

MINNESOTA RULES 2003

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CHAPTER 8210 SECRETARY OF STATE ABSENTEE BALLOTS

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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

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

History: *23 SR 459*

8210.0200 ABSENTEE BALLOT APPLICATION.

Subpart 1. **Application form.** An absentee ballot application prepared pursuant to Minnesota Statutes, section 203B.06, subdivision 1, shall be in the form in subpart 1a. An absentee ballot application prepared pursuant to Minnesota Statutes, section 203B.06, subdivision 1, in jurisdictions where absentee balloting is allowed for any reason, shall be in the form in subpart 1b. An absentee ballot application prepared pursuant to Minnesota Statutes, section 203B.17, subdivision 2, must be in the form in subpart 1c. An absentee ballot application prepared pursuant to part 8210.0100 must be in the form in subpart 1d. An absentee ballot application for an election may include the date of the election.

Subp. 1a. **General application form.**

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

RETURN THE APPLICATION AS SOON AS POSSIBLE. BALLOTS RECEIVED AFTER ELECTION DAY CANNOT BE COUNTED.

I hereby apply for absentee ballots for:

(Check one)

- both primary and general elections
- primary election only
- general election only

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)

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Telephone number (optional) _____

Date of birth (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. 1b. Alternative application form.

ABSENTEE BALLOT APPLICATION

READ INSTRUCTIONS BEFORE COMPLETING

RETURN THE APPLICATION AS SOON AS POSSIBLE. BALLOTS RECEIVED
AFTER ELECTION DAY CANNOT BE COUNTED.

I hereby apply for absentee ballots for:

(Check one)

- both primary and general elections
- primary election only
- general election only

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) _____

Date of birth (optional) _____

Mail my absentee ballot to me at the following address:

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

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City State Zip
Date _____
Legal Signature

Subp. 1c. Military application form.

ABSENTEE BALLOT APPLICATION

Who may use this application:

You may use this application for an absentee ballot if you (or the voter you are applying for) will be absent from your Minnesota residence on election day because you are

- a member of the armed forces
- a spouse or dependent of a member of the armed forces
- temporarily outside the United States
- permanently living outside the United States.

You may apply on behalf of another voter if you are the spouse, parent, brother, sister, or child age 18 or older of the voter. One application covers both the upcoming primary and general elections.

Please drop-off, mail, or fax this application to the county auditor's office in the county where you reside or resided 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:

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).

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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;

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- 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:

Please sign.

The information I provided on this application is true and correct

Your signature

Date

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

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

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

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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.

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 election official 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.

- Ballots received by election officials after election day will not be counted.

Subp. 3. **Postcard application.** The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the secretary of state. 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

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Mailing Address
for Application
(if different) _____

Street Address or Route and Box Number

Mailing City

State

Zip

Telephone Number (optional) _____

Date of Birth (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

Subp. 5. [Repealed, 25 SR 616]

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: *10 SR 1690; 13 SR 259; 15 SR 1641; 17 SR 8; 20 SR 2787; 23 SR 459; 25 SR 616*

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*

8210.0250 [Repealed, 25 SR 616]

8210.0300 BALLOT ENVELOPE.

The ballot envelope shall be printed in the following manner.

The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" shall be printed on the front of the envelope.

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

History: *8 SR 1348; 17 SR 351*

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 individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

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.

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 are required as well.

Step 10. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

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

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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 individuals to serve as your witness:

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a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;

b. a notary public; or

c. any person having authority to administer oaths.

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.

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 are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope in one of the following ways:

a. by mail so it will be delivered by election day;

b. in person no later than 5:00 p.m. on the day before election day; or

c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

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; 203B.14*

History: *17 SR 351; 23 SR 459; 25 SR 616*

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

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↓ 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: _____
- 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

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Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

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.

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; 203B.14*

History: *8 SR 1348; 17 SR 351; 23 SR 459; 25 SR 616*

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 that 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.

Subp. 4. [Repealed, 20 SR 2787]

Subp. 5. [Repealed, 20 SR 2787]

Subp. 6. [Repealed, 20 SR 2787]

Subp. 7. **Ward and precinct number.** The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number in the spaces provided on the left-hand end of the return envelope.

Subp. 8. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the return envelope.

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; 203B.14*

History: *8 SR 1348; 17 SR 351; 17 SR 1279; 19 SR 593; 20 SR 2787; 23 SR 459; 25 SR 616*

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.

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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 inches in length nor less than 5-1/2 inches in length.

B. The envelope may not be more than 6-1/8 inches 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)

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;

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() 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: *8 SR 1348; 23 SR 459*

8210.1000 EXPERIMENTAL FORMS.

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

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

History: *8 SR 1348*

PROCEDURES

8210.2100 MAILING OR DELIVERING ABSENTEE BALLOT RETURN ENVELOPES.

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

A. causing the envelope to be mailed to the address on it;

B. delivering the envelope in person to the county auditor or municipal clerk from whom the ballots were received; or

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

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

History: *17 SR 1279*

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

Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in person by an absent voter must be received by the county auditor or municipal clerk by 5:00 p.m. on the day before election day. Absentee ballot return envelopes that are delivered in person by an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day.

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.

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

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

History: *8 SR 1348; 17 SR 1279; 23 SR 459; 25 SR 616*

8210.2300 RETAINING BALLOTS.

A county auditor or municipal clerk who receives an absentee ballot return envelope in person from an absent voter or an agent may deposit the envelope in the mail or retain it in the office as provided in part 8210.2400. However, on receiving the return envelope on the day before election day, the auditor or clerk shall retain the return envelope in the auditor's or clerk's office as provided in part 8210.2400 and deliver the return envelope to the polling place on election day.

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

History: *17 SR 1279*

8210.2400 SAFEGUARDING PROCEDURES.

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

A. An auditor or clerk intending to deposit return envelopes in the mail shall do so promptly upon receipt of the return envelope from the absent voter or agent.

B. The auditor or clerk shall establish a record of absentee ballot return envelopes which are retained in the office. The record shall state the absent voter's name, address, and precinct number; the agent's name, if any; and the date the ballot was received by the auditor or clerk.

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.

D. A part-time municipal clerk who receives return envelopes shall notify the auditor prior to each election of the safeguarding procedures which the clerk plans to follow, and the procedures shall be subject to the auditor's approval.

E. On election day all absentee ballot return envelopes retained by the county auditor or municipal clerk shall be removed from the place of safekeeping and compared with the record required by this rule to ensure that all envelopes are accounted for. Any discrepancy shall be reported to the secretary of state promptly. Each return envelope shall then be delivered to the polling place in the precinct where the absent voter resides.

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

History: *17 SR 1279; 23 SR 459*

8210.2500 MAIL PICKUP.

Each municipal clerk shall communicate with the United States postal service facility serving the municipality with regard to the handling of absentee ballot return envelopes received by the post office on election day after the last regular mail delivery has commenced. The municipal clerk shall take all reasonable steps to ensure that all return envelopes received by the post office before 4 p.m. on election day are delivered before the closing of the polls to the election judges in the precinct where the absent voter resides.

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

History: *17 SR 1279*

MAIL BALLOTS

8210.3000 MAIL BALLOTING.

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2500 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, school board, or county board may authorize mail balloting by resolution adopted no later than 45 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 45 days before the next affected election. Authorization to conduct a special election pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

Subp. 3. **Notice.** The municipal clerk or school district clerk shall notify the county auditor of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to Minnesota Statutes, section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- A. the name or description of the municipality or unorganized territory;
- B. the date of the election and the dates that ballots will be mailed;
- C. a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- D. the times, places, and manner in which voted ballots can be returned;

E. an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

F. the place and time for counting of ballots; and

G. the name and address or telephone number of the official or office where additional information can be obtained.

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

Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 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 individuals to serve as your witness:

a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;

b. a notary public; or

c. any person having authority to administer oaths.

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.

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 are required as well.

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Step 8. Return your ballot to the address on the white ballot return envelope by mail so it will be delivered by election day or in person or through your designated agent 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. [Repealed, 25 SR 616]

Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210.0500, subpart 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

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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 am requesting a replacement ballot because I spoiled, lost, or did not receive the ballot mailed to me;
- 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;
- if I receive both ballots or find the first ballot, I will destroy the unused ballot and will vote only once; and
- 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. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. 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.

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

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

Subp. 13. Alternate forms. The secretary of state may authorize the alternate use of envelopes and other forms related to mail elections.

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

History: *12 SR 2142; 17 SR 8; 17 SR 351; 19 SR 593; 20 SR 2787; 23 SR 459; 25 SR 616*

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]

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8210.9916 [Repealed, 23 SR 459]

8210.9917 [Repealed, 23 SR 459]

8210.9918 [Repealed, 23 SR 459]

8210.9920 [Repealed, 23 SR 459]

8210.9925 [Repealed, 23 SR 459]

8210.9930 [Repealed, 23 SR 459]

8210.9935 [Repealed, 23 SR 459]

8210.9940 [Repealed, 19 SR 593]

8210.9945 [Repealed, 23 SR 459]

8210.9950 [Repealed, 23 SR 459]

8210.9955 [Repealed, 23 SR 459]