

CHAPTER 303 — H.F.No. 553

An act relating to elections; changing certain election procedures, requirements, and time limits; amending Minnesota Statutes 1982, sections 201.071, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.21, subdivision 2; 204B.12, subdivision 1; 204B.19, subdivision 1; 204B.21, subdivision 1; 204B.27, subdivision 1; 204B.34, subdivision 1; 204B.35, subdivision 4; 204C.03, by adding a subdivision; 204C.05, subdivision 1; 204C.32, subdivision 2; 204C.33, subdivision 2; 204D.06; 204D.11, subdivisions 1 and 5; 204D.14; 204D.15, subdivision 2; 205.03, subdivisions 1 and 3; and 209.02, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; and 204B.12, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **FORM.** Registration cards shall be of suitable size and weight for mailing, and shall contain the following information in substantially the following form:

VOTER REGISTRATION CARD

(Please print or type)

Date:.....

1. Name:.....

Last	First	Middle Initial
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2. Address:.....

Street or Route No.

.....

City (or Township)	County	Zip
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3. Telephone Number:

4. Date of birth (optional):.....

Month:..... Day:..... Year:.....

5. Last registration if any.....

Street or Route Number

..... None

City (or Township) Zip

6. I certify that I will be at least 18 years old on election day and ~~that the above facts are correct~~ am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$5,000, or both.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

.....  
Signature of Voter

Sec. 2. Minnesota Statutes 1982, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. **UNABLE TO GO TO POLLING PLACE.** Any eligible voter who is reasonably anticipates he will be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct, illness, physical disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 3. Minnesota Statutes 1982, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION PROCEDURES.** Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not more than 45 days nor less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02.

Sec. 4. **[203B.085] COUNTY AUDITOR'S OFFICE TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.**

The county auditor's office in each county must be open for acceptance of absentee ballot applications and casting of absentee ballots between the hours of 1:00 to 3:00 p.m. on Saturday and 5:00 to 7:00 p.m. on Monday immediately preceding a primary or general election.

Sec. 5. Minnesota Statutes 1982, section 203B.21, subdivision 2, is amended to read:

Subd. 2. **MAILING OF BALLOTS; RETURN.** Ballots and instructions for marking them, ballot envelopes, and return envelopes shall be sent by first class mail to addresses within the continental United States and by air mail to addresses outside the continental United States. The ballot envelope and return envelope shall be marked "Official Ballot," and shall contain sufficient

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postage to assure proper return delivery. The return envelope shall be addressed to comply with any method for return of absentee ballots as authorized under section 203B.08, subdivision 2.

Sec. 6. Minnesota Statutes 1982, section 204B.12, subdivision 1, is amended to read:

Subdivision 1. **BEFORE PRIMARY.** A candidate may withdraw his name from the primary ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit shall request that official to withdraw the candidate's name from the ballot and shall be filed no later than ~~six~~ three days after the last day for filing for the office.

Sec. 7. Minnesota Statutes 1982, section 204B.19, subdivision 1, is amended to read:

Subdivision 1. **INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.** Any individual who is eligible to vote in an election precinct is qualified to be appointed as an election judge for that precinct subject to the provisions of this section. ~~If an insufficient number of eligible voters maintaining residence in any precinct are willing and qualified to be appointed election judges for that precinct, the appointing authority may appoint as an election judge for that precinct any qualified individual who is eligible to vote in the territory under the jurisdiction of the authority which established the precinct~~ If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality. If there are not sufficient voters within the municipality who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.

Sec. 8. Minnesota Statutes 1982, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.** At least 65 days before any ~~On July 1 in a year in which there is an~~ election for a partisan political office, the county or legislative district chairmen of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairmen shall furnish the lists to the county auditor of the county in which the precinct is located.

At least 55 days before the date of the election ~~By July 15,~~ the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

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Sec. 9. Minnesota Statutes 1982, section 204B.27, subdivision 1, is amended to read:

Subdivision 1. **BLANK FORMS.** At least ~~15~~ 25 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of blank county abstract forms, affidavits of challenged voters, and any other blank forms that the secretary of state deems necessary for the conduct of the election.

Sec. 10. Minnesota Statutes 1982, section 204B.34, subdivision 1, is amended to read:

Subdivision 1. **STATE ELECTIONS.** At least 15 days before any state primary or state general election the municipal clerk shall post in his office a notice stating the officers to be nominated or elected, the location of each polling place in the municipality, and the hours for voting. An optional provision of the notice may include municipal officers to be nominated or elected. The county auditor shall post a similar notice in his office including information concerning any polling places in unorganized territory in the county. The governing body of a municipality or county may publish this notice in addition to posting it. Failure to give the notice required in this section shall not invalidate a state primary or state general election.

Sec. 11. Minnesota Statutes 1982, section 204B.35, subdivision 4, is amended to read:

Subd. 4. **ABSENTEE BALLOTS; PREPARATION; DELIVERY.** Ballots necessary to fill applications of absentee voters shall be prepared and delivered at least ~~15~~ 20 days before the election to the officials who administer the provisions of chapter 203B.

Sec. 12. Minnesota Statutes 1982, section 204C.03, is amended by adding a subdivision to read:

Subd. 4. STATE GOVERNMENT. No state agency, board, commission, department, or committee shall conduct a public meeting on the day of the state primary or general election.

Sec. 13. Minnesota Statutes 1982, section 204C.05, subdivision 1, is amended to read:

Subdivision 1. **OPENING AND CLOSING TIMES.** Except as otherwise provided in this section, at the state primary and the state general election the hours for voting in every precinct in the state shall begin at 7:00 a.m. and shall extend continuously until 8:00 p.m. ~~By resolution adopted 30 days before the state primary or state general election, the governing body of a municipality of less than 1,000 inhabitants, located entirely outside the metropolitan area as defined in section 473.121, subdivision 2, may fix a later time for voting to begin. If a later time is established, it shall not be later than 9:00 a.m. for the state~~

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general election, nor later than 5:00 p.m. for a state primary. A resolution adopted pursuant to this subdivision shall be effective for all ensuing state primaries or state general elections until revoked.

Sec. 14. Minnesota Statutes 1982, section 204C.32, subdivision 2, is amended to read:

Subd. 2. **STATE CANVASS.** The state canvassing board shall meet at the secretary of state's office on the second Tuesday after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Upon completion of the canvass ~~Two days after the canvassing board declares the results,~~ the secretary of state shall promptly certify the names of the nominees to the county auditors and shall mail to each nominee a notice of nomination.

Sec. 15. Minnesota Statutes 1982, section 204C.33, subdivision 2, is amended to read:

Subd. 2. **COUNTY CANVASSING BOARD REPORTS; PUBLIC AVAILABILITY.** Upon payment of a \$1 fee, The county auditor of each county shall provide a certified copy of the county canvassing board report to anyone who requests it upon payment to the auditor of costs of reproduction actually incurred by the auditor's office. The auditor shall not take into account the general office expenses or other expenses.

Sec. 16. Minnesota Statutes 1982, section 204D.06, is amended to read:

**204D.06 CERTIFICATION OF NAMES BY SECRETARY OF STATE.**

At least ~~32~~ 42 days before a state primary, the secretary of state shall certify to the county auditors the names of all candidates who have properly filed affidavits of candidacy with the secretary of state and who will be voted for in their respective counties at that primary.

Sec. 17. Minnesota Statutes 1982, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. **WHITE BALLOT; RULES; REIMBURSEMENT.** The names of the candidates for all partisan offices voted on at the state general election ~~and candidates for the office of justice and chief justice of the supreme court~~ shall be placed on a single ballot printed on white paper which shall be known as the "white ballot". This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The state shall reimburse the counties for the cost of preparing the white ballot and the envelopes required for the returns of that ballot. The secretary of state shall adopt rules for preparation and time of delivery of the white ballot and for reimbursement of the counties' costs.

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Sec. 18. Minnesota Statutes 1982, section 204D.11, subdivision 5, is amended to read:

Subd. 5. **BALLOT HEADINGS.** The white, pink and special federal white ballot shall be headed with the words "State General Election Ballot". The canary ballot shall be headed with the words "~~County and Judicial District General Election Ballot of~~ Nonpartisan Candidates".

Sec. 19. Minnesota Statutes 1982, section 204D.14, is amended to read:

204D.14 **WHITE AND CANARY BALLOTS; NONPARTISAN OFFICES.**

Subdivision 1. **ROTATION OF NAMES.** The names of candidates for nonpartisan offices on the ~~white and canary ballots~~ ballot shall be rotated in the manner provided for rotation of names on state partisan primary ballots by section 204D.08, subdivision 3.

Subd. 2. **UNCONTESTED OFFICES.** Nonpartisan offices for which there is only one candidate shall appear after all contested offices on the ~~appropriate white or~~ appropriate white or canary ballot.

Sec. 20. Minnesota Statutes 1982, section 204D.15, subdivision 2, is amended to read:

Subd. 2. **DISTRIBUTION.** The pink ballot shall be provided in groups of 50. At least ~~15~~ 25 days before the state general election the secretary of state shall forward to the county auditor of each county sufficient ballots to enable the county auditor to comply with the absentee voting provisions of section 204B.28, subdivision 2. The county auditor shall give a receipt to the secretary of state stating the number of pink ballots and the date when they were received.

Sec. 21. Minnesota Statutes 1982, section 205.03, subdivision 1, is amended to read:

Subdivision 1. **CITIES.** In all statutory and home rule charter city elections the governing body of the city, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for voting at the next succeeding and all subsequent city elections, until the resolution is revoked. Cities covered by this subdivision shall certify their election hours to the county auditor upon adoption of the resolution giving notice of the election.

Sec. 22. Minnesota Statutes 1982, section 205.03, subdivision 3, is amended to read:

Subd. 3. **OTHER TOWNS.** In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time, in no event less than three hours, during which the polling places will remain open for

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voting at the next succeeding and all subsequent town elections. The resolution shall remain in force until revoked by the town board. Towns covered by this subdivision shall certify their election hours to the county auditor in January of each year.

Sec. 23. Minnesota Statutes 1982, section 209.02, subdivision 4, is amended to read:

Subd. 4. **NOTICE OF CONTEST, HOW SERVED.** Service of the notice of contest shall be made in the same manner as provided for the service of summons in civil actions. In all cases ~~two copies~~ one copy of the notice shall be furnished the official authorized to issue the certificate of election at the time of service upon him, and ~~the official shall send one copy thereof~~ shall be sent by certified mail to the contestee at his last known address. ~~If the sheriff is unable to make personal or substituted service upon the contestee, then the affidavit of the sheriff to that effect and the affidavit of the official authorized to issue the certificate of election that he sent a copy to the contestee by certified mail to his last known address shall be sufficient to confer jurisdiction upon the proper court to hear and determine the contest.~~

Sec. 24. **REPEALER.**

Minnesota Statutes 1982, sections 201.091, subdivisions 6 and 7; and 204B.12, subdivision 2; are repealed.

Sec. 25. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved June 9, 1983

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## CHAPTER 304 — S.F.No. 87

*An act relating to public welfare; exempting determinations of eligibility for day care and foster care licenses from application of the Minnesota criminal offenders rehabilitation law; requiring arrest information and reports to be made available to the commissioner of public welfare for the purpose of investigating applicants for a day care or residential facility license; establishing the burden of proof in certain appeals; providing for appointment of guardianship of children whose parents are deceased; amending Minnesota Statutes 1982, sections 245.783, subdivision 3; 245.801, subdivision 4; 260.242, subdivision 2, and by adding a subdivision; and 364.09.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 245.783, subdivision 3, is amended to read:

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