

CHAPTER 8210  
SECRETARY OF STATE  
ABSENTEE BALLOTS

8210 0100 PRESIDENTIAL ABSENTEE BALLOTS  
8210 0200 ABSENTEE BALLOT APPLICATION  
8210 0225 APPLICATIONS FROM CHALLENGED  
VOTERS  
8210 0500 INSTRUCTIONS TO ABSENT VOTER  
8210 0600 STATEMENT OF ABSENTEE VOTER  
8210 0700 ABSENTEE BALLOT RETURN  
ENVELOPE AS PROVIDED BY  
MINNESOTA STATUTES, SECTIONS  
203B 04 TO 203B 15

8210 0800 ABSENTEE BALLOT RETURN  
ENVELOPE AS PROVIDED BY  
MINNESOTA STATUTES, SECTIONS  
203B 16 AND 203B 17  
8210 2200 DUTIES OF COUNTY AUDITOR OR  
MUNICIPAL CLERK UPON RECEIPT OF  
ABSENTEE BALLOT RETURN  
ENVELOPE  
8210 2400 SAFEGUARDING PROCEDURES  
8210 3000 MAIL BALLOTING

**8210.0100 PRESIDENTIAL ABSENTEE BALLOTS.**

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

Subp 2. **Form of affidavit of eligibility.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

\_\_\_\_\_  
VOTER'S FORMER ADDRESS IN MINNESOTA (PLEASE PRINT)

\_\_\_\_\_  
CITY OR TOWN (PLEASE PRINT)

\_\_\_\_\_  
COUNTY (PLEASE PRINT)

I certify that I

- will be at least 18 years old on election day,
- am a citizen of the United States,
- am not under guardianship of the person,
- have not been found by a court to be legally incompetent to vote,
- have not been convicted of a felony without having my civil rights restored,
- previously lived in Minnesota at the address printed above,
- moved from Minnesota to another state within 30 days of the election; and
- am not eligible to register to vote in the state in which I now live.

VOTER'S SIGNATURE

DATE

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

**History:** *23 SR 459*





**Please complete the following:**

Voter's name	Voter's date of birth
Voter's Minnesota address (If the voter is living permanently outside the United States, please give the voter's former address of residence in Minnesota.)	
City or township	MN

**Check the box that best describes why the voter will be absent from Minnesota on election day:**

- Voter is a member of the armed forces
- Voter is the spouse or dependent of a member of the armed forces
- Voter is temporarily outside the United States
- Voter lives permanently outside the United States with no definite intention of returning to the United States (eligible to vote for president, vice-president, and members of Congress only)

**Mail the ballot(s) to this address:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Applicant's signature:**

The voter expects to be absent from the precinct on election day. The information I provided on this application is true and correct.

Signature of applicant	Date
------------------------	------

\_\_\_\_\_  
Relationship to voter (if applicant is not voter)

**Please provide one of the following forms of identification (check one):**

- Voter's military ID card number \_\_\_\_\_
- or
- Voter's passport number \_\_\_\_\_
- or
- Signature and title of a person authorized to administer oaths certifying that the applicant has attested to the truthfulness of the contents of this application under oath (This person may

be a military officer ranked sergeant or equivalent or above, a notary public, or any other person authorized to administer oaths.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Subp 1d **Presidential application form.**

PRESIDENTIAL ABSENTEE BALLOT APPLICATION

**Who may use this application:**

Federal law permits you to apply for an absentee ballot that has only the offices of president and vice-president if you

- will be at least 18 years old on election day,
- are a citizen of the United States;
- are not under a guardianship of the person,
- have not been found by a court to be legally incompetent to vote,
- have not been convicted of a felony without having your civil rights restored;
- previously lived in Minnesota,
- moved from Minnesota to another state within 30 days of the election, and
- are not eligible to register to vote in the state in which you now live

Please drop-off, mail, or fax this application as soon as possible to the auditor's office in the county where you lived in Minnesota. Allow enough time for the ballot to be mailed to you and for the ballot to arrive back to the county auditor by election day

**Please complete the following:**

\_\_\_\_\_  
Your name

\_\_\_\_\_  
Your former address in Minnesota

\_\_\_\_\_  
City or township

\_\_\_\_\_  
County

MN

**Mail the ballot to me at:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MINNESOTA RULES 1998

8210.0200 ABSENTEE BALLOTS

Please sign.

The information I provided on this application is true and correct

Your signature

Date

Subp 1e Presidential primary application form.

PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION

Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party: (Check one)

Party Party

PLEASE NOTE: A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party

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

Name (please print)

My legal residence address is:

Street or Route No. Apt No Rural Box No
() City () Township County Zip

(check whichever is applicable) Telephone number (optional)

Mail my absentee ballot to me at the following address:

Street or Route No Apt. No Rural Box No
City State Zip
Date Legal Signature

# MINNESOTA RULES 1998

ABSENTEE BALLOTS 8210.0200

15

## Subp 1f Alternative presidential primary application form.

### PRESIDENTIAL PRIMARY ABSENTEE BALLOT APPLICATION Read Instructions Before Completing

I hereby apply for a presidential primary absentee ballot for the following political party  
(Check one)

\_\_\_\_\_ . ... Party  
\_\_\_\_\_ . Party

**PLEASE NOTE:** A presidential primary ballot cannot be sent to you unless you indicate on this application which political party's ballot you wish to receive. You may receive the ballot of only one political party

Name \_\_\_\_\_  
(please print)

### My legal residence address is:

\_\_\_\_\_  
Street or Route No. Apt No Rural Box No.

\_\_\_\_\_  
( ) City ( ) Township County Zip

(check whichever is applicable)

Telephone number (optional) \_\_\_\_\_

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

\_\_\_\_\_  
Street or Route No Apt. No. Rural Box No

\_\_\_\_\_  
City State Zip

Date \_\_\_\_\_

\_\_\_\_\_  
Legal Signature

**Subp 2 Absentee ballot instruction.** The following instructions must be sent with an absentee ballot application prepared pursuant to Minnesota Statutes, section 203B 06, subdivision 1 Jurisdictions where absentee voting is allowed for any reason may omit instruction number 2

### INSTRUCTIONS

- 1 To vote by absentee ballot
    - you must be an eligible voter, and
    - you must reside at the legal residence address you give on this application on election day
- It is a felony to make a false 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 show a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote or to help anyone to cast an illegal vote.

# MINNESOTA RULES 1998

## 8210.0200 ABSENTEE BALLOTS

2 Be sure to check the appropriate box indicating why you cannot 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

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

- Do not submit more than one application for each election

- 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 must conform to United States Postal Service requirements

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

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election

### Subp 4a Permanent application form.

### APPLICATION TO AUTOMATICALLY RECEIVE ABSENTEE BALLOT APPLICATIONS

Name \_\_\_\_\_  
Last First Middle

Township or City of Legal Residence \_\_\_\_\_  
Township or City County

Address of Legal Residence \_\_\_\_\_  
Street Address or Route and Box Number

Mailing Address for Application (if different) \_\_\_\_\_  
Street Address or Route and Box Number

\_\_\_\_\_ Mailing City State Zip

Telephone Number (optional) \_\_\_\_\_



I certify that I reasonably expect to be permanently unable to vote in person at the polling place for my precinct due to illness or disability and hereby request that an application for absentee ballots be sent to me before each election in which I am eligible to vote

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

[For text of subp 5, see MR ]

Subp 6 **Agent delivery application.** An application for agent delivery may be combined in one document with an absentee ballot application

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

**History:** 23 SR 459

### 8210.0225 APPLICATIONS FROM CHALLENGED VOTERS.

A voter registration card must be sent with the ballot to any challenged voter who applies for an absentee ballot. The absentee ballot process must be administered as if the voter was not registered to vote

**Statutory Authority:** *MS s 203B 04, 203B 08, 203B 09, 203B 125*

**History:** 23 SR 459

### 8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Subpart 1 **Required instructions.** Instructions to absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in subpart 2 or 3. The instructions may include a telephone number or electronic mail address which voters can call or write for help in absentee voting. In election jurisdictions using electronic voting systems, the instructions may explain how to correctly mark and fold the electronic voting system ballots

Subp 2 **Instructions for unregistered voters.**

#### INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness

Step 1 Locate one of the following people to serve as your witness:

a a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness),

b. a notary public,

c any person having authority to administer oaths; or

d. a United States Postal Service official, if available.

Step 2 Fill out the voter registration card. Remember to sign your name at the bottom of the card

Step 3 Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address;

b one document from the list in (i) and one document from the list in (ii).

(i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and

(ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph,

c the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you,

d a student identification card, registration card, or fee statement that contains the student's current address in the precinct, or

e a current valid registration in the same precinct.

Step 4 Show your witness the unmarked ballots

Step 5 Mark the ballots in secrecy If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you

Step 6 Fold each ballot so that your votes cannot be seen Do not put any identifying marks on the ballot

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope

Step 8 Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope An unsealed envelope will not be accepted.

Step 9 Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well

Step 10 Your ballot may be returned in one of the following ways:

a by mail,

b. in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope, or

c by agent delivery to your county auditor or municipal clerk

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p m on the day before the election

**Note:** Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes If you have any questions, please call . . . . .

Subp 3. **Instructions for registered voters.**

#### INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully

Before you vote by absentee ballot you must have a witness

Step 1 Locate one of the following people to serve as your witness:

a. a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness),

b a notary public,

c. any person having authority to administer oaths, or

d a United States Postal Service official, if available.

Step 2 Show your witness the unmarked ballots

Step 3 Mark the ballots in secrecy If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you

Step 4 Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot

Step 5 Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope An unsealed envelope will not be accepted.

Step 7 Print your name and address and sign your name on the back of the white ballot return envelope The name, address, and signature of your witness is required as well

Step 8 Your ballot may be returned in one of the following ways.

a. by mail,

b in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope, or

c by agent delivery to your county auditor or municipal clerk

You may mark and return your ballots at any time after you receive them

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7 00 p.m on the day before the election

**Note:** Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call . . .

**Statutory Authority:** *MS s 203B 04, 203B 08, 203B 09, 203B 125*

**History:** 23 SR 459

**8210.0600 STATEMENT OF ABSENTEE VOTER.**

Subpart 1 **Form.** Except as provided in subpart 4, the statement of absentee voter for persons voting under Minnesota Statutes, sections 203B 04 to 203B 15 must be printed in the form shown in subpart 1a

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

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

\_\_\_\_\_  
VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote by absentee ballot

\_\_\_\_\_  
VOTER'S SIGNATURE

\_\_\_\_\_  
DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting,
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter,
- enclosed and sealed the ballots in the secrecy envelope,
- registered to vote by filling out and enclosing a voter registration card in the ballot envelope, and
- provided proof of residence as indicated below

\_\_\_\_\_  
NAME OF WITNESS (PLEASE PRINT)

\_\_\_\_\_  
ADDRESS OF WITNESS (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE OF WITNESS (IF AN OFFICIAL)

↓ PROOF OF RESIDENCE USED BY VOTER ↓

**Witness – please check one:**

- MN Driver's License/Permit/ID Card or receipt with current address Number \_\_\_\_\_

# MINNESOTA RULES 1998

## 8210.0600 ABSENTEE BALLOTS

20

- Utility bill plus a MN Driver's License/ID Card, U S passport, U S military ID card with picture, or student ID card with picture  
Number \_\_\_\_\_
- Previous registration in the same precinct
- Student ID Number \_\_\_\_\_
- Notice of Late Registration from county auditor or municipal clerk
- Registered voter in the precinct who vouched for absentee voter's residence in the precinct  
(Please complete the next three lines )

VOUCHER'S NAME (PLEASE PRINT)

\_\_\_\_\_

VOUCHER'S ADDRESS (PLEASE PRINT)

\_\_\_\_\_

VOUCHER'S SIGNATURE

\_\_\_\_\_

*[For text of subp 2, see M R.]*

**Subp 3 Printing specifications.** The statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "TO BE COMPLETED BY VOTER" shall be printed in no smaller than 12-point type in capital letters. The remainder of the statement shall be printed in no smaller than 8-point medium type.

**Subp. 4 Alternative statement.** As an alternative, a county auditor may print two different versions of the statement. One version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subpart 1. An alternate version may be printed in the form shown in subpart 4a and must be provided only to absentee voters who are registered to vote at the time of application. The statement must be printed to the specifications of subpart 3.

**Subp 4a Alternative statement of absentee voter form.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

\_\_\_\_\_

VOTER'S ADDRESS (PLEASE PRINT)

\_\_\_\_\_

I certify that on election day I will meet all the legal requirements to vote by absentee ballot

VOTER'S SIGNATURE

\_\_\_\_\_

DATE

\_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter, and
- enclosed and sealed the ballots in the secrecy envelope.

# MINNESOTA RULES 1998

21

ABSENTEE BALLOTS 8210.0700

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

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

**History:** *23 SR 459*

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

Subpart 1 **Form.** The absentee ballot return envelope for persons casting an absentee ballot under Minnesota Statutes, sections 203B.04 to 203B.15, must be printed according to the specifications in subpart 2

Subp. 2 **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications.

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

B The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12–point bold type

C The words “ABSENTEE BALLOT RETURN ENVELOPE” printed across the face of the envelope must be in no smaller than 18–point bold type in capital letters

D The envelope must be white in color with black ink

E The flap on one end of the back side of the envelope may be printed as follows

“FOR OFFICE USE ONLY”

ACCEPTED       REJECTED

Subp 3. **Mailing address.** County auditors and municipal clerks shall cause a mailing address to be printed on each return envelope which they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. A return envelope may be addressed to the county auditor, to the municipal clerk, or to the election judges of the precinct in which the absent voter is eligible to vote

When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

*[For text of subps 7 and 8, see M R ]*

Subp 9. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot return envelope

Subp 10. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope

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

**History:** *23 SR 459*

# MINNESOTA RULES 1998

## 8210.0800 ABSENTEE BALLOTS

22

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

Subpart 1 **Form.** The absentee ballot return envelope for military and overseas voters must be printed according to the specifications in subpart 2

Subp 2 **Specifications.** The specifications in items A to I apply to envelopes prepared pursuant to subpart 1

A The envelope may not be more than 11–1/2 mches in length nor less than 5–1/2 inches in length.

B The envelope may not be more than 6–1/8 mches in width nor less than 3–1/2 inches in width

C In the upper right–hand corner, a postage symbol and box shall be imprinted

U S Postage Paid

39 USC 3406

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

E The words “OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST CLASS MAIL” must be printed in 18–point bold type and inside a box.

F The envelope must be white in color with Pantone 194 U red ink or darker used for all printing.

G County auditors or municipal clerks must address the return envelope as provided in part 8210 0700, subpart 3.

H Facing identification marks (FIM) must be positioned as specified in United States postal service instructions for facing identification marks.

I Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot envelopes

Subp 3 **Affidavit of eligibility.** On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B 21, an affidavit of eligibility must be printed on the right–hand three–fourths of the envelope in the form shown in subpart 3a

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

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

---

VOTER'S PRESENT OR LAST ADDRESS IN MINNESOTA (PLEASE PRINT)

---

CITY OR TOWN (PLEASE PRINT)

---

COUNTY (PLEASE PRINT)

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I certify that

- the information above is correct,
- I have not cast and will not cast any other ballot in this election;
- I personally marked the enclosed ballot(s) without exhibiting it to any other person, or which, in case of my physical disability, was marked for me under my personal direction, and
- I am qualified to vote the enclosed ballot(s) as (check category that applies)

a member of the  
armed forces,

a spouse or dependent of  
a member of the armed forces,

# MINNESOTA RULES 1998

23

ABSENTEE BALLOTS 8210.2200

a citizen of the U.S. temporarily residing outside the territorial limits of the U.S. ,

a citizen of the U.S permanently residing outside the territorial limits of the U.S

\* Military identification or passport number \_\_\_\_\_

VOTER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

\***Note:** No witness is required if you provide your military identification or passport number to match the military identification or passport number on your application

SIGNATURE OF WITNESS \_\_\_\_\_

DATE \_\_\_\_\_

TITLE OF WITNESS (Give title or office of witness authorized to administer oaths or witness who is a military officer not below the rank of sergeant or its equivalent.)  
\_\_\_\_\_

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

**Statutory Authority:** *MS s 203B 04, 203B 08, 203B 09, 203B 125*

**History:** *23 SR 459*

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

*[For text of subpart 1, see MR ]*

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

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

When an agent hand delivers a sealed envelope with an improperly completed absent voter's certificate, the agent may return the envelope to the absent voter for correction or completion

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

*[For text of subp 3, see MR ]*

**Statutory Authority:** *MS s 203B 04, 203B 08, 203B 09, 203B 125*

**History:** *23 SR 459*

**8210.2400 SAFEGUARDING PROCEDURES.**

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to election day

*[For text of items A and B, see MR ]*

C All retained envelopes shall be placed in a locked, secure location after being dated, stamped, and recorded. The envelopes shall not be removed from this location or handled until election day, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B 13

*[For text of items D and E, see MR ]*

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

**History:** *23 SR 459*

**8210.3000 MAIL BALLOTING.**

*[For text of subps 1 to 3, see MR ]*

Subp 4 **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 20 or later than 14 days prior to the election. No ballot may be mailed to a challenged voter. A challenged voter may apply for an absentee ballot.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B 11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter completes an absentee ballot request as provided in Minnesota Statutes, section 203B 04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions may include a telephone number or electronic mail address which voters can call or write for help in mail voting. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

Subp 4a **Form of instructions to mail voters.**

**INSTRUCTIONS TO MAIL BALLOT VOTERS**

Follow these instructions carefully

Before you vote you must have a witness.

Step 1 Locate one of the following people to serve as your witness

a a United States citizen who is at least 18 years old, who lives in your county, and who is eligible to vote (your spouse or another relative who meets these qualifications may serve as your witness),

b. a notary public, or

c any person having authority to administer an oath, such as a judge.

Step 2 Show your witness the unmarked ballots.

Step 3 Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you

Step 4 Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot

Step 5 Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope

Step 6 Place the tan colored ballot secrecy envelope into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well



# MINNESOTA RULES 1998

25

ABSENTEE BALLOTS 8210.3000

Step 8 The ballot return envelope may be mailed or delivered in person by you or your designated agent 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 or through your designated agent to the auditor's office no later than 8:00 p.m. on election day

If you have questions, please call ( ) - . .

Subp 4b **Form of mail voter's certificate.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

\_\_\_\_\_  
VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote.

\_\_\_\_\_  
VOTER'S SIGNATURE

\_\_\_\_\_  
DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting,
- marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter, and
- enclosed and sealed the ballots in the secrecy envelope

\_\_\_\_\_  
NAME OF WITNESS (PLEASE PRINT)

\_\_\_\_\_  
ADDRESS OF WITNESS (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE OF WITNESS

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE OF WITNESS (IF AN OFFICIAL)

Subp. 4c **Presidential primary ballots.** In precincts voting by mail in the presidential primary, the county auditor shall mail the ballots of each of the major political parties to every registered voter. The county auditor shall include a secrecy envelope that provides a place for the voter to indicate the party whose ballot has been enclosed by the voter. The secretary of state shall supply the county auditors with the format for the secrecy envelope The voter must be instructed to vote and return the ballot of only one party and indicate their party choice on the secrecy envelope.

The election judges must inspect the secrecy envelope and record the voter's party choice on the polling place roster. If the voter has not indicated a party choice, the return envelope must be marked "rejected"

When the election judges open the secrecy envelopes, they shall determine whether the party choice indicated by the voter on the face of the envelope matches the party of the ballot in the envelope If the party choice does not match the ballot, the ballot is completely defective If more than one ballot is included, only the ballot whose party matches the party choice indicated by the voter can be counted. The remaining ballots are completely defective.

Subp 5 **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, chapter

203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8.00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210 0500, subpart 2. The statement of absentee voter must be that specified in part 8210 0600, subpart 1a, or 8210 0800, subpart 3a. The absentee ballot return envelope must be as specified in part 8210.0700 or 8210 0800.

**Subp. 6 Replacement ballots.** A voter who has spoiled a ballot may request a replacement ballot from the official conducting the election by completing a replacement mail ballot affidavit. The spoiled ballot must be returned to the official who issued the ballot, either by mail or in person, before a replacement ballot can be issued. The election official must put the returned ballot in a spoiled ballot envelope. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive or lost the ballot mailed to the voter. The election official 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. 6a Form of replacement mail ballot affidavit.**

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 spoiled, lost, or did not receive the ballot mailed to me.

I certify that if I spoiled the ballot, I have returned the spoiled ballot to the official who issued the ballot or that it is enclosed with this affidavit.

I certify that if I receive both ballots or find the first ballot, 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)

**Subp. 7 Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in Minnesota Statutes, section 201.12, and the voter's registration must be challenged. The official conducting the election 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 county, municipality, school district, or unorganized territory holding the mail election, the auditor or clerk shall resend a ballot to the voter along with a voter registration card, an absentee ballot return envelope as provided in part 8210 0600, subpart 1a, and a notice explaining the need and the procedure to register at the voter's new address. The auditor or clerk shall keep a list of individuals who are sent the second mailing and will provide a copy of that list to the election judges for use in processing the returned ballots. The list of voters sent the second mailing will take the place of the absentee ballot request form specified in part 8210 0200.

**Subp. 8 Returning ballots.** Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. Ballots returned in person, or by designated agent, must be accepted until 8 00 p.m. on the day of the election. An individual shall not be the designated agent of more than three absentee voters in one election.

**Subp. 9 Polling place and election judges.** The only polling place required for mail balloting is the office of the election official conducting the election. The number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body of the jurisdiction conducting the election shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body of the jurisdiction conducting the election shall appoint election judges as provided in Minnesota Statutes, sections 204B.19 to 204B.21. For state elections, the county auditor shall appoint election judges for mail ballot precincts and shall apportion the cost of the election judges among the precincts voting by mail in that election. The county auditor may delegate the authority to appoint election judges for precincts voting by mail in state elections to the municipal clerk. During the day of the election at least two election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If the ballots are to be counted by hand and there are more than two questions or one office to be voted on, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

**Subp. 10 Receiving and counting ballots.** On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots, applications for absentee ballots, affidavits for replacement ballots, and the list of voters sent a second mailing of the ballot. The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges.

Prior to 8:00 p.m. on election day, the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The election judges may check any list of registered voters provided by the county auditor or contact the county auditor to determine whether a witness who did not provide an address is a registered voter and therefore an eligible voter. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m. on election day, the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

*[For text of subs 11 to 13, see M R ]*

**Statutory Authority:** *MS s 204B 45*

**History:** *23 SR 459*

**8210.3005** [Repealed, 23 SR 459]

**8210.3010** [Repealed, 23 SR 459]

**8210.3015** [Repealed, 23 SR 459]

**8210.9910** [Repealed, 23 SR 459]

**8210.9915** [Repealed, 23 SR 459]

**8210.9916** [Repealed, 23 SR 459]

**8210.9917** [Repealed, 23 SR 459]

**8210.9918** [Repealed, 23 SR 459]

**8210.9920** [Repealed, 23 SR 459]

**NOTE** This part was also amended at 23 SR 403 to read

8210.9920 INSTRUCTIONS TO ABSENTEE VOTERS, SPECIFIED BY PART 8210.0500  
INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully

Before you vote by absentee ballot you must have a witness

Step 1 Locate one of the following people to serve as your witness

- a an eligible voter who lives in your county,
- b a notary public,
- c any person having authority to administer oaths, or
- d a United States Postal Service official, if available

Step 2 Fill out the voter registration card. You must provide all the information marked in red. Remember to sign your name at the bottom of the card.

Step 3 Show your witness your proof of residence in the precinct. The following documents may be used as proof of residence:

- a a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address,
- b one document from the list in (i) and one document from the list in (ii)
  - (i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day, and
  - (ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph,
- c the signature of a registered voter who lives in your precinct, if your witness is registered to vote in your precinct, your witness may also vouch for you,
- d a student identification card, registration card, or fee statement that contains the student's current address in the precinct, or
- e current valid registration in the same precinct.

Step 4 Show your witness the unmarked ballots

Step 5 Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you.

Step 6 Fold each ballot so that your votes cannot be seen. Do not put any identifying marks on the ballot.

Step 7 Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8 Place the tan secrecy envelope and your completed voter registration card into the white ballot return envelope and seal the envelope. An unsealed envelope will not be accepted.

Step 9 Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness is required as well.

Step 10 Your ballot may be returned in one of the following ways:

- a by mail,
- b in person to your county auditor or municipal clerk at the address on the front of the white ballot return envelope, or
- c by agent delivery to your county auditor or municipal clerk.

You may mark and return your ballots at any time after you receive them.

If your ballots are mailed, enough time should be allowed to permit the ballots to be delivered by the postal service no later than election day.

If you or your agent return your ballots in person, your county auditor or municipal clerk must receive them no later than 7:00 p.m. on the day before the election.

NOTE: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes.

**8210.9925** [Repealed, 23 SR 459]

**8210.9930** [Repealed, 23 SR 459]

**8210.9935** [Repealed, 23 SR 459]

**8210.9945** [Repealed, 23 SR 459]

**8210.9950** [Repealed, 23 SR 459]

**8210.9955** [Repealed, 23 SR 459]