample of three percent of the election day registrants within ten days of the election. This rule shall not relieve the county auditor of the responsibility to send a mailed notice to all registrants.

**Statutory Authority:** *MS s 201.221*

**8200.2800 [Repealed, 29 SR 155]**

**8200.2900 DEFICIENT REGISTRATIONS; NOTICE OF DEFICIENT REGISTRATIONS.**

When a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail.

If the needed information consists of the applicant's Minnesota driver's license, Minnesota state identification card, or Social Security number, or confirmation that the applicant has not been issued a Minnesota driver's license, Minnesota state identification card, or Social Security number, the auditor shall also attempt to obtain that information through the process provided in part 8200.9310, subpart 2.

If the auditor cannot obtain the needed information, the voter registration application is deficient and shall be maintained separately for 22 months.

A new applicant whose voter registration application is deficient shall not be classified as "active" or "challenged."

If an applicant submits a voter registration application that is deficient, the county auditor shall send a notice of deficient registration to the person seeking to register.

If the auditor notifies an applicant of a deficient voter registration application, the auditor shall also notify the applicant of the dates on which a preelection registration is not permitted by Minnesota Statutes, section 201.061, subdivision 1, and of the procedures for election day registration.

In the notice to the applicant, the auditor shall explain that a registration received by the auditor during the period when preelection registration is not permitted by Minnesota Statutes, section 201.061, subdivision 1, means the applicant will be registered to vote on the day after the upcoming election unless the applicant registers to vote on election day.

If an applicant submits a deficient voter registration application during the period when preelection registration is not permitted by Minnesota Statutes, section 201.061, subdivision 1, the auditor shall notify the applicant that the applicant must register at the polling place of the precinct in which she or he resides on election day to vote at the election.

The secretary of state shall provide a sample notice of deficient registration.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *17 SR 1279; 23 SR 459; 25 SR 616; 29 SR 155 ; 38 SR 1368*

**8200.2950 ADDRESSES ON VOTER REGISTRATION APPLICATIONS.**

A person having a residence with a street address who completes a voter registration application must provide the street address assigned to the person's residence in the residence space on the voter registration application. Only when the United States Postal Service will not deliver mail to the registrant's residence address, the registrant must also enter an alternate mailing address on the voter registration application.

**Statutory Authority:** *MS s 14.388; 201.071; 201.221*

**History:** *23 SR 459; 25 SR 616; 29 SR 155*

**8200.3000 REGISTRATION IN WRONG COUNTY.**

When a county auditor receives a voter registration application from a person whose address is in another county, the auditor shall within two working days forward the application to the auditor of the proper county if the county can be ascertained.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *25 SR 616; 29 SR 155*

**8200.3100 NOTICE OF INCOMPLETE REGISTRATION; COMPLETION OF INCOMPLETE REGISTRATIONS.**

Subpart 1. **Conditions requiring.** A. If an applicant submits a voter registration application that is incomplete as defined in Minnesota Statutes, section 201.061, subdivision 1a, the auditor shall send a notice of incomplete registration. The notice sent to the applicant must:

(1) inform the applicant that the registration is incomplete;

(2) inform the applicant that to complete the registration, the applicant must present documents or take actions prior to voting;

(3) explain the applicant's options for completing the registration prior to 20 days before the election or at the polls on election day as set forth in Minnesota Statutes, section 201.061, subdivision 1a;

(4) provide the list of documents that may be presented to complete the registration; and

(5) explain the methods by which the applicant can register to vote on election day if the applicant is unable to complete the registration by any of the options described in subitem (3).

B. If an applicant submits a voter registration application that is incomplete as defined in Minnesota Statutes, section 201.121, subdivision 1, paragraph (f), the auditor shall record in the voter registration system that the registration is incomplete under that section and send the applicant a notice of incomplete registration advising the voter that the voter needs to:

(1) provide information that completes the registration to the registration office or contact that office prior to 20 days before the election; or

(2) provide the information to the election judges on election day for entry on the roster.

The secretary of state shall provide a sample notice of incomplete registration. The applicant must be allowed to vote only after completing the registration or after registering or updating their registration using current information for the applicant.

After an election, the auditor shall compile a list of voters who voted who were not verified by election day. The auditor shall verify the records in the manner described in part 8200.5500 for registrations received on election day.

If a voter provides the necessary information and votes without updating their registration or registering on election day to correct information listed on the roster, the county auditor shall send that person a postal verification card as if the voter had registered on election day.

If that postal verification card is returned to the county auditor, the auditor shall challenge the status on the voter record and may refer the registration to the county attorney.

**Subp. 2. [Repealed, 23 SR 459]**

**Statutory Authority:** *MS s 14.388; 201.061; 201.221*

**History:** *23 SR 403; 23 SR 459; 25 SR 616; 29 SR 155*

**8200.3110 NOTICE OF LATE REGISTRATION.**

A. If an applicant submits a voter registration application that is not deficient but that is filed during the period when preelection registration is not permitted by Minnesota Statutes, section 201.061, subdivision 1, the auditor shall send a notice of late registration to the person seeking to register. The notice of late registration must require that it be returned if not deliverable and must explain that if the applicant chooses not to register and vote at the upcoming election, the applicant's registration will become effective on the day after the election.

B. The secretary of state shall provide a sample notice of late registration.

**Statutory Authority:** *MS s 14.388*

**History:** *29 SR 155*

**8200.3200 CERTAIN APPLICANTS EXEMPT FROM IDENTIFICATION REQUIREMENTS.**

Pursuant to section 303(b)(3)(C) of the Help America Vote Act of 2002, Public Law 107-252, persons who are voting by absentee ballot or otherwise than in person pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law are exempt from Minnesota Statutes, section 201.061, subdivision 1a.

**Statutory Authority:** *MS s 14.388*

**History:** *29 SR 155; 38 SR 1368*

**8200.3300 [Repealed, 20 SR 2787]**

**8200.3400 [Repealed, 20 SR 2787]**

**8200.3500 ACKNOWLEDGMENT OF INELIGIBLE APPLICATIONS.**

Ineligible applicants shall be notified of the reasons for their ineligibility and their cards maintained separately by the auditor for 22 months.

**Statutory Authority:** *MS s 201.221*

**History:** *25 SR 616*

**8200.3550 NOTICE OF CHALLENGE REMOVAL.**

The county auditor shall mail a notice indicating the person's name, address, precinct, and polling place to any registered voter whose civil rights have been restored after a felony conviction; who has been removed from under a guardianship of the person under which the person did not retain the right to vote; or who has been restored to capacity by the court after being ineligible to vote. The notice must require that it be returned if not deliverable.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *23 SR 459; 29 SR 155*

**8200.3600 CHANGE OF RESIDENCE.**

A person who has previously registered to vote in Minnesota who changes residence must be permitted to vote only after the person's registration has been updated to the person's new residence address.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *17 SR 1279; 29 SR 155; 38 SR 1368*

**8200.3700 REMOVAL OF APPLICATIONS FROM REGISTRATION FILES.**

If a voter registration application is to be removed from the registration files, except that of a deceased person or that of a voter who has reregistered in another state, the county auditor may notify the person whose application is to be removed of the removal and the reason for the removal in writing. The applications removed must be maintained in separate files for 22 months.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *12 SR 2215; 25 SR 616; 29 SR 155; 31 SR 350*

**8200.3800 EMERGENCY VOTING**

Subpart 1. **When required.** If a voter who has registered prior to an election day is challenged because the voter's name does not appear on the polling place roster of the precinct in which the voter desires to vote, the voter may register on that election day by following the election day registration procedures in parts 8200.1100 to 8200.9300 and 8220.0300 to 8220.4800. Or, if it appears upon examination that the voter's name was erroneously omitted from the roster, the voter must be permitted to vote in the precinct after completing the required name and address information and signing the oath on the polling place roster. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

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### **Subp. 2. [Repealed, 12 SR 2215]**

**Statutory Authority:** *MS s 201.022; 201.221*

**History:** *12 SR 2215; 20 SR 2787*

### **8200.3900 PROCESSING OF NATIONAL VOTER REGISTRATION ACT APPLICATIONS.**

All county auditors shall accept voter registration applications on forms prescribed by the Federal Election Commission as provided by the National Voter Registration Act if the application is from a person eligible to vote in Minnesota, and includes whether the person is a United States citizen and will be 18 years old on or before election day, the applicant's name, address in Minnesota, previous address (if any), date of birth, current and valid Minnesota driver's license or Minnesota state identification card number, or, if the applicant has no current and valid Minnesota driver's license or Minnesota state identification card, the last four digits of the applicant's Social Security number if the applicant has been issued a Social Security number, the applicant's signature, and the date of registration. The application must be treated by the county auditor in the same manner as a Minnesota voter registration application.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *19 SR 593; 29 SR 155*

### **8200.4000 PROCESSING OF FEDERAL POST CARD APPLICATION.**

Any federal post card application received from a member of the armed forces of the United States or from a person currently residing in Minnesota but temporarily living in another country must be processed as a voter registration application and, if the application is properly completed, the information on that application must be entered into the statewide voter registration system.

**Statutory Authority:** *MS s 201.061; 201.221; 203B.09*

**History:** *32 SR 2055*

## **ELECTION DAY REGISTRATION**

### **8200.5100 REGISTRATION AT PRECINCT ONLY.**

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides. To register on election day, a person must complete and sign the registration application and provide proof of residence. A person may prove residence on election day only:

A. by presenting:

(1) a valid Minnesota driver's license, learner's permit, or a receipt for either that contains the voter's valid address in the precinct;

(2) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct; or

(3) a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual;

B. by having a valid registration in the same precinct;

C. by presenting a notice of late registration mailed by the county auditor or municipal clerk;

D. by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the oath in part 8200.9939; or

E. by having an employee employed by and working in a residential facility located in the precinct, who knows that the applicant is a resident of that residential facility, vouch for that facility resident, and sign the oath in part 8200.9939, in the presence of the election judge.

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"Residential facility" means transitional housing as defined in Minnesota Statutes, section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under Minnesota Statutes, section 144.50, subdivision 6; a nursing home as defined in Minnesota Statutes, section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in Minnesota Statutes, section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under Minnesota Statutes, chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in Minnesota Statutes, section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under Minnesota Statutes, section 252.28; group residential housing as defined in Minnesota Statutes, section 256I.03, subdivision 3; a shelter for battered women as defined in Minnesota Statutes, section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

To be eligible to sign the oath, the employee must show proof of employment at the residential facility, which may be accomplished by methods including:

- (1) having the employee's name appear on a list of employees provided by the general manager or equivalent officer of the residential facility to the county auditor at least 20 days before the election;
- (2) providing a statement on the facility's letterhead that the individual is an employee of the facility that is signed and dated by a manager or equivalent officer of the facility; or
- (3) providing an employee identification badge.

The oaths in items D and E must be attached to the voter registration application and retained for at least 22 months.

Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove residence under this subpart by presenting one of the photo identification cards listed in item A and one of the additional proofs of residence listed in item B.

A. The following documents are acceptable photo identification cards under this subpart if they contain the voter's name and photograph:

- (1) a driver's license, a learner's permit, or identification card, issued by the state of Minnesota or any other state of the United States as defined in Minnesota Statutes, section 645.44, subdivision 11;
  - (2) a United States passport;
  - (3) a United States military identification card;
  - (4) a student identification card issued by a Minnesota secondary or postsecondary educational institution;
- or

(5) a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the individual's signature.

B. The following documents are acceptable additional proofs of residence under this subpart if the documents show the voter's name and current address in the precinct:

- (1) an original bill, including account statements and start-of-service notification, for telephone, television, or Internet provider services, regardless of how those telephone, television, or Internet provider services are delivered; gas, electric, solid waste, water, or sewer services; credit card or banking services; or rent or mortgage payments. The due date on the bill must be within 30 days before or after election day, or, for bills without a due date, dated within 30 days before election day. For bills delivered electronically, "original" means a printed copy of the electronic bill or a display of the bill on the voter's portable electronic device;
- (2) a current student fee statement that contains the student's valid address in the precinct; or
- (3) a residential lease or residential rental agreement if the lease or rental agreement is valid through election day.

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Subp. 3. **Additional proof of residence allowed for students.** An eligible voter may prove residence by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if available), and address within the precinct appear on a current list of persons residing in the postsecondary educational institution's housing certified to the county auditor by the postsecondary educational institution.

This additional proof of residence for students must not be allowed unless the postsecondary educational institution submits to the county auditor no later than 60 days prior to the election a written agreement that the postsecondary educational institution will certify for use at the election accurate updated lists of persons residing in housing owned, operated, leased, or otherwise controlled by the postsecondary educational institution. A written agreement is effective for the election and all subsequent elections held in that calendar year, including the November general election.

The additional proof of residence for students must be allowed on an equal basis for voters who reside in housing of any postsecondary education institution within the county, if lists certified by the postsecondary educational institution meet the requirements of this part.

An updated list must be certified to the county auditor no earlier than 20 days prior to each election. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution and must state that the list is current and accurate and includes only the names of persons residing as of the date of the certification in housing controlled by the postsecondary educational institution.

The auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall supply a list to the election judges with the election supplies for the precinct.

The auditor shall notify all postsecondary educational institutions in the county of the provisions of this subpart.

### **Subp. 4. [Repealed, 38 SR 1368].**

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.221; 203B.09*

**History:** *11 SR 218; 12 SR 2215; 20 SR 2787; 23 SR 403; 23 SR 459; 25 SR 616; 31 SR 350; 32 SR 2055; 38 SR 1368*

### **8200.5200 SWEARING TO RESIDENCE.**

No person in a polling place as a challenger, pursuant to Minnesota Statutes, section 204C.07, shall be permitted to swear to the residence of any persons attempting to register on election day. A voter registered in the same precinct, including an election judge, may swear to the residence of any person who the voter knows to be a resident of the precinct. An election judge must swear to a person's residence before another election judge.

**Statutory Authority:** *MS s 201.221*

**History:** *17 SR 1279*

### **8200.5300 ELECTION JUDGE DUTIES.**

One judge may both distribute ballots and register voters during the course of an election day, but one judge shall not perform both functions for the same voter. Persons wishing to register to vote on election day may determine whether they wish to fill out the voter registration application themselves or request the assistance of an election judge. The judges shall confine their questions to information necessary to complete the voter registration application.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *29 SR 155*

**8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION APPLICATION.**

When a voter uses a driver's license, learner's permit, or identification card, issued by the state of Minnesota or any other state of the United States as defined in Minnesota Statutes, section 645.44, subdivision 11; United States passport; United States military identification card; tribal identification card; or Minnesota secondary or postsecondary educational institution student identification card to prove residence or identity when registering on election day, the election judge who is registering voters shall record the number, if any, on the voter registration application in the "election judge official use only" area of the application. When a voter uses one of the documents listed in part 8200.5100, subparts 2 and 3 to prove residence for election day registration, the election judge who is registering voters shall record the type of document on the voter registration application in the "election judge official use only" area of the application.

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.221; 203B.09*

**History:** *12 SR 2215; 23 SR 403; 23 SR 459; 25 SR 616; 29 SR 155; 32 SR 2055; 38 SR 1368*

**8200.5500 REGISTRATIONS RECEIVED ON ELECTION DAY.**

Subpart 1. **Sufficiency of driver's license, Minnesota state identification card, or four-digit Social Security number information.** Minnesota driver's license, Minnesota state identification card, or Social Security number information provided as part of an election day registration voter registration application pursuant to Minnesota Statutes, section 201.061, subdivision 3, is sufficient as defined in section 303(a)(5)(A)(iii) of the Help America Vote Act of 2002, Public Law 107-252, to permit the applicant to vote at the election or an applicant can register as otherwise provided by Minnesota law.

Subp. 2. **Verification; correction; enforcement.** All new voter registration applications and updates of existing voter registrations submitted on election day pursuant to Minnesota Statutes, section 201.061, subdivision 3, must be verified pursuant to part 8200.9310 and Minnesota Statutes, section 201.121.

If, after matching the information in the statewide voter registration system with the information contained in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration, the accuracy of the information on the voter registration application cannot be verified, the county auditor must investigate and attempt to resolve the discrepancy.

The county auditor must send notices to election day registrants whose information cannot be verified and request that the voters contact the registration office.

If the voter does not provide information that resolves the discrepancy so that the voter registration application can be verified, the county auditor must challenge the voter in the statewide voter registration system and may refer the matter to the county attorney. If during the verification process the Department of Public Safety provides information that indicates that the voter is ineligible to vote, the county auditor must challenge the voter's record in the statewide voter registration system and refer the matter to the county attorney.

**Statutory Authority:** *MS s 14.388; 201.221*

**History:** *25 SR 616; 29 SR 155; 38 SR 1368*

**8200.5600 TRAINING ELECTION JUDGES.**

Election judges who will be registering voters on election day shall receive training on election day voter registration procedures from the county auditor or designated municipal clerk at the same time training is provided pursuant to *Minnesota Statutes*, section 204B.25. Note: See chapter 8240.

**Statutory Authority:** *MS s 204B.25*

**8200.5700 [Repealed, 29 SR 155]**

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### **8200.5710 REPORT OF DECEASED VOTER.**

If on election day an individual wishes to report a deceased voter to an election judge, the individual reporting the deceased voter must complete notification of death of the registered voter in accordance with Minnesota Statutes, section 201.13. The notification of death must be in substantially the following form:

In accordance with Minnesota Statutes, section 201.13, I am a registered voter and I have personal knowledge that \_\_\_\_\_ is deceased.

Name of Registered Voter

Signature of Registered Voter

Date

Deceased's Date of Birth:

Date of Death:

Deceased's Last Known Address:

**Statutory Authority:** *MS s 201.221*

**History:** *38 SR 1368*

## **POSTERS**

### **8200.5800 POSTERS.**

The county auditor shall supply each polling place with posters furnished to the county by the secretary of state. The election judges shall post the posters in an appropriate location in the polling place prior to opening the polls.

**Statutory Authority:** *MS s 201.221*

## **COPIES OF PUBLIC INFORMATION LISTS**

### **8200.6100 COPIES OF PUBLIC INFORMATION LISTS.**

Persons requesting copies of public information lists shall provide the secretary of state or county auditor with a written request stating the information required by Minnesota Statutes, section 201.091, subdivision 4. The secretary of state may provide forms for these requests.

**Statutory Authority:** *MS s 201.022; 201.221*

**History:** *20 SR 2787*

### **8200.6200 PUBLIC INFORMATION LIST AVAILABLE FOR INSPECTION.**

The public information list must be available for public inspection for authorized purposes at all times in the county auditor's office. The secretary of state may make available for purchase public information lists in electronic or other media.

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.221; 203B.09*

**History:** *20 SR 2787; 29 SR 155; 32 SR 2055*

### **8200.6300 [Repealed, 25 SR 616]**

**8200.6400 FORM OF PUBLIC INFORMATION LIST PROVIDED BY SECRETARY OF STATE.**

The public information list provided by the secretary of state must contain the information required by Minnesota Statutes, section 201.091, subdivision 4, and must not contain the information in Minnesota Statutes, section 201.091, subdivision 9. The public information list may also include the precinct, ward, congressional district, legislative district, county commissioner district, judicial district, school district, or other identifiers for each election district in which the voter resides. The public information list may be requested in electronic or other media.

**Statutory Authority:** *MS s 14.388; 201.091; 201.221*

**History:** *15 SR 2308; 25 SR 616; 29 SR 155*

**CHALLENGES AND VIOLATIONS**

**8200.7100 CHALLENGES TO VOTER REGISTRATION.**

Persons wishing to challenge a voter's registration pursuant to Minnesota Statutes, section 201.195 may do so in the form in part 8200.9950.

The petition shall be accompanied by an affidavit of the challenger stating the basis for the challenge on personal knowledge.

**Statutory Authority:** *MS s 201.22*

**8200.7200 COUNTY ATTORNEY REPORT.**

County attorneys shall report the outcome of any investigation of alleged violations of voter registration laws to the secretary of state within ten days of the determination.

**Statutory Authority:** *MS s 201.221*

**8200.8100 [Repealed, 8 SR 1348]**

**8200.8200 [Repealed, 8 SR 1348]**

**8200.8300 [Repealed, 8 SR 1348]**

**8200.9100 [Repealed, 20 SR 2787]**

**POLLING PLACE ROSTERS**

**8200.9115 FORM OF POLLING PLACE ROSTERS.**

Subpart 1. **General form of roster.** The polling place rosters must contain the following items from the statewide registration system: voter's name, voter's address, voter's date of birth, voter's school district number, and a line on which the voter's signature can be written. When a voter's registration has been challenged pursuant to Minnesota Statutes, section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote, have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant shall fill in the registrant's name, address, and date of birth and shall sign the roster on the line provided.

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Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered on each page.

The roster may also include additional material as permitted under Minnesota Statutes, section 201.221, subdivision 3.

### **Subp. 2. [Repealed, 25 SR 616]**

**Subp. 3. Production of rosters.** The Secretary of State shall identify and develop methods of producing polling place rosters. The Secretary of State shall provide polling place rosters for each election in the state. The rosters provided by the secretary of state must be forwarded to the county auditors in an electronic format specified by the secretary of state. Alternatively, the list provided to the county auditors may be provided in another medium, if a written agreement specifying the medium is signed by the secretary of state and the county auditor at least 90 days before the November general election. A written agreement is effective for all elections until rescinded by either party.

**Statutory Authority:** *MS s 14.388; 201.022; 201.061; 201.091; 201.221; 203B.09*

**History:** *15 SR 2308; 19 SR 593; 25 SR 616; 29 SR 155; 31 SR 350; 32 SR 2055*

### **8200.9120 INSPECTION OF POLLING PLACE ROSTERS.**

An individual who asks to inspect a polling place roster used on election day must provide the county auditor with identification and a written request stating the information required by Minnesota Statutes, section 201.091, subdivision 4. Before fulfilling the request for inspection, the auditor must conceal the month and day of birth of each person on the roster.

**Statutory Authority:** *MS s 201.091; 201.221*

**History:** *25 SR 616*

### **8200.9200 [Repealed, 20 SR 2787]**

## **MAINTAINING CERTAIN RECORDS**

### **8200.9300 MAINTAINING CERTAIN VOTER REGISTRATION RECORDS; SECURITY.**

#### **Subpart 1. [Repealed, 20 SR 2787]**

#### **Subp. 2. [Repealed, 20 SR 2787]**

#### **Subp. 3. [Repealed, 20 SR 2787]**

#### **Subp. 4. [Repealed, 20 SR 2787]**

#### **Subp. 5. [Repealed, 20 SR 2787]**

#### **Subp. 6. [Repealed, 20 SR 2787]**

**Subp. 7. Challenges and other notices.** A record of any challenge to a voter registration shall be made part of the registration file and shall remain until removed according to law. The word "challenged" shall appear on the same line as or directly above the name of a challenged voter on the polling place roster. A record of any notice affixed to a voter registration application pursuant to Minnesota Statutes, section 201.15, shall remain part of the file until removed according to law. The word "guardianship" shall appear on the same line as or directly above the name of the voter on the polling place roster. If any other special notice or information is affixed to a voter registration application, an indication of the notice shall be printed on the polling place roster.

**Subp. 8. Absentee voting.** When an absentee return envelope is marked "Accepted" pursuant to Minnesota Statutes, section 203B.121, subdivision 2, the roster shall be marked pursuant to Minnesota Statutes, section 203B.121, subdivision 3.

**Subp. 9. Security.** The auditor or clerk is responsible for maintaining the integrity of the polling place roster and for restricting access to the statewide registration system to properly authorized persons. The auditor or clerk shall provide for the transport and security of the polling place roster according to part 8200.0800.

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Subp. 10. **Voter's receipt.** The election judges shall determine the number of ballots to be counted by adding the number of return envelopes from accepted absentee ballots to the number of voter's receipts issued pursuant to Minnesota Statutes, section 204C.10, subdivision 2, or to the number of names signed on the polling place roster. The election jurisdiction may require that the election judges number or initial each voter's receipt as it is issued.

**Subp. 11. [Repealed, 38 SR 1368].**

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *8 SR 1348; 20 SR 2787; 29 SR 155; 38 SR 1368*

### STATEWIDE REGISTRATION SYSTEM

#### 8200.9305 ADMINISTRATION OF STATEWIDE REGISTRATION SYSTEM.

The secretary of state shall develop and operate a centralized database of all registered voters in the state of Minnesota. The database must be available to each county in the state through a statewide registration system provided by the secretary of state. The registration system must allow the secretary of state and the county auditors to add or modify information from the system in order to maintain an accurate database of registrants. The system must provide all county auditors and the secretary of state and, within a reasonable time after the system is initially implemented, municipal and school district clerks, with a method to view and search registration information.

A county auditor must use the statewide registration system to execute the duties of chief registrar of voters and chief custodian of registration records in the auditor's county.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *19 SR 593; 29 SR 155*

#### 8200.9310 TREATMENT OF VOTER REGISTRATION APPLICATIONS.

Subpart 1. **Transmission of voter registration applications.** A completed voter registration application may be submitted to any state agency or county auditor. The secretary of state shall provide training to state agencies on the proper forwarding of voter registration applications. Voter registration applications submitted to the secretary of state must be forwarded to the appropriate county auditor for entry into the statewide registration system. With the approval of the appropriate county auditor, the secretary of state shall enter the registration applications into the statewide registration system for that county.

The secretary of state may electronically transmit the information on the voter registration applications to the appropriate county auditor. The county auditor shall promptly enter the information into the statewide registration system. The original applications submitted to the secretary of state must be maintained either by the secretary of state or by the appropriate county auditor. Voter registration applications must be stored in either paper, microfilm, or electronic format.

The secretary of state shall have full access to all functions of the statewide registration system.

Subp. 2. **Verification; defined; notification.** A. Verification means:

(1) that the information provided by the applicant on the voter registration application for all of the following categories matches the information in the same categories of the database maintained by the Department of Public Safety or in the database of the Social Security Administration if the applicant has no driver's license or identification card:

(a) name;

(b) date of birth;

(c) Minnesota driver's license or Minnesota state identification card number; or

(d) last four digits of Social Security number, if the applicant has not been issued a Minnesota driver's license or Minnesota state identification card.

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If a voter has not been issued a Minnesota driver's license, a Minnesota state identification card, or a Social Security number, and the voter has so indicated on the voter's voter registration application, units (c) and (d) are inapplicable and the registration is verified; or

(2) that if after matching the information listed in subitem (1), even though the information may not be an exact match, the county auditor can still reasonably conclude that the information in the database of the Department of Public Safety, or in the database of the Social Security Administration if the applicant has no driver's license or identification card, and the information provided by the applicant on the voter registration application, relate to the same person, in which case the county auditor shall note in the statewide registration system the basis for the conclusion.

B. The secretary of state must attempt to verify information entered into the voter registration system as a result of new voter registration applications by comparing the information stored by the voter registration system with information contained in the database maintained by the Department of Public Safety. The secretary of state must provide reports on attempted verifications that show the information of record in each database and that list:

(1) voter registration applications that match the information in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card in the database of the Social Security Administration, and that are therefore verified;

(2) voter registration applications that cannot be verified with certainty against the information in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration. The report must match and contrast the information contained in the several databases; and

(3) voter registration applications with Minnesota drivers' license numbers, Minnesota identification card numbers, or if the applicant has no driver's license or identification card, the last four digits of the applicant's Social Security number that do not match the numbers of record in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration.

The reports prepared by the secretary of state must include a separate list of potential matches for incomplete mail-in registrations described in Minnesota Statutes, section 201.061, subdivision 1a.

C. The county auditor must review the reports provided by the secretary of state of records that have not been verified with certainty within ten days after the reports become available in the statewide voter registration system. The auditor must attempt to match the information on the voter registration application with the information in the database maintained by the Department of Public Safety or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration, to permit the auditor to verify the information supplied on the voter registration application. The auditor shall attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail. The auditor must record on the voter record in the statewide voter registration system each registration verified in this manner.

If the auditor cannot verify information for a registration, the auditor must record that the information supplied on the voter registration application could not be verified and is incomplete pursuant to Minnesota Statutes, section 201.121, subdivision 1.

Subp. 3. **Correction.** If a Minnesota driver's license number or Minnesota state identification card number supplied by the applicant cannot be verified because it does not exist in the Department of Public Safety database, the secretary of state or the county auditor shall correct the voter record to indicate that the number must not be used as the verification number on the voter record. In the case of an applicant who does not have a Minnesota driver's license number, Minnesota identification card number, or Social Security number that can be verified by comparison with the Department of Public Safety database, or in the database of the Social

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Security Administration, if the applicant has no Minnesota driver's license or Minnesota identification card, the unique voter record number generated by the statewide voter registration system must be used as the verification number for the record.

### **Subp. 4. [Repealed, 31 SR 350]**

Subp. 5. **Updates.** A. A voter with an active voter registration may change the information on record by submitting a voter registration application meeting all the requirements for a new voter registration application.

B. If, after matching the updated information with the information contained in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration, the accuracy of the updated information cannot be verified, the county auditor must send a notice to the voter whose information cannot be verified and request that the voter provide the information or contact the registration office.

If the discrepancy cannot be resolved, the county auditor must challenge the voter in the statewide voter registration system and may refer the matter to the county attorney. If during the verification process the Department of Public Safety provides information that indicates that the voter is ineligible to vote, the county auditor must challenge the voter in the statewide voter registration system and refer the matter to the county attorney.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221*

**History:** *19 SR 593; 29 SR 155; 31 SR 350*

### **8200.9315 PROCEDURE FOR ENTERING DATA INTO STATEWIDE VOTER REGISTRATION SYSTEM.**

When entering information from a voter registration application into the statewide registration system, the secretary of state or county auditor shall:

A. conduct a statewide search of the registration database to determine if the applicant has previously registered in Minnesota;

B. assign the applicant to the proper voting precinct for the address provided on the application;

C. determine all election districts in which the applicant will be eligible to vote;

D. assign the registration record a unique identification number, and date the record as to when the registration was entered into the registration database;

E. maintain a record of voting history of the registrant for at least the previous six calendar years and a record of previous registrations and changes to voter status in the state for at least two years; and

F. provide information on prior registrations in other states. At periodic intervals, the secretary of state shall notify the chief election officials of other states of persons who have registered to vote in Minnesota and who indicated a prior registration in their state.

The secretary of state shall establish a precinct finder that must be maintained by each county auditor. The precinct finder must identify the voting precinct that will be assigned to the applicant. For the purposes of redistricting, the secretary of state shall include geographical data from the United States Census Bureau in the precinct finder.

**Statutory Authority:** *MS s 14.388; 201.022; 201.221; 203B.09*

**History:** *19 SR 593; 29 SR 155; 32 SR 2055*

### **8200.9320 INTERACTION WITH DEPARTMENT OF PUBLIC SAFETY.**

The Secretary of State, in cooperation with the commissioner of public safety, shall develop a single unified application for use by the Department of Public Safety to permit eligible voters who have indicated they wish to register to vote to simultaneously register to vote and apply for a driver's license or state identification card. The Secretary of State and the commissioner of public safety may access a common database of information entered from this application.

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The information from the unified application for voter registration and a driver’s license or state identification card must be transferred electronically from the commissioner of public safety to the Secretary of State. The Secretary of State shall make available to each county auditor the data necessary to add or update a voter record on the statewide registration system. The county auditor shall process the data in the manner provided in part 8200.9315.

**Statutory Authority:** *MS s 201.022; 201.221*

**History:** *19 SR 59*

**8200.9325 SECURITY FOR STATEWIDE REGISTRATION SYSTEM.**

All authorized users of the statewide registration system must be identified uniquely in the manner provided by the Secretary of State. No access to the statewide registration system will be allowed to any person not identified as an authorized user of the system.

To ensure that information obtained from the statewide registration system is being used in the manner provided by law, the Secretary of State shall insert verification records into the statewide registration system. The verification records must not be included on any master list or polling place roster. If the Secretary of State has reason to believe that information obtained from the statewide registration system was used in a manner inconsistent with Minnesota Statutes, section 201.091, a report must be immediately transmitted to the appropriate county attorney.

**Statutory Authority:** *MS s 201.022; 201.221*

**History:** *19 SR 593*

**8200.9910 [Repealed, 20 SR 2787]**

**8200.9916 [Repealed, 12 SR 2215]**

**8200.9919 [Repealed, 20 SR 2787]**

**8200.9922 [Repealed, 12 SR 2215]**

**8200.9925 [Repealed, 12 SR 2215]**

**FORMS**

**8200.9939 FORM OF OATH, SPECIFIED BY PART 8200.5100.**

I swear or affirm that (Check one):

I am pre-registered to vote in this precinct

Voter ID # \_\_\_\_\_

I registered in this precinct today and did not have another person vouch for me

I am an employee of a residential facility

\_\_\_\_\_  
(Name of residential facility)

Residential Address of Voucher or Address of Residential Facility

\_\_\_\_\_  
Street Address City

Telephone number \_\_\_\_\_

E-mail address (optional) \_\_\_\_\_

I personally know that \_\_\_\_\_

(Name of person registering)

is a resident of this precinct.

\_\_\_\_\_  
Signature of Voucher

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Subscribed and sworn to before me

\_\_/\_\_/\_\_

Date

\_\_\_\_\_  
Signature of Election Judge

The above oath shall be attached to the voter registration card and retained for at least 22 months.

**Statutory Authority:** *MS s 201.022; 201.061; 201.221; 203B.09*

**History:** *20 SR 2787; 32 SR 2055*

**8200.9940 PRECINCT LIST OF PERSONS VOUCHING FOR VOTER RESIDENCE ON ELECTION DAY AND NUMBER OF PERSONS VOUCHER FOR.**

Precinct List of Persons Vouching

City/Town	Ward	Precinct
-----------	------	----------

- To be completed by election judges.
- Use to track the number of people vouched for by each voucher.
- Cross out the next number each time that person vouches for a registrant.
- Employees of residential facilities may vouch for an unlimited number of facility residents who are registering to vote at the facility's address. Otherwise, vouchers may only vouch for a maximum of eight registrants.

Voucher's Name	Voucher's Voter ID No.	Number Vouched for on Election Day
Example: John Doe	1234567	1 2 3 4 5 6 7 8
1		1 2 3 4 5 6 7 8
2		1 2 3 4 5 6 7 8
3		1 2 3 4 5 6 7 8
4		1 2 3 4 5 6 7 8
5		1 2 3 4 5 6 7 8
6		1 2 3 4 5 6 7 8
7		1 2 3 4 5 6 7 8
8		1 2 3 4 5 6 7 8
9		1 2 3 4 5 6 7 8
10		1 2 3 4 5 6 7 8
11		1 2 3 4 5 6 7 8
12		1 2 3 4 5 6 7 8
13		1 2 3 4 5 6 7 8
14		1 2 3 4 5 6 7 8



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whose registration lists his or her residence as

\_\_\_\_\_  
(Street or Route No.) (City or Township).

The grounds for my challenge are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(attach additional sheets of signed statement if necessary).

\_\_\_\_\_  
(Date) (Signature of Challenger)

**Statutory Authority:** *MS s 201.221*

**History:** *17 SR 1279*

**8200.9953 [Repealed, 20 SR 2787]**

**8200.9960 CHALLENGES TO VOTER REGISTRATION, FORM TO BE USED UNDER MINNESOTA STATUTES, SECTION 204C.12, SUBDIVISION 2.**

I, \_\_\_\_\_, do hereby state under oath,  
Name of person making challenge

I am:

- an election judge.
- a challenger authorized by Minnesota Statutes, section 204C.07.
- a Minnesota voter.

I reside at \_\_\_\_\_,  
Street Address City or Township

Telephone number: \_\_\_\_\_

E-mail address (optional): \_\_\_\_\_

I challenge the registration of \_\_\_\_\_  
Name of challenged voter

whose registration lists his or her residence as

\_\_\_\_\_  
Street Address City or Township

This challenge is based on my personal knowledge. The grounds for my challenge are:

\_\_\_\_\_  
\_\_\_\_\_

(attach additional sheets of signed statement if necessary).

I swear or affirm that the information stated here is truthful.

\_\_\_\_\_  
Date Signature of Challenger

Signed and sworn to or affirmed before me

\_\_\_\_\_  
\_\_\_\_\_

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Date                      Signature of Election Judge

For Election Judge Use Only:

Challenge was administered by Election Judge: \_\_\_\_\_

Time: \_\_\_\_\_

- Voter refused to take challenge oath.
- Challenge was dismissed: Voter passed challenge and voted.
- Challenge was sustained: Voter failed challenge and did not vote.

Additional comments:

**Statutory Authority:** *MS s 201.061; 201.221; 203B.09*

**History:** *32 SR 2055*



## CHAPTER 8205 PETITIONS

### 8205.1000 [Repealed, 25 SR 616]

#### GENERAL REQUIREMENTS

#### 8205.1010 FORM OF PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. **General form requirements.** Petitions must be prepared in accordance with items A to I.

A. A petition must be prepared on paper no larger than 8-1/2 inches wide and 14 inches long. The signer's oath and the signature lines must be on the same side of the paper.

B. The language on the petition must be printed in no smaller than 10-point type.

C. Each petition page must have a short title describing the purpose of the petition.

D. Each petition page must have a statement summarizing the purpose of the petition.

E. If the purpose of the petition is to put a question on the ballot, each petition may have a statement of 75 words or less summarizing the ballot question.

F. Each petition page must have a signer's oath in no smaller than 12-point type. If the form of the signer's oath is not specified by statute, the following oath must be used: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed the petition only once and of my own free will."

G. Each petition page must include the following statement immediately above the signature lines: "All information must be filled in by person(s) signing the petition unless disability prevents the person(s) from doing so."

H. Each petition page must have no more than ten signature lines. The signature lines must be consecutively numbered. Each signature line must have space for the date of signature; a signature; and each signatory's year of birth; printed first, middle, and last name; and residence address, municipality, and county.

I. Each petition page must include the following statement: "All information on this petition is subject to public inspection."

**Statutory Authority:** *MS 204B.071*

**History:** *25 SR 616*

#### 8205.1020 CIRCULATING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. **Photocopies.** Petitioners may circulate photocopies of a sample petition page.

**Statutory Authority:** *MS 204B.071*

**History:** *25 SR 616*

#### 8205.1030 SIGNING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election in this state, including nominating petitions, recall petitions, and proposed recall petitions.

Subp. 2. **Required information.** The person signing the petition shall complete the signature date, name, year of birth, and residence address on the petition.

Subp. 3. **Signing by disabled person.** A person physically unable to complete the petition may ask another for assistance.

Subp. 4. **Signing only once.** A person may sign a petition only once.

**Statutory Authority:** *MS 204B.071*

**History:** 25 SR 616

**8205.1040 FILING PETITIONS.**

Subpart 1. **Applicability.** This part applies to any petition required for any election or recall in this state.

Subp. 2. **Definition of filing officer.** As used in this part and part 8250.1050, "filing officer" means:

A. in the case of a petition for a county office or county question, the county auditor;

B. in the case of a petition for a federal office, the secretary of state;

C. in the case of a state office, the filing officer who receives the affidavit for filing under Minnesota Statutes, section 204B.09, subdivision 1, paragraph (d);

D. in the case of a petition for a municipal office or municipal question, the municipal clerk;

E. in the case of a petition for a school district office or school district question, the school district clerk;

F. in the case of a petition for a special district office or special district question, the special district clerk;

G. in the case of a recall petition or a proposed recall petition filed under Minnesota Statutes, chapter 211C, the secretary of state;

H. in the case of a removal petition filed under Minnesota Statutes, section 351.16, the county auditor; or

I. in the case of a recall petition or a proposed recall petition filed pursuant to a municipal charter or ordinance, the municipal clerk.

Subp. 3. **Filing procedures.** The person filing the petition must submit the entire petition at one time to the filing officer. The petitioners may submit the petition by mail, messenger, or similar delivery service. Filing of a petition is effective upon receipt by the filing officer. Petition pages must not be altered by anyone except the filing officer for verification purposes after the petition has been filed.

Subp. 4. **Receipt.** The filing officer must provide the person filing the petition with a receipt for the petition. The receipt must include the type of petition filed; the name, address, and telephone number of the person submitting the petition; the date on which the petition was filed; and the total number of pages in the petition submitted.

**Statutory Authority:** MS 204B.071

**History:** 25 SR 616

**8205.1050 VERIFYING PETITIONS.**

Subpart 1. **Applicability.** This part does not apply to proposed recall and recall petitions. The verification processes for proposed recall and recall petitions are located in parts 8205.2010 and 8205.2120. This part does not apply to statewide Major Political Party Recognition Petitions or statewide Minor Political Party Recognition Petitions. The verification processes for Major Political Party Recognition Petitions and Minor Political Party Recognition Petitions are located in parts 8205.3000, 8205.3100, 8205.3200, and 8205.3300.

Subp. 2. **Verifying petitions.** The filing officer shall verify each petition using the method in items A to C.

A. The filing officer shall inspect the form of the petition to determine whether it complies with part 8205.1010. The filing officer need only determine substantial compliance with regard to any type size on the form.

B. The filing officer shall inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements.

If the petition has not been signed by the required number of qualified signatories, the filing officer must notify the person who filed the petition:

(1) that the petition has not been signed by the required number of signatories; and

(2) of the number of additional signatures needed.

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If the time for circulating the petition has not expired, the petitioners may collect additional signatures and submit them at one time to the filing officer before the circulation period expires.

C. If the petition satisfies the form requirements in part 8205.1010 and has been signed by the required number of qualified signatories during the applicable time period, the filing officer shall notify the person whose name is on the petition receipt that the petition is sufficient.

Subp. 3. **Time for verification.** The filing officer shall complete the verification of a petition as soon as practicable but no later than ten working days after the day on which the petition was filed.

**Statutory Authority:** *MS 204B.071*

**History:** *25 SR 616; 38 SR 1368*

### RECALL PETITIONS

#### 8205.2000 FORM OF PROPOSED RECALL PETITION.

Subpart 1. **Applicability of other rules.** A proposed recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a **Form of proposed recall petition.** Proposed recall petitions must be prepared in accordance with items A to C.

A. The words "PROPOSED RECALL PETITION" must be printed at the top of each page of the petition.

B. Each page of the proposed petition must include the following information:

(1) the information required by *Minnesota Statutes*, section 211C.03; and

(2) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. Separate petitions must be used to propose the recall of more than one state officer.

D. The secretary of state shall provide sample proposed recall petition pages.

**Subp. 2. [Repealed, 25 SR 616.]**

Subp. 3. **Submitting the proposed recall petition.** The proposed recall petition must be submitted to the secretary of state.

The persons submitting the proposed recall petition also shall submit a written statement designating no more than three consenting signatories of the petition who will represent all petitioners in all matters relating to the recall. The secretary shall provide sample written statements.

The petition must be accompanied by a fee of \$100. If the filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, the secretary of state shall send notice of the worthless instrument to the petitioners via registered mail with return receipt requested. The petitioners have five days from the time the secretary receives proof of receipt to provide the secretary of state with sufficient funds. If adequate payment is not made, the secretary of state shall dismiss the proposed petition.

Subp. 4. **Receipt of proposed recall petition.** The receipt must include the name of the state officer who is the subject of the proposed petition.

**Statutory Authority:** *MS s 207A.09; 211C.03; 211C.04; 211C.06*

**History:** *22 SR 1713; 25 SR 616*

#### 8205.2010 VERIFYING THE PROPOSED RECALL PETITION.

Subpart 1. **Verifying the proposed recall petition.** The secretary of state shall inspect the form of each proposed recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2000, subpart 1. The secretary of state need only determine substantial compliance with regard to any

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type size on the form. The secretary of state shall inspect each proposed recall petition to determine whether it has been signed by at least 25 persons eligible to vote in the district where the state officer subject to the proposed recall petition serves or, in the case of a statewide officer, within the state. The secretary of state shall verify that the address given by each signatory is in the district served by the state officer subject to the proposed recall petition and that the birth date given by each signatory establishes that the signatory was at least 18 years old when the petition was signed.

If the secretary of state determines that less than 25 eligible voters have signed a proposed recall petition, the secretary of state shall immediately dismiss the petition and send written notice to the person submitting the petition.

If the secretary of state determines that the proposed recall petition is sufficient, the secretary shall immediately send written notice to the state officer subject to the proposed recall petition and the petitioners and shall forward the proposed petition to the clerk of the appellate courts.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a proposed recall petition no later than three working days after the day on which the petition was filed.

**Statutory Authority:** *MS s 207A.09; 211C.03; 211C.04; 211C.06*

**History:** *22 SR 1713; 25 SR 616*

### **8205.2100 ISSUING THE RECALL PETITION.**

Subpart 1. **Secretary of state's duties.** When the secretary of state receives a recall order from the supreme court, the secretary shall provide the petitioners with:

- A. a sample recall petition page that includes the statement of facts and grounds for recall ordered by the supreme court;
- B. the number of signatures needed for the petition to be valid; and
- C. the date by which the petition must be filed with the secretary of state to meet the filing deadline.

#### **Subp. 2. [Repealed, 25 SR 616]**

**Statutory Authority:** *MS s 207A.09; 211C.03; 211C.04; 211C.06*

**History:** *22 SR 1713; 25 SR 616*

### **8205.2110 FORM OF RECALL PETITION.**

Subpart 1. **Applicability of other rules.** A recall petition must comply with parts 8205.1010 to 8205.1040.

Subp. 1a. **Form of recall petition.** Recall petitions must be prepared in accordance with items A and B.

A. The words "RECALL PETITION" must be printed at the top of each page of the petition.

B. Each page in the petition must include the following information:

(1) the information required by *Minnesota Statutes*, section 211C.03; and

(2) an oath in the following form: "I solemnly swear (or affirm) that I am an eligible voter residing in the district where the state officer serves or, in the case of a statewide officer, in the state; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. A separate petition must be used for the recall of each state officer.

#### **Subp. 2. [Repealed. 25 SR 616.]**

Subp. 3. **Submitting the petition.** The completed petition must be filed with the secretary of state.

Subp. 4. **Receipt of recall petition.** The receipt must include the name of the state officer who is the subject of the petition.

**Statutory Authority:** *MS s 207A.09; 211C.03; 211C.04; 211C.06*

**History:** *22 SR 1713; 25 SR 616*

**8205.2120 VERIFYING THE RECALL PETITION.**

Subpart 1. **Verifying the recall petition.** The secretary of state shall verify each recall petition by the following method.

A. The secretary of state shall inspect the form of the recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2110, subpart 1.

B. The secretary of state shall inspect each petition to determine whether it was filed within 90 days after the date of issuance. If the secretary of state determines that the petition was not filed within 90 days after the date of issuance, the secretary shall dismiss the petition and notify the petitioners of the reason for dismissal.

C. The secretary of state shall inspect each petition to determine whether it has been signed by a number of persons eligible to vote in the district served by the state officer subject to the recall petition that is equal to at least 25 percent of the number of votes cast at the most recent general election for the office held by the state officer subject to the recall petition. If the petition has not been signed by the required number of eligible voters and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reason for the dismissal. If the petition has not been signed by the required number of eligible voters but the 90-day time limit has not expired, the secretary shall notify the petitioners:

(1) that the petition has not been signed by the required number of voters;

(2) of the number of additional signatures needed;

(3) that the 90-day time limit has not expired;

(4) of the number of days left in the 90-day time limit; and

(5) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires.

If the petitioners do not provide the necessary number of additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures within the 90-day time limit, the secretary shall continue the verification process.

D. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible voters.

(1) If a member of the house of representatives or senate is the subject of the recall petition, the sample size must be 650 signatures.

(2) If the governor, lieutenant governor, secretary of state, state auditor, state treasurer, or attorney general, or a supreme court, court of appeals, or district court judge is the subject of the recall petition, the sample size must be 2,000 signatures.

(3) The secretary shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random numbers generated constitute the sample for the verification process.

(4) The secretary of state shall verify that the address given by each signatory in the sample is in the district served by the state officer subject to the recall petition and that the birth date given by each signatory in the sample establishes that the signatory was at least 18 years old when the petition was signed. Signatures from persons determined by the secretary to be ineligible to vote must not be counted.

(5) The secretary shall determine what percentage of the signatories in the sample are eligible voters.

(6) The secretary shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible voters in the sample to determine how many of the signatories on the petition are deemed to be eligible voters.

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(7) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number and the 90-day time limit has expired during the verification process, the secretary shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(8) If the statistical sampling shows the number of signatories deemed to be eligible voters is less than 100 percent of the required number but the 90-day time limit has not expired during the verification process, the secretary shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible voters;

(b) of the number of additional signatures needed;

(c) that the 90-day time limit has not expired;

(d) of the number of days left in the 90-day time limit; and

(e) that the petitioners may provide the secretary with the required number of additional signatures before the 90-day time limit expires. If the petitioners do not provide the secretary with additional signatures during the 90-day time limit, the secretary shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary with additional signatures, the secretary shall reverify the petition using the procedure described in subpart 1.

E. If the secretary of state determines that the petition satisfies the form requirements in parts 8205.1010 and 8205.2110, subpart 1, the petition has been filed within the 90-day time limit, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of signatories who are eligible voters is 100 percent or greater of the required number, the secretary shall certify the petition and immediately send written notice to the governor, the petitioners, and the state officer subject to the petition.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

**Statutory Authority:** *MS s 207A.09; 211C.03; 211C.04; 211C.06*

**History:** *22 SR 1713; 25 SR 616*

### MAJOR AND MINOR POLITICAL PARTY RECOGNITION PETITIONS

#### 8205.3000 FORM OF MAJOR AND MINOR POLITICAL PARTY RECOGNITION PETITION.

Subpart 1. **Applicability of other rules.** A major or minor political party recognition petition must comply with parts 8205.1010 to 8205.1040.

Subp. 2. **Form of Major Political Party Recognition Petition.** Major Political Party Recognition Petitions must be prepared in accordance with items A and B.

A. The words "MAJOR POLITICAL PARTY RECOGNITION PETITION" must be printed at the top of each page of the petition.

B. Each page in the petition must include the following information:

(1) An affirmation that each signatory:

(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.

(2) An oath in the following form: "I solemnly swear (or affirm) that I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. A separate petition must be used for each prospective major political party.

Subp. 3. **Form of the Minor Political Party Recognition Petition.** A Minor Political Party Recognition Petition must be prepared in accordance with items A and B.

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A. The words "MINOR POLITICAL PARTY RECOGNITION PETITION" must be printed at the top of each page of the petition.

B. An oath in the following form: "I solemnly swear (or affirm) that I am a member of the \_\_\_\_\_ party; I know the purpose and content of the petition; and I signed the petition only once and of my own free will."

C. A separate petition must be used for each prospective minor political party.

Subp. 4. **Filing.** Prior to filing the petition, the party must ensure the signatures are consecutively numbered. The completed petition must be filed with the secretary of state. Upon filing the petition the prospective major or minor political party must provide the name, address, and telephone number of a contact person.

**Statutory Authority:** *MS s 204B.071*

**History:** *38 SR 1368*

### **8205.3200 VERIFYING STATEWIDE MAJOR POLITICAL PARTY RECOGNITION PETITION AND STATEWIDE MINOR POLITICAL PARTY RECOGNITION PETITION.**

Subpart 1. **Verifying the statewide political party recognition petitions.** The secretary of state shall verify each statewide Major Political Party Recognition Petition and each statewide Minor Political Party Recognition Petition by the following method.

A. The secretary of state shall determine whether the petition was filed before the close of the filing period for state and federal offices. If the secretary of state determines that the petition was not filed before the close of filing for state and federal offices, the secretary of state shall dismiss the petition and notify the petitioners of the reason for dismissal.

B. The secretary of state shall inspect the form of the major or minor political party recognition petition to determine whether or not it complies with requirements in parts 8205.1010 to 8205.1040 and 8205.3000.

C. The secretary of state shall inspect each petition to determine whether or not it has been signed by a number of eligible persons equal to at least:

(1) five percent of the total number of individuals who voted in the preceding state general election for qualification as a major political party; or

(2) one percent of the total number of individuals who voted in the preceding state general election for qualification as a minor political party.

If the petition has not been signed by the required number of eligible persons and the filing deadline has passed during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reason for dismissal. If the petition has not been signed by the required number of eligible persons but the filing deadline has not passed, the secretary of state shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible persons;

(b) of the number of additional signatures needed;

(c) that the filing deadline has not yet passed;

(d) of the date of the filing deadline; and

(e) that the petitioners may provide the secretary of state with the required number of additional signatures before the close of the filing period.

If the petitioners do not provide the necessary number of additional signatures before the end of the filing period, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the necessary number of required signatures before the close of the filing period, the secretary of state shall continue the verification process.

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D. The secretary of state shall use a random sampling technique to verify that the persons signing the petition are eligible persons.

(1) The sample size must be 2,000 signatures for a statewide political party recognition petition.

(2) The secretary of state shall consecutively number every completed signature line on the petition. The signature lines on the petition that correspond to the random number generated constitute the sample for the verification process.

(3) The secretary of state shall verify that the address given by each signatory in the sample is in the state of Minnesota and that the birth date given by each signatory in the sample establishes that the signatory was eligible to sign the petition. Signatures from persons determined by the secretary of state to be ineligible to vote must not be counted.

(4) The secretary of state shall determine what percentage of the signatories in the sample are eligible persons.

(5) The secretary shall multiply the total number of petition signatories by the percentage of signatories determined to be eligible persons in the sample to determine how many of the signatories on the petition are deemed to be eligible persons.

(6) If the statistical sampling shows the number of signatories deemed to be eligible persons is less than 100 percent of the required number and the filing deadline has passed during the verification process, the secretary of state shall dismiss the petition and notify the petitioners of the reasons for the dismissal.

(7) If the statistical sampling shows the number of signatories deemed to be eligible persons is less than 100 percent of the required number but the filing deadline has not passed during the verification process, the secretary of state shall notify the petitioners:

(a) that the petition has not been signed by the required number of eligible persons;

(b) of the number of additional signatures needed;

(c) that the filing period has not expired;

(d) of the date on which the filing period expires; and

(e) that the petitioners may provide the secretary of state with the required number of additional signatures before the filing deadline.

If the petitioners do not provide the secretary of state with additional signatures before the end of the filing period, the secretary of state shall dismiss the petition and notify the petitioners. If the petitioners provide the secretary of state with additional signatures, the secretary of state shall reverify the petition using the procedure described in this subpart.

E. If the secretary of state determines that the petition satisfies the form requirements in parts 8205.1010 and 8205.3000, that the petition has been filed prior to the close of the filing deadline for state and federal candidates, that the petition has been signed by the required number of signatories, and that the statistical sampling shows the number of signatories who are eligible persons is 100 percent or greater of the required number, the secretary of state shall certify the petition and immediately send written notice to the petitioners, the commissioner of the Minnesota Department of Revenue, and the executive director of the Campaign Finance and Public Disclosure Board.

Subp. 2. **Time for verification.** The secretary of state shall complete the verification of a petition no later than ten working days after the day on which the petition was filed.

**Statutory Authority:** *MS s 204B.071*

**History:** *38 SR 1368*

**CHAPTER 8210 - ABSENTEE BALLOTS**

**ABSENTEE BALLOT MATERIALS; INSTRUCTIONS**

**8210.0050 ABSENTEE OR MAIL BALLOT MATERIALS.**

All materials mailed in connection with absentee or mail voting shall bear the official United States Postal Service Election Mail insignia. All envelopes used in connection with absentee or mail voting shall also bear a legend indicating the ballot category enclosed, in no smaller than 8-point type. The categories are:

- A. registered;
- B. nonregistered;
- C. registered (agent delivery);
- D. nonregistered (agent delivery);
- E. military/overseas;
- F. presidential only; and
- G. mail.

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.09*

**History:** *29 SR 155; 32 SR 2055*

**8210.0100 PRESIDENTIAL ABSENTEE BALLOTS.**

Subpart 1. **Procedure for voting.** A person who is qualified under United States Code, title 42, section 1973aa-1, to vote for the offices of president and vice-president or for electors for president and vice-president may vote by absentee ballot or in person at the auditor's office in the county where the person formerly resided. The certificate of eligibility on the back of the absentee ballot return envelope must be printed in the form shown in subpart 2.

Subp. 2. **Form of certificate of eligibility.**

Signature Envelope

**Voter must complete this section**                      please print clearly

**Voter name** \_\_\_\_\_

**Voter former address in MN** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) \_\_\_\_\_

I do not have a MN-issued driver's license, MN-issued ID card,  
or Social Security number.

Current phone number (optional):

\_\_\_\_\_

Current email address (optional):

\_\_\_\_\_

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I certify that I

- will be at least 18 years old on election day;
- am a citizen of the United States;
- am not under guardianship of the person in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence;
- previously lived in Minnesota at the address printed above;
- moved from Minnesota to another state within 30 days of the election; and
- am not eligible to vote in the state in which I now live.

**Voter Signature X** \_\_\_\_\_

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *23 SR 459; 29 SR 155; 31 SR 350; 32 SR 2055; 34 SR 1561; 36 SR 1407*

### **8210.0200 PERMANENT ABSENTEE BALLOT APPLICATION.**

**Subpart 1. [Repealed, 32 SR 2055]**

**Subp. 1a. [Repealed, 32 SR 2055]**

**Subp. 1b. [Repealed, 29 SR 155]**

**Subp. 1c. [Repealed, 32 SR 2055]**

**Subp. 1d. [Repealed, 32 SR 2055]**

**Subp. 1e. [Repealed, 25 SR 616]**

**Subp. 1f. [Repealed, 25 SR 616]**

**Subp. 2. [Repealed, 32 SR 2055]**

**Subp. 3. [Repealed, 34 SR 1561]**

**Subp. 4. Permanent application.** An eligible voter under Minnesota Statutes, section 203B.04, subdivision 5, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided by the secretary of state for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The voter's permanent application status must be indicated and permanently maintained on the voter's registration record on the statewide voter registration system.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 60 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

**Subp. 4a. [Repealed, 32 SR 2055]**

**Subp. 5. [Repealed, 25 SR 616]**

**Subp. 6. [Repealed, 32 SR 2055]**

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**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125*

**History:** *10 SR 1690; 13 SR 259; 15 SR 1641; 17 SR 8; 20 SR 2787; 23 SR 459; 25 SR 616; 29 SR 155; 32 SR 2055; 34 SR 1561; 38 SR 1368*

### **8210.0225 APPLICATIONS FROM CHALLENGED VOTERS.**

A voter registration application must be sent with the ballot to any challenged voter and to each voter whose voter registration application is incomplete under Minnesota Statutes,

section 201.061, subdivision 1a, or 201.121, who applies for an absentee ballot. The absentee ballot process must be administered as if the voter was not registered to vote.

**Statutory Authority:** *MS s 14.388; 203B.04; 203B.08; 203B.09; 203B.125*

**History:** *23 SR 459; 29 SR 155*

### **8210.0250 [Repealed, 25 SR 616]**

### **8210.0300 BALLOT ENVELOPE.**

The ballot envelope shall be printed in the following manner. The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" and "Use this envelope first to keep your ballot secret. Put only your ballot in this envelope and seal it." shall be printed on the front of the envelope.

**Statutory Authority:** *MS s 203B.08; 203B.09; 203B.125; 203B.14*

**History:** *8 SR 1348; 17 SR 351; 34 SR 1561*

### **8210.0400 TRANSMITTAL ENVELOPE.**

A telephone number and an electronic mail address that voters can call or contact for help in absentee voting must be printed as part of the return address on the envelope in which the absentee balloting materials are transmitted to the voter or as part of the cover letter to voters, for those voters to whom ballots are transmitted electronically. The envelope in which the absentee balloting materials are transmitted to the voter must have the following printed on it: "Read and follow the enclosed instruction sheet to help ensure that your vote will count."

**Statutory Authority:** *MS s 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *36 SR 1407*

### **8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

Subpart 1. **Required instructions.** Instructions to the absent voter shall be transmitted with the absentee ballot materials sent or delivered to the absent voter. The instructions shall be in the form in subparts 2, 3, or 4 or 5 and 6. The instruction headings with numbers must be in no smaller than 12-point type and the rest of the text must be in no smaller than 10-point type, except for the confidentiality notice, which may be in 7-point type. The instructions must explain how to correctly mark the ballot. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error. The instructions must include a graphic depiction of the absentee ballot materials and how they are to be completed and assembled by the voter. The secretary of state must provide each county auditor with sample instructions with graphic depictions.

Subp. 2. **Instructions for registered voters.**

**Instructions**

**How to vote by absentee ballot**

**for registered voters**

**You will need:**

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- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Your ID number

Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

*See below if you do not have any of these numbers.*

- Witness

Anyone registered to vote in Minnesota,

*including your spouse or relative,*

*or a notary public,*

*or a person with the authority to administer oaths*

- \* If any of these items are missing, please contact your local election official.

### **1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **3 Slide the tan ballot envelope into the top of the white signature envelope**

### **4 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have any of these numbers, check the box.*

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign

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their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

- Seal the envelope. First the small flap, then the large flap.

### **5 Return your ballot by Election Day to the address on the signature envelope**

**Ballots may not be delivered to your polling place.**

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

*This person cannot deliver more than 3 ballots.*

**See the other side for special instructions if you have a disability.**

**To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

### **Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

### **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

**Confidentiality Notice:** The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

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In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include:

- Larger white return envelope\*

Instruction 3 must read:

### **3 Put the tan ballot envelope in the white signature envelope**

The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope

### **5 Put the signature envelope into the larger white return envelope to protect your private information from view**

### **6 Return your ballot by Election Day to the address on the return envelope**

Subp. 3. **Instructions for unregistered voters.**

#### **Instructions**

#### **How to vote by absentee ballot**

#### **You will need:**

- Ballot\*
- Tan ballot envelope\*
- Voter registration application\*
- White signature envelope\*
- Pen with black ink
- Minnesota driver's license with your address  
*or other authorized proof of where you live.*

*See other side for a list of options*

- Your ID number

Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

*See below if you do not have any of these numbers.*

- Witness

Anyone registered to vote in Minnesota,

*including your spouse or relative,*

*or a notary public,*

*or a person with the authority to administer oaths*

- \* If any of these items are missing, please contact your local election official.

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**Important: You must submit the voter registration application with your ballot (in the white signature envelope) for your vote to be counted.**

### **1 Fill out the voter registration application and sign it**

- Show your witness your driver's license or other authorized proof of where you live.

*See the other side for a list of options.*

### **2 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

### **3 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **4 Slide the tan ballot envelope and the voter registration application into the top of the white signature envelope**

### **5 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have any of these numbers, check the box.*

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), indicate which proof you showed them, and sign their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

- Seal the envelope. First the small flap, then the large flap.

### **6 Return your ballot by Election Day to the address on the signature envelope**

**Ballots may not be delivered to your polling place.**

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

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*This person cannot deliver more than 3 ballots.*

**To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

### **Options for proof of where you live**

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address

*or*

A photo ID that does not have your current address along with a document that has your current address

- **Eligible photo IDs:** Minnesota or another state's driver's license, learner's permit, or ID card; U.S. passport; U.S. military ID card; Minnesota high school/college/university ID card; or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA).
- **Eligible documents with your current address:** an original bill, including account statements and start-of-service notifications, dated within 30 days before or with a due date 30 days before or after the election; a current student fee statement; or a residential lease if valid through election day. Eligible bills are: gas, electric, solid waste, water, sewer, phone, cell phone, television, Internet provider, credit card, or banking services; or bills for rent or mortgage payments.

*or one of the following:*

- A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you. *This person must complete and sign the voucher form on the back of the voter registration application.*
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk
- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official. *The employee must complete and sign the voucher form on the back of the voter registration application.*

### **Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

### **If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or

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- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

**Confidentiality Notice:** The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include:

- Larger white return envelope\*

Instruction 4 must read:

### **4 Put the tan ballot envelope and the voter registration application in the white signature envelope**

The last instruction under 5, a new instruction numbered 6, and the first line of the renumbered instruction 7 must read:

- Seal the envelope.

### **6 Put the signature envelope into the larger white return envelope to protect your private information from view**

### **7 Return your ballot by Election Day to the address on the return envelope**

Subp. 4. **Instructions for military and overseas voters transmitted ballots by mail.**

#### **Instructions**

#### **How to vote by absentee ballot for military and overseas voters**

#### **You will need:**

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Your ID number

Minnesota driver's license number, Minnesota ID card number, U.S. passport number, or the last four digits of your Social Security Number.

*See below if you do not have any of these numbers.*

\* If any of these items are missing, please contact your local election official.

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### **1 Vote!**

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **3 Slide the tan ballot envelope into the top of the white signature envelope**

### **4 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address (present or last).
- Print your email address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number, or the last four digits of your Social Security Number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have access to any of these documents, leave this space blank.*

- Read and sign the oath.
- Seal the envelope. First the small flap, then the large flap.

### **5 Return your ballot by Election Day to the address on the signature envelope**

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**See the other side for special instructions if you have a disability.**

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

If you have any questions, contact your county elections office at [insert email address] or [insert telephone number].

### **Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Their contact information can be found on the reverse side, or

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- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

### **If you have a disability:**

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Confidentiality Notice:** The data you supply on your signature envelope is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your envelope and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under You Will Need must also include: "• Larger white return envelope\*" Instruction 3 must read "**3 Put the tan ballot envelope into the white signature envelope.**" The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope.

**5 Put the signature envelope into the larger white return envelope to protect your private information from view**

**6 Return your ballot by Election Day to the address on the return envelope**

Subp. 5. **Cover letter for military and overseas voters transmitted ballots electronically.**

Dear Military/Overseas Absentee Voter:

Your absentee ballot and supporting materials for the election on [month day, year] are attached. Your absentee ballot is being sent to you electronically because you requested this delivery method on your application. Please print, fill out, and return these materials so they are received by your county by Election Day, [day of the week], [month day, year].

**A paper ballot must be returned to Minnesota and received by Election Day to be counted.**

You may use the domestic mail service of the country you are located in, an international package delivery service, or the military or state department's mail services. Be sure to vote and return this ballot as soon as possible to ensure timely return. Your ballot must be received by your county elections office by Election Day to be counted.

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This communication contains:

- A ballot
- Voting instructions
- Ballot envelope template
- Certificate of Eligibility
- Mailing envelope template

Carefully follow the instructions to ensure proper return of your voted ballot.

- Print the materials
- Fill out your ballot
- Fold and seal your ballot and place it in your ballot envelope
- Fill out the Certificate of Eligibility
- Put the completed materials in your mailing envelope
- Send your ballot by mail or package delivery service so that it is received by Election Day

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

Contact your county elections office at [email] or [phone number] if you have any questions.

**Please note:** Each voter must submit an application and receive their own ballot. **Do not forward this ballot to other voters.** A ballot received from a voter who did not submit an application will not be counted. Refer other military or overseas voters who need to apply for a ballot to <http://www.mnvotes.org>.

Thank you.

Subp. 6. **Instructions for military and overseas voters transmitted ballots electronically.**

### **Instructions**

**How to vote by absentee ballot for military and overseas voters sent ballots electronically**

**Note: Your ballot must be printed out and physically returned. It cannot be returned electronically.**

**You will need:**

- A printer
- A pen with black ink
- Two envelopes (you have 3 options):
  - Address your own blank envelopes by hand
  - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that everything is positioned according to postal regulations)
  - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number

Minnesota driver's license number, Minnesota ID card number, U.S. passport number, or the last four digits

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of your Social Security Number.

*See below if you do not have access to any of these numbers.*

### 1 Print the materials

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the document to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.

### 2 Vote!

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See below if you make a mistake on your ballot.***

### 3 Use one of the envelopes as the ballot envelope

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.

### 4 Fill out the Certificate of Eligibility completely

- Print your name and your Minnesota street address, including city (present or last).
- Print your email address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number, or the last four digits of your Social Security Number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have access to any of these documents, leave this space blank.*

- Read and sign the oath.

### 5 Put it all together

- Attach the Certificate of Eligibility to the ballot envelope.
- Your second envelope is the return (mailing) envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

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Official Absentee Balloting Material

\_\_\_\_\_ County

[Street address]

[City], MN [Zip Code]

USA

### **6 Return your ballot by Election Day to the address above**

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

If you need any help while voting, please contact your county elections office at [insert email address] or [insert telephone number].

### **Correcting a mistake**

- Print out a new ballot, or
- Ask for a new ballot from your election office, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

### **If you have a disability:**

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Confidentiality Notice:** The data you supply on your Certificate of Eligibility is restricted to election officials prior to Election Day at 8:00 p.m. After that time, your Certificate of Eligibility and the data on it, other than your identification number, are public information. Your ID number is required to ensure that the ballot is returned by the same voter who applied for it. You may refuse to provide it, but doing so may lead your absentee ballot to be rejected and will prevent you from checking on the status of your absentee ballot online.

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Subp. 7. **Additional instructions for use with partisan primaries.** The following instructions must also be sent along with all absentee ballots for partisan primary elections.

**The top part of this ballot is for a partisan (party) primary election:**

- Vote only for candidates of one party - stay in one column.
- If you vote for candidates of more than one party, your votes in that section of the ballot will not be counted.

For how to correct a mistake, see the back side of the absentee ballot instructions.

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

**History:** *17 SR 351; 23 SR 459; 25 SR 616; 29 SR 155; 31 SR 350; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368*

**8210.0600 STATEMENT OF ABSENTEE VOTER.**

Subpart 1. **Form.** The statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15, must be printed in the forms shown in subparts 1a and 1b. The version found in subpart 1a must be provided only to absentee voters who are registered to vote at the time of application. All other absentee voters must be provided the version found in subpart 1b. The statements must be printed to the specifications of subpart 3.

Subp. 1a. **Statement of registered absentee voter form.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) \_\_\_\_\_

I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

**Voter Signature X** \_\_\_\_\_

**Witness must complete this section**

**Witness name** \_\_\_\_\_

**MN street address**

(or title, if an

official or notary)

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\_\_\_\_\_

Street Address

\_\_\_\_\_ MN

City

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

**Witness Signature X** \_\_\_\_\_

If notary, must affix stamp

Subp. 1b. **Statement of unregistered absentee voter form.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) \_\_\_\_\_

I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

**Voter Signature X** \_\_\_\_\_

**Witness must complete this section**

**Witness name** \_\_\_\_\_

**MN street address** \_\_\_\_\_

(or title, if an

official or notary)

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\_\_\_\_\_  
Street Address

\_\_\_\_\_MN

City

Witness MUST CHECK ONE indicating proof of residence provided by voter: (See instructions)

- MN driver's license, ID card, permit, or receipt
- Bill, student fee statement, or residential lease plus photo ID
- Registered voter in the precinct who vouched for voter's residence in the precinct (must complete the voucher form on the back of the Voter Registration Application)
- Tribal ID card
- Notice of late registration
- Previous registration in the same precinct
- An employee of a residential facility in the precinct who vouched for voter's residence at the facility (must complete the voucher form on the back of the Voter Registration Application)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope;
- the voter registered to vote by filling out and enclosing a voter registration application in this envelope;
- the voter provided proof of residence as indicated above; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

**Witness Signature X** \_\_\_\_\_

If notary, must affix stamp

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label. When placing the label, the official must place it over the space for the voter's name and address, but must not cover the instructions to the voter or the voter's oath.

Subp. 3. **Printing specifications.** The statement shall be printed on the back of the absentee ballot return envelope. The words "Voter must complete this section" and "Witness must complete this section" shall be printed in no smaller than 12-point bold type. The "X" on the signature lines must be in at least 20-point type. The remainder of the statement shall be printed in no smaller than 10-point medium type. The area for the voter's name and address must be no smaller than 1-1/4 inches by 3-1/4 inches. The voter's certificate must be at least 4-1/8 inches wide. County auditors and municipal clerks may use the existing stock of absentee ballot return envelopes on hand as of January 1, 2014, for absentee voting conducted in-person.

**Subp. 4. [Repealed, 32 SR 2055]**

**Subp. 4a. [Repealed, 32 SR 2055]**

**Statutory Authority:** *MS s 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

**History:** *8 SR 1348; 17 SR 351; 23 SR 459; 25 SR 616; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368*

**8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.**

**Subpart 1. [Repealed, 34 SR 1561]**

**Subp. 2. [Repealed, 34 SR 1561]**

**Subp. 3. [Repealed, 34 SR 1561]**

**Subp. 4. [Repealed, 20 SR 2787]**

**Subp. 5. [Repealed, 20 SR 2787]**

**Subp. 6. [Repealed, 20 SR 2787]**

**Subp. 7. [Repealed, 34 SR 1561]**

**Subp. 8. [Repealed, 34 SR 1561]**

**Subp. 9. [Repealed, 34 SR 1561]**

**Subp. 10. [Repealed, 34 SR 1561]**

**8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN ENVELOPES.**

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and back of the envelope.

Subp. 2 **Form.** Absentee Ballot return envelopes must be printed according to the following specifications:

A. The envelope must be no smaller than 10-3/8 inches by 4-1/2 inches.

B. Envelopes prepared with the certificates prepared according to part 8210.0600 must be white in color with black ink. Envelopes with certificates prepared according to part 8210.0800 must be white in color with Pantone 194 U red ink or darker used for all printing.

C. The following must be printed at the bottom of the envelope on the same side as the voter's certificate:  
For Official Use Only

( ) Accepted    ( ) Rejected    (reason:) \_\_\_\_\_

Subp. 3 **Envelope labeling.** The envelopes with the form printed according to part 8210.0600, subpart 1a, must have the words "Signature Envelope – Registered" printed in no smaller than 8-point type. The envelopes with the form printed according to part 8210.0600, subpart 1b, must have the words "Signature Envelope – Unregistered" printed in no smaller than 8-point type. The envelopes printed with the form printed according to part 8210.0800 must have the words "Signature Envelope – UOCAVA" printed in no smaller than 8-point type.

Subp. 4. **Additional instructions for registered and military and overseas voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under parts 8210.0600, subpart 1a, and 8210.0800:

"Put the Ballot Envelope  
In here, then seal flap"

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

Subp. 5. **Additional instructions for unregistered voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under part 8210.0600, subpart 1b:

"Put the Ballot Envelope and the

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Voter Registration Application

in here, then seal flap”

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

Subp. 6. **Checklist for registered voters.** Envelopes with the form printed according to part 8210.0600, subpart 1a, that have a flap must have the following words printed inside the flap:

**“1. Have you...**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in this envelope?
- Filled out this envelope completely and signed it?
- Asked your witness to complete their section and sign their name?

**2. Then seal this envelope-**

small flap first,  
then the large flap.

**3. Return your ballot so it is received by Election Day”**

An illustration of how to fold the flaps must also be printed inside the flap.

Subp. 7. **Checklist for unregistered voters for use with flap.** Envelopes with the form printed according to part 8210.0600, subpart 1b, that have a flap must have the following words printed inside the flap:

**“1. Have you...**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope and your voter registration application in this envelope?
- Filled out this envelope completely and signed it?
- Asked your witness to complete their section and sign their name?

**2. Then seal this envelope –**

small flap first,  
then the large flap.

**3. Return your ballot so it is received by Election Day.”**

An illustration of how to fold the flaps must also be printed inside the flap.

Subp. 8. **Checklist for military and overseas voters for use with flap.** Envelopes with the form printed according to part 8210.0800 must have the following words printed inside the flap:

**“1. Have you...**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in this envelope?
- Filled out this envelope completely and signed it?

**2. Then seal this envelope –**

Small flap first,  
then the large flap.

**3. Return your ballot so it is received by Election Day.”**

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An illustration of how to fold the flaps must also be printed inside the flap.

**Statutory Authority:** *MS s 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *34 SR 1561; 36 SR 1407*

### **8210.0720 MAILING INFORMATION ON ABSENTEE BALLOT RETURN ENVELOPES OR A THIRD ENVELOPE.**

Subpart 1. **Sample envelope layout.** The secretary of State shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** The face of absentee ballot return envelopes or of the third envelope, in cases in which the county uses a third envelope, must be printed according to this part.

Subp. 3. **Mailing address.** County auditors and municipal clerks shall print a mailing address on each envelope that they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. An envelope may be addressed to the county auditor or to the municipal clerk.

Subp. 4. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials must be printed on the envelope as specified in United States Postal Service instructions.

Subp. 5. **Official absentee balloting label.** The words "OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST CLASS MAIL" must be printed in 18-point bold type and inside a box.

Subp. 6. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the envelope.

Subp. 7. **Additional requirements for envelopes for military and overseas voters.** Envelopes for military and overseas voters must also meet the following additional requirements:

A. In the upper right-hand corner, a postage symbol and box shall be imprinted:

U.S. Postage Paid

39 USC 3406

B. The words "PAR AVION" must be printed in 12-point bold type in capital letters one-half inch below the postage box.

C. Facing identification marks (FIM) must be printed on the envelope and positioned as specified in United States Postal Service instructions.

D. The words "No Postage Necessary in the U.S. Mail – DMM703.8.0" must be printed immediately below the words required by subpart 5.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *34 SR 1561*

### **8210.0730 ADDITIONAL REQUIREMENTS FOR THIRD ENVELOPE.**

Subpart 1. **Requirements.** In cases in which a county uses a third envelope instead of an envelope with a flap, the third envelope must include the additional features set forth in subparts 2 and 3.

**Subp. 2. [Repealed, 36 SR 1407]**

Subp. 3. **Checklist.** The following words must be printed on the exterior of the envelope:

A. For registered voters:

"Have you...

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in the white signature envelope?
- Filled out the white signature envelope completely and signed it?

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- Asked your witness to complete their section and sign their name?
- Put the white signature envelope into this envelope?

**Then return your ballot so it is received by Election Day.”**

B. For unregistered voters:

**“Have you...**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope and your voter registration application in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Asked your witness to complete their section and sign their name?
- Put the white signature envelope into this envelope?

**Then return your ballot so it is received by Election Day”**

C. For military and overseas voters:

**“Have you...**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Put the white signature envelope into this envelope?

**Then return your ballot so it is received by Election Day.”**

Subp. 4. **Use of existing stock.** Local election officials may consume the existing stock of third envelopes on hand as of January 1, 2012.

**Statutory Authority:** *MS s 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *34 SR 1561; 36 SR 1407*

**8210.0800 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.16 AND 203B.17.**

**Subpart 1. [Repealed, 34 SR 1561]**

**Subp. 2. [Repealed, 34 SR 1561]**

Subp. 3. **Certificate of eligibility.** On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B.21, a certificate of eligibility must be printed on the envelope in the form shown in subpart 3a. The county auditor must provide the Certificate of Eligibility as an electronic document to voters who requested electronic delivery of absentee ballots.

Subp. 3a. **Form of certificate of eligibility.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address (present or last)** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

U.S. passport #,

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or last four digits of SSN) \_\_\_\_\_

Email \_\_\_\_\_

Phone (optional) \_\_\_\_\_

I swear or affirm, under penalty of perjury, that I am (**check one**):

a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member;

a United States citizen temporarily residing outside the United States;

other United States citizen residing outside the United States;

and

- I am a United States citizen,
- at least 18 years of age (or will be by the date of the election), and
- I am eligible to vote in the requested jurisdiction;
- I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

**Voter Signature X** \_\_\_\_\_

Subp. 4. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

**Statutory Authority:** *MS s 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *8 SR 1348; 23 SR 459; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368*

### **8210.1000 EXPERIMENTAL FORMS.**

The secretary of state may provide for the experimental use of alternate forms on a trial basis.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *8 SR 1348*

### **8210.2000 VOTER'S INFORMATION.**

If the absent voter's name, residential address, ward, and precinct number are not printed on a label affixed to the envelope, the official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's name, address, ward, and precinct number in the spaces provided on the return envelope, unless the materials are transmitted to the voter electronically.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *34 SR 1561*

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### PROCEDURES

#### **8210.2100 MAILING OR DELIVERING ABSENTEE BALLOT RETURN ENVELOPES.**

Except as provided in Minnesota Statutes, section 203B.11, an absent voter who receives absentee ballots by mail or in person may cause the absentee ballot return envelope to be returned by any of the following methods:

- A. causing the envelope to be mailed to the address on it;
- B. delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received; or
- C. designating an agent who shall deliver in person the sealed envelope to the county auditor or municipal clerk from whom the ballots were received. An agent shall be at least 18 years old. No individual may be designated as the agent of more than three absent voters in any one election.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *17 SR 1279*

#### **8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.**

Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in person by an absent voter must be received by the county auditor or municipal clerk by 5:00 p.m. on the day before election day. Absentee ballot return envelopes that are delivered in person by an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day. Ballots received by personal delivery (1) after 3:00 p.m. of election day, if delivered by an agent; or (2) after 5:00 p.m. on the day before election day, if delivered by an absent voter personally, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Subp. 2. **Inspecting for seal.** Before accepting an absentee ballot return envelope that is hand delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the absent voter's certificate is properly completed.

When an absent voter hand delivers an envelope which is unsealed or has an improperly completed absent voter's certificate, the absent voter shall be allowed to seal the envelope and correct or complete the certificate.

When an agent hand delivers a sealed envelope with an improperly completed absent voter's certificate, the agent may return the envelope to the absent voter for correction or completion in compliance with the time requirements in subpart 1.

When an agent hand delivers an envelope that is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "rejected" across the absentee ballot return envelope and shall write the reason for rejection on the envelope. The absentee ballot return envelope shall be retained by the auditor or clerk in the auditor's or clerk's office. A notice of nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent, and the reason for nonacceptance. A replacement ballot notice may be sent in place of the notice of nonacceptance. The absent voter may apply for replacement absentee ballots.

Subp. 3. **Recording name and address.** When an absentee ballot return envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print the agent's name and address, the name and address of the absent voter whose ballot the agent is delivering, and sign his or her name. The agent shall show to the auditor or clerk identification which contains the agent's name and signature.

**Statutory Authority:** *MS s 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125*

**History:** *8 SR 1348; 17 SR 1279; 23 SR 459; 25 SR 616; 32 SR 2055; 38 SR 1368*

**8210.2300 RETAINING BALLOTS.**

A county auditor or municipal clerk who receives an absentee ballot return envelope in person from an absent voter or an agent must retain it in the office as provided in part 8210.2400.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *17 SR 1279; 38 SR 1368*

**8210.2400 SAFEGUARDING PROCEDURES.**

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to election day.

A. The auditor or clerk shall establish a record of absentee ballot return envelopes which are retained in the office. The record shall state the absent voter's name, address, and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

B. All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this location or handled, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B.121.

C. A part-time municipal clerk who receives return envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

D. When the ballot board opens accepted return envelopes pursuant to Minnesota Statutes, section 203B.121, subdivision 4, all absentee ballot return envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly.

**Statutory Authority:** *MS s 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *17 SR 1279; 23 SR 459; 34 SR 1561; 36 SR 1407; 38 SR 1368*

**8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.**

Subpart 1. **Review.** Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

Subp. 2. **Name, address, and signature review.** The voter's name and address on the absentee ballot application must match the voter's name and address on the return envelope. Use of, or lack of, full names, nicknames, abbreviations, or initials on either document are not a reason for rejection.

Ballot board members must determine whether the return envelope was signed by the voter. Use of, or lack of, full names, nicknames, abbreviations, or initials within either signature are not a reason for rejection. A signature is considered the voter's even if a voter uses a signature mark on either or both documents, or if a voter has another individual or different individuals sign the voter's name in their presence on either or both the application and the return envelope in accordance with Minnesota Statutes, section 645.44, subdivision 14. A ballot must be rejected under this subpart on the basis of the signature if the name signed is clearly a different name than the name of the voter as printed on the return envelope. This is the only circumstance under which a ballot may be rejected on the basis of signature under this subpart.

Subp. 3. **Identification number review.** Ballot board members must determine whether the identification number provided by the voter on the certificate is the same as the identification number provided by the voter on the absentee ballot application.

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If the numbers do not match or the voter did not provide identification numbers on both documents, the ballot board members must compare the signatures on the absentee ballot application and on the return envelope to determine whether the ballots were returned by the same person to whom they were transmitted. Use of, or lack of, full names, nicknames, abbreviations, or initials within either signature are not a reason for rejection. A signature is considered the voter's even if a voter uses a signature mark on either or both documents, or if a voter has another individual or different individuals sign the voter's name in their presence on either or both the application and the return envelope in accordance with Minnesota Statutes, section 645.44, subdivision 14.

**Subp. 4. Voter's registration status.** A. Ballot board members must determine the voter is registered under the name and at the address on the return envelope by using the statewide voter registration system, or a master list or polling place roster produced from the statewide voter registration system. A voter who is not registered, whose registration is inactive, or whose registration is challenged, must include a properly completed voter registration application within the absentee return envelope pursuant to Minnesota Statutes, section 203B.04, subdivision 4, or the ballot must be rejected. If the voter was sent nonregistered absentee materials and the voter is not registered to vote and a voter registration application is not found in the return envelope, the ballot board members shall open the ballot envelope and, without examining or removing the ballot, remove any voter registration application from the ballot envelope. The ballot board members must immediately reseal the ballot envelope with the ballot enclosed, initialing across the seal and noting on the ballot envelope the purpose for which it was opened.

B. A voter registration application returned separately from an absentee return envelope after the voter registration deadline in Minnesota Statutes, section 201.061, subdivision 1, is a late registration and may not be used as a registration for the current election pursuant to Minnesota Statutes, section 201.054, subdivision 1, clause (3).

**Subp. 5. Witness eligibility.** An absentee ballot may not be rejected for lack of an eligible witness, if a witness has signed the statement required from a witness by part 8210.0600, subpart 1a or 1b, and:

- A. has provided a Minnesota address as part of the witness's certification on the return envelope;
- B. has provided the title indicating that they are eligible to administer oaths; or
- C. has affixed a notarial stamp.

**Subp. 6. Ballot already cast.** Ballot board members must use the statewide voter registration system or available polling place rosters to determine whether another ballot from the voter has been accepted. If a ballot is received before the close of business on the seventh day before the election, any ballot that has been previously received from that voter and has not been rejected is deemed spoiled and must not be counted. If a ballot is received after the close of business on the seventh day before the election and another absentee ballot has been accepted for that voter, the return envelope must be marked "rejected."

**Statutory Authority:** *MS s 203B.125*

**History:** *34 SR 1561; 38 SR 1368*

### **8210.2500 MAIL PICKUP.**

Each municipal clerk shall communicate with the United States postal service facility serving the municipality with regard to the handling of absentee ballot return envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all return envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the ballot board. Absentee ballots returned by mail delivery and received after election day shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

**Statutory Authority:** *MS s 203B.08; 203B.09*

**History:** *17 SR 1279; 38 SR 1368*

### **8210.2600 REPLACEMENT BALLOTS.**

Subpart 1. **Voter request.** The auditor or clerk must promptly provide a replacement ballot to a voter who requests one because the voter's ballot was lost, spoiled, or never received. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type. The auditor or clerk must record the following information on the voter's absentee ballot application: the date of the voter's request, the date that a replacement ballot was issued to the voter, and the reason that the voter requested a replacement. If a voter returns a spoiled ballot to the election official, the auditor or clerk must put the returned ballot in a spoiled ballot envelope.

Subp. 2 **Ballot rejected by absentee ballot board.** The auditor or clerk must send a replacement ballot to a voter whose absentee ballot is rejected more than five days before an election, along with an explanation of why the ballot was rejected. The secretary of state must provide election officials with a sample notice with a list of the possible reasons that a ballot could be rejected for use by absentee ballot boards. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type. The election official must record the following information on the voter's absentee ballot application: the date that the voter's ballot was rejected, the date that a replacement ballot was issued to

the voter, and the reason that the previous ballot was rejected. Rejected absentee ballots must be kept in a separate sealed container.

**Statutory Authority:** *MS s 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *34 SR 1561; 36 SR 1407*

### **8210.2700 RECEIPT OF FEDERAL WRITE-IN ABSENTEE BALLOTS.**

Subpart 1. **If Federal Post Card Application was received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application is received, the county auditor must accept or reject the ballot in accordance with Minnesota Statutes, section 203B.24 and 203B.25.

Subp. 2. **If Federal Post Card Application was not received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not received, the Federal Write-in Absentee ballot serves as a voter registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card Application. The Federal Write-in Absentee Ballot also serves as an absentee ballot request for absentee ballots in subsequent elections during the period required by Minnesota Statutes, section 203B.17, subdivision 1, paragraph (d). If the voter provided an e-mail address, then the county auditor must record e-mail as the voter's preferred method of delivery. The county auditor must not send a ballot to the voter for the election for which the voter submitted the Federal Write-in Absentee Ballot. If the voter has not already voted and the accompanying certificate is properly completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

**Statutory Authority:** *MS s 203B.125; 204B.45*

**History:** *34 SR 1561*

## **MAIL BALLOTS**

### **8210.3000 MAIL BALLOTING.**

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2700 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Authorization to conduct a special election pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

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Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;
- E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;
- F. the place and time for counting of ballots; and
- G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 46 or later than 14 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to Minnesota Statutes, section 204B.45. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than 46 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to Minnesota Statutes, section 204B.46. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

No ballot may be mailed to a challenged voter. A notice must be transmitted to challenged voters with an explanation of the challenge and with instructions on how they may apply for an absentee ballot if they believe their registration was challenged in error.

The mail balloting process for voters whose registrations are incomplete under Minnesota Statutes, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote. A notice must be transmitted to voters with incomplete registrations with instructions on how they may apply for an absentee ballot.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter completes an absentee ballot request as provided in Minnesota Statutes, section 203B.04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions must include a telephone number or electronic mail address which voters can call or write for help in mail voting. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor,

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municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

Subp. 4a. **Form of instructions to mail voters.**

### Instructions

#### How to vote by mail ballot

#### You will need:

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Witness

Anyone registered to vote in Minnesota,

*including your spouse or relative,*

*or a notary public,*

*or a person with the authority to administer oaths*

\* If any of these items are missing, please contact your local election official.

#### 1 Vote!

- Show your witness your blank ballot, then mark your votes in private.
  - Follow the instructions on the ballot.
  - Do not write your name or ID number anywhere on the ballot.
  - Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*
- See the other side if you make a mistake on your ballot.*

#### 2 Seal your ballot in the tan ballot envelope

- Do not write on this envelope.

#### 3 Put the tan ballot envelope into the white signature envelope

#### 4 Fill out the white signature envelope completely

- If there is no label, print your name and Minnesota address.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

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- Seal the envelope.

**5 Return your ballot by Election Day to the address on the signature envelope**

**You have three options:**

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

*This person cannot deliver more than 3 ballots.*

If you have questions, please call (...) ...-.... .

**See other side for special instructions if you have a disability**

**Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Subp. 4b. Form of mail voter's certificate.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN Address** \_\_\_\_\_

\_\_\_\_\_ MN

I certify that on Election Day I will meet all the legal requirements to vote.

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**Voter Signature X** \_\_\_\_\_

**Witness must complete this section**

**Witness name** \_\_\_\_\_

**MN street address**

(or title, if an  
official or notary)

\_\_\_\_\_  
Street Address

\_\_\_\_\_ MN

City

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

**Witness Signature X** \_\_\_\_\_

If notary, must affix stamp

**Subp. 4c. [Repealed, 25 SR 616]**

**Subp. 5. Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210.0500, subpart 3. The statement of absentee voter must be that specified in part 8210.0600, subpart 1b, or 8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in parts 8210.0710, 8210.0720, and 8210.0730.

**Subp. 6. Replacement ballots.** The election official must maintain a record of all replacement ballots issued. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type.

**Subp. 6a. [Repealed, 34 SR 1561]**

**Subp. 7. Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification and the voter's registration must be treated as provided in Minnesota Statutes, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

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If the ballot is returned by the post office prior to 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall resend a ballot to the voter along with a return envelope. If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall transmit instructions on how the voter may apply for an absentee ballot.

If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a nonmail election, the auditor or clerk must transmit a notice via nonforwardable mail to the voter of how to register and vote at the proper polling location. This notice must be treated as a notice of late registration under part 8200.5100, subpart 1.

The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and must provide a copy of that list to the ballot board for use in processing the returned ballots.

Subp. 7a. **Voter registration applications after ballots have been mailed.** When a voter registration application is processed on a voter record where a ballot has been previously mailed, the original mail ballot record must be marked as "Spoiled" and the voter must be notified that the original mail ballot cannot be counted.

If the application is processed prior to 20 days before an election, a voter in a jurisdiction holding a mail election must also be provided a replacement ballot.

If the application is processed within 20 days prior to the election, a voter in a jurisdiction holding a mail election must be sent a notice of late registration that includes a notification that the original mail ballot cannot be counted and instructions on how the voter may apply for an absentee ballot.

If the application is processed within 20 days before an election, the notice of late registration sent to a voter in a jurisdiction holding a nonmail election must be notified that the original mail ballot cannot be counted and how to register and vote at the proper polling location.

Subp. 8. **Returning ballots.** Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. Ballots received after 8:00 p.m. on election day shall be marked as received late by the official conducting the election. An individual shall not be the designated agent of more than three absentee or mail voters in one election.

Subp. 9. **Polling place and election judges.** The only polling place required for mail balloting is the office of the election official conducting the election. The number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body of the jurisdiction conducting the election shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body of the jurisdiction conducting the election shall appoint election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.21. For state elections, the county auditor shall appoint election judges for mail ballot precincts and shall apportion the cost of the election judges among the precincts voting by mail in that election. The county auditor may delegate the authority to appoint election judges for precincts voting by mail in state elections to the municipal clerk. During the day of the election at least two election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If the ballots are to be counted by hand and there are more than two questions or one office to be voted on, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

Subp. 10. **Receiving and counting ballots.** On or before election day, the ballot board shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots and applications for absentee ballots, records of replacement ballots, and the list of voters sent a second mailing of the ballot. The ballot board shall

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arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges of different major political parties unless the election judges are municipal clerks or deputy clerks, or the judges are exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election judges are municipal clerks or deputy clerks, or the election is exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2.

The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

Subp. 11. **Challenges.** Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

Subp. 12. **Costs.** The governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

Subp. 13. **Alternate forms.** The secretary of state may authorize the alternate use of envelopes and other forms related to mail elections.

**Statutory Authority:** *MS s 14.388; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

**History:** *12 SR 2142; 17 SR 8; 17 SR 351; 19 SR 593; 20 SR 2787; 23 SR 459; 25 SR 616; 29 SR 155; 34 SR 1561; 36 SR 1407*

**8210.3005 [Repealed, 23 SR 459]**

**8210.3010 [Repealed, 23 SR 459]**

**8210.3015 [Repealed, 23 SR 459]**

**8210.9910 [Repealed, 23 SR 459]**

**8210.9915 [Repealed, 23 SR 459]**

**8210.9916 [Repealed, 23 SR 459]**

**8210.9917 [Repealed, 23 SR 459]**

**8210.9918 [Repealed, 23 SR 459]**

**8210.9920 [Repealed, 23 SR 459]**

**8210.9925 [Repealed, 23 SR 459]**

**8210.9930 [Repealed, 23 SR 459]**

**8210.9935 [Repealed, 23 SR 459]**

**8210.9940 [Repealed, 19 SR 593]**

**8210.9945 [Repealed, 23 SR 459]**

**8210.9950 [Repealed, 23 SR 459]**

**8210.9955 [Repealed, 23 SR 459]**

**CHAPTER 8220 - VOTING SYSTEM TESTING**  
**SCOPE AND STANDARDS TESTING**

**8220.0050 CONDUCT OF ELECTIONS.**

Except as provided in chapters 8220 and 8230 or in Minnesota Statutes, elections shall be conducted in the manner prescribed for precincts using paper ballots in the Minnesota election law.

**Statutory Authority:** *MS s 204D.11; 206.57; 206.81*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459; 25 SR 616*

**8220.0100 [Repealed, 10 SR 1690]**

**8220.0150 MINIMUM STANDARDS.**

Chapters 8220 and 8230 set minimum standards for procedures in the use of electronic voting systems. An election jurisdiction may by resolution require additional procedures.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459; 25 SR 616*

**8220.0200 [Repealed, 10 SR 1690]**

**8220.0250 DEFINITIONS.**

Subpart 1. **Scope.** As used in chapters 8220 and 8230, terms defined in Minnesota Statutes, section 206.56, have the meanings given them in that section, and the following terms defined in this part have the meanings given them.

Subp. 1a. **Audit trail.** "Audit trail" means any documentation of changes made to voting system programming, the incident report, and the report generated by an electronic voting system on election day.

**Subp. 2. [Repealed, 25 SR 616]**

**Subp. 2a. [Repealed, 25 SR 616]**

**Subp. 3. [Repealed, 23 SR 459]**

Subp. 3a. **Ballot counter.** "Ballot counter" means an automatic tabulator that is capable of counting votes on ballots as they are deposited into the tabulator.

Subp. 3b. **Ballot secrecy cover.** "Ballot secrecy cover" means a cover to be used by the voter to conceal the votes marked on the ballot.

**Subp. 4. [Repealed, 23 SR 459]**

Subp. 4a. **Ballot style.** "Ballot style" means a unique ballot format prepared for use in one or more precincts in which all ballot information is identical.

**Subp. 5. [Repealed, 23 SR 459]**

Subp. 5a. **Central count voting system.** "Central count voting system" means an electronic voting system designed for and certified by the secretary of state for use in a central counting center.

Subp. 5b. **Central counting center.** "Central counting center" means a place selected by the governing body of an election jurisdiction where an electronic voting system is used to count ballots from more than one precinct after voting hours have ended.

**Subp. 6. [Repealed, 23 SR 459]**

**Subp. 7. [Repealed, 25 SR 616]**

**Subp. 8. [Repealed, 23 SR 459]**

**Subp. 9. [Repealed, 23 SR 459]**

**Subp. 10. [ Repealed, 25 SR 616]**

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Subp. 11. **Demonstration ballot.** “Demonstration ballot” means a ballot of a distinctive color used to instruct voters in the use of the voting system.

**Subp. 12. [Repealed, 23 SR 459]**

**Subp. 13. [Repealed, 23 SR 459]**

Subp. 14. **Duplicate ballot.** “Duplicate ballot” means a ballot on which the word “DUPLICATE” is printed, stamped, or written to which election judges transfer a voter’s selections from the original ballot when necessary.

Subp. 15. **Edit listing.** “Edit listing” means a computer-generated listing showing, in the order that they appear in the computer program for each precinct, the offices and questions to be voted on and the candidates’ names.

Subp. 16. **Election jurisdiction.** “Election jurisdiction” means any municipality, school district, county, or special election district having responsibility for operating electronic voting systems to be used at an election.

**Subp. 17. [Repealed, 25 SR 616]**

Subp. 18. **Header card.** “Header card” means a special ballot used to initiate voting, end voting, or enable tabulation of absentee ballots.

Subp. 18a. **Incident report.** “Incident report” means a record made by election judges in the polling place on election day of unusual events that occurred in that polling place on election day.

**Subp. 19. [Repealed, 23 SR 459]**

**Subp. 20. [Repealed, 25 SR 616]**

Subp. 21. **Overvote.** “Overvote” means a condition of a voted ballot in which more votes have been cast for an issue or office than the number of votes that the voter is lawfully entitled to cast.

**Subp. 22. [Repealed, 23 SR 459]**

Subp. 22a. **Precinct counting center.** “Precinct counting center” means a precinct where a precinct count voting system is used to count votes on ballots at the precinct polling place as voters deposit the ballots into the ballot box.

Subp. 22b. **Precinct count voting system.** “Precinct count voting system” means an electronic voting system designed to store ballot configurations and vote totals on a removable memory unit and to tabulate ballots at the precinct polling place as voters deposit the ballots into the ballot box.

**Subp. 23. [Repealed, 25 SR 616]**

Subp. 24. **Public accuracy test.** “Public accuracy test” means a public test conducted prior to election day for the purpose of demonstrating the accuracy of the computer program and voting system which will be used to count the ballots and to demonstrate and explain the testing procedures being used to determine the accuracy.

**Subp. 25. [Repealed, 23 SR 459]**

**Subp. 25a. [Repealed, 25 SR 616]**

Subp. 26. **Self-contained voting station.** “Self-contained voting station” means a unit that when assembled creates a private space enclosed beneath and on three sides and with adequate lighting in which a voter may mark a ballot.

**Subp. 27. [Repealed, 25 SR 616]**

**Subp. 28. [Repealed, 23 SR 459]**

Subp. 28a. **Summary statement.** “Summary statement” means the certification supplied by the election jurisdiction to each precinct on which to record the information required by *Minnesota Statutes*, section 204C.24, subdivision 1, and any other information requested by the election jurisdiction or the secretary of state.

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### **Subp. 29. [Repealed, 23 SR 459]**

Subp. 30. **Test deck.** “Test deck” means a set of preaudited mock voted ballots used to determine that the voting system and software to be used in the election accurately count and process the votes.

### **Subp. 31. [Repealed, 25 SR 616]**

### **Subp. 32. [Repealed, 25 SR 616]**

Subp. 33. **Undervote.** “Undervote” means a condition of a voted ballot in which fewer votes have been cast for an issue or office than permitted by law.

### **Subp. 34. [Repealed, 25 SR 616]**

Subp. 35. **Vendor.** “Vendor” means an individual or organization other than an election jurisdiction supplying any element of an electronic voting system, including but not limited to hardware, software, and programming services.

### **Subp. 36. [Repealed, 25 SR 616]**

### **Subp. 37. [Repealed, 23 SR 459]**

### **Subp. 38. [Repealed, 25 SR 616]**

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459; 25 SR 616*

### **8220.0300 [Repealed, 10 SR 1690]**

## **EXAMINATION AND CERTIFICATION**

### **8220.0325 TIMING.**

All applications for examination and initial certification of electronic voting systems and must be submitted to the secretary of state between December 1 of an even-numbered year and December 1 of the following odd-numbered year. Applications for reexamination and recertification of electronic voting systems hardware or software may be submitted to the secretary of state at any time except between June 1 and December 1 of an even-numbered year.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 34 SR 1561*

### **8220.0350 APPLICATION.**

An application by a vendor pursuant to Minnesota Statutes, section 206.57, for examination of an electronic voting system must be accompanied by the following:

- A. a signed agreement that the vendor will pay all costs incurred by the secretary of state, the vendor, and any designees of the secretary of state in accomplishing the examination;
- B. complete specifications of all hardware, firmware, and software;
- C. all technical manuals and documentation related to the system;
- D. complete instructional materials necessary for the operation of the equipment by election jurisdictions and a description of any training available to users and purchasers;
- E. a list of all state election authorities that have tested and approved the system for use;
- F. a list of all election jurisdictions where the system has been used for elections;
- G. a description of any support services offered by the vendor and of all peripheral equipment that can be used in conjunction with the system;
- H. recommended procedures for use of the system at Minnesota elections including procedures necessary to protect the integrity of the election;
- I. specifications for materials and supplies required to be used with the system;

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J. specifications for stickers for write-in votes that can be used with the system;

K. explanation of the level of technical expertise required to program or prepare the system for use at an election; and

L. certification by an independent testing authority approved by the secretary of state of conformance to standards for voting equipment issued by the Federal Election Commission.

The vendor may submit additional material including test reports and evaluations by other states, election jurisdictions, and independent testing agencies. The secretary of state shall make a preliminary review of the application. If the secretary of state determines from the preliminary review that the system obviously does not meet provisions of Minnesota election laws, the vendor may withdraw the application.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

### **8220.0400 [Repealed, 10 SR 1690]**

### **8220.0450 ACCEPTANCE DEMONSTRATION.**

The vendor shall train a designee of the secretary of state in the preparation and operation of the system. The training must be at least as extensive as the training required for an election jurisdiction to be able to prepare and use the system at Minnesota elections.

The acceptance demonstration must be provided by the vendor and attended by designees of the secretary of state. The vendor is responsible for demonstrating that the system can meet all requirements of chapters 8220 and 8230 and Minnesota election law. In the acceptance demonstration, the vendor of the system must demonstrate the following concerning the system:

A. its storage requirements;

B. its speed of operation under conditions that simulate the scope and length of actual election ballots;

C. full audit capability, with an audit trail, which includes a printout of overvotes and undervotes for each office and issue, and with the undervotes recorded directly from the ballots and not determined by subtraction of totals from ballots that were not overvoted;

D. all features that can be programmed;

E. all design specifications;

F. maximum numbers of precincts, offices and issues, and candidates per office which can be handled;

G. the production of reports which include vote totals and all statistics and other information required by the secretary of state;

H. simulation of vote counting involving a configuration of the largest number of voters, precincts, offices, and candidates with which the system is expected to be used, which vote counting includes ballots showing overvotes, undervotes, and invalid votes as well as those with no overvotes or stray marks, in many different combinations, and demonstrates rotation sequences and the ability to count votes cast on the partisan, nonpartisan, and proposal sections of the ballot independently;

I. accuracy of vote counting and procedures or process for testing accuracy;

J. provisions for maintaining the security and integrity of elections; and

K. provisions for write-in votes.

The vendor shall identify all hardware configurations with which software is intended to operate and shall provide an acceptance demonstration for every hardware and software configuration for which certification for use in Minnesota is requested. The secretary of state may provide additional ballots or test decks for the acceptance demonstration.

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The acceptance demonstration and training of the secretary of state's designee may be accomplished either at the vendor's site or at the office of the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

### **8220.0500 [Repealed, 10 SR 1690]**

### **8220.0550 TESTING AND EXAMINATION.**

The secretary of state shall investigate and evaluate the experience of other states and election jurisdictions using the system. The secretary of state shall review the results of the acceptance demonstration and perform additional tests as the secretary deems necessary. The additional tests may include field testing at simulated or actual elections, technical evaluation of the hardware and software by a designee of the secretary of state, and experimental use as provided in Minnesota Statutes, section 206.81. In determining the need for and extent of additional examination, the secretary of state shall consider the record of use in other states and the extent and experience of use in Minnesota of similar systems.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

### **8220.0650 APPROVAL OF SYSTEMS.**

Subpart 1. **Certification.** If, from the reports of the demonstration and testing, the secretary of state determines that the system complies with chapters 8220 and 8230 and Minnesota Statutes and can be used safely at elections, the secretary of state shall issue to the vendor a certification of the system for use in Minnesota. The certification must be limited to specific hardware and software configurations and may not extend to models or configurations not examined. The certification may include stipulations or special procedures for use of the system. No certification may be issued until the vendor has:

- A. paid all costs of the examination required under the agreement submitted with the application;
- B. certified that the vendor and any agent acting on behalf of the vendor will offer the system for use or sale only according to chapters 8220 and 8230 and Minnesota Statutes and any stipulations of the certification;
- C. certified that the vendor will immediately notify the secretary of state of any modifications to the system and will not offer for sale or provide for use in Minnesota any modified system if the secretary of state advises the vendor that, in the opinion of the secretary, the modifications constitute a significant change requiring that the system be reexamined;
- D. deposited with an escrow agent a copy of all programs, documentation, and source codes; and
- E. deposited with the secretary of state a bond in the amount specified in Minnesota Statutes, section 206.57, subdivision 4, conditioned on the vendor offering the system for sale in the manner required by chapters 8220 and 8230 and any conditions under which the system is certified for use in Minnesota. The form and execution of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

Subp. 2. **Decertification.** If a voting system no longer meets the standards of chapters 8220 and 8230 or Minnesota Statutes, the secretary of state may withdraw certification of the voting system. The vendor must be given written notification of intent to withdraw certification and may within ten days of receipt of the notification submit a written request to the secretary of state for a contested case hearing under Minnesota Statutes, sections 14.57 to 14.62.

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Subp. 3. **Forfeiture of bond.** If the secretary of state determines that a vendor has offered for sale or use at an election a voting system in a manner other than that required by chapters 8220 and 8230 or any conditions under which the system was certified, the bond required by subpart 1, item E, must be forfeited. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. No system may be subsequently offered for sale or use at an election by the vendor who has received a notice of intent to forfeit the bond or whose bond has been forfeited, until the vendor has submitted an additional bond in the amount of \$50,000. The secretary of state shall notify each official on the user list of a receipt, forfeiture, or restoration of these bonds.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 12 SR 1712; 12 SR 2426; 23 SR 459; 25 SR 616*

### **8220.0700 REEXAMINATION AND RECERTIFICATION OF HARDWARE AND SOFTWARE.**

After an electronic voting system has been certified by the secretary of state, the hardware and software necessary to operate the voting system, tabulate votes, and prepare ballot styles must be reexamined and recertified under part 8220.0650, subpart 1, by the secretary of state at any time that, in the opinion of the secretary of state, changes in Minnesota election law require reexamination of the voting system to determine continued compliance.

A modification to hardware or software of an electronic voting system which has been certified by the secretary of state must be submitted for reexamination and be recertified under part 8220.0650 unless the modification has been determined to be de minimis by an independent testing authority.

The vendor must notify the secretary of state of all de minimis modifications, provide the de minimis determination from an independent testing authority and receive a letter of acceptance of the de minimis modifications from the secretary of state before the modified electronic voting system may be used in an election.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *23 SR 459; 25 SR 616; 34 SR 1561*

## **PREPARATION AND TESTING OF ELECTION PROGRAMS**

### **8220.0750 PREPARATION OF COMPUTER PROGRAMS.**

Computer programs must be prepared so as to tabulate accurately each voter's choices for all candidates, offices, and measures for which the voter is lawfully entitled to vote in conformity with chapters 8220 and 8230 and the laws of Minnesota.

Computer programs must require an electronically readable precinct identifier or ballot style indicator on all ballots.

The vote tabulation portion of the computer program must be prepared as follows:

A. The computer program must reflect the rotation sequence of the candidates' names as they appear on the ballots in the various precincts.

B. The computer program must reflect the offices and questions to be voted on in the order that they appear on the ballots in the various precincts.

C. The computer program must count valid votes cast by a voter for candidates for an office.

D. The computer program must count valid votes cast by a voter for or against any question.

E. The computer program must not count the votes cast by a voter for an office or question if the number of votes cast exceeds the number which the voter is entitled to vote for on that office or question, but it must record that there is an overvote condition as referred to in part 8220.0450, item C.

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F. The computer program must ignore stray marks on a ballot; these marks must have no effect on any portion of the ballot.

G. For the purpose of programming, the partisan, nonpartisan, and proposal sections of the ballot are independent ballots; no action of a voter on one section of the ballot may affect the voter's action on another section of the ballot.

H. In partisan primary elections, the computer program must count the votes recorded by a voter for candidates in one political party only and reject all of the partisan section of the ballot if votes are cast for candidates of more than one political party, but count valid votes in the nonpartisan section of the ballot.

I. In partisan primary elections the computer program must check for the situation of a voter casting votes for candidates of more than one political party prior to checking for overvote conditions.

J. If the counting equipment can examine and return a ballot to the voter before counting it, the computer program must check for and reject without counting any ballot with an overvote or, at a partisan primary, with votes cast for candidates of more than one party. When the ballot is returned to a voter, an error message must indicate the type of defect and may indicate the specific office or question where the defective condition was found. The error message must print on a paper tape or display electronically.

K. A mark indicating a write-in is a vote for the purpose of determining if an overvote condition exists. Except where an overvote condition for the office exists, the computer program must record that a write-in has been indicated. The program must count and record valid votes on the ballot for all other offices and questions before a ballot with a write-in recorded is separated from ballots with no write-ins recorded. The program must report, by office, the total number of write-ins recorded.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 11 SR 454; 23 SR 459; 25 SR 616*

### **8220.0800 PROGRAM PREPARATION BONDS.**

Subpart 1. **Amount of bonds.** Each vendor preparing programs for use with an electronic voting system shall deposit a bond with the secretary of state in the amount of \$5,000. The form of the bond must be acceptable to the secretary of state. Bonds must be issued by corporations authorized to contract as a surety in Minnesota. This bond is not in lieu of any right of action by the purchaser or the state of Minnesota against the vendor or the surety. The bond is required until the adoption, use, or purchase of the system or program is discontinued in Minnesota.

Subp. 2. **Forfeiture of bonds.** If the secretary of state determines that a program used with an electronic voting system was not prepared in the manner required by chapters 8220 and 8230 and the written instructions of the official responsible for preparation of the ballots, the bond must be forfeited to the extent necessary to cover actual expenses resulting from the failure of the program. The secretary of state shall determine within 45 days after receiving notification of the failure of a program and a request for reimbursement of expenses resulting from the failure of the program from the appropriate election officials, what actual costs were incurred as a result of the program failure. The secretary of state shall notify the vendor of the intent to forfeit the bond in writing and provide the vendor an opportunity to furnish a written explanation to the secretary of state prior to forfeiture. If required to meet actual expenses in excess of the amount of the bond posted under subpart 1, the secretary of state shall use, to the extent necessary, any bond posted by the vendor under part 8220.0650 as compensation to the election jurisdiction. The secretary of state shall notify each official on the user list of any receipt, forfeiture, or restoration of these bonds.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *12 SR 2426; 23 SR 459; 25 SR 616*

**8220.0825 CANDIDATE ROTATION ALGORITHM.**

Subpart 1. **Base rotation.** The secretary of state shall determine the base rotation of candidates' names for partisan offices voted on at the state primary election. The county auditor shall determine the base rotation of candidates' names for all other offices for which rotation is required. The county auditor may delegate the authority to determine the base rotation of candidates' names for municipal and school district offices to the municipal and school district clerks, respectively. The base rotation must be determined by assigning the initial order of the candidates' names by lot.

Subp. 2. **Base number of registered voters.** For purposes of the rotation algorithm, the county auditor shall determine the number of registered voters in each precinct as of 8:00 a.m. on May 1 of the election year.

Subp. 3. **Algorithm.** The algorithm in items A to F must be used to determine the rotation sequence for each race for which rotation is required.

A. Determine the base rotation.

B. Determine which precincts belong to the race being rotated.

C. Arrange the precincts in order of the number of registered voters, from largest number to smallest.

D. Calculate the number of rotations needed by determining the number of candidates for the office.

E. Starting with the largest precinct, assign a precinct to each rotation. If there are more candidates than precincts, stop after the last precinct has been assigned and go on to item F. If there are more precincts than candidates, keep a running subtotal of the total registered voters assigned to each rotation. After each rotation has been assigned one precinct, assign the next largest precinct to the rotation with the lowest subtotal. Continue assigning the next largest precinct to the rotation with the lowest subtotal until all precincts for that race have been assigned.

F. Print a report by race showing rotation subtotals.

**Statutory Authority:** *MS s 205.17; 206.57; 206.81; 206.84; 447.32*

**History:** *23 SR 459; 34 SR 1561*

**8220.0850 SCHEDULE FOR COMPLETING PROGRAMS.**

No later than five days after candidates' names are certified by the secretary of state, the election jurisdiction responsible for requesting the computer program must supply any information such as candidates' names and base rotation and the order of offices and questions to be voted on to the individuals designated to prepare the computer program. The official conducting the election also shall supply the programmers with the rotation algorithm in part 8220.0825 or other instructions regarding the proper rotation sequence for the ballots.

The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least 21 days prior to the election.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459*

**8220.0950 [Repealed, 34 SR 1561]**

**8220.1000 [Repealed, 10 SR 1690]**

**8220.1050 PREPARATION OF TEST DECK.**

The election jurisdiction requesting the computer program must prepare a test deck of ballots to be used to determine that the voting system and the computer program will correctly mark or count the votes cast for all offices and all proposals in compliance with the Minnesota election law.

The test deck must conform to part 8220.1150. A test deck must be prepared specifically for each election.

The test deck prepared must consist of a preaudited configuration of ballots to record a predetermined number of valid votes for each candidate and issue.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616; 34 SR 1561*

**8220.1100 [Repealed, 10 SR 1690]**

**8220.1150 TEST BALLOTS.**

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

In preparing the test deck, a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot. The test deck must include ballots involving no overvotes or marks in unassigned locations, valid votes for each candidate and ballot question, overvotes, undervotes, and invalid votes in many different combinations.

At least one test ballot must be prepared in which marks appear in the precinct identifier or ballot style indicator.

Blank ballots in which no positions have been voted must be included in the test deck.

When required to be used in an election pursuant to Minnesota Statutes, section 206.57, subdivision 5, the test deck must include a number of ballots marked by an electronic ballot marker sufficient to have marked all vote targets on the ballot in every precinct.

**Statutory Authority:** *MS s 206.57; 206.81 ; 206.82*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459; 34 SR 1561*

**8220.1200 [Repealed, 10 SR 1690]**

**8220.1250 [Repealed, 23 SR 459]**

**8220.1300 [Repealed, 10 SR 1690]**

**8220.1350 PRELIMINARY TESTING OF COMPUTER PROGRAMS.**

Prior to the public accuracy test, the election jurisdiction providing the computer programs shall test the voting systems and programs to ascertain that they will correctly mark or count the votes for all offices and measures. The computer programs must be tested on all precincts.

The election jurisdiction shall compare the zero tape with the ballots of all precincts to ascertain that the appropriate ballots are in each precinct and that the offices and questions to be voted on and the candidates' names are in the order that they appear on the ballots for each precinct. Each election jurisdiction shall make a certificate as to the above matters and file it with the county auditor.

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The test must be conducted using the test deck prepared under the direction of the election jurisdiction, and the results must be compared against the predetermined results of the test deck.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82; 206.882*

**History:** *10 SR 1690; 11 SR 454; 23 SR 459; 25 SR 616; 34 SR 1561*

### **8220.1400 [Repealed, 10 SR 1690]**

### **8220.1450 DUTIES UPON COMPLETION.**

After an errorless count has been made on all precincts, the election jurisdiction providing the computer program must:

- A. secure all computer programs, all support software used except the operating system, test decks, test results, and predetermined results of the test decks in a sealed container stored in a secured area;
- B. secure all memory units containing the election program;
- C. secure a duplicate copy of all computer programs, including support software and application programs, in a location separate from the working copy; and
- D. prepare a certificate that all precincts have been tested using the test deck prepared under the direction of the election jurisdiction and that the results agree with the predetermined results of the test deck. The certificate must contain the numbers of any seals used to seal the container or memory units and may be combined with the certificate required in part 8220.1750.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459; 25 SR 616*

### **8220.1550 PUBLIC ACCURACY TEST.**

The election jurisdiction must hold a public accuracy test within 14 days prior to the election for the purpose of demonstrating the accuracy of the computer programs and voting systems to be used at the election. The public accuracy test must be conducted according to Minnesota Statutes, section 206.83.

The time and place of the public accuracy test must be designated by the election jurisdiction providing the computer program, which must give at least 48 hours' public notice of the time and place of the test by publication in official newspapers and by posting a notice in the office of the county auditor and each local election official conducting the test.

The test must be open to the public. At least two election judges of different political parties must witness the test. The chief election official of the election jurisdiction shall explain the methods and test procedures used to determine the accuracy of the computer programs. This will include submitting as public record the certificate prepared in accordance with part 8220.1450 that all precincts have been tested using the test deck prepared under the direction of the election jurisdiction.

The sealed container containing the computer programs, test deck, and predetermined results must be opened and the computer programs tested to determine their accuracy on the voting systems on which they are to be used on election day. The testing of the voting systems and programs must be with the test deck prepared under the direction of the election jurisdiction. In election jurisdictions with three or fewer precincts, all the precincts must be tested. In election jurisdictions with more than three precincts, a minimum of three precincts must be tested. One precinct from each congressional district, legislative district, county commissioner district, ward, and school district on the ballot must be tested. The official conducting the election shall select the precincts to be tested.

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If an error is detected in any part of the testing, the cause must be ascertained, the error corrected, and an errorless count must be made on all precincts. At the discretion of the election jurisdiction, the meeting may be adjourned to a time and date certain.

**Statutory Authority:** *MS s 206.57; 206.81; 206.82*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459; 25 SR 616*

### **8220.1650 ADDITIONAL TEST DECKS.**

Upon request, the secretary of state must be provided a set of blank ballots to be used as a test deck for any state, county, municipal, special district, or school district election computer program. The secretary's request shall indicate the number of blank ballots to be delivered for the test deck. The use of test decks provided by the secretary of state does not substitute for the requirement for an election jurisdiction to prepare and use a test deck in accordance with parts 8220.1050 and 8220.1150.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459*

### **8220.1750 CERTIFICATE OF PUBLIC ACCURACY TEST.**

After the completion of the public accuracy test and an errorless count has been made, the election jurisdiction must certify the results of the test conducted. The certificate must be signed by the witnesses. The certificate may be combined with the certificate required in part 8220.1450, item D.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

### **8220.1850 SECURING COMPUTER PROGRAMS.**

Immediately after certifying the results of the public accuracy test, the election jurisdiction must secure all computer programs, software utilized, test decks, certified computer results of the test, and the predetermined results in a container which must be sealed in a manner so that the container cannot be opened without breaking the seal. If a precinct count voting system is used to count ballots, it must be sealed with the memory pack containing the election programs inside. Attached to or inside the container must be a certificate describing its contents. The certificate must be signed by the witnesses.

All computer programs, test decks, and other related materials must be clearly identified to the voting system on which they were tested and must be used on no other voting system until tested in accordance with parts 8220.1550 to 8220.1850.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8220.1950 [Repealed, 20 SR 2787]**

**8220.2000 [Repealed, 10 SR 1690]**

## **SECURITY OF VOTING SYSTEMS AND PROGRAMS**

### **8220.2050 ISOLATION OF CENTRAL COUNT VOTING SYSTEM AND PRECINCT COUNT VOTING SYSTEM.**

The central count voting system or precinct count voting system must be set up so that the vote-tallying procedures will function in isolation while being tested or operated on election day. No physical connection must exist between a central count voting system or precinct count voting system and any other computer during hours that voting is occurring in that precinct on election day or while the central count voting system or precinct count voting system is tabulating results for a precinct.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8220.2100 [Repealed, 10 SR 1690]**

**8220.2150 [Repealed, 23 SR 459]**

**8220.2200 [Repealed, 10 SR 1690]**

**8220.2250 SUPPORT SOFTWARE.**

All the support software used with the vote-tallying computer programs must be maintained on media under the control of the election administration.

**Statutory Authority:** *MS s 206.57*

**History:** *10 SR 1690*

**8220.2300 [Repealed, 10 SR 1690]**

**8220.2350 [Repealed, 23 SR 459]**

**8220.2400 [Repealed, 10 SR 1690]**

**8220.2450 [Repealed, 23 SR 459]**

**8220.2500 [Repealed, 10 SR 1690]**

**8220.2550 [Repealed, 23 SR 459]**

**8220.2600 [Repealed, 10 SR 1690]**

**8220.2650 [Repealed, 23 SR 459]**

**8220.2700 [Repealed, 10 SR 1690]**

**8220.2750 [Repealed, 20 SR 2787]**

**8220.2800 [Repealed, 10 SR 1690]**

**8220.2850 CONTROL OF COMPUTER PROGRAM CHANGES.**

After completion of the public accuracy test, every change to a computer program used for vote tallying and under control of the election jurisdiction must be authorized, approved, and documented by the responsible authority of the election jurisdiction. The documentation must include the time and date of each action.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8220.2860 INSTRUCTIONS FOR BALLOT MARKING DEVICES CERTIFIED BEFORE JANUARY 1, 2010.**

Subpart 1. **Text instructions.** The instructions on the screen must read as follows:

- A. Before a ballot is inserted: "Please insert your ballot"
- B. On the voting instructions screen:

"[Month, Day, Year] [Primary or General or Special Primary or Special] Election"

Official Ballot

You are voting ballot.....

Voting instructions

To use this ballot marking device to mark your ballot:

1. You may touch the NEXT button in the lower right corner of the screen or the right arrow button to move on to the next screen at anytime.
2. To select a candidate, touch the name of the candidate. For ballot questions, touch YES or NO to make your selection.
3. Your choice will be highlighted in yellow and the oval will be filled in.

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4. In general elections, you are allowed to write in the name of a candidate who is not on the ballot. You will be presented with a keyboard on the screen to type in the name of the person you want to write in.
5. Use the BACK arrow button in the lower left corner of the screen or the left arrow button to return to the previous screen at anytime.
6. When you have completed making your choices, summary screen will display your selections.
7. Review your selections carefully.
8. On the next screen, press the MARK BALLOT button to mark your ballot.
9. Remove your ballot and deposit it in the ballot counter or ballot box.”
- C. If a voter tries to make a selection without having viewed the names of all of the candidates: “You did not view all candidates. Do you want to view the rest of the choices?”
- D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: “You have tried to select more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another.”
- E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: “You are allowed to vote for more candidates in this race than you have selected. You can return to the race to vote for more candidates, or you can continue on to the next race.”
- F. On the summary screen, before the ballot has been marked:

### Summary Screen

Your selections for each race are listed below. To change your selections, touch the box for that race. To mark your ballot with these selections, touch “NEXT” at the bottom of the screen.”

- G. Marking ballot instructions:

“To mark your votes on your ballot:

1. Press the MARK BALLOT button below.
2. Your votes will be marked on your ballot and your ballot will be returned to you.
3. Put your ballot in the ballot counter or ballot box.”

- H. While the ballot is being printed: “Your votes are being marked on your ballot.”
- I. Thank you: “Thank you for using this ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box to have it counted.”
- J. If the ballot is not readable: “The ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance.”
- K. If there is a paper jam: “there is a paper jam. Please contact an election judge.”
- L. If the voter tries to exit before the ballot is marked: “Exit now and your votes will not be marked on your ballot. Are you sure you want to exit?”
- M. If the voter exits without having the ballot marked: “Thank you for using this ballot marking device. Please remove your blank ballot.”
- N. In Partisan primary elections, the following instructions shall appear after the voter instruction screen:

### “SELECT A POLITICAL PARTY

#### Instructions to Voters

You are only allowed to vote for the candidates of one political party for partisan offices in a primary election. Please select a political party below. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only see the names of candidates who are with the political party you choose. To see the names of candidates in other political

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parties, use the back button or left arrow button. At the screen called "Select a Political Party," choose a different political party."

- O. When a voter inserts a ballot on which votes have already been marked: "Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press EXIT to eject your ballot. Then contact an election judge for a new ballot. To review the selections on this ballot, press the NEXT arrow button to view a summary page. Note: you cannot use this ballot marking device to change any of these selections."
- P. On the summary screen after the ballot has been marked:

"Summary Screen

Your selections for each race are listed below. Your ballot has already been marked. It cannot be changed by this ballot marking device. When you have reviewed your selections, press the RETURN BALLOT button below to eject your ballot. To change a selection, you will need to request a new ballot from an election judge."

Subp. 2. **Audio instructions.** The instructions must be as follows:

- A. Before a ballot is inserted: "Please insert your ballot. It may take up to 30 seconds for the ballot to be scanned. Please wait. The audio will be silent while scanning."
- B. The presentation of the voting instructions:

"[Month, Day, Year] [Primary or General or Special Primary or Special] Election. Official Ballot.

You are voting ballot .....

Voting Instructions.

This ballot marking device will guide you through choosing candidates in each race on the ballot. This ballot marking device can be controlled in several ways, including a small keypad that is located to the right of the screen. The buttons are labeled in Braille. At the far right, there are four buttons in a vertical line. The bottom button adjusts the volume when pushed left or right. The button above it adjusts the speed of the audio when pressed left or right. The round button repeats the last set of instructions. The top diamond button turns the display screen on or off for privacy. The instructions will begin again from the beginning if you use any of the top three buttons. To the left of these buttons, you will find a square center button with four arrow buttons surrounding it. Press the right arrow button at any time to skip to the next screen. Press the down arrow button to hear the name of the next candidate in the race. Press the up arrow button to hear the name of the previous candidate in the race. When you hear the name of the candidate you want to vote for, press the square select button in the center to select the candidate. Press the right arrow button to move to the next race on the ballot. Press the left arrow button to move to the previous race on the ballot. If you need help, please talk to an election judge. When you have completed your ballot, you will hear a summary of your selections. Listen to the summary carefully before completing the final step of marking your ballot. Remove your ballot and deposit it in the ballot counter or ballot box. To exit without marking votes on your ballot, press the diamond-shaped screen button four times in a row. Press the right arrow button now to begin voting. Press the round repeat button to hear these instructions again.

- C. If a voter tries to make a selection without having heard the names of all of the candidates: "Warning. You did not hear all candidates in this race. To hear the rest, press the left arrow key. To continue on to the next race, press the right arrow key."
- D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: "You have selected more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another. Press the square select key or the left arrow to return to the race."

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- E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: “Warning. You are allowed to vote for more candidates in this race than you have selected. To return to this race to select more candidates, please press the left arrow key. To continue on to the next race, press the right arrow key.”
- F. With the summary screen, before the ballot has been marked: “this is the summary screen. Use the up and down arrow keys to scroll through each race and hear your selections. If you want to change a selection, use the square select key to return to that race. If you like your selections, press the right arrow key.”
- G. Marking ballot instructions: “To mark your votes on your ballot: 1. Press the square select key. 2. Your votes will be marked on your ballot and your ballot will be returned to you. 3. Put your ballot in the ballot counter or ballot box. To change a selection, use the left arrow key to return to the summary screen. To exit without marking your votes on your ballot, use the left arrow key until you hear the exit message. Follow the instructions. Your blank ballot will be returned to you.
- H. Write-in instructions: “You have chosen to input a write-in candidate. Use the up and down arrows to scroll through the letters. Use the select key to select a letter. The hyphen, space, and backspace appear after the Z. use backspace to remove a letter. At any time, you can press the round repeat key to hear the letters you have selected so far. When you are finished typing, press the right arrow key to return to the list of candidates in this race. Then select this write-in candidate. To cancel and return to the race without typing in a name of a write-in candidate, press the left arrow key. Press the down arrow now to begin moving through the alphabet. To repeat these instructions, press the round repeat key”
- I. While the ballot is being printed: “Your votes are being marked on your ballot. Please wait. It should take about 15 seconds. Your ballot will then be returned to you. Put your ballot into the ballot counter or ballot box.”
- J. Thank you: “Thank you for using the ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box to have it counted. If you need help, please talk to an election judge.”
- K. If the ballot is not readable: “This ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance.”
- L. If there is a paper jam: “There is a paper jam. Please contact an election judge.”
- M. If the voter tries to exit before the ballot is marked: “Exit now and your votes will not be marked on your ballot. Press the left arrow key to return to voting. Press the right arrow key to exit and receive your blank ballot.”
- N. If the voter exits without having the ballot marked: “Thank you for using this ballot marking device please remove your blank ballot.”
- O. In partisan primary elections, the following instructions shall appear after the voter instruction screen:  
“SELECT A POLITICAL PARTY.  
Instructions to Voters.  
You are only allowed to vote for the candidates of one political party for partisan offices in a primary election. On this screen you will select a political party. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only hear the names of candidates who are with the political party you choose. To hear the names of candidates in other political parties, use the left arrow button until you get to a screen called “Select a Political Party.” Then choose a different political party.”
- P. When a voter inserts a ballot on which votes have already been marked: “Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press the left arrow key twice to eject your ballot. Then contact an election judge for a new ballot. To review the selections on

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this ballot, press, press the right arrow key to view a summary page. Note: you cannot use this ballot marking device to change any of these selections.”

- Q. With the summary screen after the ballot has been marked: “This is the Verification Screen. Use the up and down arrow keys to scroll through each race and hear your selections. When you are finished, press the right arrow key to eject your ballot. If you want to change your selections, you will need to request a new ballot from an election judge.”

Subp. 3. **Brand name.** The brand name of the ballot marking device may be substituted for the words “the ballot marking device” and “this ballot marking device” throughout the instructions.

**Statutory Authority:** *MS s 206.84*

**History:** *34 SR 1561*

### **8220.2865 INSTRUCTIONS FOR BALLOT MARKING DEVICES ORIGINALLY CERTIFIED ON OR AFTER JANUARY 1, 2010**

Each ballot marking device originally certified by the secretary of state on or after January 1, 2010, must deliver substantially the same text and audio instructions as required in part 8220.2860. At the time of any certification after January 1, 2010, the secretary of state must approve any alternate text and audio instructions conforming with part 8220.2860 to the extent practicable, which are necessary to accommodate the navigational method and presentation of the ballot to the voter which are unique to the device being certified. Alternate instructions approved during the certification process must be used for all following elections at which the device is used.

**Statutory Authority:** *MS s 206.84*

**History:** *34 SR 1561*

**8220.2900 [Repealed, 10 SR 1690]**

**8220.2950 [Repealed, 23 SR 459]**

**8220.3000 [Repealed, 10 SR 1690]**

**8220.3050 [Repealed, 23 SR 459]**

**8220.3100 [Repealed, 10 SR 1690]**

**8220.3150 [Repealed, 23 SR 459]**

**8220.3200 [Repealed, 10 SR 1690]**

**8220.3250 [Repealed, 23 SR 459]**

**8220.3350 [Repealed, 23 SR 459]**

**8220.3450 [Repealed, 23 SR 459]**

**8220.3550 [Repealed, 23 SR 459]**

**8220.3650 [Repealed, 23 SR 459]**

**8220.3750 [Repealed, 23 SR 459]**

**8220.3850 [Repealed, 23 SR 459]**

**8220.3950 [Repealed, 23 SR 459]**

**8220.4000 [Repealed, 10 SR 1690]**

**8220.4050 [Repealed, 23 SR 459]**

**8220.4100 [Repealed, 10 SR 1690]**

**8220.4150 [Repealed, 23 SR 459]**

**8220.4200 [Repealed, 10 SR 1690]**

**8220.4250 [Repealed, 23 SR 459]**

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- 8220.4300 [Repealed, 10 SR 1690]
- 8220.4400 [Repealed, 10 SR 1690]
- 8220.4500 [Repealed, 10 SR 1690]
- 8220.4600 [Repealed, 10 SR 1690]
- 8220.4700 [Repealed, 10 SR 1690]
- 8220.4800 [Repealed, 10 SR 1690]
- 8220.5000 [Repealed, 10 SR 1690]
- 8220.5100 [Repealed, 10 SR 1690]
- 8220.5200 [Repealed, 10 SR 1690]
- 8220.5300 [Repealed, 10 SR 1690]
- 8220.5400 [Repealed, 10 SR 1690]
- 8220.5500 [Repealed, 10 SR 1690]
- 8220.5600 [Repealed, 10 SR 1690]
- 8220.5700 [Repealed, 10 SR 1690]
- 8220.5800 [Repealed, 10 SR 1690]
- 8220.5900 [Repealed, 10 SR 1690]
- 8220.6000 [Repealed, 10 SR 1690]
- 8220.6100 [Repealed, 10 SR 1690]
- 8220.6200 [Repealed, 10 SR 1690]
- 8220.6300 [Repealed, 10 SR 1690]
- 8220.6400 [Repealed, 10 SR 1690]



## CHAPTER 8230 - OPTICAL SCAN VOTING SYSTEMS

**NOTE:** *See part 8220.0250 for definitions applicable to this chapter.*

### BALLOTS AND VOTING

#### **8230.0050 APPLICABILITY.**

Chapters 8220 and 8230 apply to optical scan voting systems.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

#### **8230.0150 PROCEDURES.**

Unless otherwise provided for in chapters 8220 and 8230 or in Minnesota law, paper ballot procedures as provided in Minnesota election law must be followed to the extent possible.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

#### **8230.0200 [Repealed, 10 SR 1690]**

#### **8230.0250 ARRANGEMENT OF VOTING STATIONS.**

Election jurisdictions may provide self-contained voting stations for use by voters in casting their ballots. If a voter claims that the arrangement of the stations does not afford the opportunity to vote in secrecy, the judges shall rearrange the stations to provide for increased secrecy.

**Statutory Authority:** *MS s 206.57; 206.81; 206.84*

**History:** *10 SR 1690; 17 SR 8; 20 SR 2787; 23 SR 459; 25 SR 616*

#### **8230.0300 [Repealed, 10 SR 1690]**

#### **8230.0350 [Repealed, 23 SR 459]**

#### **8230.0400 [Repealed, 10 SR 1690]**

#### **8230.0450 [Repealed, 23 SR 459]**

#### **8230.0500 [Repealed, 10 SR 1690]**

#### **8230.0550 [Repealed, 23 SR 459]**

#### **8230.0560 BALLOTS.**

Ballots must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the equipment manufacturer's recommended standards and specifications for ballot printing.

The ballots must be stored in a manner to protect against moisture.

The local election official must certify to the county auditor the number of ballots received for each ballot style. The local election official or county auditor shall package the ballots for each precinct in groups of 25, 50, or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

**Statutory Authority:** *MS s 206.84*

**History:** *23 SR 459; 25 SR 616; 34 SR 1561*

**8230.0570 BALLOT SECRECY COVERS.**

The ballot secrecy cover must be of sufficient size and construction so that when the ballot is inserted in it all portions indicating voting marks are hidden from view.

**Statutory Authority:** *MS s 206.84*

**History:** *23 SR 459; 25 SR 616*

**8230.0580 SUPPLIES.**

A ballot box must be provided to each precinct for the deposit of voted ballots.

The following items must be included in the precinct supplies:

- A. the sample ballot for the precinct;
- B. ballot secrecy covers;
- C. envelopes marked “spoiled ballots,” “write-in ballots,” and “ballots for which duplicates were or are to be made”;
- D. a form to record write-in votes if needed; and
- E. a set of instructions for operating the precinct on election day.

In election jurisdictions using central count voting systems, an envelope marked “defective ballots” also must be provided to each precinct.

**Statutory Authority:** *MS s 206.57; 206.84*

**History:** *23 SR 459; 25 SR 616*

**8230.0650 VOTING PROCEDURE.**

Every voter at the polling place must be offered a demonstration of how to mark the ballot and use the voting system.

The election judge shall not deliver a ballot to a voter until the judge has received a voter receipt. The voter receipt may contain an example of the target used on the ballot. The election judge must state or demonstrate how to complete the target as the ballot is handed to the voter. A writing instrument without an eraser that will produce marks that can be accurately read by the ballot counter must be provided to each voter.

Upon being issued a ballot and offered a ballot secrecy cover, the voter shall go to an unoccupied voting station and vote.

Upon leaving the voting station, the voter shall insert the ballot into the ballot counter or ballot box. The voter may choose to hand the ballot to an election judge who shall insert the ballot into the ballot counter or ballot box.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8230.0750 [Repealed, 23 SR 459]**

**8230.0850 SPOILED BALLOTS.**

If a voter spoils a ballot by inadvertently defacing it or requests a new ballot, the voter shall hand the ballot to the election judge. The election judge may look at the ballot if necessary to determine what style of replacement ballot to give the voter. The election judge shall place the ballot in the spoiled ballot envelope and give the voter another ballot.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.0950 [Repealed, 23 SR 459]**

**8230.1000 [Repealed, 10 SR 1690]**

**8230.1050 BALLOTS FOUND IN VOTING STATIONS.**

Any ballot found in a voting station must be marked “found in voting station.” The ballot must be placed in the spoiled ballot envelope. In no case may that ballot be placed with the properly cast ballots. A note of the occurrence must be made in the remarks section of the precinct incident report.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.1100 [Repealed, 10 SR 1690]**

**8230.1130 EXAMINING AND PROCESSING ABSENTEE BALLOTS.**

The election judges shall examine the absentee ballots as they are removed from the secrecy envelopes. Ballots requiring duplication in a precinct using a central count voting system must be duplicated as provided in part 8230.3850. Ballots requiring duplication in a precinct using a precinct count voting system must be duplicated as provided in part 8230.4360.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.1150 PROCEDURES FOLLOWING CLOSE OF POLLS.**

Subpart 1. **Ballots not issued, secured.** All ballots which are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

**Subp. 2. [Repealed, 23 SR 459]**

Subp. 3. **Total number of voters.** The total number of voters, determined pursuant to Minnesota Statutes, section 204C.20, subdivision 1, must be entered on the summary statement.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.1200 [Repealed, 10 SR 1690]**

**8230.1250 [Repealed, 23 SR 459]**

**8230.1300 [Repealed, 10 SR 1690]**

**8230.1350 WRITE-IN VOTES.**

At a general election, each ballot must be examined either electronically or manually for write-in votes.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.1400 [Repealed, 10 SR 1690]**

**8230.1450 USE OF STICKERS PROHIBITED.**

A sticker may not be affixed to a ballot that will be placed into a ballot box or ballot counter for any reason.

**Statutory Authority:** *MS s 206.57; 206.81; 206.84*

**History:** *10 SR 1690; 23 SR 459; 34 SR 1561*

**8230.1500 [Repealed, 10 SR 1690]**

**8230.1550 [Repealed, 23 SR 459]**

**8230.1600 [Repealed, 10 SR 1690]**

**8230.1650 [Repealed, 23 SR 459]**

**8230.1700 [Repealed, 10 SR 1690]**

**8230.1750 [Repealed, 23 SR 459]**

**8230.1800 [Repealed, 10 SR 1690]**

**8230.1850 DEFECTIVE BALLOT.**

If a ballot has been damaged, the election judges may duplicate and count it. The damaged ballot must be placed in the duplicate ballot envelope. If it is clearly evident from examination of the ballot that the ballot has been damaged or marked for the purpose of distinguishing it, then the ballot is defective and may not be counted. The ballot must be placed in the defective ballot envelope and returned to the official in charge of the election for the election jurisdiction.

**Statutory Authority:** *MS s 206.57; 206.81; 206.85*

**History:** *10 SR 1690; 23 SR 459; 25 SR 616*

**8230.1860 EXPERIMENTAL PROCEDURES.**

The secretary of state may authorize the experimental use of alternate procedures for optical scan voting systems.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.1900 [Repealed, 10 SR 1690]**

**8230.1950 [Repealed, 23 SR 459]**

**8230.2000 [Repealed, 10 SR 1690]**

**PROCEDURES FOR CENTRAL COUNT  
OPTICAL SCAN VOTING SYSTEMS**

**8230.2010 APPLICABILITY.**

Parts 8230.2010 to 8230.4150 apply to central count optical scan voting systems used in central counting centers.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2020 ELECTION JUDGE DUTIES.**

The vote totals for central count optical scan voting systems may be certified by either the election judges who served in the precinct or a set of election judges specifically appointed to serve at the central counting center. When the polling place closes, the election judges designated by the official conducting the election shall complete the steps in parts 8230.2030 to 8230.4150. If the vote totals are to be certified by the central counting center election judges, all processing of the ballots and certification of the returns at the central counting center must be done by the central counting center judges.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.2030 POLLING PLACE PROCEDURES.**

A. At the polling place after voting hours have ended, the election judges shall open the ballot box, remove the ballots, and determine the total number of ballots in the box. If the number of ballots is greater than the number of persons voting and it is impossible to reconcile the numbers, the ballots must be replaced in the ballot box and one of the election judges shall publicly draw out a number of ballots equal to the excess. The excess ballots must be marked "excess" and placed in an envelope. The envelope then must be sealed. The judges shall write "excess ballots" on the outside of the envelope and put it in the transfer case. A notation of the pertinent facts must be made on the incident report. If the number of ballots counted is less than the number of persons voting, the reason for the discrepancy must be noted in the incident report. If the judges are unable to explain the discrepancy, they shall so state in the incident report.

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B. The election judges must identify ballots that will need to be duplicated at the central counting center or process ballots requiring duplication prior to transporting them to the central counting center. Ballots requiring duplication must be duplicated as provided in part 8230.3850.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

### **8230.2040 RECORDING VALID WRITE-IN VOTES.**

If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

If the write-in vote does not cause an overvote for that office, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet. The ballot must be placed with the other valid ballots for tabulation.

If the write-in vote causes an overvote for that office and the target next to the write-in vote is not completed, the election judges shall place the ballot in the envelope marked "ballots for which duplicates were or are to be made." The manner of duplication is prescribed in part 8230.3850.

At the discretion of the county auditor, the processing of write-in ballots may be done at the central counting center or at the office of the local election official or county auditor rather than at the precinct polling place.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

### **8230.2050 ITEMS IN TRANSFER CASE.**

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the official conducting the election or central counting center all of the following items:

- A. valid voted ballots;
- B. envelope containing spoiled ballots;
- C. envelope containing defective ballots;
- D. envelope containing ballots for which duplicates were or are to be made for any reason;
- E. envelopes with notations concerning any other issued ballots contained which are not to be counted;
- F. certificate signed by the judges indicating number of ballots received, issued, and used;
- G. summary statement or part of the summary statement provided to the election judges at the polling place;
- H. incident report; and
- I. write-in vote tally sheet if write-in votes were counted at the polling place.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second ballot box, transfer case, or container of a type approved by the election jurisdiction for storage of ballots must be used and the sealing and security handled in the same manner as the transfer case.

Subp. 3. **Other containers.** Any materials not listed in subpart 1 that the official conducting the election has designated for return to the official conducting the election or the central counting center must be placed in a separate container for delivery.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

### **8230.2100 [Repealed, 10 SR 1690]**

**8230.2150 CERTIFICATE OF ELECTION JUDGES.**

The election judges shall sign a “certificate of election judges.” The certificate must state:

- A. the number of persons voting as shown on the summary statement;
- B. that the order of the offices and questions to be voted on and the candidates’ names on the ballots were the same as on the sample ballot;
- C. the number of ballots being submitted for tabulation;
- D. that the ballots have been counted and agree with the number of names as shown on the summary statement;
- E. the number of excess ballots, if any;
- F. that all ballots requiring duplication are in the proper envelope;
- G. that all write-in votes have been properly recorded, if this process was done on election night;
- H. that all ballots used in the election and all ballots that have been or need to be duplicated have been placed in the transfer case and that the case was securely sealed in such a manner as to render it impossible to open the case without breaking the seal; and
- I. the numbers of any seals used to seal the transfer case or cases.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.2200 [Repealed, 10 SR 1690]**

**8230.2250 DELIVERY OF TRANSFER CASE.**

Subpart 1. **Seal and certificate.** The transfer case must be sealed with a seal so that it is impossible to open the case or insert or remove ballots without breaking the seal. Within or attached to the transfer case must be a certificate signed by the judges indicating its content, the precinct name, and the number of any seal used to seal the case.

Subp. 2. **Delivery by two election judges.** The transfer case containing the required items as identified in part 8230.2050 must be delivered to the official conducting the election, central counting center, or collection point for transportation to the official conducting the election or central counting center by two election judges, not of the same political party.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 20 SR 2787; 23 SR 459*

**8230.2300 [Repealed, 10 SR 1690]**

**8230.2350 [Repealed, 23 SR 459]**

**8230.2400 [Repealed, 10 SR 1690]**

**8230.2450 RETENTION OF BALLOTS.**

Ballots which are not issued to voters must be returned to the official conducting the election who shall retain them by precinct until the time for contest has expired.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.2500 [Repealed, 10 SR 1690]**

**8230.2600 [Repealed, 10 SR 1690]**

**8230.2610 [Repealed, 10 SR 1690]**

**8230.2700 [Repealed, 10 SR 1690]**

**8230.2800 [Repealed, 10 SR 1690]**

**8230.2900 [Repealed, 10 SR 1690]**

**8230.3000 [Repealed, 10 SR 1690]**

**8230.3050 [Repealed, 23 SR 459]**

**8230.3150 [Repealed, 23 SR 459]**

**8230.3250 [Repealed, 23 SR 459]**

**8230.3300 [Repealed, 10 SR 1690]**

**8230.3350 [Repealed, 23 SR 459]**

**8230.3450 PRELIMINARY PROCEDURES.**

The operators of the central count voting system shall take and subscribe to the election judges' oath.

The state chair of a major political party or a designee may appoint by written certificate one person to be present in the immediate area of the central count voting system during all activities and operations of the center. The major political party representative may observe all procedures but may not interfere in any way and may not touch any voting system or ballot materials.

Persons assigned to administer the central counting center shall compare the seal number on the container containing the official test deck and predetermined results with that recorded in the certificate of the public accuracy test to see that they agree.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 1279; 23 SR 459*

**8230.3500 [Repealed, 10 SR 1690]**

**8230.3550 TEST OF PROGRAM BEFORE AND DURING TABULATION.**

Prior to the tabulation of ballots, the central counting center personnel shall test the voting system as to its accuracy and certify the results. The accuracy test must be conducted with the test deck designated in parts 8220.1050 and 8220.1150. A copy of each test certificate must accompany the results of the tabulation of the ballots and be filed with the county auditor in the county where the precincts are located.

Before tabulating the ballots, central counting center personnel shall run a zero report to verify that the initial counts for each precinct are zero.

Authorized central counting center personnel may at their discretion test the program using the official test deck periodically throughout the tabulation of ballots to verify that the voting system is operating accurately.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3560 USE OF PRECINCT COUNT VOTING SYSTEMS AT CENTRAL COUNTING CENTERS.**

Central count voting systems must be used in central counting centers. One precinct count voting system and one memory unit may be used at a central counting center to count ballots for up to ten precincts with a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.3600 [Repealed, 10 SR 1690]**

**8230.3650 [Repealed, 23 SR 459]**

**8230.3700 [Repealed, 10 SR 1690]**

**8230.3750 PROCEDURES FOR TRANSFER CASES.**

Subpart 1. **Identifying case.** Upon receipt of the transfer case from the election judges of a precinct, authorized central counting center personnel shall check the identification on the transfer case to see that it matches the identification on the judges' certificate. The transfer case must then be opened and checked to see that it contains the ballots and all other material required by parts 8230.0050 to 8230.4150. Authorized central counting center personnel must then sign a certificate acknowledging receipt of all materials delivered by the election judges.

Subp. 2. **Delivery to central counting center.** The transfer case containing the ballots must then be delivered to the proper central counting center personnel for preparation for tabulation. The election official in charge of the central counting center shall provide adequate security at the central counting center.

**Subp. 3. [Repealed, 23 SR 459]**

Subp. 4. **Sealing after count.** Immediately upon the completion of the counting of a precinct, all ballots for the precinct must be returned to the transfer case or other suitable container and sealed as to make it impossible to open the case without breaking the seal. The number of any seal used on a container must be written on the summary statement.

Subp. 5. **Verifying number of ballots.** The election official in charge of the central counting center shall determine whether the number of ballots tabulated by the central count voting system agrees with the number of ballots submitted by the election judges at the precinct. If a discrepancy exists, authorized central counting center personnel shall correct it. In the event the discrepancy cannot be resolved, a notation must be made of the pertinent facts on the statement of returns.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3800 [Repealed, 10 SR 1690]**

**8230.3850 DUPLICATION OF BALLOTS.**

Any ballots requiring duplication at the polling place or central counting center must be duplicated in the following manner:

A. Whenever a ballot is required to be duplicated, the duplication process must be performed by two election judges not of the same political party.

B. Whenever it is necessary to duplicate a ballot, the duplicate ballot and the original ballot must be identified with a single number written on both ballots. The number on the duplicate ballot must be the same number as on the original. When more than one ballot is being duplicated in a precinct, the numbering must be serial.

C. The reason for duplication must be written on the duplicate ballot. The election judges duplicating the ballot shall initial the duplicated ballot and the original ballot.

D. When duplicating a ballot, one election judge shall call from the original ballot the valid selections of the voter; another election judge shall prepare the duplicate ballot with the voter's valid selections. The duplicate ballot must be compared against the original ballot to ensure it has been accurately duplicated.

E. All original ballots which require duplication must be placed in an envelope marked "ballots for which duplicates were or are to be made." The duplicate ballot must be placed with the other valid ballots to be tabulated.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.3900 [Repealed, 10 SR 1690]**

**8230.3950 SUMMARY STATEMENTS.**

The election official in charge of the central counting center must prepare two or more summary statements. The summary statement must state the name of the county; the name of the municipality, school district, or special district; precinct name and code; offices; names of candidates; number of persons registered at 7:00 a.m. on election day; number of ballots counted; vote totals; and any other data required by the secretary of state. Authorized personnel in the central counting center shall enter this data into the election reporting system established by the secretary of state for the purpose of state reporting of election results. The summary statement may be a computer printout as well as any forms designated by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459; 25 SR 616*

**8230.4000 [Repealed, 10 SR 1690]**

**8230.4050 DISTRIBUTION OF SUMMARY STATEMENTS.**

The summary statements referred to in part 8230.3950 must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with one copy of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 17 SR 8; 23 SR 459; 25 SR 616; 38 SR 1368*

**8230.4100 [Repealed, 10 SR 1690]**

**8230.4150 RETENTION OF BALLOTS.**

After the last precinct has been counted, the election official in charge of the central counting center shall retain ballots and related documents for one year for local elections and 22 months for federal elections unless otherwise ordered by a court order or recount procedure pursuant to Minnesota election laws.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *10 SR 1690; 23 SR 459*

**8230.4200 [Repealed, 10 SR 1690]**

**8230.4250 [Repealed, 23 SR 459]**

**8230.4300 [Repealed, 10 SR 1690]**

**PROCEDURES FOR PRECINCT COUNT  
OPTICAL SCAN VOTING SYSTEMS**

**8230.4325 APPLICABILITY.**

Parts 8230.4325 to 8230.4395 apply to precinct count optical scan voting systems used in precinct counting centers.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.4350 [Repealed, 23 SR 459]**

**8230.4355 BALLOT BOXES FOR PRECINCT COUNTING CENTERS.**

Ballot boxes used with precinct count voting systems may be separate or part of the ballot counting equipment provided that the ballot is fed directly into a locked or sealed ballot box. The ballot box may contain a compartment that receives ballots on which all votes have been counted except those for offices for which the write-in target has been completed. An auxiliary ballot box, that may be separate or an additional compartment, must be supplied to be used if the voting system fails to function or for ballots that cannot be read by the ballot counter.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 38 SR 1368*

**8230.4360 DUPLICATION OF BALLOTS.**

Any ballots requiring duplication at the polling place must be duplicated in the manner described in part 8230.3850.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616*

**8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

Subpart 1. **Number of ballot counters and memory units.** At least one precinct count voting system and at least one memory unit must be used in each precinct. One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the same county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct.

Subp. 2. **Procedure before polls open.** Each ballot counter must be tested to ensure that the components are operating properly. The election judges shall verify that the ballot counter at the precinct polling place has the correct seal number and certify the seal number on the summary statement.

Before opening the polls, the election judges shall initialize the ballot counter in accordance with the manufacturer's instructions. The judges shall verify that the initial counts are zero, that the public counter is set at zero, and that the order of the offices and questions to be voted on and the candidates' names on the zero tape is the same as their order on the ballot for that precinct.

Subp. 3. **Procedures during voting hours.** Ballot counters must be programmed to return to the voter a ballot having an overvote or votes for candidates of more than one political party in a partisan primary election. Ballot counters must be programmed to print a message describing the error on a paper tape or to display the error message electronically. If the voting system is capable of emitting an audible signal while electronically displaying the error message, it must do so. The election judges shall read the error message to the voter and may explain the conditions that cause a ballot to be rejected, but the judges shall not examine the voted ballot unless the voter requests assistance or it is necessary to determine what style of replacement ballot must be given to the voter.

If the voter wants to change the rejected ballot, the election judge shall treat the rejected ballot as a spoiled ballot, place the rejected ballot in the spoiled ballot envelope, and issue the voter a new ballot.

If the voter does not want to change the rejected ballot, the election judge shall override the rejection of the ballot. No means of overriding the rejection of a ballot having defects may be used that does not meet the conditions in items A to C.

A. The override must be protected against being inadvertently activated.

B. The override must not allow more than one ballot to be processed each time it is operated.

C. An override message must be printed on the results tape, or be displayed electronically while the voting system emits an audible signal, each time the override is operated.

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Subp. 4. **Error messages.** The following messages are sufficient for optical scan voting systems to print or display for the described errors or actions:

- A. overvote for (voting system will supply and print the name of the overvoted office);
- B. overvote for multiple offices;
- C. crossover vote; and
- D. ballot overridden.

Subp. 5. **Opening ballot box during voting hours.** Two election judges of different political parties may open the ballot boxes on election day to straighten or remove the voted ballots but they shall not count or inspect the ballots. If removing ballots, the election judges shall put the ballots taken from the ballot box's main compartment into containers and seal them. If the ballot box contains a compartment for write-in ballots, the judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and, if applicable, the numbers of any seals used to seal the ballot containers.

Subp. 6. **Procedures after voting has ended.** As soon as voting has ended, the election judges shall process any ballots in the auxiliary ballot box and then secure the ballot counter against receiving any more ballots. The election judges must inspect the seals on each ballot counter to ensure that they have not been altered and are intact and that the seal numbers agree with the numbers as verified at the opening of the polls. Any discrepancy must be noted in the incident report.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616; 34 SR 1561; 38 SR 1368*

### **8230.4370 COUNTING BALLOTS.**

The election judges shall open the ballot box and any overflow containers, remove the ballots, and determine the total number of ballots. If the election judges determine that the total number of ballots is greater than the number of persons voting and that it is impossible to reconcile the numbers, the judges shall follow the procedures in Minnesota Statutes, section 206.86.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

### **8230.4375 WRITE-IN VOTES.**

A. At a general election, after the ballot counter has been secured against receiving additional ballots, election judges shall determine if a write-in vote exists.

B. If a valid write-in vote exists, the election judges shall determine whether the write-in vote has caused an overvote. If the write-in vote has caused an overvote, the ballot is defective for that office only.

C. If a write-in vote is determined to be valid and no overvote condition exists, the election judges shall enter the candidate's name and the office on the write-in vote tally sheet.

D. At the discretion of the county auditor, the processing described in items B and C may be done at the office of the local election official or county auditor rather than at the precinct polling place.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 38 SR 1368*

**8230.4380 SUMMARY STATEMENT.**

One unbroken tape that includes the zero report at the opening of the polls, messages printed during the hours of voting, and the first printout of results must be certified to the official conducting the election. In the event of equipment or power failure, the election judges and any technicians working on the equipment shall make entries on the tape of initials and time of occurrence to indicate the points at which the equipment failed and was returned to service. If the tape has been broken, the election judges shall seal the parts together and sign over the seal so that it cannot be broken without disturbing the continuity of the signatures. The election judges shall prepare the number of summary statements directed by the official conducting the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with one copy of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 38 SR 1368*

**8230.4385 TRANSFER CASE PROCEDURES.**

Subpart 1. **Content.** The election judges shall place in the transfer case for delivery to the official conducting the election all of the following items:

- A. valid voted ballots;
- B. envelope containing spoiled ballots;
- C. envelope containing ballots for which duplicates were made; and
- D. envelopes with notations concerning any other issued ballots contained which are not to be counted.

Subp. 2. **Second transfer case.** If space in the transfer case is inadequate, then a second ballot box, transfer case, or container of a type approved by the election jurisdiction for storage of ballots must be used and the sealing and security handled in the same manner as the transfer case.

Subp. 3. **Other containers.** The summary statement, incident report, write-in vote tally sheet if write-in votes were counted at the polling place, and any materials not listed in subpart 1 that the official conducting the election has designated for return to the official must be placed in a separate container or containers for delivery.

Subp. 4. **Sealing transfer case.** A transfer case must be sealed with a seal so that it is impossible to open the case or to insert or remove ballots without breaking the seal. Within or attached to the transfer case must be a certificate signed by the judges indicating its contents, the precinct name, and the number of any seals used to seal the case or cases.

Subp. 5. **Delivery of transfer case.** The transfer case containing the required items as identified in this part must be delivered by one or more election judges to the official conducting the election or to the collection point for transportation to the official.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 38 SR 1368*

**8230.4390 CERTIFICATE OF ELECTION JUDGES.**

The election judges shall sign a "certificate of election judges." The certificate must state:

- A. the number of persons voting as shown on the summary statement;
- B. that the order of the offices and questions to be voted on and the candidates' names on the ballots was the same on the zero tape and the sample ballot;
- C. the number of ballots in the transfer case;

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D. that the ballots have been counted and agree with the number of names as shown on the summary statement or that any discrepancy has been noted on the incident report;

E. the number of excess ballots, if any;

F. that all ballots requiring duplication were duplicated and are in the proper envelope;

G. that the number of write-in votes for each office has been properly recorded, if this process was done at the polling place;

H. that all ballots used in the election and all ballots that have been duplicated have been placed in the transfer case and the case was securely sealed with an official seal in such a manner as to render it impossible to open the case without breaking the seal; and

I. the numbers of any seals used to seal the transfer cases.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459; 25 SR 616*

### **8230.4395 RETENTION OF BALLOTS.**

Ballots which are not issued to voters must be returned to the official conducting the election who shall retain them by precinct until the time for contest has expired.

**Statutory Authority:** *MS s 206.57; 206.81*

**History:** *23 SR 459*

**8230.4400 [Repealed, 10 SR 1690]**

**8230.5000 [Repealed, 10 SR 1690]**

**8230.5100 [Repealed, 10 SR 1690]**

**8230.5200 [Repealed, 10 SR 1690]**

**8230.5300 [Repealed, 10 SR 1690]**

**8230.5400 [Repealed, 10 SR 1690]**

**8230.5500 [Repealed, 10 SR 1690]**

**8230.5600 [Repealed, 10 SR 1690]**

**8230.5700 [Repealed, 10 SR 1690]**

**8230.5800 [Repealed, 10 SR 1690]**

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**CHAPTER 8235 - RECOUNTS****8235.0200 RECOUNTS.**

This chapter establishes procedures for the conduct of all publicly funded and discretionary recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of a publicly funded or discretionary recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected. The ballots in the envelope labeled "Original ballots from which duplicates are to be or were made" are not within the scope of the recount and this envelope must not be opened during the recount.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 12 SR 2215; 17 SR 8; 34 SR 1561; 38 SR 1368*

**8235.0300 NOTICE.**

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted and the county auditor of each county wholly or partially within the election district. The notice must include the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public, and in case of an automatic recount, that the losing candidate may waive the recount.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 19 SR 593; 38 SR 1368*

**8235.0400 SECURING BALLOTS AND MATERIALS.**

The official who has custody of the voted ballots is responsible for keeping secure all election materials. Registration cards of voters who registered on election day may be processed as required by part 8200.2700. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 34 SR 1561*

**8235.0500 [Repealed, 34 SR 1561]**

**8235.0600 FACILITIES AND EQUIPMENT.**

All recounts must be accessible to the public. In a multicounty recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 34 SR 1561*

**8235.0700 GENERAL PROCEDURES.**

At the opening of a recount the recount official or legal adviser shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times. The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to part 8235.0800, subpart 2. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 34 SR 1561*

**8235.0800 COUNTING AND CHALLENGING BALLOTS.**

Subpart 1. **Breaks in counting process.** Recount officials may not take a break for a meal or for the day prior to the completion of the sorting, counting, review, and labeling of challenges, and secure storage of the ballots for any precinct. All challenged ballots must be stored securely during breaks in the counting process.

Subp.2. **Sorting ballots.** Ballots must be recounted by precinct. The recount official shall open the sealed container of ballots and recount them in accordance with Minnesota Statutes, section 204C.22. The recount official must review each ballot and sort the ballots into piles based upon the recount official's determination as to which candidate, if any, the voter intended to vote for: one pile for each candidate that is the subject of the recount and one pile for all other ballots (those for other candidates, overvotes, undervotes, etc.). During the sorting, a candidate or candidate's representative may challenge the ballot if he or she disagrees with the recount official's determination of for whom the ballot should be counted and whether there are identifying marks on the ballot. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge pursuant to Minnesota Statutes, section 204C.22. Challenged ballots must be placed into separate piles, one for ballots challenged by each candidate. A challenge is frivolous if it is based upon an alleged identifying mark other than a signature or an identification number written anywhere on the ballot or a name written on the ballot completely outside of the space for the name of a write-in candidate.

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Subp. 3. **Counting ballots.** Once ballots have been sorted, the recount officials must count the piles using the stacking method described in Minnesota Statutes, section 204C.21. A candidate or candidate's representative may immediately request to have a pile of 25 counted a second time if there is not agreement as to the number of votes in the pile.

Subp. 4. **Reviewing and labeling challenged ballots.** After the ballots from a precinct have been counted, the recount official may review the challenged ballots with the candidate or the candidate representative. The candidate representative may choose to withdraw any challenges previously made. The precinct name, the reason for the challenge, and the name of the person challenging the ballot (or the candidate that person represents), and a sequential number must be marked on the back of each remaining challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots. After the count of votes for all precincts has been determined during that day of counting, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 17 SR 8; 34 SR 1561*

**8235.0900 [Repealed, 23 SR 459]**

**8235.1000 [Repealed, 34 SR 1561]**

**8235.1100 CANVASSING BOARD.**

The recount official shall present the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board shall rule on the challenged ballots and incorporate the results into the summary statement. The canvassing board shall certify the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348*

**8235.1200 SECURITY DEPOSIT.**

When a bond, cash, or surety for recount expenses is required by Minnesota Statutes, section 204C.35 or 204C.36, the governing body or recount official shall set the amount of security deposit at an amount which will cover expected recount expenses. In multicounty districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting a discretionary recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

**Statutory Authority:** *MS s 204C.361*

**History:** *8 SR 1348; 38 SR 1368*



## CHAPTER 8240 - ELECTION JUDGE TRAINING PROGRAM

### 8240.0100 DEFINITIONS.

Subpart 1. **Scope.** Terms used in this chapter have the meanings given them.

Subp. 2. **Election cycle.** "Election cycle" means the period from January 1 of an even-numbered year until December 31 of an odd-numbered year.

Subp. 3. **Home county.** "Home county" means the county where the administrative offices of a municipality or school district are located.

Subp. 4. **Municipal clerk.** "Municipal clerk" means the person authorized or required to administer elections in a municipality.

Subp. 5. **School district clerk.** "School district clerk" means the person authorized or required to administer the school district election.

Subp. 6. **Training authority.** "Training authority" means a county auditor and designees or the municipal election official to whom the county auditor has delegated election judge training duties.

Subp. 7. **Training program.** "Training program" means a system of instruction to promote the competence of election officials by supplying necessary information to improve election-related skills.

**Statutory Authority:** *MS s 204B.25*

**History:** *20 SR 2787; 25 SR 112*

### 8240.0200 SCOPE.

Subpart 1. **Election judge training.** Parts 8240.1100 and 8240.1300 to 8240.2500 establish the program for training election judges required by *Minnesota Statutes*, section 204B.25.

Subp. 2. **Municipal clerk training.** Part 8240.2700 establishes the program for training municipal clerks required by *Minnesota Statutes*, section 204B.25, subdivision 4.

Subp. 3. **School district clerk training.** Part 8240.2800 establishes the program for training school district clerks required by *Minnesota Statutes*, section 204B.25, subdivision 4.

Subp. 4. **County auditor certification.** Part 8240.2900 establishes the program for certifying county auditors in election administration required by *Minnesota Statutes*, section 204B.27, subdivision 10.

Subp. 5. **Minimum standards.**

A. This chapter is the minimum standard required for training conducted under *Minnesota Statutes*, sections 204B.25 and 204B.27, subdivision 10.

B. When a part in this chapter establishes a specific length of time for a training course, the length of the course must be the shorter of the length specified or the length of time necessary to cover the content required for that course.

C. Nothing in this chapter restricts training authorities from implementing training programs more comprehensive than are required by this chapter.

**Statutory Authority:** *MS s 204B.25*

**History:** *20 SR 2787; 25 SR 112*

**8240.0300 PROFICIENCY DEMONSTRATION.**

To successfully complete a course required by this chapter, a person must take the entire course and demonstrate proficiency to the person teaching the course. A person may demonstrate proficiency through completion of self-administered worksheets, hands-on demonstrations, or other methods approved by the secretary of state. A person may consult the training materials provided during a training course while demonstrating proficiency for that course. The secretary of state must not require the use of graded or pass/fail tests to determine proficiency.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.1000 [Repealed, 20 SR 2787]**

**8240.1050 ELECTION CONFERENCE.**

An auditor shall attend an election conference given by the secretary of state once every election cycle.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.1100 “TRAIN THE TRAINER” SESSION.**

Before each state primary election, each training authority shall attend training on adult education methods (i.e. “Train the Trainer” classes) conducted by the secretary of state. If a county auditor delegates the duty to train election judges to a municipal election official and an election is to take place in that municipality before the next training conference held by the secretary of state, the county auditor shall train the municipal election official in administration of a training program.

“Train the trainer” classes given by an individual other than a county auditor or the secretary of state may fulfill the requirements of this part if the person taking the class submits a course description to the secretary of state and the secretary determines, based upon that course description, that the training covers adult education methods.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.1200 TRAINING PROGRAM.**

A training program consists of a basic training course; a head election judge training course; an emergency training course for election judges and head election judges; in municipalities conducting absentee voting pursuant to *Minnesota Statutes*, section 203B.11, a health care facility absentee voting course; any other election judge training course required by the training authority; a course on adult education methods; a municipal clerk election administration training course; a school district clerk election administration training course; and a county auditor election administration course. The person responsible for training may design the courses to meet the election conditions peculiar to the jurisdiction, but the courses must meet at least the minimum standards in parts 8240.1600 to 8240.2900.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.1300 ELECTION JUDGE BASIC TRAINING REQUIREMENT.**

Subpart 1. **Election judge basic training course.** To serve as an election judge, a person must successfully complete a basic training course that meets the requirements of part 8240.1600.

Subp. 2. **Certification of training.** A training authority must issue a certification of election judge basic training to a person who successfully completes a basic training course.

Subp. 3. **Maintaining certification.** A person must successfully complete the basic training course once every 24 months to remain qualified to serve as an election judge.

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Subp. 4. **Timing.** The basic training course must be conducted not more than 60 days before the state primary election or fewer than three days before the state general election.

Subp. 5. **Training between primary and general elections.** An election judge who successfully completes the training required by parts 8240.0100 to 8240.2500 for a state primary election is not required to complete additional training for the succeeding general election.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 8; 20 SR 2787; 25 SR 112*

### **8240.1350 HEAD ELECTION JUDGE TRAINING REQUIREMENT.**

Subpart 1. **Head election judge training.** Before serving as a head election judge, a person must successfully complete a basic election judge training course that meets the requirements of part 8240.1600 and a head election judge training course that meets the requirements of part 8240.1750.

Subp. 2. **Certification of training.** A training authority must issue a certification of head election judge training to a person who successfully completes a head election judge training course.

Subp. 3. **Maintaining certification.** A person must successfully complete the head election judge training course every 24 months to remain eligible to serve as a head election judge.

Subp. 4. **Supplemental head election judge training.** A training authority may require head election judges to attend a supplemental head election judge training course for an election. A head election judge must attend the supplemental training course to be eligible to serve as a head election judge for that election.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

### **8240.1400 HEALTH CARE FACILITY ABSENTEE VOTING REQUIREMENT.**

Subpart 1. **Health care facility absentee voting course.** Each election judge who conducts absentee voting in health care facilities under *Minnesota Statutes*, section 203B.11, shall successfully complete a course for health care facility absentee voting that meets the requirements of part 8240.1800 in addition to the election judge basic training course.

Subp. 2. **Certification of training.** A training authority must issue a certification of health care facility absentee voting training to a person who successfully completes a health care facility absentee voting training course.

Subp. 3. **Maintaining certification.** A person must successfully complete the health care facility absentee voting course every 24 months to remain eligible to conduct absentee voting in a health care facility.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

### **8240.1500 EMERGENCY TRAINING REQUIREMENT.**

Subpart 1. **Emergency election judge training.** An election judge who is appointed after the training period ends and who has not successfully completed the basic training course conducted for that election must complete the emergency training course as provided in part 8240.1900 before serving as an election judge.

Subp. 2. **Emergency head election judge training.** A head election judge who is appointed after the training period ends and who has not successfully completed a head election judge training course must complete the emergency head election judge training course as provided in part 8240.1950 before serving as a head election judge.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

**8240.1600 ELECTION JUDGE BASIC TRAINING COURSE.**

Subpart 1. **Length.** The election judge basic training course must be at least two hours long.

Subp. 2. **Materials.** The training authority shall provide examples of all forms which election judges must complete in the course of their duties; with examples of forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with the materials contemplated in the training plan. Additional materials may be provided by the training authority as the authority considers useful.

Subp. 3. **Use of equipment.** An electronic voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.

Subp. 4. **Course content.** A basic training course must include necessary information and skill development in the following areas:

A. how to use the training materials to find answers to questions arising in the polling place on election day;

B. preparations on election day before polls open;

C. judges' duties during voting hours:

(1) election day voter registration;

(2) persons allowed in polling place;

(3) challenge process;

(4) voting process;

(5) spoiled ballots;

(6) assistance to disabled voters; and

(7) absentee ballots;

D. basic election judges' duties after polls close;

E. new laws, rules, forms, and procedures;

F. major problems at prior elections; and

G. how to follow instructions from the head election judge.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 23 SR 459; 25 SR 112*

**8240.1650 [Repealed, 25 SR 112]**

**8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.**

Subpart 1. **Requirement.** Trainee election judges appointed under *Minnesota Statutes*, section 204B.19, must meet the requirements of this part.

Subp. 2. **Training.** A trainee election judge must successfully complete the basic election judge training course as defined in part 8240.1650 before serving in a special, primary, or general election.

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, must be at least 16 years of age, and must meet any residency requirement specified in *Minnesota Statutes*, section 204B.19, subdivision 6. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school and are performing at an academic level acceptable to the principal of the trainee's high school. A trainee election judge who is home-schooled must provide certification from the trainee's parent that the trainee is performing at an academic level acceptable to serve as a trainee election judge.

Subp. 4. **Appointment.** Trainee election judges may be appointed by the municipality or school district conducting the election if:

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A. the trainee election judge is appointed without party affiliation;

B. the trainee election judge has submitted a written request, approved and signed by the trainee's parent or guardian, to be absent from school to the principal of the trainee's high school;

C. a certificate from the appointing authority is submitted with the request stating the date and hours the student will serve as a trainee election judge;

D. the request and certificate are submitted to the student's principal at least ten days before the election; and

E. the appointment will not require the trainee election judge to serve past 10:00 p.m.

### **Subp. 5. [Repealed, 25 SR 112]**

Subp. 6. **Number of trainee election judges allowed per precinct.** No more than one-third of the election judges at a precinct may be trainees. The appointment of trainee election judges may count toward meeting the minimum number of election judges required by *Minnesota Statutes*, section 204B.22.

**Statutory Authority:** *MS s 204B.25*

**History:** 17 SR 8; 25 SR 112

### **8240.1700 [Repealed, 25 SR 112]**

#### **8240.1750 HEAD ELECTION JUDGE TRAINING.**

Subpart 1. **Length.** A head election judge training course must be at least one hour long.

Subp. 2. **Course content.** The head election judge training course must include information on the following topics:

A. head election judges' duties before election day;

B. head election judges' duties to open the polling place on election day;

C. how to use the voting equipment;

D. how to provide emergency election judge training;

E. how to use the training materials to find answers to questions arising in the polling place on election day;

F. how to help election judges work together in the polling place;

G. head election judges' duties at the polling place after the polls close; and

H. how to return election materials to the local election official after the ballots have been counted.

**Statutory Authority:** *MS s 204B.25*

**History:** 25 SR 112

#### **8240.1800 COURSE FOR HEALTH CARE FACILITY ABSENTEE VOTING.**

Subpart 1. **Length.** The health care facility absentee voting course must be at least one hour long.

Subp. 2. **Course content.** The course content must include information on the following topics:

A. who is eligible to vote absentee from health care facilities;

B. application process;

C. registration process, including methods for providing proof of residence;

D. assistance to voters;

E. voting procedures;

F. procedures for transporting voted ballots;

G. names and addresses of eligible health care facilities;

H. name of contact person at each facility; and

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I. particular problems encountered in previous elections.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

### **8240.1900 EMERGENCY ELECTION JUDGE TRAINING COURSE.**

Subpart 1. **At the polls.** The head election judge shall conduct emergency training if needed at the polling place. The training authority shall provide an outline of emergency training procedures and otherwise ensure that the head election judge is prepared to conduct emergency training, if necessary.

Subp. 2. **Course content.** The head election judge shall review with a replacement judge all procedures and duties that are assigned to the replacement judge.

Subp. 3. **Ongoing instruction.** The head election judge shall provide additional instruction to the replacement judge as necessary throughout election day.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

### **8240.1950 EMERGENCY HEAD ELECTION JUDGE TRAINING.**

The training authority shall conduct emergency head election judge training if needed. The county auditor shall provide each training authority with an outline of emergency training procedures and a checklist of head election judge duties.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

### **8240.2000 TRAINING MATERIALS.**

The secretary of state shall provide the county auditor with Minnesota Election Judge Guides and training materials concerning changes in election laws, rules, forms, and procedures. The county auditor shall transmit these materials to training authorities in the county. The training authority shall provide election judges with copies of the Minnesota Election Judge Guide to use at training sessions, with at least one copy for each head election judge. The municipal clerk or, for school district elections not held on the same day as another election, the school district clerk shall ensure that a Minnesota Election Judge Guide is available at each polling place on election day for use by the election judges.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

### **8240.2100 TRAINING RECORD.**

Each municipal clerk, and county auditor in unorganized territory, shall maintain a record of all election judges who receive training. The record must contain the election judge's name; precinct of residence; party affiliation, if any; dates of training; type of course completed on each date; and dates of election judge service. The record must be kept current for each election judge in the county or municipality.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

### **8240.2200 REMOVING ELECTION JUDGE FROM RECORD.**

An election judge may be removed from the training record who has not received election judge basic training during the preceding two years.

**History:** *17 SR 1279; 25 SR 112*

**8240.2300 CERTIFICATION OF TRAINING.**

A certification of training issued for completing an election judge training course must include the election judge's name, municipality, date of training, course completed, and the signature of the training authority.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

**8240.2400 TRAINING PLAN.**

Subpart 1. **Content.** Each training authority shall prepare a training plan.

The training plan must include the names of persons conducting training; number of sessions planned; projected attendance at each session; training materials to be used; training methods employed; and an outline of the content of each election judge training course.

Copies of all materials that will be distributed at the training sessions must be included with the training plan.

Subp. 2. **Inspection.** The training plan must be available for public inspection.

**Statutory Authority:** *MS s 204B.25*

**History:** *12 SR 2215; 20 SR 2787; 25 SR 112*

**8240.2500 IN-SERVICE REVIEW.**

After each primary election and before each ensuing general, special, or municipal election, the training authority shall confer or correspond with the head election judge of each precinct to review problems or questions encountered at the primary. The training authority shall analyze problems indicated by the election returns, incorrect registrations, election judge comments, or voter complaints and shall answer questions of the head judges.

**Statutory Authority:** *MS s 204B.25*

**History:** *17 SR 1279; 25 SR 112*

**8240.2600 [Repealed, 20 SR 2787]**

**8240.2700 MUNICIPAL CLERK TRAINING REQUIREMENT.**

Subpart 1. **Certification required.** To administer an election, a municipal clerk must successfully complete an initial municipal clerk election administration training course and must remain certified in election administration under this part.

Subp. 2. **Length of initial training.** An initial municipal clerk election administration training course consists of five hours of training given by a county auditor or the secretary of state. The five hours of training must be completed within one election cycle.

Subp. 3. **Initial certification.** The home county auditor must issue the initial certification of election administration to a municipal clerk who successfully completes the municipal clerk election administration training course. The initial certification of election administration is valid until the end of the election cycle after the election cycle in which the certification was issued.

Subp. 4. **Biennial certification maintenance requirement.** To remain certified in election administration after receiving the initial certification, a municipal clerk must successfully complete four hours of election administration training during each election cycle. The certification maintenance training must be given by a county auditor or the secretary of state and must be completed before the expiration date of the clerk's certification. The clerk must provide the home county auditor with proof that the clerk has completed certification maintenance training before the expiration date of the clerk's certification. At the beginning of each election cycle, the home county auditor shall issue a new certification of election administration to a municipal clerk who has completed the biennial certification maintenance requirement. The new certification of election administration is valid until the end of the election cycle in which the new certification was issued.

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Subp. 5. **Training content.** An election administration training course for municipal clerks must include training on:

- A. candidate filings;
- B. campaign practices;
- C. campaign finance requirements;
- D. the election calendar;
- E. ballot preparation;
- F. election judge recruitment and duties;
- G. notice requirements;
- H. voting systems, if used in the municipality;
- I. mail elections;
- J. absentee voting; and
- K. post-election duties.

Subp. 6. **Alternative training.** Election administration training given by an individual other than a county auditor or the secretary of state may fulfill up to four hours of the initial certification requirement or three hours of the biennial certification maintenance requirement if the training covers topics listed in subpart 5. The municipal clerk must provide the home county auditor with a description of the course to receive credit for the alternative training. The home county auditor must review the course description to determine whether the alternative training covers topics listed in subpart 5.

Subp. 7. **Credit for election judge training.** Time spent attending the adult education training methods course required by part 8240.1100 must not be counted toward fulfillment of a clerk's initial certification requirement or biennial certification maintenance requirement. Time spent teaching the first session of each type of election judge training or attending any type of election judge training may be counted toward fulfillment of a clerk's initial certification requirement or biennial certification maintenance requirement.

Subp. 8. **Record.** The home county auditor must keep a record of all municipal clerks who receive election administration training. The record must contain the clerk's name, the clerk's municipality, the name and date of any completed training course, the date certification was completed, the name and date of any completed post-certification courses, and the date the clerk's certification expires. The auditor may remove a clerk's name from the record if the clerk's certification has been expired for at least two years.

Subp. 9. **Emergency training.** A municipal clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training given by the home county auditor or secretary of state.

Subp. 10. **Certification for municipal staff.** Municipal employees designated by the municipal clerk may attend municipal clerk election administration training courses. The home county auditor shall issue a certification of election administration to a municipal designee who successfully completes a municipal clerk election administration training course.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.2800 SCHOOL DISTRICT CLERK TRAINING REQUIREMENT.**

Subpart 1. **Certification required.** To administer an election, a school district clerk must successfully complete an initial school district clerk election administration training course and must remain certified in election administration under this part.

Subp. 2. **Length of initial training.** An initial school district clerk election administration training course consists of five hours of training given by a county auditor or the secretary of state. The five hours of training must be completed within one election cycle.

Subp. 3. **Initial certification.** The home county auditor must issue the initial certification of election administration to a school district clerk who successfully completes the school district clerk election administration training course. The initial certification of election administration is valid until the end of the election cycle after the cycle in which the certification was issued.

Subp. 4. **Biennial certification maintenance requirement.** To remain certified in election administration after receiving the initial certification, a school district clerk must successfully complete four hours of election administration training during each election cycle. The certification maintenance training must be given by a county auditor or the secretary of state and must be completed before the expiration date of the clerk's certification. The clerk must provide the home county auditor with proof that the clerk has completed certification maintenance training before the expiration date of the clerk's certification. At the beginning of an election cycle, the home county auditor shall issue a new certification of election administration to a school district clerk who has completed the biennial certification maintenance requirement. The new certification of election administration is valid until the end of the election cycle in which the new certification was issued.

Subp. 5. **Training content.** An election administration training course for school district clerks must include training on:

- A. candidate filings;
- B. campaign practices;
- C. campaign finance requirements;
- D. the election calendar;
- E. ballot preparation;
- F. election judge duties;
- G. notice requirement;
- H. voting systems, if used in the school district;
- I. mail elections;
- J. absentee voting; and
- K. post-election duties.

Subp. 6. **Alternative training.** Election administration training given by an individual other than a county auditor or the secretary of state may fulfill up to four hours of the initial election administration training course or three hours of the biennial certification maintenance requirement if the training covers topics listed in subpart 5. The school district clerk must provide the home county auditor with a description of the course to receive credit for the alternative training. The home county auditor must review the course description to determine whether the alternative training covers topics listed in subpart 5.

Subp. 7. **Credit for election judge training.** Time spent attending any type of election judge training may be counted toward fulfillment of a clerk's initial certification requirement or biennial certification maintenance requirement.

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Subp. 8. **Record.** The home county auditor must keep a record of all school district clerks who receive election administration training. The record must contain the clerk's name, the clerk's school district, the name and date of any completed training course, the date certification was completed, the name and date of any completed post-certification courses, and the date the clerk's certification expires. The auditor may remove a clerk's name from the record if the clerk's certification has been expired for at least two years.

Subp. 9. **Emergency training.** A school district clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training given by the home county auditor or secretary of state.

Subp. 10. **Certification for school district staff.** School district employees designated by the school district clerk may attend school district clerk election administration training courses. The home county auditor shall issue a certification of election administration to a school district designee who successfully completes a school district clerk election administration training course.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

**8240.2850 [Repealed, 38 SR 1368]**

### **8240.2900 COUNTY AUDITOR ELECTION ADMINISTRATION CERTIFICATION.**

Subpart 1. **Length of initial training.** To be certified in election administration by the secretary of state, a county auditor must successfully complete a county auditor election administration training course. A county auditor election administration training course consists of 15 hours of training given by the secretary of state. The 15 hours of training must be completed within one election cycle.

Subp. 2. **Initial certification.** The secretary of state must issue the initial certification of election administration to a county auditor who successfully completes the county auditor election administration training course. The initial certification of election administration is valid until December 31 of the calendar year after the election cycle in which the certification was issued.

Subp. 3. **Annual certification maintenance requirement.** To remain certified in election administration after receiving the initial certification, a county auditor must successfully complete two hours of election administration training during each calendar year. The certification maintenance training must be given by the secretary of state and must be completed before the expiration date of the auditor's certification. The auditor must provide the secretary of state with proof that the auditor has completed certification maintenance training before the expiration date of the auditor's certification. The secretary of state shall issue a new certification of election administration to a county auditor who has completed the annual certification maintenance requirement. The new certification of election administration is valid until December 31 of the year in which the new certification was issued.

Subp. 4. **Training content.** An election administration training course for county auditors must include training on:

- A. the voter registration system;
- B. candidate filings;
- C. campaign practices;
- D. campaign finance requirements;
- E. the election calendar;
- F. ballot preparation;
- G. election judge recruitment and duties;
- H. mail elections;
- I. absentee voting;

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J. the election night reporting system;

K. post-election duties; and

L. the duties performed by municipal and school district clerks.

Subp. 5. **Alternative training.** Election administration training given by an individual other than the secretary of state may fulfill up to 13 hours of the initial certification requirement or one hour of the annual certification maintenance requirement if the training covers topics listed in subpart 4. The county auditor must provide the secretary of state with a description of the course to receive credit for the alternative training. The secretary must review the course description to determine whether the alternative training covers topics listed in subpart 4.

Subp. 6. **Credit for election judge training.** Time spent attending the adult education training methods course required by part 8240.1100 must not be counted toward fulfillment of an auditor's initial certification requirement or annual certification maintenance requirement. Time spent teaching the first session of each type of election judge training or attending any type of election judge training may be counted toward fulfillment of an auditor's initial certification requirement or annual certification maintenance requirement.

Subp. 7. **Record.** The secretary of state must keep a record of all county auditors who receive election administration training. The record must contain the auditor's name, the auditor's county, the name and date of any completed training course, the date certification was completed, the name and date of any completed post-certification courses, and the date the auditor's certification expires. The secretary of state may remove an auditor's name from the record if the auditor's certification has been expired for at least two years.

Subp. 8. **Emergency training.** The secretary of state shall conduct emergency election administration training for a county auditor who has taken office less than two months before an election.

Subp. 9. **Certification for county election staff.** County employees designated by the county auditor may attend county auditor election administration training courses. The secretary of state shall issue a certification of election administration to a county designee who successfully completes a county auditor election administration training course.

**Statutory Authority:** *MS s 204B.25*

**History:** *25 SR 112*

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## CHAPTER 8250 - BALLOT PREPARATION

### PREPARING BALLOTS

**8250.0100 [Repealed, 38 SR 1368]**

**8250.0200 AUDITOR'S DUTIES.**

The state general election ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The county auditors shall prepare and print the state general election ballot as soon as practicable, but in no event less than 46 days before the election. At least 46 days before the general election the auditor shall file sample copies of the state general election ballot for each precinct in the auditor's office for public inspection and transmit electronic copies of these sample ballots to the secretary of state. Ballots for distribution in the polling place must be packaged in quantities of 25, 50, or 100.

**Statutory Authority:** *MS s 204D.11; 206.57*

**History:** *8 SR 1348; 10 SR 1690; 25 SR 616; 38 SR 1368*

**8250.0300 [Repealed, 38 SR 1368]**

**8250.0350 [Repealed, 38 SR 1368]**

**8250.0360 [Repealed, 25 SR 616]**

**8250.0365 [Repealed, 38 SR 1368]**

**8250.0370 [Repealed, 38 SR 1368]**

**8250.0375 FORM OF JUDICIAL BALLOT.**

Subpart 1. **General form.** The judicial ballot must only be used when it is not possible to place all offices on a single ballot for the state general election as provided in Minnesota Statutes, section 204D.11, subdivision 6. The ballot for judicial nonpartisan offices must be prepared in the same manner as the state general election ballot, except the ballot heading provided in part 8250.1810, subpart 3, must instead use the words "JUDICIAL NONPARTISAN GENERAL ELECTION BALLOT."

**Subp. 2. [Repealed, 38 SR 1368].**

**Statutory Authority:** *MS s 204D.11*

**History:** *19 SR 593; 23 SR 459; 38 SR 1368*

**8250.0385 FORM OF TOWN ELECTION BALLOT.**

Subpart 1. **General form.** A town election ballot must be prepared in the same manner as the state general election ballot as provided in part 8250.1810, except towns conducting an election under the limited exemption under Minnesota Statutes, section 206.57, subdivision 5a, may prepare ballots as provided in this part.

Subp. 1a. **Ballot heading.** The words "TOWN ELECTION BALLOT" must be printed at the top of the ballot in upper case letters.

Subp. 2. **Ballot order.** Town offices and questions must be listed in the following order and must be identified as follows in upper case letters:

TOWN SUPERVISOR

TOWN CLERK

TOWN TREASURER

TOWN QUESTION

The name and/or number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

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If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart. The title of a vacant township office being filled at an annual town election may be followed by the number of years remaining in the term. Town offices not listed in this subpart must follow the last office listed above and must be listed in the order determined by the town clerk.

Subp. 3. **Names of candidates.** The full name of each candidate shall be printed in upper case letters and at right angles to the length of the town election ballot. Below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the town election ballot with as many blank lines below as there are offices to be filled; the voter's choice may be written in the blanks. On the left side of the ballot and on a line with the names of candidates and the blank lines, there shall be placed squares, each square to be of the same size, in which the voter may designate the choice by a mark (X). The name of a candidate may not appear on a ballot in any way which gives the candidate an advantage over an opponent except as provided by law.

Subp. 4. **Town questions.** The following words must be printed directly under the ballot heading, municipality name, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" on that question. To vote against a question, put an (X) in the square next to the word "NO" on that question." When more than one town question is on the ballot, each town ballot question must be designated by a number and must be preceded by the words "TOWN QUESTION" in upper case letters and the number assigned to the question. The town clerk or town governing body shall provide a title for each town question printed on the town election ballot. The title must not contain more than ten words. The municipality's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the municipality's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Subp. 5. **Back of ballot.** On the back of the town election ballot shall be printed the words "OFFICIAL BALLOT," the date of the election, and lines for the initials of two judges. The printing shall be placed as to be visible when the ballot is properly folded for deposit.

Subp. 6. **Type styles and sizes.** The words "Put an (X) in the square opposite the name of each candidate you wish to vote for" must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words "TOWN ELECTION BALLOT" must be printed in upper case in as large as practicable but not smaller than 18-point type.

The office and its identification must be printed in upper case in as large as practicable but no smaller than 10-point bold type.

The words "VOTE FOR ONE" must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The names of the candidates must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The words "OFFICIAL BALLOT" on the back of the ballot must be printed in upper case in as large as practicable but no smaller than 18-point bold type, the date in upper case in as large as practicable but no smaller than 8-point type, and the word "Judge" in upper and lower case in as large as practicable but no smaller than 10-point type.

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Subp. 7. **Town clerk's duties.** The town clerk shall prepare and print the town election ballot as soon as practicable, but in no event less than 30 days before the election. Two weeks before the election, the town clerk shall file sample copies in the town clerk's office for public inspection. The town election ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be no less than four inches wide and printed so as to be easily legible, with suitable lines for division between candidates, office, instructions, and other matter proper to be printed on the ballot. The town clerk shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate the voter's choice easily and accurately.

**Statutory Authority:** *MS s 205.17*

**History:** *23 SR 459; 25 SR 616; 35 SR 1368*

**8250.0390 [Repealed, 38 SR 1368]**

**8250.0395 [Repealed, 38 SR 1368]**

**8250.0397 [Repealed, 38 SR 1368]**

**8250.0398 [Repealed, 38 SR 1368]**

**8250.0400 [Repealed, 38 SR 1368]**

**8250.0500 [Repealed, 38 SR 1368]**

**8250.0600 [Repealed, 38 SR 1368]**

**8250.0700 NUMBER OF CANDIDATES.**

Directly underneath the title and identification of each office shall be printed in uppercase letters the words "VOTE FOR ONE" or more, according to the number to be elected.

**Statutory Authority:** *MS s 204D.11*

**8250.0800 [Repealed, 38 SR 1368]**

**8250.0900 [Repealed, 38 SR 1368]**

**8250.1000 [Repealed, 38 SR 1368]**

**8250.1100 [Repealed, 38 SR 1368]**

**8250.1200 [Repealed, 38 SR 1368]**

**8250.1300 [Repealed, 8 SR 1348]**

**8250.1400 [Repealed, L 2001 1 Sp10 art 18 s 44]**

**8250.1500 [Repealed, 20 SR 2787]**

**8250.1550 [Repealed, 25 SR 616]**

### **BALLOTS FOR ELECTRONIC VOTING SYSTEMS**

**8250.1600 APPLICABILITY.**

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8.

**Statutory Authority:** *MS s 204D.11; 206.57; 206.84*

**History:** *13 SR 347; 20 SR 2787; 34 SR 1561*

**8250.1700 [Repealed, 23 SR 459]**

**8250.1800 [Repealed, 34 SR 1561]**

**8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.**

Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The ballot shall be prepared and printed as soon as practicable, but in no event less than 46 days before an election unless otherwise specified in statute. Ballots for distribution in the polling place must be shrink-wrapped in quantities of 25, 50, or 100.

The ballot shall be printed with black ink on white paper. The ballot shall be printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on the ballot.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. If multiple ballots styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number. Only the electronically readable precinct identifier or ballot style indicator is required on a presidential only or federal only absentee ballot.

Subp. 2. **Primary ballot form.** Items A to F apply to primary ballots.

A. On the partisan primary ballot, the names of the political parties that head the political party columns must be printed in uppercase in as large as practicable but no smaller than 14-point bold face type and must be shaded with a screen of 30 percent. When a party does not have candidates within a given precinct, the party headings are to remain on top of each column, regardless of whether the party has a contest on the given ballot.

B. If a partisan primary ballot also includes a nonpartisan primary section, the heading of the nonpartisan section of the ballot must be printed white on black.

C. Pursuant to Minnesota Statutes, section 206.90, subdivision 6, the instructions in Minnesota Statutes, section 204D.08, do not apply to optical scan partisan primary ballots.

D. If a partisan primary ballot also includes a nonpartisan primary section on the same side of the ballot, a bold line must divide the partisan section of the ballot from the nonpartisan section of the ballot.

E. If a partisan primary ballot has political party columns on both sides of the ballot, the instruction in subpart 13 for two-sided ballots must not be used on the ballot.

F. If a partisan primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." These statements must be printed in uppercase in as large as practicable but no smaller than 10-point type.

Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and nonpartisan offices, the applicable words "STATE GENERAL ELECTION BALLOT" or "STATE PARTISAN PRIMARY BALLOT" and "STATE AND COUNTY NONPARTISAN PRIMARY BALLOT" shall be printed. At the top of a primary ballot containing only partisan offices, the words "STATE PRIMARY BALLOT" shall be printed. At the top of a ballot containing only nonpartisan offices, the words "GENERAL ELECTION BALLOT" or "PRIMARY ELECTION BALLOT" shall be printed, except for first-class cities which may use an optional heading. At the top of a ballot containing questions only, the words "SPECIAL ELECTION BALLOT" shall be printed.

When a county, municipal, school district, or hospital district election is held other than in conjunction with a federal or state office, the applicable words "COUNTY ELECTION BALLOT," "CITY ELECTION BALLOT," "TOWN ELECTION BALLOT," "SCHOOL DISTRICT BALLOT," or "HOSPITAL DISTRICT BALLOT" shall be printed.

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The name of the jurisdiction preparing the ballot may be added within the heading in no smaller than 8-point type. The date of the election must be printed within the heading in no smaller than 8-point type.

The ballot heading must be printed in uppercase in as large as practicable but no smaller than 18-point type.

On the front of the ballot the words "OFFICIAL BALLOT" must be printed in uppercase in as large as practicable but no smaller than 10-point bold type and the word "Judge" in upper and lowercase in as large as practicable but no smaller than 10-point type with lines for initials of at least two election judges.

Subp. 4. **Instructions to voters.** Under the heading at the top of each side of the ballot, the words "INSTRUCTIONS TO VOTERS:" must be printed in uppercase bold in as large as practicable but no smaller than 12-point bold type. The words "To vote, completely fill in the oval(s) next to your choice(s) like this: (R)." or a similar wording or mark if a different target shape is used by the electronic voting equipment must follow and be printed in upper and lowercase in as large as practicable but no smaller than 8-point bold face type.

Immediately under each office title and district identified, one of the following instructions must be printed in uppercase and bold face in as large as practicable but no smaller than 8-point type:

VOTE FOR ONE TEAM

VOTE FOR ONE

VOTE FOR UP TO ..... followed by the number of candidates to be elected.

Subp. 5. **Order and form of office types.** When more than one of the following types of offices is on the ballot, the offices must appear on the ballot in the following order and must be identified as follows in uppercase in as large as practicable but no smaller than 14-point bold face type:

FEDERAL OFFICES

STATE OFFICES

CONSTITUTIONAL AMENDMENTS

COUNTY OFFICES

COUNTY QUESTIONS

CITY OFFICES

CITY QUESTIONS

TOWN OFFICES

TOWN QUESTIONS

SCHOOL DISTRICT OFFICES

SCHOOL DISTRICT QUESTIONS

SPECIAL DISTRICT OFFICES

SPECIAL DISTRICT QUESTIONS

JUDICIAL OFFICES

The name or the number of the appropriate municipality, school district, or special district may be added directly under the office types listed in this subpart.

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Subp. 6. **Order and form of offices.** The offices must appear on the ballot in the following order and must be identified as follows in uppercase letters and printed in uppercase in as large as practicable but no smaller than 10-point bold face type. The office titles must either be shaded with a screen of ten percent or less, or printed white on black:

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"ATTORNEY GENERAL"

"COUNTY COMMISSIONER"

"COUNTY AUDITOR"

"COUNTY TREASURER"

"COUNTY AUDITOR-TREASURER"

"COUNTY RECORDER"

"COUNTY SHERIFF"

"COUNTY ATTORNEY"

"COUNTY SURVEYOR"

"COUNTY CORONER"

"COUNTY PARK COMMISSIONER"

"SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR" or "CONSERVATION DISTRICT SUPERVISOR"

where allowed by statute

"COUNTY QUESTIONS"

"MAYOR"

"COUNCIL MEMBER"

"CITY CLERK"

"CITY TREASURER"

"CITY QUESTIONS"

"TOWN SUPERVISOR"

"TOWN CLERK"

"TOWN TREASURER"

"TOWN QUESTIONS"

"SCHOOL BOARD MEMBER"

"SCHOOL DISTRICT QUESTIONS"

"HOSPITAL DISTRICT BOARD MEMBER"

"HOSPITAL DISTRICT QUESTIONS"

Judicial offices must follow special district offices and appear in the following order:

CHIEF JUSTICE - SUPREME COURT

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ASSOCIATE JUSTICE - SUPREME COURT

JUDGE - COURT OF APPEALS

JUDGE - DISTRICT COURT

"United States" may be abbreviated as "U.S." Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in uppercase letters and numbers the district (for example: "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

If on the same ballot with other offices of the same type, offices elected at large must include "AT LARGE" following the office identification and must be listed before other offices of the same type elected by district.

Where nonjudicial offices are designated by number, those offices must be listed in numerical order and must be printed in uppercase letters or numbers directly under the title of the office. Where judicial offices are designated by number, the seats must be listed in numerical order, except that for judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court.

If an office is not to be filled at a general election, the office must not appear on the ballot. If two of the offices have been combined into one office, the combined office must take the place of the first office listed in this subpart.

Any county offices not listed must follow the office of soil and water conservation district supervisor on the ballot and must be listed in the order determined by the county auditor.

**Subp. 7. Order and form of candidate names.** The name of each candidate as filed on the affidavit of candidacy shall be printed at right angles to the length of the ballot. On state primary ballots for nomination to a partisan or nonpartisan office, and on state general election ballots and judicial nonpartisan general election ballots, the names of each candidate shall be rotated with the names of the other candidates pursuant to part 8220.0825. If the number of candidates for an office is equal to or less than the number to be elected, no rotation of candidate names is required and the official preparing the ballot shall determine the position of the candidates by lot. The candidate names must be printed in uppercase in as large as practicable but no smaller than 10-point type. The name of the candidate must be aligned as close to the vote target as possible. Below the name of each candidate for a partisan office must appear in the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a major political party as defined in Minnesota Statutes, section 200.02, subdivision 7, may not be used to identify the party of a candidate of any other party. This prohibition does not apply to the word "independent," if it is used in the name of a major political party. The word "nonpartisan" may not be used in the designation of any candidate for a partisan office. The party or principle designation, if applicable, must be printed under the candidate name in upper and lower case letters in as large as practicable but no smaller than 8-point type.

**Subp. 8. Order and form of write-in candidate lines.** On general election ballots, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the name of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled. Above or below each write-in line the words "write-in, if any" must appear in lowercase in as large as practicable but no smaller than 6-point type and must be aligned next to the vote target.

**Subp. 9. Order of candidates for partisan office in general election.** At the same time that the secretary of state certifies the names of nominees under Minnesota Statutes, section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, must appear for every partisan office on the ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, and in the order determined by lot by the secretary of state. The secretary of state shall draw lots once by political party or

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principle. To draw the lot, a candidate who has used the word "independent" to designate the candidate's party or principle must be identified by the word "independent" followed by the candidate's surname. If more than one candidate is nominated by petition for the same office within the same political party or principle, the secretary of state shall draw a supplementary lot within that party or principle by candidate surname to determine the order of those candidates. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

Subp. 10. **Order and form of ballot questions.** Ballot questions must be printed after offices of the same jurisdiction. Directly after the office type required in subpart 2, the words "To vote for a question, fill in the oval next to the word 'YES' on that question. To vote against a question, fill in the oval next to the word 'NO' on that question." or "To vote for a question, complete the arrow next to the word 'YES' on that question. To vote against a question, complete the arrow next to the word 'NO' on that question." must be printed in upper and lower case and no smaller than 8-point type. When more than one question is on the ballot for a given jurisdiction, each ballot question must be designated by a number and must be preceded by the words "COUNTY QUESTION," "CITY QUESTION," "TOWN QUESTION," "SCHOOL DISTRICT QUESTION," "HOSPITAL DISTRICT QUESTION," and the number assigned to the question in uppercase letters in as large as practicable but no smaller than 10-point bold face type. The name and/or number of the jurisdiction that the question will represent may be printed directly under the heading of the question. The question heading and numbers (where applicable) must be shaded with a screen of ten percent or less or printed white on black. A clerk, county auditor, or appropriate governing body shall provide a title for each question printed on the ballot. The title must not contain more than ten words and must not be used on the ballot until it has been approved by the jurisdiction's legal counsel. The title must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type and must be printed in the same section as the body of the question to which it refers. The body of the question must be printed in upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 11. **Instructions, order and form of constitutional amendments.** For a ballot containing a constitutional amendment, the following statement shall be printed beneath the heading "CONSTITUTIONAL AMENDMENT" in upper and lowercase and no smaller than 8-point type: "Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment." A bold dividing line running the width of the ballot column shall be immediately below the statement. The words "To vote for a proposed constitutional amendment, fill in the oval next to the word 'YES' on that question. To vote against a proposed constitutional amendment, fill in the oval next to the word 'NO' on that question." or "To vote for a proposed constitutional amendment, complete the arrow next to the word 'YES' on that question. To vote against a proposed constitutional amendment, complete the arrow next to the word 'NO' on that question." must follow and be printed in upper and lower case and no smaller than 8-point type. If more than one constitutional amendment is on the ballot, each constitutional amendment must be designated by a number and must be preceded by the word "AMENDMENT" and the number assigned to the amendment and the title required by Minnesota Statutes, section 204D.15, subdivision 1, must be printed in uppercase letters in as large as practicable but no smaller than 10-point bold face type and must be shaded with a screen of ten percent. The body of the question must be printed upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 12. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either a horizontal oval next to the candidate name or similar target if used by certified equipment. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

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Subp. 13. **Two-sided ballots.** On two-sided ballots, the words "VOTE FRONT AND BACK OF BALLOT" must be printed in uppercase 10-point bold type at the bottom of both sides of the ballot.

Subp. 14. **Form of federal ballot.** The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "federal ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The federal ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot only for federal candidates in Minnesota. The federal ballot shall conform in all other respects to the State Primary or State General election ballot.

Subp. 15. **Form of presidential ballot.** The names of all candidates for the offices of president and vice-president of the United States shall be placed on a ballot printed on white paper which shall be known as the "presidential ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The presidential ballot shall be the only ballot provided to citizens of the United States who are eligible to vote by absentee ballot only for presidential candidates in Minnesota. The presidential ballot shall conform in all other respects to the State General election ballot.

Subp. 16. **Order and form of special election ballot.** The names of candidates to fill vacancies at a special election for county and municipal offices must be listed under the heading "Special election for (name of office)," followed by "To fill vacancy in term expiring (date)" with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. For state offices, immediately following the title of the office shall be printed "To fill vacancy in term expiring (date)." Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term, except as required by Minnesota Statutes, section 204D.25, subdivision 1.

Subp. 17. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1, or 206.86, subdivision 5.

Subp. 18. **Example ballot.** The secretary of state shall supply each auditor with a copy of an example ballot by May 1 of each year. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year. The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballots must conform in all respects to the example ballot.

**Statutory Authority:** *MS s 206.84*

**History:** *34 SR 1561; 38 SR 1368*

**8250.9910 [Repealed, 23 SR 459]**

**8250.9920 [Repealed, 23 SR 459]**



## CHAPTER 8255 - REDISTRICTING

### 8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

- A. Precincts must be reestablished no later than 28 days after the adoption of the legislative plan.
- B. Wards must be redistricted no later than 28 days after the adoption of the legislative plan.
- C. Local government election districts must be redistricted no later than 42 days after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

**Statutory Authority:** *MS s 204B.14*

**History:** *16 SR 2026; 25 SR 616*

### 8255.0015 COORDINATION OF REESTABLISHMENT OF PRECINCT BOUNDARIES.

After redistricting, a municipality must obtain maps of the school districts located wholly or partially in the municipality before the municipality reestablishes its precinct boundaries. A municipality must obtain the school district maps no later than 21 days after adoption of the legislative plan.

**Statutory Authority:** *MS s 204B.13-14*

**History:** *25 SR 616*

### 8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B." Two precincts that are divided by a congressional district boundary may be named in the same manner and may use a single polling place as provided in *Minnesota Statutes*, section 204B.16, subdivision 2.

**Statutory Authority:** *MS s 204B.14*

**History:** *16 SR 2026; 17 SR 351*

**8255.0025 CORRECTION OF PRECINCT BOUNDARIES NOT BASED ON RECOGNIZABLE PHYSICAL FEATURES.**

The Secretary of State shall monitor precinct boundaries within the state. If a precinct boundary is not in compliance with the requirements of *Minnesota Statutes*, section 204B.14, the Secretary of State shall notify the county auditor or municipal clerk who established the boundary of the error and provide a map showing a suggested boundary that meets all statutory requirements. The governing body responsible for the precinct has 60 days from the time of notice to adopt the precinct boundary suggested by the Secretary of State, or create another boundary that meets all statutory requirements. If the governing body fails to act within 60 days, the precinct boundary is, by default, the boundary suggested by the Secretary of State.

**Statutory Authority:** *MS s 204B.14*

**History:** *19 SR 593*

**8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.**

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

**Statutory Authority:** *MS s 204B.14*

**History:** *16 SR 2026*

**8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.**

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

**Statutory Authority:** *MS s 204B.14*

**History:** *16 SR 2026*

**8255.0050 NOTICE TO AFFECTED VOTERS.**

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

**Statutory Authority:** *MS s 204B.14*

**History:** *16 SR 2026*



**CHAPTER 8290 – SAFE AT HOME PROGRAM**

**8290.0100 DEFINITIONS.**

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Approved changes to these rules published electronically on March 30, 2015

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Subpart 1. **Terms.** For purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Actual address.** "Actual address" means a Minnesota residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant, program renewal application, certification continuance, or change of address form under this chapter.

Subp. 3. **Applicant.** "Applicant" means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in Minnesota Statutes, section 524.5-102.

Subp. 4. **Application assistant.** "Application assistant" means a staff person designated by the secretary of state or a person employed by a community-based program as defined in subpart 7 who has completed the training for application assistants approved by the secretary of state.

Subp. 5. **Certification.** "Certification" means that the secretary of state has determined that the eligible person meets the requirements for entering into or continuing in the program.

Subp. 6. **Change of identity.** "Change of identity" means that the program participant has changed the participant's name and Social Security number in an attempt to sever all connections to a previous name.

Subp. 7. **Community-based program.** "Community-based program" means an office, institution, or center whose mission consists substantially of offering assistance to survivors of domestic violence, sexual assault, stalking, or crimes of violence.

Subp. 8. **Criminal justice system management.** "Criminal justice system management" means the eligible person:

- A. has been convicted of a crime or offense; or
- B. has pled guilty to a crime or offense; or
- C. has been adjudicated of a crime or offense; or
- D. has pled no contest to a crime or offense; and
- E. is under supervision for that crime or offense.

Subp. 9. **Designated address.** "Designated address" means the address assigned to the program participant by the secretary of state, including the lot number, to be used by public and private persons other than the Safe at Home program.

Subp. 10. **Domestic violence.** "Domestic violence" means an act as defined in Minnesota Statutes, section 518B.01, subdivision 2, paragraph (a), or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 11. **Eligible person.** "Eligible person" means an adult, a minor, or an incapacitated person, as defined in Minnesota Statutes, section 524.5-102, and residing in Minnesota, who is not a person registered or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167, or the law of another jurisdiction, and for whom there is good reason to believe:

- A. that the eligible person is a victim of domestic violence, sexual assault, or stalking; or
- B. that the applicant fears for the applicant's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made.

Subp. 12. **Lot number.** "Lot number" means the specific identifier assigned by the secretary of state to a program participant for use in sorting mail and confirming program participation in accordance with Minnesota Statutes, section 5B.03, subdivision 1, clause (8).

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Subp. 13. **Mail.** "Mail" means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogs, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency, that are specifically addressed to a program participant and delivered to the designated address by the United States Postal Service.

Subp. 14. **Mailing address.** "Mailing address" means the residential street address to which the secretary of state must forward a program participant's mail, except in those cases where the United States Postal Service provides no delivery service to the residential address, in which case it means a post office box serviced by the United States Postal Service.

Subp. 15. **Minor child.** "Minor child" means an individual who has not attained the age of 18, residing with or under the guardianship of an adult applicant or program participant.

Subp. 16. **Program participant.** "Program participant" means an individual certified as a program participant under Minnesota Statutes, section 5B.03.

Subp. 17. [Repealed, 39 SR 392].

Subp. 18. **Safe at Home.** "Safe at Home" is the program authorized by Minnesota Statutes, chapter 5B.

Subp. 19. **Safe at Home card.** "Safe at Home card" means the official participation card issued by the secretary of state to each program participant, which must state the program participant's name, date of birth, designated address, certification expiration date, and a space for the signature of the program participant.

Subp. 20. **School.** "School" means any elementary or secondary educational institution.

Subp. 21. **Sexual assault.** "Sexual assault" means acts criminalized under Minnesota Statutes, sections 609.342 to 609.3453 and 609.352, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Subp. 22. **Stalking.** "Stalking" means acts criminalized under Minnesota Statutes, section 609.749, or the threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

### **8290.0200 APPLICATION.**

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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Certification of program participant.** The secretary of state shall certify an eligible person as a program participant when the secretary of state receives a properly executed application that contains:

A. the full legal name and date of birth of the eligible person;

B. the name and contact data of the applicant, if different;

C. a listing of all minor children residing at the residential address, each minor child's full legal name, each minor child's date of birth, and each minor child's relationship to the applicant;

D. a statement by the applicant that the applicant has good reason to believe that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime and either:

(1) that the eligible person listed on the application has survived domestic violence, sexual assault, or stalking; or

(2) that the eligible person fears for the person's safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made;

E. a designation of the secretary of state as agent for purpose of service of process and for the purpose of receipt of mail;

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F. the mailing address and the telephone number or numbers at which the eligible person can be contacted by the secretary of state;

G. the actual address or addresses of the eligible person that the applicant requests not be disclosed for the reason that disclosure increases the risk of domestic violence, sexual assault, stalking, or other risks to safety;

H. a statement that the program participant shall not disclose the participant's actual address or addresses to the batterer, stalker, or perpetrator of sexual assault, or other persons the participant fears;

I. the number of motor vehicles that will be registered at the eligible person's designated address;

J. a statement that the applicant understands that a program participant's voting record cannot be active in the statewide voter registration system;

K. a statement whether the eligible person is currently the subject of any pending or ongoing criminal actions, and, if so, the prosecuting authority, adjudicative authority, or probation authority, and consent for the secretary of state to forward notice of the participant's designated address, to the prosecuting authority, adjudicative authority, or probation authority;

L. a statement that the eligible person agrees to provide an actual address, upon request, to any supervising person if the eligible person is or becomes subject to criminal justice system management with specific conditions related to the program participant's actual address;

M. a statement that the eligible person is not a person registered or required to register as a predatory offender under Minnesota Statutes, section 243.166 or 243.167, or the law of another jurisdiction;

N. a statement the eligible person understands that the eligible person is personally responsible for any consequences of a delayed mail delivery if the eligible person requests a short-term mail hold pursuant to this chapter;

O. the signature of the applicant and the date signed; and

P. the signature of the application assistant and the date signed.

Subp. 2. **Completion.** The application must be completed in the presence of an application assistant.

Subp. 3. **Duties of applicant.** The applicant must provide all the information required on the application and indicate the applicant's relationship with the eligible person. The applicant must initial next to each item in the application to indicate that the applicant agrees to those provisions.

Subp. 4. **Proof of identity.** The applicant must also prove the applicant's identity by showing photo identification to the application assistant or must indicate on the application that the applicant does not possess photo identification.

Subp. 5. **Notification to prosecuting authority, adjudicative authority, and probation authority.** If the applicant discloses on the application that the eligible person is currently the subject of pending or ongoing criminal legal action, at the time of the application, the applicant must complete a form letter to notify each prosecuting authority, adjudicative authority, and probation authority for the pending or ongoing criminal action of the designated address and the designation of the secretary of state as agent for purposes of service of process. The secretary of state must provide form letters to all application assistants. The form letter must include a statement that any prospective service of process must be clearly labeled as service of process on the exterior of the envelope containing the service.

Subp. 6. **Submission by application assistant.** The application assistant shall submit completed applications and any additional materials by first class mail to the secretary of state.

Subp. 7. **Missing information.** If the completed application does not meet the requirements of this part, the secretary of state shall contact the applicant listed on the application to obtain the missing information. The eligible person shall be certified only if the missing information is provided.

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Subp. 8. **Effective date.** A properly completed application is effective on the day it is reviewed and certified by the secretary of state.

Subp. 9. **Voter registration through secretary of state.** At the time of application, the application assistant must also offer the applicant the opportunity to register to vote as a permanent absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06. A voter registration application filled out in the presence of an application assistant and submitted by an application assistant is not considered registration by mail as provided in Minnesota Statutes, section 201.061.

Subp. 10. **Penalties.** A person who falsely attests in an application or who knowingly provides false or incorrect information upon making an application is subject to penalties under Minnesota Statutes, section 5.15, cancellation of program certification, or both.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

### 8290.0300 CERTIFICATION OF PROGRAM PARTICIPANT.

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Approved changes to these rules published electronically on March 30, 2015

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Subpart 1. **Certification.** An eligible person or a minor child residing at the residential address for whom a properly completed application or renewal is filed shall be certified by the secretary of state as a program participant.

Subp. 2. **Duration.** A program participant is certified for four years following the date the application or renewal is certified unless the certification is canceled or withdrawn before that date.

Subp. 3. **Duties of secretary of state and program participant.** Upon certification, the secretary of state shall, within three business days, issue and mail a Safe at Home card to the program participant's mailing address with instructions on how to use the Safe at Home card. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for the participant.

Subp. 4. **Communication; verification of identity.** The secretary of state must verify the identity of the applicant or program participant before discussing any data related to certification or otherwise related to the applicant or program participant.

Subp. 5. **Notification to other parties.** If an application submitted to the secretary of state discloses that the eligible person is the subject of a pending or ongoing criminal legal action, the applicant or eligible person must have completed and submitted with the application the form letter referenced in part 8290.0200, subpart 5. The secretary of state must mail the letter to the appropriate prosecuting authority, probation authority, and adjudicative authority. If compliance with this subpart is necessary and the letters have not been submitted to the secretary of state, the secretary of state shall certify the program participant, and provide the program participant with new form letters and instructions on how they must be used. Failure by the applicant to provide these letters to the secretary of state shall lead to cancellation pursuant to part 8290.0900.

Subp. 6. **Lost or stolen card.** A program participant shall contact the secretary of state whenever a Safe at Home card is lost or stolen. The secretary of state shall issue a replacement Safe at Home card to the program participant. If a card is found by a program participant after being reported lost or stolen, the program participant shall return the card to the secretary of state.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

### 8290.0400 DESIGNATED ADDRESS.

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Approved changes to these rules published electronically on March 30, 2015

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Subpart 1. **Address and program status.** Every public or private person or entity shall accept the designated address as the true address of the program participant. Presentation of the Safe at Home card creates a rebuttable presumption that the individual listed on the card is a program participant. A program participant is not required to respond to any question a public or private person puts to the program participant about the details or circumstances of the person's inclusion in the program. The public or private person or entity may contact the secretary of state for information on the program.

Subp. 2. **Request.** The program participant, and not the secretary of state, is responsible for requesting the use of the designated address by any public or private person or entity as the address of the program participant.

Subp. 3. **Secretary of state as agent.** The secretary of state is the agent for receipt of all mail sent by public and private persons and entities to the program participants at the designated address.

Subp. 4. **Mail to be forwarded.** All mail specifically addressed to the program participant at the designated address must be forwarded at least every second business day to the participant at the participant's mailing address. Envelopes containing the mail being forwarded must be marked "Return Service Requested." The secretary of state is not required to forward mail if the mail is not specifically addressed to a program participant.

Subp. 5. **Short-term mail hold.** The secretary of state may hold a participant's mail for up to three days upon request of the program participant. The secretary of state may hold a participant's mail for up to a total of three weeks if the participant has sent a signed, written mail hold request to the secretary of state that includes a telephone number at which the participant can be reached. Upon receipt of a written request, the secretary of state must compare the signature of the program participant or applicant on the request with the signature on the original application or on any other document on file with the secretary of state and conclude that the signatures are the same. The mail hold is effective the date the secretary of state receives the request, unless the participant has indicated an alternate effective future date.

Subp. 6. **Limited circumstances of use of actual address.**

A. In cases in which a public or private person or entity must under federal law obtain a program participant's actual address, the program participant must provide the program participant's actual address, in addition to the designated address.

B. For those services delivered to an actual address or tied to residency in a particular jurisdiction, the public or private person must request only that portion of the actual address required in order to provide those services, in addition to the designated address.

C. A program participant who is subject to criminal justice system management must, upon request, supply the program participant's actual address to the participant's supervising person, in addition to the designated address, if there are specific court-ordered conditions related to the participant's actual address as part of the supervision.

D. In cases in which all or part of the actual address has been disclosed pursuant to item A, B, or C, the designated address must be used as the address of the program participant by the public or private person or entity for all purposes where the actual address is not specifically required.

E. The secretary of state, upon request of the public or private person, shall suggest measures that shall assist in protecting the actual address and the program participant's name against disclosure in any way. Measures may include, but are not limited to, assigning a pseudonym to the program participant; suppressing the program participant's name on records; keeping the actual address in the program participant's paper file, but not entering it into a database; and making the records password protected and limiting access to them to a small pool of staff.

Subp. 7. **Availability to law enforcement.** The secretary of state shall be available at all times to fulfill the requirements of Minnesota Statutes, section 5B.07, subdivision 2, in exigent circumstances.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

**8290.0500 SERVICE OF PROCESS.**

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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Secretary of state as agent.** The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served. The secretary of state shall not charge a fee for accepting service. The secretary of state ceases to be agent when a program participant is canceled or withdraws from program participation.

Subp. 2. **Service by mail.** Service on the secretary of state of any such summons, writ, notice, demand, or process must be made by mailing the summons, writ, notice, demand, or process to the participant, including the participant's first and last name, at the participant's designated address. If an envelope enclosing the summons, writ, notice, demand, or process is clearly labeled as service of process on the outside of the envelope and is served by first class or certified mail on the secretary of state, the secretary of state shall forward the service to the program participant no later than the next business day unless the program participant has requested a mail hold or is in a pending cancellation status due to undeliverable mail. If the secretary of state receives service for a program participant in pending cancellation status due to undeliverable mail, the secretary of state must attempt to contact the participant through alternative means and obtain a current mailing address. If the secretary of state cannot obtain an alternative mailing address within two business days of the receipt of service, the secretary of state must forward the service to the program participant at the address on file with the secretary of state. As the secretary of state is the agent for service of process, the signed receipt of certified mail by the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 3. **Service in person.** In the event that personal service of any document is required by law, that document may be served by delivering the document to any public counter of the Office of the Secretary of State. In order for the secretary of state to accept service on a participant, the service documents must indicate the program participant's first and last name and lot number. The secretary of state must forward the service to the program participant no later than the next business day unless the program participant has requested a mail hold or is in a pending cancellation status due to undeliverable mail. If the secretary of state receives service for a program participant in pending cancellation status due to undeliverable mail, the secretary of state must attempt to contact the participant through alternative means and obtain a current mailing address. If the secretary of state cannot obtain an alternative mailing address within two business days of the receipt of service, the secretary of state must forward the service to the program participant at the address on file with the secretary of state. As the secretary of state is the agent for service of process, an affidavit of service on the secretary of state constitutes proof of service on the program participant and commences the time in which responsive pleadings must be filed.

Subp. 4. **Record.** The secretary of state shall maintain, in the program participant's file, a record of services served upon the secretary of state for that participant. The secretary of state shall include in the file the action taken on that service, including the name of the program participant to whom the service is directed, the date of receipt, the date of mailing, and whether the mailing was returned to the secretary of state as undeliverable.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

**8290.0600 ATTAINING AGE OF MAJORITY.**


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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Notification of option to continue certification.** When a program participant reaches the age of 18, the secretary of state shall inform the program participant of the option of continuing certification in Safe at Home by sending a certification continuance form by first class mail to the program participant's mailing address. The notice must provide instructions to the program participant on what actions to take upon attaining the age of majority if the program participant does not submit a certification continuance form, including the return of the Safe at Home card and notification to public and private persons of the actual address, and that the designated address is no longer the address of the program participant. If the secretary of state has not received a certification continuance form within 30 days after the program participant reaches the age of 18, the secretary of state must mail a notice to the program participant stating that the program participant is in pending cancellation status and the program participant's certification shall be canceled if the participant fails to submit the certification of continuance within ten days.

Subp. 1a. **Voter registration information.** Along with the certification continuance form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote as an ongoing absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06.

Subp. 1b. **Certification continuance.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification continuance from that program participant. The certification continuance must contain the same information required in the application as specified in part 8290.0200, subpart 1, except the certification continuance need not contain the signature of an application assistant.

Subp. 2. **Responsibility for information changes.** An individual who became a program participant as a minor child assumes responsibility for information changes pursuant to part 8290.0700 and renewal pursuant to part 8290.1100 when the individual reaches the age of 18.

Subp. 3. **Address change; reapplication or withdrawal.** A program participant who reaches the age of 18 must reapply or withdraw if the participant establishes a new residence separate from the adult participant who applied for certification on the participant's behalf when the program participant was a minor.

Subp. 4. **Reapplication.** Program participants who reach the age of 18 who have withdrawn or whose certification expires or has expired may reapply on their own behalf.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

**8290.0700 CHANGES IN PROGRAM PARTICIPANT INFORMATION.**


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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Notification of personal contact changes.** A program participant or applicant shall send signed, written notification of a change of mailing or actual address, telephone number, legal name, or permanent contact data to the secretary of state.

Subp. 2. **Additional minor children.** If a program participant sends signed, written notification to the secretary of state that the program participant is now responsible for additional minor children, the secretary of state must certify the minor children as program participants and issue them Safe at Home cards.

Subp. 3. **Notification of name changes.** If the legal name of a program participant changes, the program participant or applicant shall send signed, written notification to the secretary of state along with a copy of the court order or other formal documentation indicating the legal name change and the program participant's Safe at Home card or a statement that the program participant has misplaced the Safe at Home card. The program participant must also provide the secretary of state the new signature for the purpose of future changes

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according to this part. The secretary of state must send a Safe at Home card with the participant's new legal name to the participant within two business days of receiving notification under this subpart and conducting the verification required by subpart 4.

Subp. 4. **Signature verification.** Before making changes in information effective, the secretary of state must compare the signature of the program participant or applicant on the notification of the change with the signature on the original application, or on any other document on file with the secretary of state, and conclude that the signatures are the same.

Subp. 5. **Change in identity.** On or before the effective date of a change in identity, a program participant or an applicant, if different, must withdraw from Safe at Home pursuant to part 8290.1000. The program participant or applicant may apply for recertification in Safe at Home under the new identity.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

### **8290.0800 TRANSFER OF SCHOOL RECORDS.**

Subpart 1. **Participant request.** A parent or guardian of a program participant who is a student in an elementary or secondary school in Minnesota, or a student in a secondary school in Minnesota who is a program participant who has reached the age of majority, may submit a records transfer request to the secretary of state which shall consist of written consent for: (1) the secretary of state to request the student's records from the student's previous school; (2) the student's previous school to provide the student's records to the secretary of state; and (3) the secretary of state to send the records to the student's new school. If it is in receipt of a records transfer request, the secretary of state must request the student's records from the student's previous school and provide the student's previous school with the parent's, guardian's, or student's written consent for the school to provide the student's records to the secretary of state. A school that receives such a request must send the student's records to the secretary of state within the time frame required by Minnesota Statutes, section 120A.22, subdivision 7. The secretary of state must forward the records to the student's new school as soon as practicable after receipt.

Subp. 2. **School request.** If a school makes a request of the secretary of state to facilitate the transfer of records for a student who is a program participant, the secretary of state must provide the program participant's parent or guardian or the program participant, if the program participant has reached the age of majority, with the opportunity to provide a records transfer request to the secretary of state, in accordance with subpart 1.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819*

### **8290.0900 FAILURE TO NOTIFY SECRETARY OF STATE OF CHANGES IN INFORMATION; CANCELLATION.**

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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Warning by secretary of state.** If:

A. the secretary of state learns that a program participant has failed to provide prior notification about a change in the participant's mailing or residential address, telephone number, legal name, or permanent contact data, as required by part 8290.0700, subpart 1;

B. mail forwarded by the secretary of state to the program participant is returned as undeliverable;

C. the program participant has not complied with part 8290.0200, subpart 5, if required, at the time the secretary of state mails notice of the certification to the program participant; or

D. the program participant has not complied with part 8290.0600 after 30 days of reaching the age of 18; the secretary of state must contact the program participant or applicant, if different, to request that the program participant or applicant comply with part 8290.0200, subpart 5, 8290.0600, or 8290.0700, subpart 1.

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The notice must state that if the program participant or applicant fails to comply within ten business days, the program participant's certification shall be canceled and the former program participant must return any Safe at Home cards in the participant's possession.

Subp. 1a. **Participant no longer eligible.** If the secretary of state learns that a program participant is no longer eligible, the secretary of state must provide the program participant with the opportunity to submit a withdrawal request in accordance with part 8290.1000.

Subp. 1b. **Pending cancellation status.** After the secretary of state has provided notice as required by subpart 1 or 1a, the program participant is in pending cancellation status. While in this status, the secretary of state must hold the program participant's mail and must not forward it to the program participant. Pending cancellation status ends after ten business days, or upon the program participant's compliance with part 8290.0200, subpart 5, 8290.0700, subpart 1, or 8290.1000, whichever occurs first. This subpart does not prevent the secretary of state from forwarding correspondence marked "service of process" pursuant to part 8290.0500.

### Subp. 2. **Cancellation.**

A. If the program participant's pending cancellation status expires, the secretary of state must cancel the certification of the program participant.

B. If a program participant or applicant provides false information when applying for certification or renewal, or on a change of information notice, the secretary of state must cancel the certification of the program participant.

Subp. 3. **Cancellation of program certification without recourse.** The secretary of state must cancel a program participant's certification if a program participant or applicant is found by a court to have knowingly provided false information when applying for certification or renewal, or on a change of information notice. The court may include in the finding a restriction or prohibition on reapplication to Safe at Home. The secretary of state shall inform the former program participant that the Safe at Home card must be returned immediately. Upon receiving the court findings and sending the notice, the secretary of state shall execute these actions.

Subp. 4. **Return of mail.** If the certification of the program participant is canceled, mail addressed to the program participant must be returned to the sender.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

## **8290.1000 WITHDRAWAL OF PROGRAM CERTIFICATION.**

**Approved changes to these rules published electronically on March 30, 2015**

### Subpart 1. **Withdrawal request.**

A. A program participant or an applicant, if different, may withdraw from Safe at Home by submitting a signed withdrawal request along with any Safe at Home cards.

B. The withdrawal request shall include a statement that the program participant or applicant:

(1) wants to withdraw from Safe at Home; and

(2) understands that it is the responsibility of the program participant or applicant, if different, to notify all persons of a new mailing address at which the participant can be contacted.

C. The program participant shall list the names of any minor children who are being withdrawn from the program on the withdrawal request.

D. The program participant or applicant may request mail be forwarded up to 30 days immediately following the date on which the withdrawal is effective and may provide an address to which mail should be forwarded for this period, if different than the mailing address on record. The secretary of state may only forward mail within the United States.

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E. The program participant or applicant may include the date on which the participant would like the withdrawal to be effective.

Subp. 2. **Signature verification.** Before terminating a program participant's certification, the secretary of state must compare the signature of the program participant or applicant on the withdrawal request with the signature on the original application or on any other document on file with the secretary of state and conclude that the signatures are the same.

Subp. 3. **Termination.** Certification as a program participant shall be terminated upon withdrawal. The termination is effective on the day the withdrawal request is received by the secretary of state, unless the participant designated a future effective date on the withdrawal request.

Subp. 4. **Mail forwarding.** Mail received at the designated address for the program participant other than mail designated "Do Not Forward," "Return Service Requested," "Service of Process," or similarly designated, must be forwarded to the program participant for 30 days after the effective date of withdrawal, unless the program participant or applicant has designated a shorter period. After 30 days mail must be returned to the sender.

Subp. 5. **Reapplication.** A program participant whose certification is withdrawn may reapply or have an applicant reapply on the program participant's behalf pursuant to part 8290.0200.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

### **8290.1100 RENEWAL OF PROGRAM CERTIFICATION.**

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**Approved changes to these rules published electronically on March 30, 2015**

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#### **Subpart 1. Notification of option to renew.**

A. At least 30 days before the expiration of the certification, the secretary of state shall inform the program participant or applicant, if different, of the option of renewing certification in Safe at Home by sending a renewal form by first class mail to the program participant's mailing address. The notice must provide instructions to the program participant on what actions to take upon expiration, including the return of the Safe at Home card and notification to public and private persons of the actual address, and that the designated address is no longer the address of the program participant. If the secretary of state has not received a renewal form ten days before the expiration of the program participant's certification, the secretary of state must mail a notice to the program participant reminding the program participant of the option to renew.

B. Along with the renewal form sent 30 days prior to expiration, the secretary of state must also offer the program participant the opportunity to register to vote as a permanent absentee voter with the secretary of state, pursuant to part 8290.1300 and Minnesota Statutes, section 5B.06, if the program participant has not already done so.

Subp. 2. **Application.** The secretary of state shall renew the certification of a program participant when the secretary of state receives a certification renewal form from that program participant or applicant, if different. The application must contain the same information required in the application as specified in part 8290.0200, subpart 1, except the renewal need not contain the signature of an application assistant.

Subp. 3. **Duties of applicant.** The program participant or applicant, if different, must provide all the information required by subpart 2 in the renewal, and date and sign the renewal.

Subp. 4. **Completed renewals to be mailed.** The program participant or applicant must submit completed renewals and any additional materials by first class mail to the secretary of state.

Subp. 5. **Missing information.** If the completed renewal does not meet the requirements of this part, the secretary of state shall contact the program participant or applicant to obtain the missing information.

Subp. 6. **Effective date.** A properly completed renewal postmarked on or before the expiration date is effective on the day it is reviewed and certified by the secretary of state.

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Subp. 7. **Duties of secretary of state and program participants.** The secretary of state must send new Safe at Home cards with updated expiration dates within three business days of renewing a program participant's certification. Upon receipt, the program participant must immediately sign the Safe at Home card. A program participant under the age of 11 may have the card signed by the adult responsible for that person.

Subp. 8. **Penalties.** A person who falsely attests in a renewal or who knowingly provides false information upon making an application for renewal is subject to penalties under Minnesota Statutes, section 5.15, cancellation of program certification, or both.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

### **8290.1200 EXPIRATION OF PROGRAM CERTIFICATION.**

When the term of a program participant expires, the program participant is no longer certified in Safe at Home. The secretary of state must forward mail to the former program participant's mailing address for five days after the expiration date. After that five-day period, the secretary of state must return all mail to the sender.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819*

### **8290.1300 VOTING BY PROGRAM PARTICIPANT.**

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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Internal procedures.** The secretary of state shall establish internal procedures designed to facilitate voting by program participants that minimize the number of persons with access to program participant data while maintaining the integrity of the election process.

Subp. 2. **Permanent absentee voter status.** A program participant who is eligible to vote may register to vote with the secretary of state as a permanent absentee voter pursuant to Minnesota Statutes, section 5B.06. The secretary of state shall maintain a record of each program participant registering to vote as a permanent absentee voter. If a program participant withdraws or is canceled from the program, the individual loses eligibility to vote through Safe at Home. In order to comply with the Help America Vote Act when registering to vote, the program participant must provide a copy of a photo identification with the combined voter registration and permanent absentee ballot request form if:

A. it was not submitted by an application assistant;

B. the statewide voter registration system indicates that the program participant voter has not previously voted in a federal election in Minnesota;

C. the application states that the participant possesses photo identification; and

D. the program participant voter has not already provided the secretary of state with a photocopy of photo identification.

Subp. 2a. **Review and removal from voter registration system.** Upon certification of an application, the secretary of state must suppress any record for a program participant found in the system. When a program participant withdraws or is canceled from the program, the secretary of state must unsuppress any voter record for the program participant in the statewide voter registration system.

Subp. 2b. **Challenging voter records.**

A. If a program participant or applicant provides information to the secretary of state that indicates that a program participant voter is not eligible to vote, or if the secretary of state is able to determine from information provided by the commissioner of corrections, the state court administrator, or the Department of Public Safety that the program participant voter is not eligible to vote, then the secretary of state must mark the voter's record as challenged.

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B. If the secretary of state is able to determine from information provided by any of the sources in item A that a program participant whose voter record was challenged has become eligible to vote, the secretary of state must remove the challenge from the program participant's voter record.

Subp. 2c. **Updates to voter records.** If a program participant or applicant submits notification in accordance with part 8290.0700 that the program participant voter has moved or the voter's name has changed, the secretary of state must update the program participant's voter record.

Subp. 3. **Identification of program participant voters.** Whenever the secretary of state is notified that an election will be taking place, the secretary of state must, at least 60 days before the election, or in the case of a special election, within two business days after it is scheduled, identify all program participant voters who live in the jurisdiction.

Subp. 4. [Repealed, 39 SR 392]

Subp. 5. **Requesting absentee ballots.** The secretary of state must communicate to the appropriate election administrator of each jurisdiction the number of ballots necessary for each jurisdiction to provide ballots to program participant voters whose records are not challenged. Notwithstanding part 8210.0200, the election administrator must provide the appropriate ballots for that election to the secretary of state.

Subp. 6. **Ballot distribution.** The secretary of state must forward ballots to each program participant whose voter record is not challenged by first class mail, accompanied by a notice of the criteria for being eligible to vote in Minnesota, absentee ballot instructions, a ballot envelope, a signature envelope, and a return envelope addressed to the secretary of state.

Subp. 6a. **Notice to challenged voters.** The secretary of state must send a notice to program participants whose voter records are challenged to explain the basis of the challenge and that the program participant will not be provided with a ballot unless the program participant returns a signed statement swearing or affirming that the program participant is eligible to vote. If the program participant returns the signed statement, the secretary of state must remove the challenge from the program participant's voter record, request a ballot for the program participant, and forward it to the program participant by first class mail.

Subp. 7. **Return of unvoted ballots.** The secretary of state must return unvoted absentee ballots to the appropriate county auditor in cases in which:

A. they are returned by the United States Postal Service; or

B. the program participant is canceled or withdraws from the program after the ballots were requested, but before they were mailed; or

C. the program participant's residential address is updated on the program participant's voting record in accordance with subpart 2c after the ballots were requested, but before they were mailed; or

D. the program participant's voter eligibility is challenged in accordance with subpart 2b after the ballots were requested, but before they were mailed; or

E. the program participant dies after the ballots were requested, but before they were mailed.

Subp. 8. **Ballot handling.**

A. Notwithstanding part 8210.0500, program participants must submit their return envelopes to the secretary of state.

B. If the program participant submits a signature envelope, the secretary of state must review the signature envelope and the program participant voter's record to determine whether the secretary of state is satisfied that:

(1) the individual has not withdrawn or been canceled from Safe at Home;

(2) the program participant's voter record is not challenged;

(3) the program participant's name and identification number or signature on the signature envelope appear in substantially the same form as on the absentee ballot request form described in subpart 2; and

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(4) the certificate on the signature envelope is properly executed.

C. The secretary of state must remove the ballot envelope from the signature envelope received from the program participant and transfer the ballot envelope to an envelope with the verification certificate printed on it. The secretary of state must complete and sign the verification certificate. The verification certificate includes the county, municipality, ward, and precinct/school district combination and states that the ballot is provided for a Safe at Home participant, and whether or not all of the following are true:

(1) the individual is an active program participant;

(2) the program participant's voter record is not challenged;

(3) the secretary of state is satisfied that the program participant's name and identification number or signature on the signature envelope appear in substantially the same form as on the permanent absentee ballot request form described in subpart 2; and

(4) whether the certificate on the signature envelope is properly executed. The secretary of state must then forward these materials to the county auditor by first class mail.

Subp. 9. **County auditor to forward ballot.** The county auditor shall forward the envelope bearing the verification certificate to the appropriate absentee ballot board.

Subp. 10. **Receipt and counting of ballots.** The absentee ballot board must review the verification certificate and may only reject the absentee ballot if the verification certificate indicates that the secretary of state was not satisfied that the program participant met the requirements of this part or if the secretary has subsequently notified the county auditor that the ballot should be rejected, in accordance with subpart 10e. If the absentee ballot board accepts the ballot, the election judges must write "SAH" followed by a sequential number for each Safe at Home ballot processed and "AB" on the election day registration roster page. An accepted ballot is counted as any other registered absentee ballot for statistical purposes.

Subp. 10a. **Replacement ballots.** If the secretary of state forwards a certification envelope to a county auditor at least five days before the election that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must request a replacement ballot from the county auditor for the program participant. The county auditor must promptly fulfill this request and the secretary of state must forward it to the program participant by first class mail.

Subp. 10b. **Notice of rejected ballot.** If within five days before the election the secretary of state forwards a certification envelope to a county auditor that indicates that the ballot should be rejected because of reasons identified in subpart 8, item C, subitem (3) or (4), the secretary of state must attempt to contact the program participant by telephone to notify the program participant that the ballot will be rejected.

Subp. 10c. **Notice to canceled or withdrawn program participants who were sent ballots.** If, after a ballot was sent to a program participant for an upcoming election, the program participant withdraws or is canceled from the program, the secretary of state must inform the former program participant that the former program participant is no longer eligible to vote through Safe at Home. If the program participant was canceled from the program due to mail returned as undeliverable, the secretary of state is exempt from the requirement to provide the former program participant with the written notice required by this subpart or any other written notice required by this part.

Subp. 10d. **Challenges after ballots were sent.**

A. If, after a ballot was sent to a program participant for an upcoming election, the program participant's voter record is challenged in accordance with subpart 2b, the secretary of state must notify the program participant in writing that the ballot will not be counted unless the program participant returns a signed statement swearing or affirming that the program participant is eligible to vote.

B. If the challenged program participant returns the signed statement swearing or affirming that the program participant is eligible to vote, the secretary of state must remove the challenge from the program participant's voter record and process any returned ballot in accordance with subpart 8.

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C. If the secretary of state has already forwarded the challenged program participant's ballot to the county auditor when the secretary of state receives a signed statement swearing or affirming that the program participant is eligible to vote and the verification certificate indicates that the ballot should be rejected, the secretary of state must provide the county auditor with a replacement verification certificate. The absentee ballot board must review the replacement verification certificate to determine whether the program participant's ballot should be accepted.

Subp. 10e. **Participant moved after ballots were sent.** If, prior to the time frame for processing ballots in accordance with Minnesota Statutes, section 203B.121, subdivision 4, a program participant's residential address is updated on the program participant's voting record in accordance with subpart 2c, then the secretary of state must mark the voter's record of the ballot as "spoiled."

If the secretary of state has not received the voted ballot from the program participant, the secretary of state must notify the program participant that the program participant should destroy the ballot and dispose of the other ballot materials and that the ballot will not be counted if it is returned.

If the program participant's ballot was forwarded to the county auditor and otherwise would have been accepted, then the secretary of state must promptly notify the county auditor in writing that the ballot board should reject the ballot.

The secretary of state must request a replacement ballot for the voter from the appropriate county auditor. Before sending the new ballot to the participant, the secretary of state must print the words "Replacement Ballot" on the signature envelope.

Subp. 10f. **Ineligibility after ballot is forwarded to county.** If, after a ballot was forwarded to the county auditor that otherwise would have been accepted,

- A. a program participant withdraws or is canceled from the program; or
- B. the program participant's voter record is challenged in accordance with subpart 2b; or
- C. the program participant dies,

then the secretary of state must promptly notify the county auditor in writing that the ballot board should reject the ballot if the ballot board has not already processed the ballot in accordance with Minnesota Statutes, section 203B.121, subdivision 4.

Subp. 10g. **Notice of ballot disposition.** Within six to ten weeks after the election, the secretary of state must send a notice to a program participant if the absentee ballot board was instructed to reject the program participant's ballot.

Subp. 11. **Review and determination by secretary of state.** By March 31 of each year, the secretary of state must determine whether any program participants who cast ballots in the preceding 12-month period are recorded in the statewide voter registration system as having both a record of casting a ballot under this part and also voting in the same election. If it is found that a program participant voter casting a ballot under this part also has a voting history record for the same election in the statewide voter registration system, the secretary of state shall notify the appropriate county attorney of that fact.

Subp. 12. **Cessation of permanent absentee voter status.** The secretary of state must revoke the program participant's permanent absentee voter status under this part until the county attorney confirms that the issue has been resolved in favor of the program participant if voting records under this part and voting history records in the statewide voter registration system show that the program participant has not only cast a ballot under this part but also voted in the same election by other means.

Subp. 13. **Record keeping.** The secretary of state must maintain a record for each election with the number of ballots requested by precinct/school district combinations, blank ballots received from each county auditor, assembled ballots sent to program participants, unvoted ballots returned to the county auditors, ballot envelopes returned by program participants to the secretary of state, and certification envelopes forwarded to county auditors.

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Subp. 14. **Biennial report.** By April 30 of each odd-numbered year, the secretary of state shall issue a report on the activities of program participants during the period of two calendar years ending on December 31 preceding the report date.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 392; 39 SR 1378*

### **8290.1400 SUMMARY DATA.**

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**Approved changes to these rules published electronically on March 30, 2015**

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For purposes of collecting state aid on motor vehicles pursuant to Minnesota Statutes, section 163.051, the secretary of state shall issue to the Department of Public Safety and to the Minnesota Department of Transportation a table containing summary data by county on the number of motor vehicles reported as registered at the program participant's designated address by program participants. The table must be used only for the purposes of issuing state aid on motor vehicles and wheelage tax administration.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*

### **8290.1500 APPLICATION ASSISTANT ACCREDITATION.**

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**Approved changes to these rules published electronically on March 30, 2015**

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Subpart 1. **Role of community-based programs.** The role of the community-based programs in Safe at Home is to select potential application assistants to explain to an applicant the program's services and limitations, explain to an applicant a program participant's responsibilities, and assist applicants in the completion of application materials.

Subp. 2. **When awarded.** Application assistant accreditation shall be awarded by the secretary of state when:

A. the prospective application assistant:

(1) completes an application that includes the prospective application assistant's name, business mailing address, business telephone number, and business e-mail address, if available; the community-based program at which the application assistant is employed and a contact name for the community-based program; a statement that the application assistant provides direct advocacy services to victims as a substantial part of the application assistant's current job duties; an agreement to adhere to the instructions and terms provided in the application assistant agreement; and an agreement not to discriminate against any applicant or program participant because of race, creed, religion, color, national origin, gender, marital status, sexual orientation, status with regard to public assistance, age, or mental, physical, or sensory disability;

(2) submits the completed application, with a statement from the community-based program as described in item B, to the secretary of state; and

(3) successfully completes a program orientation or training session sponsored by or on behalf of the secretary of state; and

B. the community-based program confirms that the application assistant is employed by the community-based program and agrees to designate a contact for the community-based program. The program must have a person authorized to act on behalf of the organization execute the application in order for it to be accepted by the secretary of state.

Subp. 3. **Employment status.** The application assistant performing the duties under this chapter is not deemed to be an employee of the Office of the Secretary of State or of the state of Minnesota or an agent of the secretary of state in any manner whatsoever. The application assistant shall not hold out as, nor claim to be, an officer or employee of the Office of the Secretary of State or of the state of Minnesota simply because the

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person is an application assistant, and shall not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office of the Secretary of State or of the state of Minnesota.

Subp. 4. **Term of accreditation.** An application assistant's accreditation is ongoing as long as the application assistant maintains employment at the community-based organization named on the application, completes a periodic review approved by the secretary of state at least once every three years, and, in addition, completes any other training deemed necessary by the secretary of state.

Subp. 5. **Termination.** An application assistant's accreditation may be terminated by the secretary of state for failing to abide by any requirement in this chapter or for failing to act in accordance with requirements of the secretary of state. An application assistant's accreditation must be terminated if the application assistant is no longer employed by the community-based organization with which the person applied.

Subp. 6. **Employment with another community-based organization.** If an application assistant changes employment, leaving employment at one community-based organization and gaining employment at another, the application assistant may apply to become accredited again after the new community-based organization confirms the person is an employee and agrees to designate a contact for the community-based program. The new organization must have a person authorized to act on behalf of the organization execute a new application. The secretary of state will determine what training, if any, is necessary to fully renew the application assistant's accreditation status.

Subp. 7. **Access to application assistants.** The secretary of state shall make available a list of the names and telephone numbers of community-based programs at which accredited application assistants may be found.

Subp. 8. **Records.** An application assistant shall forward the completed application materials required by this chapter to the secretary of state. If the applicant so directs, an application assistant may mail any optional notices that are generated as a part of the application process to the appropriate party. Any remaining application materials must be given to the applicant or securely disposed of by the application assistant.

**Statutory Authority:** *MS s 5B.08*

**History:** *34 SR 819; 39 SR 1378*