

CHAPTER 8210
SECRETARY OF STATE
ABSENTEE BALLOTS

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8210.0200 ABSENTEE BALLOT APPLICATION.

[For text of subpart 1, see M.R. 1987]

Subp. 2. Absentee ballot instruction. The following instructions shall be printed on the absentee ballot application:

INSTRUCTIONS

1. In order to vote by absentee ballot you must be an eligible voter, you must be a resident of the election precinct indicated by your legal residence address on this application, and you must not intend to abandon this residence prior to election day. Please note that Minnesota law provides that it is a felony to make a false or untrue statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to exhibit a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote in a precinct or to assist anyone to cast an illegal vote.

2. Be sure to check the appropriate box indicating why you are unable to go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Be sure to give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

4. Be sure to sign the application.

5. Return the completed application as soon as possible to the county auditor or municipal clerk from whom you received it.

Remember:

1. You must indicate whether you are requesting ballots for the primary or general election, or both.

2. Do not submit more than one application for each election.

3. Your absentee ballots will be mailed or delivered to you as soon as they are available.

Subp. 3. Postcard application. The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the auditor or municipal clerk. If the application is printed as a postcard application, it shall be printed in the following manner.

The postcard shall be white with black ink. The postcard shall weigh not more than one ounce. The size shall be no smaller than 3-1/2 inches by five inches and no larger than 6-1/8 inches by 11-1/2 inches. The postcard shall be at least .007 inches thick.

Statutory Authority: *MS s 203B.09; 206.57*

History: *13 SR 259*

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. Scope. This part applies to mail balloting conducted under Minnesota Statutes, section 204B.45. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. Authorization. The municipal governing body or county board for unorganized territory shall authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. The resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Except as approved by the secretary of state under Minnesota Statutes, section 204B.50, mail balloting may not be used for a municipal or school district election not held on the same day as a state or county election.

Subp. 3. Notice. The municipal clerk shall notify the county auditor and the secretary of state of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The municipal clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;
- E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;
- F. the place and time for counting of ballots; and
- G. the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subp. 4. Mailing ballots. No earlier than 20 days or later than 18 days before the election the county auditor shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each voter whose name is included in the registration file on the 21st day before the election, except that no ballot may be mailed to a challenged voter.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.17. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter requests, in writing, that the ballot be mailed to the voter at a different address.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor as specified in part 8210.0700, subpart 4. First class postage must be affixed to the return envelope.

Subp. 5. Nonregistered eligible voters. An eligible voter who was not regis-

tered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, sections 203B.04 and 203B.06, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The absent voter's certificate and instructions must be those specified in parts 8210.9920 and 8210.9930.

Subp. 6. Replacement ballots. A voter who has spoiled a ballot may request a replacement ballot from the auditor. The spoiled ballot must be returned to the auditor, either by mail or in person, before a replacement ballot can be issued. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive the ballot mailed to the voter. The auditor shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subp. 7. Undeliverable ballots. Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor or municipal clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12 and the voter's registration must be challenged. The auditor shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the municipality or unorganized territory, the municipal clerk shall notify the voter of the procedure for requesting an absentee ballot and registering at the voter's new address.

Subp. 8. Returning ballots. Mail ballots may be returned to the county auditor by mail, in person, or by designated agent. Ballots returned in person must be accepted until 8:00 p.m. on the day of the election.

Subp. 9. Polling place and election judges. The only polling place required for mail balloting is the office of the county auditor. If adequate space for counting ballots is not available at the county courthouse, the governing body shall designate another suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body shall appoint a suitable number of election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.22.

Subp. 10. Receiving and counting ballots. On election day, at the time stated in the notice, the election judges shall receive from the county auditor all returned ballots, applications for absentee ballots, and affidavits for replacement ballots. The judges shall arrange to receive from the auditor any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. If the counting location is not at the county courthouse, ballots must be transported in a sealed transfer case by two or more election judges of different major political parties. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties.

Prior to 8:00 p.m., the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m., the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subp. 11. Challenges. Challengers appointed under Minnesota Statutes, section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in Minnesota Statutes, section 204C.13, subdivision 6.

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Subp. 12. Costs. The municipality shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in Minnesota Statutes, section 204B.32.

Statutory Authority: *MS s 204B.45*

History: *12 SR 2142*

8210.3005 REPLACEMENT BALLOT AFFIDAVIT, REQUIRED IN PART 8210.3000, SUBPART 6.

REPLACEMENT MAIL BALLOT AFFIDAVIT OF

(print or type legal name of voter)

(print or type legal address)

I certify that I am a resident and eligible voter in

(name of township or territory)

I certify that I am requesting a replacement ballot because I did not receive the ballot mailed to me.

I certify that if I receive both ballots, I will destroy the unused ballot and will vote only once.

I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

(date) (legal signature of voter)

Statutory Authority: *MS s 204B.45*

History: *12 SR 2142*

8210.3010 INSTRUCTIONS TO MAIL VOTERS, REQUIRED IN PART 8210.3000, SUBPART 4.

INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully so your ballot can be counted. AN IMPROPERLY COMPLETED VOTER'S CERTIFICATE COULD INVALIDATE YOUR BALLOT.

Step 1. Locate any eligible voter of the county or other qualified person to serve as your witness. Any one of the following people can be your witness:

- a. any eligible voter of the county where you reside;
- b. a notary public;
- c. a United States postmaster, assistant postmaster, postal supervisor, or clerk of a postal contract station; or
- d. any officer having authority to administer an oath.

Step 2. Show your witness the unmarked ballot.

Step 3. In the presence of your witness mark the ballots in such a manner that your vote is not visible to your witness. If you are physically unable to mark

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your ballot or cannot read English, you may ask your witness to assist you or mark your ballot for you. If you mark your ballot incorrectly and want to receive a new ballot, contact your county auditor.

Step 4. Fold the ballot so that your marks cannot be seen without unfolding the ballot. **DO NOT PUT YOUR NAME, INITIALS, OR ANY OTHER IDENTIFYING MARK ON THE BALLOTS.**

Step 5. Enclose the ballots in the buff colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Print your name and address and sign your name on the Mail Voter's Certificate on the back of the white Ballot Return Envelope. Your witness must complete the rest of the certificate with the date, the witness's name, signature, and address if the witness is an eligible voter or title if the witness is an official.

Step 7. Insert the buff colored Ballot Envelope into the white Ballot Return Envelope. Seal the white Ballot Return Envelope. An unsealed envelope will not be accepted.

Step 8. You may deposit the Ballot Return Envelope in the mail or deliver it in person to the county auditor's office.

You may mark and return your ballot at any time before election day. Be sure to mail back the ballot in time to be delivered by election day or return the ballot in person to the auditor's office no later than 8:00 p.m. on election day.

Statutory Authority: *MS s 204B 45*

History: *12 SR 2142*

8210.3015 MAIL VOTER'S CERTIFICATE, REQUIRED IN PART 8210.3000, SUBPART 4.

MAIL VOTER'S CERTIFICATE

OF

(print or type legal name of voter)

(print or type legal address of voter)

I certify that on election day I will be at least 18 years of age. I certify that I am a citizen of the United States and a resident of _____ (name of township or territory); that I am not under guardianship of the person, have not been found by a court of law to be legally incompetent to vote, or been convicted of a felony without having my civil rights restored. I have not cast and will not cast any other ballots in this election.

(legal signature of voter)

I hereby certify that the above named voter exhibited the enclosed ballots to me unmarked; that in my presence and in a manner that I could not see, marked the ballots and enclosed and sealed them in the ballot envelope.

(date)

(legal signature of witness)

(print or type name of witness)

(legal address if witness is an eligible voter)

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OR

(official title if witness is
an official)

Statutory Authority: *MS s 204B.45*

History: *12 SR 2142*

8210.9910 ABSENTEE BALLOT APPLICATION, SPECIFIED BY PART 8210.0200.

Absentee Ballot Application for _____
(print or type your name)

READ INSTRUCTIONS BEFORE COMPLETING

I hereby apply for absentee ballots for:

(Check one)

- primary election
- general election
- primary and general election

I will need an absentee ballot for the following reason:

(Check one)

- absence from precinct
- illness or disability
- religious discipline or observance of religious holiday
- service as election judge in another precinct

My legal residence address is:

Street or Route No.	Apt. No.	Rural Box No.
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[] City [] Township	County	Zip
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(check whichever is applicable)

• Mail my absentee ballot to me at the following address:

Street or Route No.	Apt. No.	Rural Box No.
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City or Township	State	Zip
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Date _____

Legal signature

Statutory Authority: *MS s 203B.09; 206.57*

History: *13 SR 259*