

Subd. 4. PUBLIC AREAS OF THE STATE CAPITOL. "Public areas of the state capitol" includes the rotunda, the governor's reception room and offices, the senate chamber, the house chamber, the supreme court chamber, public hallways and corridors, and all other areas of the state capitol designed for public ceremonies.

Subd. 5. STATE CAPITOL ARCHIVES. "State capitol archives" includes the original capitol architectural plans, samples of capitol furnishings, and Cass Gilbert papers, all of which are managed and administered by the Minnesota state historical society.

Subd. 6. PUBLIC GALLERY AND ORIENTATION AREA. "Public gallery and orientation area" means the rotunda and first floor corridors and a room as designated by the joint rules of the house of representatives and the senate.

## Sec. 2. [138.69] PUBLIC AREAS OF THE CAPITOL.

The Minnesota state historical society is designated the research agency and is responsible for the interpretation of the public areas for visitors to the capitol. This involves conducting or approving public programs and tours in the capitol and state office building, including exhibits held in the capitol, providing informational services, acting as advisor on preservation, recommending appropriate custodial policies, and maintaining and repairing all works of art.

Approved May 27, 1987

## CHAPTER 266—H.F.No. 239

*An act relating to elections; providing for school district elections to be conducted according to Minnesota election law; appropriating money; amending Minnesota Statutes 1986, sections 6.54; 122.22, subdivisions 2 and 4; 122.23, subdivisions 2, 9, and 10; 122.25, subdivision 1; 123.11, subdivision 7; 123.33, subdivision 4; 123.351, subdivision 1; 123.51; 127.09; 127.11; 200.01; 200.015; 200.02, by adding a subdivision; 201.016, subdivision 2; 201.018, subdivision 2; 201.061, subdivisions 3 and 6; 201.071, subdivision 3, and by adding a subdivision; 201.221, subdivision 3; 201.27, subdivision 2; 203B.01, subdivision 2; 203B.04, subdivision 1; 203B.05, subdivision 2; 203B.06, subdivision 2; 203B.08, subdivision 4; 203B.10; 203B.12, subdivision 6; 203B.13; 203B.15; 203B.19; 203B.23; 204B.02; 204B.09, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.19, subdivision 1; 204B.25, subdivision 1; 204B.29; 204B.31; 204B.32; 204B.34, by adding a subdivision; 204B.35, subdivision 1; 204C.02; 204C.06, subdivision 2; 204C.07, subdivision 3; 204C.08, subdivision 4; 204C.19, subdivision 2; 204C.20, subdivision 4; 204C.24, subdivision 2; 204C.25; 204C.26, subdivisions 2 and 3; 204C.27; 204C.28, by adding a subdivision; 204C.29, subdivision 1; 204C.36; 206.56, by adding a subdivision; 206.58, subdivision 2; 209.02; 209.021, subdivision 3; 210A.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1986, sections 123.015; 123.32; and 201.095.*

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

ARTICLE 1

ELECTION LAWS

Section 1. Minnesota Statutes 1986, section 200.01, is amended to read:

200.01 CITATION, MINNESOTA ELECTION LAW.

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, sections 48 to 60, 206, 208, 209 and 210A shall be known as the Minnesota election law.

Sec. 2. Minnesota Statutes 1986, section 200.015, is amended to read:

200.015 ~~SCHOOL DISTRICT ELECTIONS EXCLUDED~~ APPLICATION.

~~This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 206, 208, 209 and 210A do not apply~~ The Minnesota election law applies to school district all elections held in this state unless otherwise specifically provided by law.

Sec. 3. Minnesota Statutes 1986, section 200.02, is amended by adding a subdivision to read:

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

Sec. 4. Minnesota Statutes 1986, section 201.016, subdivision 2, is amended to read:

Subd. 2. **DURATION OF RESIDENCE.** The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election. The school board of any school district by resolution may require an eligible voter to maintain residence in that school district for a period of 30 days prior to voting in a school district election.

Sec. 5. Minnesota Statutes 1986, section 201.018, subdivision 2, is amended to read:

Subd. 2. **REGISTRATION REQUIRED.** An eligible voter must register in a manner specified by section 201.054, in order to vote in any primary, special primary, general, school district, or special election held in the county. ~~AN~~

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~~eligible voter who maintains residence in a school district which uses the county voter registration system as authorized by section 201.095, must register in a manner specified by section 201.054, in order to vote in any school election held in that district.~~

Sec. 6. Minnesota Statutes 1986, section 201.061, subdivision 3, is amended to read:

Subd. 3. **ELECTION DAY REGISTRATION.** An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing a drivers license or Minnesota identification card issued pursuant to section 171.07;

(2) showing any document approved by the secretary of state as proper identification; or

(3) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Sec. 7. Minnesota Statutes 1986, section 201.061, subdivision 6, is amended to read:

Subd. 6. **PRECINCT MAP.** Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal or school district clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

Sec. 8. Minnesota Statutes 1986, section 201.071, subdivision 3, is amended to read:

Subd. 3. **DEFICIENT REGISTRATION.** No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration card if it is deficient or illegible or may request the name or number of the voter's school district. No eligible voter may be prevented from voting unless

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the voter's registration card is deficient or the voter is duly and successfully challenged in accordance with sections 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the card deficient.

Sec. 9. Minnesota Statutes 1986, section 201.071, is amended by adding a subdivision to read:

**Subd. 8. SCHOOL DISTRICT ASSISTANCE.** School districts shall assist county auditors in determining the school district in which a voter resides.

Sec. 10. Minnesota Statutes 1986, section 201.221, subdivision 3, is amended to read:

**Subd. 3. PROCEDURES FOR DUPLICATE REGISTRATION FILE.** The secretary of state shall prescribe the form of the duplicate registration file so that a duplicate card contains spaces for the voter's name, address, telephone number, school district number, and signature, and space to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the election judges for use on election day.

The secretary of state shall prescribe an alternate form of the duplicate registration file for counties and cities which make the election authorized by section 201.071, subdivision 5. The alternate form shall not require a duplicate card or voter's signature. Information contained in the duplicate registration file shall include the voter's name, address, month and day of birth, last registration (if any), school district number, and a record of the vote history for the previous four years of elections. The secretary of state shall prescribe the form for the duplicate registration file to be used on election day in the polling place and the file shall include the name, address, month and day of birth, school district number, and a space for the voters to sign the file when they vote. The secretary of state shall prescribe the form for a county or municipality to request the day and month of birth from currently registered voters. The county or municipality shall not request the day and month of birth from currently registered voters by any communication other than the prescribed form and the form shall clearly indicate that a currently registered voter does not lose registration status by failing to provide the day and month of birth. The secretary of state shall prescribe procedures for transporting the duplicate registration files to the judges on election day. In accordance with section 204B.40, the county auditor and the clerk of any municipality shall retain the prescribed duplicate registration file used on the date of election for one year following the election.

Sec. 11. Minnesota Statutes 1986, section 201.27, subdivision 2, is amended to read:

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Subd. 2. **KNOWLEDGE OF VIOLATION.** A deputy, clerk, employee or other subordinate of a county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county auditor or municipal or school district clerk, together with any possessed evidence of the violation. Any county auditor or municipal or school district clerk who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county attorney of the county where the violation is thought to have occurred, together with any possessed evidence of the violation. The county auditor or municipal or school district clerk shall also immediately send a copy of the report to the secretary of state. A violation of this subdivision is a misdemeanor.

Sec. 12. Minnesota Statutes 1986, section 203B.01, subdivision 2, is amended to read:

Subd. 2. **MUNICIPAL CLERK.** "Municipal clerk" means a full-time town or city clerk who is authorized or required to administer the provisions of sections 203B.04 to 203B.15, as provided in section 203B.05. "Municipal clerk" also means clerk of the school district who is authorized or required to administer the provisions of sections 203B.04 to 203B.15, as provided in section 203B.05 for a school district election not held on the same day as a statewide election.

Sec. 13. Minnesota Statutes 1986, 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 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, or school district if applicable, 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. 14. Minnesota Statutes 1986, section 203B.05, subdivision 2, is amended to read:

Subd. 2. **CITY, SCHOOL DISTRICT, AND TOWN ELECTIONS.** For city elections not held on the same day as a statewide election, for school district

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elections not held on the same day as a statewide election, and for town elections conducted under the Australian ballot system, applications for absentee ballots shall be filed with the city, school district, or town clerk and the duties prescribed by this chapter for the county auditor shall be performed by the city, school district, or town clerk unless the county auditor agrees to perform those duties on behalf of the city, school district, or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city ~~or~~, town, or school district holding the election.

Sec. 15. Minnesota Statutes 1986, section 203B.06, subdivision 2, is amended to read:

Subd. 2. **APPLICATIONS TO WRONG OFFICIAL.** If for any reason an application for absentee ballots is submitted to the wrong county auditor or ~~city or town~~ municipal clerk, that official shall promptly forward it to the proper county auditor or municipal clerk.

Sec. 16. Minnesota Statutes 1986, section 203B.08, subdivision 4, is amended to read:

Subd. 4. **RULES.** The secretary of state shall adopt rules establishing procedures to be followed by county auditors and ~~town and city~~ municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section.

Sec. 17. Minnesota Statutes 1986, section 203B.10, is amended to read:

**203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.**

On the day before an election:

(a) The county auditor shall deliver to the ~~town and city~~ municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

(b) The ~~town and city~~ municipal clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in section 203B.06, subdivision 5, to the appropriate election judges. Applications received on election day pursuant to section 203B.04, subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot counting board.

Sec. 18. Minnesota Statutes 1986, section 203B.12, subdivision 6, is amended to read:

Subd. 6. **EXCEPTION FOR MUNICIPALITIES OR SCHOOL DISTRICTS WITH ABSENTEE BALLOT COUNTING BOARDS.** In municipalities or school districts with an absentee ballot counting board, the election

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judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes from return envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot counting board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality or the school board of a school district with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot counting board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.

Sec. 19. Minnesota Statutes 1986, section 203B.13, is amended to read:

**203B.13 ABSENTEE BALLOT COUNTING BOARDS.**

Subdivision 1. **ESTABLISHMENT.** The governing body of any municipality may by ordinance, or the school board of any school district may by resolution, authorize an absentee ballot counting board for the purpose of counting all absentee ballots cast in that municipality or school district. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Subd. 2. **DUTIES.** The absentee ballot counting board shall:

(a) Receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; and

(c) Report the vote totals tabulated for each precinct.

Subd. 3. **COMPENSATION OF MEMBERS.** The ~~city or town~~ municipal clerk shall pay a reasonable compensation to each member of the absentee ballot counting board for services rendered during each election.

Subd. 3a. **DUPLICATE REGISTRATION FILES.** If the election judges of an absentee ballot counting board are authorized to receive, examine, and validate absentee ballots, the county auditor or ~~city~~ municipal clerk shall remove from the duplicate registration files the cards of all persons who have applied for absentee ballots at the election and deliver them to the election judges of the absentee ballot counting board along with the applications for absentee ballots. When a duplicate registration card has been removed from the file for this purpose it shall be replaced with a notification to the election judges that the

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voter's card has been removed and directing them to contact the election judges of the absentee ballot counting board if that voter should appear at the polling place for the purpose of voting in person. If contacted by the judges of the precinct, the election judges of the absentee ballot counting board shall examine the duplicate registration card of the voter to determine if an absentee ballot has been cast. They shall notify the precinct election judges of their findings and, if the absentee ballot has not yet been cast, the voter shall be allowed to vote in person. The election judges of the absentee ballot counting board shall make a notation on the duplicate registration card that the voter has voted and no absentee ballot shall be counted for that voter.

Subd. 4. **APPLICABLE LAWS.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law shall apply to an absentee ballot counting board.

Sec. 20. Minnesota Statutes 1986, section 203B.15, is amended to read:

**203B.15 ADMINISTRATIVE EXPENSES.**

Each county shall pay the expenses incurred by its county auditor and each municipality or school district shall pay the expenses incurred by its clerk for administering the provisions of sections 203B.04 to 203B.15.

Sec. 21. Minnesota Statutes 1986, section 203B.19, is amended to read:

**203B.19 RECORDING APPLICATIONS.**

Upon accepting an application, the county auditor shall record in a permanent register the voter's name, address of present or former residence in Minnesota, mailing address, school district number, and the category under section 203B.16, to which the voter belongs. After recording this information, the county auditor shall retain the application for two years after the date of the next general election. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27.

Sec. 22. Minnesota Statutes 1986, section 203B.23, is amended to read:

**203B.23 APPLICATION RECORDS; DELIVERY TO ELECTION JUDGES.**

When election materials are transmitted to the ~~town and city~~ municipal clerks as provided in section 204B.28, subdivision 2, the county auditor shall also transmit a certified copy of the record of applications compiled as provided in section 203B.19, for absentee ballots to be cast at that election in that town, school district, or city. A certified copy of the record of additional applications received by the county auditor after the ballots have been delivered shall also be delivered to the appropriate ~~town or city~~ municipal clerk. Each ~~town and city~~ municipal clerk shall in turn deliver to the election judges in the appropriate precincts the application records received from the county auditor.

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Sec. 23. Minnesota Statutes 1986, section 204B.02, is amended to read:

**204B.02 APPLICATION.**

This chapter applies to all elections held in this state, ~~except school district elections and~~ except as otherwise provided by law.

Sec. 24. Minnesota Statutes 1986, section 204B.09, subdivision 2, is amended to read:

Subd. 2. **OTHER ELECTIONS.** Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law.

Sec. 25. Minnesota Statutes 1986, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY; LOCATION.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1,500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within the town, then the polling place for a town may be located outside the town within five miles of one of the boundaries of the town.

Sec. 26. Minnesota Statutes 1986, section 204B.18, subdivision 2, is amended to read:

Subd. 2. **BALLOT BOXES.** Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it. When buff or goldenrod ballot boxes are required, a separate box must be provided for each school district for which ballots are to be cast at that polling place. The number and name of the school district must appear conspicuously on the top of each buff or goldenrod ballot box.

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Sec. 27. Minnesota Statutes 1986, 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 this section. 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, or for school district elections, in the same school district. If there are not sufficient voters within the municipality or school district 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. 28. Minnesota Statutes 1986, section 204B.25, subdivision 1, is amended to read:

Subdivision 1. **DUTIES OF COUNTY AUDITOR.** Each county auditor shall provide training for all election judges who are appointed to serve at any election to be held in the county. The county auditor shall also provide a procedure for emergency training of election judges elected to fill vacancies. The county auditor may delegate to a municipal election official the duty to provide training of election judges in that municipality or school district.

Sec. 29. Minnesota Statutes 1986, section 204B.29, is amended to read:

**204B.29 ELECTION JUDGES; ELECTION SUPPLIES; DUTIES.**

Subdivision 1. **SECURING ELECTION MATERIALS.** Before 9:00 p.m. on the day preceding an election, at least one election judge from each precinct in each municipality, or school district if applicable, shall secure voter registration files, ballots, forms, envelopes and other required supplies from the municipal clerk, school district clerk, or other legal custodian. The election judge shall deliver the materials to the polling place before the time when voting is scheduled to begin on election day. The county auditor shall send or deliver the election supplies enumerated in this section to the election judges in the precincts in unorganized territory. The election supplies may be sent by certified mail, parcel post, express mail or any other postal service providing assured delivery by no later than the day before the election. If the election supplies are delivered by any other means, they shall be delivered by no later than the day before the election.

Each precinct shall be furnished with 100 ballots of each kind for every 85 individuals who voted in that precinct at the last election for the same office or on similar questions, or with ballots of each kind in an amount at least ten percent greater than the number of votes which are reasonably expected to be cast in that precinct in that election, whichever supply of ballots is greater. No precinct shall be furnished with any ballots containing the name of any candidate who cannot properly be voted for in that precinct.

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The election judges shall be responsible for the preservation of all election materials received by them until returned to the appropriate election officials after the voting has ended.

**Subd. 2. FAILURE OF ELECTION JUDGES TO SECURE MATERIALS.** If no election judge secures the election materials for a precinct in any municipality, or school district if applicable, as provided in subdivision 1, the municipal or school district clerk shall deliver them to an election judge for that precinct not later than the time when voting is scheduled to begin. The municipal or school district clerk shall require the election judge accepting delivery of the election supplies to sign a receipt for them. The election judges of that precinct shall pay the expenses of delivery of the materials and shall be liable for the penalty provided by law for neglect of duty.

Sec. 30. Minnesota Statutes 1986, section 204B.31, is amended to read:

**204B.31 COMPENSATION FOR ELECTION SERVICES.**

The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with section 43A.18, subdivision 2;

(b) To individuals, other than county, city, school district, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed pursuant to section 471.665, subdivision 1;

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed pursuant to section 471.665, subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city; to election judges serving in any school district election which is not held in conjunction with a state election, an amount fixed by the school board of the school district; to election judges serving in unorganized territory, an amount fixed by the county board; and to election judges serving in towns, an amount fixed by the town board. Election judges shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places and in attending training sessions required by section 204B.25. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed pursuant to section 471.665, subdivision 1; and

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(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Sec. 31. Minnesota Statutes 1986, section 204B.32, is amended to read:

**204B.32 ELECTION EXPENSES; PAYMENT.**

The secretary of state shall pay the compensation for presidential electors, the cost of printing the pink paper ballots, and all necessary expenses incurred by the secretary of state in connection with elections. The counties shall pay the compensation prescribed in section 204B.31, clauses (b) and (c), the cost of printing the canary ballots, the white ballots, the pink ballots when machines are used, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections. The municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections. The school districts shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the school district ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the school district clerks in connection with school district elections not held in conjunction with state elections. When school district elections are held in conjunction with state elections, the school district shall pay the costs of printing the school district ballots, providing ballot boxes and all necessary expenses of the school district clerk. All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

Sec. 32. Minnesota Statutes 1986, section 204B.34, is amended by adding a subdivision to read:

Subd. 4. SCHOOL DISTRICT ELECTIONS. Notice of school district elections shall be given as provided in sections 53, subdivision 2; and 54, subdivision 1.

Sec. 33. Minnesota Statutes 1986, section 204B.35, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** All ballots for every election; ~~except a school district election,~~ shall be prepared in accordance with sections 204B.35 to 204B.44 and chapter 204D, except for voting machine ballots or as otherwise provided by law.

Sec. 34. Minnesota Statutes 1986, section 204C.02, is amended to read:

**204C.02 APPLICATION.**

This chapter applies to all elections held in this state; ~~except school district elections and~~ except as otherwise provided by law.

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Sec. 35. Minnesota Statutes 1986, section 204C.06, subdivision 2, is amended to read:

Subd. 2. **INDIVIDUALS ALLOWED IN POLLING PLACE.** Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a handicapped voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

Sec. 36. Minnesota Statutes 1986, section 204C.07, subdivision 3, is amended to read:

Subd. 3. **ELECTIONS ON A QUESTION.** At an election where a question is to be voted upon, the mayor of a city, or the school board of a school district, or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, shall appoint by written certificate one voter for each precinct in the municipality, or school district if applicable, to act as a challenger of voters in the polling place for that precinct.

Sec. 37. Minnesota Statutes 1986, section 204C.08, subdivision 4, is amended to read:

Subd. 4. **BALLOT BOXES, BOXCAR SEALS.** The governing body of a municipality or school district by resolution may direct the municipal or school district clerk to furnish a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a numbered metal strap with a self-locking device securely attached to one end of the strap so that the other end may be inserted and securely locked in the seal. No two metal straps shall bear the same number.

Sec. 38. Minnesota Statutes 1986, section 204C.19, subdivision 2, is amended to read:

Subd. 2. **BALLOTS; ORDER OF COUNTING.** Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared one box at a time in the following order: the white box, the pink box, the canary box, the light green box, the blue box, the buff box, the goldenrod box, and then the other kinds of ballots voted at the election. If enough election judges are available to provide counting teams of four or more election judges for each box, more than one box may be opened and counted at the same time. The election judges on each counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have

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been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Sec. 39. Minnesota Statutes 1986, section 204C.20, subdivision 4, is amended to read:

Subd. 4. **BALLOTS NOT COUNTED; DISPOSITION.** When the final count of ballots agrees with the number of ballots to be counted, those ballots not counted shall be attached to a certificate made by the election judges which states why the ballots were not counted. The certificate and uncounted ballots shall be sealed in a separate envelope and returned to the county auditor or municipal or school district clerk from whom they were received.

Sec. 40. Minnesota Statutes 1986, section 204C.24, subdivision 2, is amended to read:

Subd. 2. **SEALING IN ENVELOPES.** The election judges shall place a full set of completed summary statements in each of three separate envelopes and seal them so that the envelopes cannot be opened without leaving evidence that they have been opened. The election judges shall then sign each envelope over the sealed part so that no envelope can be opened without disturbing the continuity of the signatures. Each of the envelopes shall show substantially the following information on its face:

“Summary statements of the returns of the .... election precinct, (Town) or (City) of ....., or (School District Number) ....., in the County of ....., State of Minnesota.”

Sec. 41. Minnesota Statutes 1986, section 204C.25, is amended to read:

#### 204C.25 DISPOSITION OF BALLOTS.

After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective and blank ballots shall be placed in envelopes marked or printed to distinguish the color of the ballots contained, and the envelopes shall be sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number and kind of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The number and name of the district must be plainly written on envelopes containing school district ballots. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal or school district clerk from whom they were received.

Sec. 42. Minnesota Statutes 1986, section 204C.26, subdivision 2, is amended to read:

Subd. 2. **SUMMARY STATEMENTS; CONTENTS.** The blank summary statement forms furnished to each precinct shall identify the precinct, ward

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number if any, city, school district if applicable, or town, date, and kind of election and, under appropriate headings identifying each color ballot, shall contain spaces for the election judges to enter the information required by section 204C.24, subdivision 1.

Each blank summary statement form shall also contain a certificate to be signed by the election judges stating that the national flag was displayed on a suitable staff during voting hours; that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

Sec. 43. Minnesota Statutes 1986, section 204C.26, subdivision 3, is amended to read:

Subd. 3. **SECRETARY OF STATE.** On or before July 1 of each even numbered year, the secretary of state shall prescribe the form for summary statements of election returns and the methods by which returns for the state primary and state general election shall be recorded by precinct, county, and state election officials. Each county auditor and municipal or school district clerk required to furnish summary statements shall prepare them in the manner prescribed by the secretary of state. The summary statement of the primary returns shall be in the same form as the summary statement of the general election returns except that a separate part of the summary statement shall be provided for the partisan primary ballot and a separate part for the nonpartisan primary ballot.

Sec. 44. Minnesota Statutes 1986, section 204C.27, is amended to read:

**204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

One or more of the election judges in each precinct shall deliver two sets of summary statements; all unused and spoiled white, pink, and canary ballots; and the envelopes containing the white, pink, and canary ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office within 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal and school district ballots, the envelopes containing municipal and school district ballots, and all other things furnished by the municipal or school district clerk, to the municipal or school district clerk's office within 24 hours after the end of the hours for voting.

Sec. 45. Minnesota Statutes 1986, section 204C.28, is amended by adding a subdivision to read:

Subd. 3. SCHOOL DISTRICT RETURNS AND MATERIALS. At a school district election held in conjunction with a state election, the county auditor or municipal clerk shall deliver the summary statements of the school district election returns, all unused and spoiled school district ballots, and the

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envelope containing the school district ballots from each precinct to the clerk of the appropriate school district within 48 hours after the polls close.

Sec. 46. Minnesota Statutes 1986, section 204C.29, subdivision 1, is amended to read:

Subdivision 1. **FAILURE OF ELECTION JUDGES TO MAKE DELIVERY; PENALTY.** If the election judges fail to deliver returns as required by section 204C.27, the county auditor or municipal or school district clerk to whom the returns should have been delivered shall dispatch a special messenger to obtain them. The messenger shall receive the same compensation as an election judge would receive for performing the same service and shall be subject to the same penalties as an election judge for violation of any provision of the Minnesota election law.

Sec. 47. Minnesota Statutes 1986, section 204C.36, is amended to read:

**204C.36 RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.**

A losing candidate for nomination or election to a county ~~or~~ municipal or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is:

(a) Five votes or less when the total vote cast for nomination or election to that office is 100 votes or less;

(b) Ten votes or less when the total vote cast for nomination or election to that office is more than 100 but not more than 500 votes;

(c) Twenty votes or less when the total vote cast for nomination or election to that office is more than 500 but not more than 2,000 votes;

(d) One percent of the votes or less when the total vote cast for nomination or election to that office is more than 2,000 but less than 10,000 votes; or

(e) ~~100~~ One hundred votes or less when the total vote cast for nomination or election to that office is 10,000 votes or more.

Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county ~~and~~, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district

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shall recount the votes for a school district office at the expense of the school district.

A losing candidate for nomination or election to a county ~~or~~, municipal, or school district office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor ~~or~~, municipal clerk, or school district clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

Sec. 48. [205A.01] DEFINITIONS.

Subdivision 1. SCOPE. The definitions in chapter 200 and in this section apply to this chapter.

Subd. 2. SCHOOL DISTRICT. "School district" means an independent or special school district, as defined in section 120.02.

Sec. 49. [205A.02] ELECTION LAW APPLICABLE.

Except as provided in this chapter, the Minnesota election law applies to school district elections, as far as practicable. Elections in common school districts shall be governed by section 123.11.

Sec. 50. [205A.03] PRIMARY ELECTIONS.

Subdivision 1. RESOLUTION. The school board of a school district may, by resolution adopted at least 12 weeks before the next school district general election, decide to choose nominees for school district elective offices by a primary as provided in subdivisions 1 to 6. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked.

Subd. 2. DATE. The school district primary must be held at a time designated by the school board in the resolution adopting the primary system, but no later than six weeks before the school district general election. The clerk shall give notice of the primary in the manner provided in section 54.

Subd. 3. CANDIDATES, FILING. The clerk shall place upon the primary

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ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice the number of individuals to be elected to a school district elective office file for nomination for the office, their names must not be placed upon the primary ballot and must be placed on the school district general election ballot as the nominees for that office.

Subd. 4. RESULTS. The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. Within two days after the primary, the school board of the school district shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

Subd. 5. RECOUNT. A losing candidate at the school district primary may request a recount of the votes for that nomination subject to section 204C.36.

Subd. 6. VACANCY IN NOMINATION. When a vacancy occurs in a nomination made at a school district primary, the vacancy must be filled in the manner provided in section 204B.13.

#### Sec. 51. [205A.04] GENERAL ELECTION.

Except as may be provided in a special law or charter provision to the contrary, the general election in each school district must be held on the third Tuesday in May, unless the school board provides by resolution for holding the school district general election on the first Tuesday after the first Monday in November. When the time of a school district's general election is changed from May to November, the terms of all board members shall be lengthened to expire on January 1; when the time of a school district's general election is changed from November to May, the terms of all board members shall be shortened to expire on July 1. Whenever the time of a school district election is changed, the school district clerk shall immediately notify in writing the county auditor or auditors of the counties in which the school district is located and the secretary of state of the change of date.

#### Sec. 52. [205A.05] SPECIAL ELECTIONS.

Subdivision 1. QUESTIONS. Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters

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of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 20 days before and the 30 days after any regularly scheduled statewide election or election of a municipality wholly or partially within the school district.

Subd. 2. VACANCIES IN SCHOOL DISTRICT OFFICES. Special elections shall be held in school districts in conjunction with school district primary and general elections to fill vacancies in elective school district offices.

**Sec. 53. [205A.06] CANDIDATES, FILING.**

Subdivision 1. AFFIDAVIT OF CANDIDACY. Not more than ten nor less than eight weeks before a school district primary, or before the school district general election if there is no school district primary, an individual who is eligible and desires to become a candidate for an office to be voted on at the election must file an affidavit of candidacy with the school district clerk. The affidavit must be in substantially the same form as that in section 204B.06, subdivision 1. The school district clerk shall also accept an application signed by at least five voters and filed on behalf of an eligible voter in the school district whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. No individual shall be nominated by nominating petition for a school district elective office except in the event of a vacancy in nomination as provided in section 50, subdivision 6. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation.

Subd. 2. NOTICE OF FILING DATES. At least two weeks before the first day to file affidavits of candidacy, the school district clerk shall publish a notice in the official newspaper stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice in the administrative offices of the school district at least ten days before the first day to file affidavits of candidacy.

Subd. 3. FILING FEES. The filing fee for a school district office is \$2.

Subd. 4. PETITION IN PLACE OF FEES. A candidate for school district office may file a petition in place of the filing fees in subdivision 3. The petition must meet the requirements of section 204B.11, subdivision 2.

Subd. 5. WITHDRAWAL. A candidate for a school district elective office may withdraw from the election by filing an affidavit of withdrawal with the school district clerk by 12:00 noon of the day after the last day for filing affidavits of candidacy. After that date, no candidate may file an affidavit of withdrawal.

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## Sec. 54. [205A.07] NOTICE.

Subdivision 1. PUBLICATION AND POSTING. The clerk of a school district shall give two weeks' published notice and give ten days' posted notice of a school district primary, general or special election, stating the time of the election, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the primary, general or special election. The notice shall be posted in the administrative offices of the school district for public inspection.

Subd. 2. SAMPLE BALLOT, POSTING. For every school district primary, general or special election, the school district clerk shall at least four days before the primary, general or special election, post a sample ballot in the administrative offices of the school district for public inspection, and shall post a sample ballot in each polling place on election day.

## Sec. 55. [205A.08] BALLOTS.

Subdivision 1. BUFF BALLOT. The names of all candidates for offices to be voted on at a school district general election must be placed on a single ballot printed on buff paper and known as the "buff ballot."

Subd. 2. PRIMARY BALLOTS. The school district primary ballot must conform as far as practicable with the school district general election ballot except that no blank spaces may be provided for writing in the names of candidates.

Subd. 3. VACANCIES. The names of candidates to fill vacancies at a school district special election held in conjunction with the primary or general election must be placed on the school district primary and general election ballots. The names of candidates to fill a vacancy in the office of school board member in a school district must be listed under the separate heading "Special election for school board member to fill vacancy in term expiring ....." with the date of expiration of the term and any other information necessary to distinguish the office.

Subd. 4. GOLDENROD BALLOTS; QUESTIONS. All questions relating to a proposition for the issuance of bonds, and all other questions relating to school district affairs submitted at an election to the voters of the school district, shall be printed on one separate goldenrod ballot and shall be prepared, printed, and distributed under the direction of the school district clerk at the same time and in the same manner as other school district ballots. The ballots, when voted, shall be deposited in a separate goldenrod ballot box provided by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other school district ballots. The returns shall provide appropriate blank spaces for the counting, canvassing, and return of the results of the questions submitted on the goldenrod ballot.

## Sec. 56. [205A.09] VOTING HOURS.

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Subdivision 1. METROPOLITAN AREA SCHOOL DISTRICTS. At a school district election in a school district located in whole or in part within a metropolitan county as defined by section 473.121, the school board, by resolution adopted before giving notice of the election, may designate the time during which the polling places will remain open for voting at the next succeeding and all later school district elections. The polling places must open no later than 10:00 a.m. and close no earlier than 8:00 p.m. The resolution shall remain in force until it is revoked by the school board.

Subd. 2. OTHER SCHOOL DISTRICTS. At a school district election in a school district other than one described in subdivision 1, the school board, by resolution adopted before giving 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 later school district general elections. The resolution must remain in force until it is revoked by the school board or changed because of request by voters as provided in this subdivision. If a petition requesting longer voting hours, signed by a number of voters equal to 20 percent of the votes cast at the last school district election, is presented to the school district clerk no later than 30 days before a school district election, then the polling places for that election must open at 10:00 a.m. and close at 8:00 p.m. The school district clerk must give ten days' published notice and posted notice of the changed voting hours and notify appropriate county auditors of the change. School districts covered by this subdivision must certify their election hours to the county auditor in January of each year.

Sec. 57. [205A.10] PROCEDURE.

Subdivision 1. MATERIALS, BALLOTS. The school district clerk shall prepare and have printed the necessary election materials, including ballots, for a school district election. The name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office.

Subd. 2. ELECTION, CONDUCT. A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot counting board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2.

Subd. 3. CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION. Within two days after a school district election, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the

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certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Subd. 4. RECOUNT. A losing candidate at a school district election may request a recount of the votes for that office subject to the requirements of section 204C.36.

**Sec. 58. [205A.11] PRECINCTS; POLLING PLACES.**

The precincts and polling places for school district elections are those precincts or parts of precincts and polling places set in sections 204B.14 to 204B.16, except that at a school district election not held on the day of a state-wide election, the school board may combine several precincts into a single precinct with one polling place and one set of election judges. The school board shall establish combined precincts by resolution at least 30 days before an election, post a map of the combined precincts, and file a copy of the map and resolution with the county auditor.

**Sec. 59. [205A.12] SCHOOL BOARD ELECTION DISTRICTS.**

Subdivision 1. GENERAL PROVISIONS. Any independent school district may alter its organization into separate election districts for the purpose of election of board members by following the procedures in this section.

Subd. 2. ELECTION. Except in a school district located wholly or partly within a city of the first class, upon resolution of the board, made on its own motion or on presentation of a petition substantially in the form required in section 60, signed by at least 50 electors of the district or ten percent of the number of votes cast in the most recent regular school board election, whichever is larger, the board shall adopt a proposal to divide the district into as many separate election districts as there are members of the board, which proposal must be submitted to an election under this chapter. If the election is initiated by petition, the resolution calling the election must be adopted within six months after the date of receipt of the petition. Only one election within any two-year period may be held under this section.

Subd. 3. BALLOT QUESTION. The question presented at the special election shall be: "Shall the school district be reorganized into election districts with boundaries as established in Resolution No. .... of the school board, dated .....

Yes .....  
No .....

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Subd. 4. ELECTION DISTRICT BOUNDARIES. Each proposed election district must be as equal in population as practicable and must be composed of compact, contiguous territory. The district may utilize the most recent federal decennial census figures available or may conduct a special census for this purpose. The board shall designate each election district by number.

Subd. 5. BOARD ELECTIONS. If the proposal for the establishment of election districts is approved by the voters, the board shall specify the election districts from which vacancies shall be filled as they occur until such time as each board member represents an election district. A candidate for school board in a subsequent election must file an affidavit of candidacy to be elected as a school board member for the election district in which the candidate resides. One and only one member of the board shall be elected from each election district. Each board member must be a resident of the election district for which elected but the creation of an election district or a change in election district boundaries shall not disqualify a board member from serving for the remainder of a term.

Subd. 6. REDEFINING ELECTION DISTRICT BOUNDARIES. The school board may by resolution redefine district boundaries after a school district general election. The board shall hold a public hearing on the proposed resolution before its adoption. One week's published notice of the hearing must be given. Within six months after the official certification of each federal decennial or special census, the school board shall either confirm the existing election district boundaries as conforming to the standards of subdivision 4 or redefine election district boundaries to conform to those standards. If the school board fails to take either action within the time required, no further compensation may be paid to the school board members until the districts are either reconfirmed or redefined as required by this section. A resolution establishing original or new election district boundaries shall apply to the first election held at least six months after adoption of the resolution.

#### Sec. 60. [205A.13] REQUIREMENTS FOR PETITIONS.

Any petition to a school board authorized in this chapter or sections 124A.03 and 275.125, or any other law which requires the board to submit an issue to referendum or election, shall meet the following requirements to be valid.

(1) Each page of the petition shall contain a heading at its top which specifies the particular action the board is being petitioned to take. The signatures on any page which does not contain such a heading shall all be invalidated. All pages of the petition shall be assembled and filed with the board as a single instrument.

(2) Each page of the petition shall contain an authentication signed by the circulator of the petition specifying as follows:

"I personally have circulated this page of the petition. All signatures were made in my presence. I believe that the signers signed their own names and that each person who has signed is eligible to vote in a school district election according to Minnesota election law.

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

Signed: \_\_\_\_\_, Signature of Petition Circulator

Date: \_\_\_\_\_”

The signatures on any page which does not contain such an authentication shall all be invalidated.

(3) Signers of the petition shall personally sign their own names in ink or indelible pencil and shall indicate after the name the place of residence by street and number, or other description sufficient to identify the place. Except as provided in clause (4) of this subdivision, any signature which does not meet these requirements shall be invalidated.

(4) Individuals who are unable to write their names shall be required to make their marks on the petition. The circulator of the petition shall certify the mark by signing the individual's name and address and shall thereafter print the phrase "mark certified by petition circulator."

(5) A petition, to be valid, must contain the minimum number of valid signatures of eligible voters specified in the law authorizing the petition and election.

Sec. 61. Minnesota Statutes 1986, section 206.56, is amended by adding a subdivision to read:

Subd. 17. MUNICIPALITY. "Municipality" means city, town, or school district.

Sec. 62. Minnesota Statutes 1986, section 206.58, subdivision 2, is amended to read:

**Subd. 2. MAY USE EXPERIMENTAL MACHINES.** The governing body of a municipality may provide for the experimental use of lever voting machines or an electronic voting system in one or more precincts without formal adoption of the machines or system. Use of the machines or system at an election shall be as valid for all purposes as if the machines or system had been permanently adopted.

When the governing body of a municipality decides to use lever voting machines or an electronic voting system, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions consistent with ~~the provisions of sections 206.55 to 206.87 and 123.32, subdivision 7,~~ for using the machine or system and shall submit the rules and instructions to the secretary of state for approval. When approved, a printed copy of the rules and instructions shall be posted prominently in the polling place and shall remain open to inspection by the voters throughout election day.

**Sec. 63. [206.685] VOTING MACHINES OR ELECTRONIC VOTING DEVICES AT SCHOOL ELECTIONS.**

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Where lever voting machines or electronic voting devices are used in precincts containing more than one school district or more than one school election district, separate voting machines or devices must be used and must be allocated between the school districts or school election districts in proportion to the number of voters eligible to vote in the precinct from each district.

Sec. 64. Minnesota Statutes 1986, section 209.02, is amended to read:

**209.02 CONTESTANT; GROUNDS.**

Subdivision 1. Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, or municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, or on the grounds of deliberate, serious, and material violations of the Minnesota election law.

Sec. 65. Minnesota Statutes 1986, section 209.021, subdivision 3, is amended to read:

Subd. 3. **NOTICE SERVED ON PARTIES.** In all contests relating to the nomination or election of a candidate, the notice of contest must be served on the candidate who is the contestee, a copy of the notice must be sent to the contestee's last known address by certified mail, and a copy must be furnished to the official authorized to issue the certificate of election. If personal or substituted service on the contestee cannot be made, an affidavit of the attempt by the person attempting to make service and the affidavit of the person who sent a copy of the notice to the contestee by certified mail is sufficient to confer jurisdiction upon the court to decide the contest.

If the contest relates to a constitutional amendment or other question voted on statewide or voted on in more than one county, notice of contest must be served on the secretary of state, who is the contestee. If a contest relates to a question voted on within only one county, school district, or ~~one~~ municipality, a copy of the notice of contest must be served on the county auditor, clerk of the school district, or municipal clerk, respectively, who is the contestee. If the contest relates to an irregularity in the conduct of an election or canvass of votes, a copy of the notice of contest must be served on the county auditor of the county where the irregularity is said to have occurred. If the contest is upon the question of consolidation or reorganization of a school district, a copy of the notice of contest must be served on the county auditor authorized by law to issue the order.

Sec. 66. Minnesota Statutes 1986, section 210A.01, subdivision 3, is amended to read:

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Subd. 3. **CANDIDATE.** "Candidate" means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, "candidate" does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be considered for constitutional office, member of the legislature, school board member, justice of the supreme court, court of appeals, or district court, county court, probate court, or county municipal court judge.

Sec. 67. **APPROPRIATION.**

\$25,000 is appropriated from the special revenue fund to the secretary of state for the purposes of this article, to be available until June 30, 1989.

Sec. 68. **REPEALER.**

Minnesota Statutes 1986, section 201.095, is repealed.

Sec. 69. **EFFECTIVE DATE.**

Sections 1 to 68 are effective July 1, 1988.

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**ARTICLE 2**

**ORGANIC LAWS OF SCHOOL DISTRICTS**

Section 1. Minnesota Statutes 1986, section 6.54, is amended to read:

**6.54 EXAMINATION OF MUNICIPAL RECORDS PURSUANT TO PETITION.**

The registered voters in a home rule charter or statutory city or the electors at an annual or special town meeting of a town may petition the state auditor to examine the books, records, accounts, and affairs of the home rule charter or statutory city, town, or of any organizational unit, activity, project, enterprise, or fund thereof; and the scope of the examination may be limited by the petition, but the examination shall cover, at least, all cash received and disbursed and the transactions relating thereto, provided that the state auditor shall not examine more than the six latest years preceding the circulation of the petition, unless it appears to the state auditor during the examination that the audit period should be extended to permit a full recovery under bonds furnished by public officers or employees, and may if it appears to the auditor in the public interest confine the period or the scope of audit or both period and scope of audit, to less than that requested by the petition. In the case of a home rule charter or statutory city, the petition shall be signed by a number of registered

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voters at least equal to 20 percent of those voting in the last presidential election. The eligible voters of any school district, ~~as defined in section 123.32, subdivision 1a,~~ may petition the state auditor, who shall be subject to the same restrictions regarding the scope and period of audit, provided that the petition shall be signed by at least ten eligible voters for each 50 resident pupils in average daily membership during the preceding school year as shown on the records in the office of the commissioner of education. In the case of school districts, the petition shall be signed by at least ten eligible voters. At the time it is circulated, every petition shall contain a statement that the cost of the audit will be borne by the city or school district as provided by law. Thirty days before the petition is delivered to the state auditor it shall be presented to the appropriate city or school district clerk and the county auditor. The county auditor shall determine and certify whether the petition is signed by the required number of registered voters or eligible voters as the case may be. The certificate shall be conclusive evidence thereof in any action or proceeding for the recovery of the costs, charges and expenses of any examination made pursuant to the petition.

Sec. 2. Minnesota Statutes 1986, section 122.22, subdivision 2, is amended to read:

Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when the district is dissolved pursuant to sections 122.32 to 122.52.

(b) Petition executed by a majority of the eligible voters, ~~as defined in section 123.32, subdivision 1a,~~ of the district proposed for dissolution and addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Sec. 3. Minnesota Statutes 1986, section 122.22, subdivision 4, is amended to read:

Subd. 4. A petition executed pursuant to subdivision 2(b) shall be filed with the auditor. It shall contain the following:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory and that petitioners are eligible voters, ~~as defined in section 123.32, subdivision 1a,~~ of the district;

(b) An identification of the district; and

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(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. The recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are eligible voters, as defined in section 123.32, subdivision 1a, of the district and that they signed in the presence of one of the circulators.

The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing. The hearing shall be not less than 20 nor more than 60 days from the date of that meeting.

Sec. 4. Minnesota Statutes 1986, section 122.23, subdivision 2, is amended to read:

Subd. 2. Upon a resolution of a school board in the area proposed for consolidation or upon receipt of a petition therefor executed by 25 percent of the voters resident in the area proposed for consolidation or by 50 such voters, whichever is lesser, the county auditor of the county which contains the greatest land area of the proposed new district shall forthwith cause a plat to be prepared. The resolution or petition shall show the approximate area proposed for consolidation. The resolution or petition may propose either that the bonded debt of the component districts will be paid according to the levies previously made for that debt under chapter 475, as provided in subdivision 16a, or that the taxable property in the newly created district will be taxable for the payment of the bonded debt previously incurred by any component district as provided in subdivision 16b. The resolution or petition may also propose that referendum levies previously approved by voters of the component districts pursuant to section 124A.03, subdivision 2, or its predecessor provision, be combined as provided in section 122.531, subdivision 2a or 2b, or that the referendum levies be discontinued. The resolution or petition may also propose that the board of the newly created district consist of seven members, and may also propose the establishment of separate election districts from which school board members will be elected, the boundaries of these election districts, and the initial term of the member elected from each of these election districts. If a county auditor receives more than one request for a plat and the requests involve parts of identical districts, the auditor shall forthwith prepare a plat which in the auditor's opinion best serves the educational interests of the inhabitants of the districts or areas affected. The plat shall show:

(a) Boundaries of the proposed district, as determined by the county auditor, and present district boundaries,

(b) The location of school buildings in the area proposed as a new district and the location of school buildings in adjoining districts,

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(c) The boundaries of any proposed separate election districts, ~~in accordance with the provisions of section 123.32,~~ and

(d) Other pertinent information as determined by the county auditor.

Sec. 5. Minnesota Statutes 1986, section 122.23, subdivision 9, is amended to read:

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the eligible voters, ~~as defined in section 123.32, subdivision 1a,~~ of any such district petition the clerk of the district, within 30 days after the publication of the notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in the district at an election held in the manner provided in subdivisions 11, 12, and 13.

Sec. 6. Minnesota Statutes 1986, section 122.23, subdivision 10, is amended to read:

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the residents of the land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in the land area by any person residing in the area. Upon the filing of the petition with the county auditor, executed by at least 25 percent of the eligible voters, ~~as defined in section 123.32, subdivision 1a,~~ in each district or part of a district contained in the land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means any person residing on any remaining portion of land, a part of which is included in the consolidation plat. Any eligible voter, ~~as defined in section 123.32, subdivision 1a,~~ owning land included in the plat who lives upon land adjacent or contiguous to that part of the voter's land included in the plat shall be included and counted in computing the 25 percent of the eligible voters, ~~as defined in section 123.32, subdivision 1a,~~ necessary to sign the petition and shall also be qualified to sign the petition. Failure to file the petition within 60 days of approval of the plat by the state board terminates the proceedings.

Sec. 7. Minnesota Statutes 1986, section 122.25, subdivision 1, is amended to read:

Subdivision 1. If six or more eligible voters, ~~as defined in section 123.32,~~

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~~subdivision 1a~~, of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a petition therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Sec. 8. Minnesota Statutes 1986, section 123.11, subdivision 7, is amended to read:

Subd. 7. Upon the filing of a petition therefor, executed by five eligible voters, as defined in ~~section 123.32, subdivision 1a~~ Minnesota election law, of the common district, specifying the business to be acted upon, or upon the adoption of a proper resolution so specifying, signed by a majority of the members of the board, the clerk shall forthwith call a special meeting of the district upon ten days' posted notice and one week's published notice if there be a newspaper printed in the district and specify in the notice the business named in the request or resolution and the time and place of the meeting. If there be no clerk in the district or if the clerk fails for three days after receiving a request or resolution to give notice of a meeting, it may be called by like notice by five eligible voters, as defined in ~~section 123.32, subdivision 1a~~ Minnesota election law, of the district. No business except that named in the notice shall be transacted at the meeting. If there are not five eligible voters, as defined in ~~section 123.32, subdivision 1a~~ Minnesota election law, or if there is not a board therein, the county auditor may call a special meeting by giving notice thereof as provided in this section. The voters at a special meeting have power to repeal or modify their proceedings.

Sec. 9. Minnesota Statutes 1986, section 123.33, subdivision 4, is amended to read:

Subd. 4. Any other vacancy in a board shall be filled by ~~the board appointment at any a regular or special meeting thereof. Such~~ The appointment shall be evidenced by a resolution entered in the minutes and shall continue until ~~July 4 next following such appointment~~ an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next school district general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the school district general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the school district general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the school district election.

Sec. 10. Minnesota Statutes 1986, section 123.351, subdivision 1, is amended to read:

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Subdivision 1. **ESTABLISHMENT.** Two or more independent school districts may enter into an agreement to establish a cooperative center to provide for vocational education and other educational services upon the vote of a majority of the full membership of each of the boards of the districts entering into the agreement. When a resolution approving this action has been adopted by the board of a district, the resolution shall be published once in a newspaper of general circulation in the district. If a petition for referendum on the question of the district entering into the agreement, containing signatures of qualified voters of the district equal to five percent of the number of voters at the last ~~annual~~ school district general election, is filed with the clerk of the board within 60 days after publication of the resolution, the board shall not enter into the agreement until the question has been submitted to the voters of the district at a special election. This election shall be conducted and canvassed in ~~accordance with section 123.32~~ the same manner as school district general elections. If a majority of the total number of votes cast on the question within the district is in favor of the proposition, the board may ~~thereupon~~ enter into an agreement to establish the center for purposes ~~herein~~ described in this section.

Sec. 11. Minnesota Statutes 1986, section 123.51, is amended to read:

**123.51 SPECIAL SCHOOL DISTRICTS, LAWS APPLICABLE.**

Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of law relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control. Article 1, sections 48 to 58, control and supersede inconsistent provisions of special laws or charters in the administration of school district elections in special districts.

Sec. 12. Minnesota Statutes 1986, section 127.09, is amended to read:

**127.09 REFUSING TO SERVE ON SCHOOL BOARD.**

Any person who accepts election or appointment to any school board and who refuses or neglects to qualify or to serve or to perform any of the duties of the office, shall be fined \$10 for each offense. The fine shall be collected in an action before a county or municipal court. It may be prosecuted in the name of the district by any school board member or eligible voter, ~~as defined in section 123.32; subdivision 1a;~~ of the district.

Sec. 13. Minnesota Statutes 1986, section 127.11, is amended to read:

**127.11 DRAWING ILLEGAL ORDER.**

Any school district clerk who illegally draws an order upon the treasurer, any chair or other officer who attests the order, and any school district treasurer

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who knowingly pays the order, shall each forfeit to the district twice the amount of the order, to be collected in an action brought in the name of the district by any eligible voter; ~~as defined in section 123.32, subdivision 1a,~~ of the district.

Sec. 14. **REPEALER.**

Minnesota Statutes 1986, sections 123.015 and 123.32, are repealed.

Sec. 15. **EFFECTIVE DATE.**

Sections 1 to 14 are effective July 1, 1988.

Approved May 28, 1987

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**CHAPTER 267—H.F.No. 401**

*An act relating to environment; providing criminal penalties for violation of laws and rules relating to hazardous waste; providing for the distribution and expenditure of monetary penalties; amending Minnesota Statutes 1986, sections 115.071, subdivision 2; 609.531, subdivision 1; and 628.26; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1986, section 115.071, subdivisions 2a and 2b.*

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

Section 1. Minnesota Statutes 1986, section 115.071, subdivision 2, is amended to read:

Subd. 2. **CRIMINAL PENALTIES.** (a) **VIOLATIONS OF LAWS; ORDERS; PERMITS.** (1) Except as provided in ~~subdivisions 2a and 2b~~ section 3, any person who willfully or negligently violates any provision of this chapter or chapter 116, or any standard, rule, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency thereunder, which violation is not included in clause (2), shall upon conviction be guilty of a misdemeanor.

(2) Any person who willfully or negligently violates any effluent standard and limitation or water quality standard adopted by the agency, any National Pollutant Discharge Elimination System permit or any term or condition thereof, any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying, or other inspection or investigation requirement as provided under applicable provisions of this chapter and, with respect to the pollution of waters of the state, chapter 116, or any National Pollutant Discharge Elimination System filing requirement, shall upon conviction be punished by a fine of not less than \$2,500 in the event of a willful violation or not less than \$300 in the event of a negligent violation. In any case the penalty shall not be more than \$40,000 per day of violation or by imprisonment for not more than one year, or both. If the conviction is for conduct committed after a first

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