

**CHAPTER 8210**  
**SECRETARY OF STATE**  
**ABSENTEE BALLOTS**

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**8210.0050 ABSENTEE OR MAIL BALLOT MATERIALS.**

All materials mailed in connection with absentee or mail voting shall bear the official United States Postal Service Election Mail insignia, except that county auditors may consume stock on hand on August 9, 2004.

All envelopes used in connection with absentee or mail voting shall also bear a legend indicating the ballot category enclosed, in no smaller than 8-point type. The categories are:

- A. registered;
- B. nonregistered,
- C. registered (agent delivery);
- D. nonregistered (agent delivery);
- E. military/overseas;
- F. presidential only; and
- G. mail.

County auditors may consume the existing stock of absentee ballot applications on hand on August 9, 2004

**Statutory Authority:** *MS s 14.388*

**History:** *29 SR 155*

**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)

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VOTER'S FORMER ADDRESS IN MINNESOTA (PLEASE PRINT)

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CITY OR TOWN (PLEASE PRINT)

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COUNTY (PLEASE PRINT)

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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 where I have not retained the right to vote;
- 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 vote in the state in which I now live.

VOTER'S SIGNATURE

DATE

**Statutory Authority:** *MS s 14 388*

**History:** *29 SR 155*

**8210.0200 ABSENTEE BALLOT APPLICATION.**

*[For text of subps 1 and 1a, see MR ]*

Subp 1b. [Repealed, 29 SR 155]

*[For text of subps 1c to 6, see MR ]*

**Statutory Authority:** *MS s 14 388*

**History:** *29 SR 155*

**8210.0225 APPLICATIONS FROM CHALLENGED VOTERS.**

A voter registration application must be sent with the ballot to any challenged voter and to each voter whose voter registration application is incomplete under Minnesota Statutes, section 201 061, subdivision 1a, or 201 121, 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 14 388*

**History:** *29 SR 155*

**8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

Subpart 1 **Required instructions.** Instructions to the 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, 3, or 4. The instructions may include a telephone number or electronic mail address which voters can call or contact for help in absentee voting. In election jurisdictions using electronic voting systems, the instructions must explain how to correctly mark and fold the electronic voting system ballots. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error.

Subp 2 **Instructions for unregistered voters.**

INSTRUCTIONS TO ABSENTEE VOTERS,  
 VOTERS WHO ARE CURRENTLY NOT REGISTERED  
 IN MINNESOTA, VOTERS WHOSE REGISTRATIONS  
 HAVE BEEN DULY CHALLENGED, AND  
 VOTERS WHO REGISTERED BY MAIL AND  
 HAVE NOT COMPLETED REGISTRATION REQUIREMENTS  
 "IMPORTANT NOTICE TO CHALLENGED VOTERS"

Pursuant to Minnesota Statutes, chapter 201, the county auditor is required to "challenge" your voter registration, either because of a notification from the post office that you no longer live at the address listed on your voter registration or because of another question about your eligibility to vote. To remove the challenge so that your ballot can be counted, you must complete the enclosed Minnesota voter registration application. Read the statement at the bottom of the registration application and sign the application only if all parts apply to you. To complete the return envelope, follow the instructions provided."

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 application. Remember to sign your name at the bottom of the application

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,

e a current valid registration in the same precinct, or

f tribal band members living on an Indian reservation may prove residence for purposes of registering by showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

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. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than

instructed Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY** Carefully follow the instructions on the ballot If you are voting in a partisan primary, you may only vote for the candidates of one party Voting for candidates in more than one party will prevent your partisan ballot from being counted

If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 6 Fold each ballot so that it fits within the tan ballot secrecy envelope. Do not put any identifying marks on the ballot

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

Step 8. Place the tan ballot secrecy envelope and your completed voter registration application 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

### 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

- 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 Mark your votes in the manner shown or explained at the top of the ballots Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office

**FOR PRIMARY VOTERS ONLY** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party Voting for candidates in more than one party will prevent your partisan ballot from being counted

If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

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Step 4 Fold each ballot so that it fits within the tan ballot secrecy envelope 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 tan ballot secrecy 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

Subp 4. **Instructions for military and overseas voters.** The following instructions must be sent to military and overseas absentee voters voting under Minnesota Statutes, sections 203B 16 to 203B.27:

## INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully

Step 1 Mark the ballots in secrecy Mark your votes in the manner shown or explained at the top of the ballots Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed Casting more votes than instructed for an office will prevent your votes from being counted for that office

**FOR PRIMARY VOTERS ONLY** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot, you may erase any errors and remark your ballot or you may request a new ballot from the county auditor from whom you received your ballot If you are disabled or otherwise unable to mark the ballots, you may have someone assist you Do not permit any other individual to observe the marking of the ballot.

Step 2 Fold each ballot so that it fits within the tan ballot secrecy envelope Do not put any identifying marks on the ballot.

Step 3 Place all completed ballots in the tan ballot secrecy envelope and seal the envelope Do not write on the tan ballot secrecy envelope Do not permit other individuals to see your ballot before sealing the ballot envelope

Step 4 Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 5. Write your military identification number or passport number on the back of the white ballot return envelope If you cannot provide your military identification number or passport number on the return ballot envelope, you must have the signature and certification of a commissioned officer of the armed forces or any official authorized to administer oaths under federal law or the law of the state of Minnesota or other place where the oath is administered.

Step 6 Print your name and your present or last address in Minnesota. Date and sign your name on the back of the white ballot return envelope

Step 7. Return your ballot to the address on the white ballot return envelope by mail or expedited delivery service so it will be delivered by no later than election day

**Statutory Authority:** *MS s.14 388*

**History:** *29 SR 155*

### 8210.3000 MAIL BALLOTING.

*[For text of subps 1 to 3, see M.R.]*

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.

The mail balloting process for voters whose registrations are incomplete under Minnesota Statutes, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote.

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. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY:** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

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If you make an error when marking your ballot you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 4 Fold each ballot so that it fits within the tan ballot secrecy envelope. 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 this 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 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 ( ) -

*[For text of subps 4b to 13, see MR ]*

**Statutory Authority:** *MS s 14 388*

**History:** *29 SR 155*