

CHAPTER 8250
SECRETARY OF STATE
BALLOT PREPARATION

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PREPARING WHITE BALLOT

8250.0100 DEFINITION OF WHITE BALLOT.

The "white ballot" is the ballot used at general elections and is the ballot on which are printed the names of the candidates appearing on the presidential ballot and those candidates nominated for the offices of United States senator, United States representative, state senator, state representative, governor and lieutenant governor, secretary of state, state auditor, and attorney general.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348; 13 SR 347; L 2003 c 112 art 2 s 50*

8250.0200 AUDITOR'S DUTIES.

The white ballot shall be prepared under the direction of the county auditors in a sufficient number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The county auditors shall prepare and print the white ballot as soon as practicable, but in no event less than 30 days before the election. Two weeks before the general election the auditor shall file sample copies of the white ballot in the auditor's office for public inspection. Ballots for distribution in the polling place must be packaged in quantities of 25, 50, or 100.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348; 10 SR 1690; 25 SR 616*

8250.0300 FORM OF BALLOTS.

The white ballot shall be printed with black ink on white paper as close as practicable to 30 pound. The ballot shall be no less than four inches wide and printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on the ballot. The auditor shall prepare the ballots in such a manner as to enable the voter to understand what candidates have been nominated and how many are to be elected to each office and to designate the voter's choice easily and accurately.

Statutory Authority: *MS s 204D.11*

History: *17 SR 1279; 25 SR 616*

FORM OF OTHER BALLOTS

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be no less than 2-1/2 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be 2-1/2 inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision 4, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

Statutory Authority: *MS s 204D.08; 204D.11; 206.57; 207A.09*

History: *14 SR 2355; 17 SR 8; 23 SR 459*

8250.0360 [Repealed, 25 SR 616]

8250.0365 FORM OF PINK BALLOT.

Subpart 1. **General form.** The ballot for constitutional amendments must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "CONSTITUTIONAL AMENDMENT BALLOT" must be printed at the top of the ballot. Directly below the heading will be a bold dividing line running the width of the ballot. The following statement shall be beneath the dividing line and printed in upper and lower case: "Failure to vote on a constitutional amendment, will have the same effect as voting no for the amendment." A bold dividing line running the width of the ballot shall be immediately below the statement.

Subp. 3. **Instructions to voters.** The following instructions must be printed directly below the statement required in subpart 2. "To vote for a proposed constitutional amendment, put an (X) in the square next to the word "YES" for that question. To vote against a proposed constitutional amendment, put an (X) in the square next to the word "NO" for that question." A bold dividing line running the width of the ballot must appear immediately below the instructions.

Subp. 4. **Designation by number.** If more than one constitutional amendment is on the ballot, each constitutional amendment must be designated by a number and must be preceded by the word "AMENDMENT" and the number assigned to the amendment.

Statutory Authority: *MS s 204D.11*

History: *19 SR 593; 23 SR 459; 25 SR 616*

8250.0370 FORM OF CANARY BALLOT.

Subpart 1. **General form.** The canary ballot must be prepared in the same manner as the white ballot, except as provided in this part. The county auditor may add the name of the county directly under the heading of the canary ballot. The county auditor must add the date of the election directly under the heading of the canary ballot and the name of the county, if this name is printed on the ballot. If the canary ballot contains a ballot question, the following instruction must be printed directly under the instructions required in part 8250.0400. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question." Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

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Subp. 2. **Ballot order.** County offices must be listed first on the canary ballot in the following order and identified as follows in upper case letters:

COUNTY COMMISSIONER

COUNTY AUDITOR

COUNTY TREASURER

COUNTY RECORDER

COUNTY SHERIFF

COUNTY ATTORNEY

COUNTY SURVEYOR

COUNTY CORONER

The name and number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart.

The names of candidates to fill vacancies at a special election must be listed under the heading "Special election for (name of office) to fill vacancy in term expiring (date)" with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term.

Any county offices not listed in this subpart must follow the office of county coroner on the ballot and must be listed in the order determined by the county auditor.

County ballot questions must be printed after county offices on the canary ballot. When more than one county question is on the ballot, each county ballot question must be designated by a number and must be preceded by the words "COUNTY QUESTION" in upper case letters and the number assigned to the question. The county auditor or county board shall provide a title for each county question printed on the canary ballot. The title must not contain more than ten words. The county attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the county attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Special district offices must follow the last county question. The words "SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR" in upper case letters must precede the names of candidates for the soil and water conservation district board. Where soil and water conservation district supervisor offices are designated by number, the offices must be listed in numerical order. The name and number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

Judicial offices must follow special district offices and appear in the following order: chief justice - Supreme Court, associate justice - Supreme Court, judge - Court of Appeals, and judge - District Court. Where judicial seats are designated by number, the offices must be listed in numerical order. Optical scan ballots must be prepared in the order provided in Minnesota Statutes, chapter 206.

Subp. 3. **Ballot size.** The canary ballot must be no less than four inches wide and no more than 30 inches long.

Statutory Authority: *MS s 204D.11*

History: *19 SR 593; 20 SR 2787; 23 SR 459; 25 SR 616*

8250.0375 FORM OF GRAY BALLOT.

Subpart 1. **General form.** The judicial nonpartisan office ballot must only be used if the canary ballot exceeds 30 inches in length, except in counties using optical scan ballots, when the gray ballot may be prepared at the discretion of the county auditor. The ballot for judicial nonpartisan offices must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot order.** Offices appearing on the gray ballot must be listed in the order provided by part 8250.0370, subpart 2.

Statutory Authority: *MS s 204D.11*

History: *19 SR 593; 23 SR 459*

8250.0385 FORM OF GREEN BALLOT.

Subpart 1. **General form.** The municipal nonpartisan office ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot order.** The municipal clerk may add the type of election directly above the date on the green ballot. City offices must be listed in the following order and must be identified as follows in upper case letters:

MAYOR

COUNCIL MEMBER

CITY CLERK

CITY TREASURER

Town offices must be listed in the following order and must be identified as follows in upper case letters:

TOWN SUPERVISOR

TOWN CLERK

TOWN TREASURER

The name and/or number of the district that the person elected will represent must be printed in upper case letters or numbers directly under the title of the office.

Municipal offices elected at large must be listed before other offices of the same type elected by district. Where municipal offices are designated by number, those offices must be listed in numerical order. If two of the offices listed in this subpart have been combined into one office, the combined office must take the place of the first office listed in this subpart. Vacant municipal offices being filled by special election must be listed with offices of the same type but after any offices for which candidates will be elected for a full term. The title of a vacant township office being filled at an annual town election may be followed by the number of years remaining in the term. Municipal offices not listed in this subpart must follow the last office listed above and must be listed in the order determined by the municipal clerk.

Statutory Authority: *MS s 205.17*

History: *23 SR 459; 25 SR 616*

8250.0390 FORM OF BLUE BALLOT.

Subpart 1. **General form.** The municipal question ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "CITY QUESTION BALLOT" or "TOWN QUESTION BALLOT" must be printed at the top of the ballot in upper case letters. The municipal clerk may add the type of election directly above the date on the blue ballot.

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The following words must be printed directly under the ballot heading, municipality name, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" on that question. To vote against a question, put an (X) in the square next to the word "NO" on that question."

When more than one municipal question is on the ballot, each municipal ballot question must be designated by a number and must be preceded by the words "CITY QUESTION" or "TOWN QUESTION" in upper case letters and the number assigned to the question. The municipal clerk or municipal governing body shall provide a title for each municipal question printed on the blue ballot. The title must not contain more than ten words. The municipality's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the municipality's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Statutory Authority: *MS s 205.17*

History: *23 SR 459; 25 SR 616; 34 SR 1561*

8250.0395 FORM OF BUFF BALLOT.

Subpart 1. **General form.** The school district office ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot offices.** The words "SCHOOL DISTRICT BALLOT" must be printed at the top of the ballot in upper case letters. The school district clerk must add the name and/or number of the school district and the date of the election directly under the heading of the buff ballot. The school district clerk may add the type of election directly above the date on the buff ballot. School district offices must be identified on the buff ballot as follows in upper case letters:

SCHOOL BOARD MEMBER

The name and/or number of the district that the person elected will represent must be printed directly under the title of the office.

School district offices elected at large must be listed before other offices of the same type elected by district. Where school board offices are designated by number, the offices must be listed in numerical order. Vacant offices being filled by special election must be listed with offices of the same type but after any offices for which a candidate will be elected for a full term.

Statutory Authority: *MS s 205A.08*

History: *23 SR 459; 25 SR 616*

8250.0397 FORM OF GOLDENROD BALLOT.

Subpart 1. **General form.** The school district question ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "SCHOOL DISTRICT QUESTION BALLOT" must be printed at the top of the ballot in upper case letters. The school district clerk must add the name and/or number of the school district and the date of the election directly under the heading of the goldenrod ballot. The school district clerk may add the type of election directly above the date on the goldenrod ballot. The following words must be printed directly under the ballot heading, school district identifier, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."

When more than one question is on the ballot, each ballot question must be designated by number and must be preceded by the words "SCHOOL DISTRICT BALLOT QUESTION" in upper case letters and the number assigned to the question. The school district clerk or school board shall provide a title for each school district question printed on the goldenrod ballot. The title must not contain more than ten words. The school district's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the school district's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Statutory Authority: *MS s 205A.08*

History: *23 SR 459; 25 SR 616*

8250.0398 FORM OF TAN BALLOT.

Subpart 1. **General form.** The hospital district ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballots for electronic voting systems must be prepared in the manner provided for paper ballots to the extent practicable.

Subp. 2. **Ballot heading.** The words "HOSPITAL DISTRICT BALLOT" must be printed at the top of the ballot in upper case letters. The hospital district clerk must add the name of the hospital district and the date of the election directly under the heading of the tan ballot. The hospital district clerk may add the type of election directly above the date on the tan ballot.

Subp. 3. **Ballot offices.** Hospital district offices must be identified on the tan ballot as follows in upper case letters:

HOSPITAL DISTRICT BOARD MEMBER

The name and/or number of the district that the person elected will represent must be printed directly under the title of the office.

Hospital district offices elected at large must be listed before other offices of the same type elected by district. Where hospital district offices are designated by number, the offices must be listed in numerical order. Vacant offices being filled by special election must be listed with offices of the same type but after any offices for which a candidate will be elected for a full term. The title of a vacant hospital district office being filled by special election may be followed by the number of years remaining in the term.

Subp. 4. **Ballot questions.** The following instruction must be printed directly under the ballot heading, hospital district identifier, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" for that question. To vote against a question, put an (X) in the square next to the word "NO" for that question."

When more than one question is on the ballot, each ballot question must be designated by number and must be preceded by the words "HOSPITAL DISTRICT BALLOT QUESTION" in upper case letters and the number assigned to the question. The hospital district clerk or hospital district board shall provide a title for each hospital district question printed on the tan ballot. The title must not contain more than ten words. The hospital district's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the hospital district's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Subp. 5. **Offices and questions on same ballot.** If both hospital district offices and questions will be on the hospital district ballot, the instruction for voting for questions must follow the instruction for voting for offices.

Statutory Authority: *MS s 447.32*

History: *25 SR 616*

FORM OF WHITE BALLOT

8250.0400 TOP OF BALLOT.

Under the heading of the white ballot and the name of the county shall be printed in upper and lower case letters the words "Put an (X) in the square opposite the name of each candidate you wish to vote for." On the left side of the words and directly above the squares in which a voter marks choices shall be printed a small arrow pointing downward.

Statutory Authority: *MS s 204D.11*

History: *17 SR 1279; 23 SR 459*

8250.0500 BALLOT HEADING.

At the top of the white ballot shall be printed the words "STATE GENERAL ELECTION BALLOT" in upper case letters. The county auditor may add the name of the county directly under the heading of the white ballot. The date of the election must be printed directly under the heading of the white ballot and the name of the county, if that name is printed on the ballot.

Statutory Authority: *MS s 204D.11*

History: *23 SR 459; 25 SR 616*

8250.0600 OFFICES.

The offices must appear on the white ballot in the following order and must be identified as follows in upper case letters:

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"ATTORNEY GENERAL"

"United States" may be abbreviated as "U.S." If an office is not to be filled at a general election, the office must not appear on the ballot. Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in upper case letters or numbers the district (for example: "SIXTH DISTRICT," "DISTRICT SIX," or "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348; 10 SR 1690; 13 SR 347; L 2003 c 112 art 2 s 50*

8250.0700 NUMBER OF CANDIDATES.

Directly underneath the title and identification of each office shall be printed in uppercase letters the words "VOTE FOR ONE" or more, according to the number to be elected.

Statutory Authority: *MS s 204D.11*

8250.0800 NAMES OF CANDIDATES.

The full name of each candidate shall be printed in uppercase letters and at right angles to the length of the white ballot. At least 32 days before a general election, the secretary of state shall certify to each county auditor the nominations that are required by law to be certified by the secretary and that are required by law to appear on the ballot in the county. Below the name of the last candidate for each office shall be placed as many blank lines

as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled; the voter's choice may be written in the blanks. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed squares, each square to be of the same size, in which the voter may designate the choice by a mark (X). The name of a candidate may not appear on a ballot in any way which gives the candidate an advantage over an opponent except as provided by law.

Statutory Authority: *MS s 204D.11*

History: *17 SR 1279*

8250.0900 DESIGNATION OF CANDIDATE.

Above or below the name of each candidate for a partisan office must appear in upper and lower case letters the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a political party as defined in Minnesota Statutes, section 200.02, subdivision 6, may not be used to identify the party of a candidate of any other party. The word "nonpartisan" may not be used in the designation of any candidate.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348*

8250.1000 ORDER OF CANDIDATES.

At the same time that the secretary of state certifies the names of nominees under Minnesota Statutes, section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minnesota Statutes, section 200.02, subdivision 6, must appear for every partisan office on the white ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 6, and in the order determined by lot by the secretary of state. The secretary shall draw lots once by political party or principle. To draw the lot, a candidate who has used the word "independent" to designate the candidate's party or principal must be identified by the word "independent" followed by the candidate's surname. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348; 25 SR 616*

8250.1100 BACK OF BALLOT.

On the back of the white ballot shall be printed the words "OFFICIAL BALLOT," the date of the election, and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

Statutory Authority: *MS s 204D.11*

8250.1200 TYPE STYLES AND SIZES.

The words "Put an (X) in the square opposite the name of each candidate you wish to vote for" must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words "STATE GENERAL ELECTION BALLOT" must be printed in upper case in as large as practicable but no smaller than 18-point type.

The office and its identification must be printed in upper case in as large as practicable but no smaller than 10-point bold type.

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The words "VOTE FOR ONE" must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The names of the candidates must be printed in upper case in as large as practicable but no smaller than 8-point bold type.

The party designation or political principle must be printed in upper and lower case in as large as practicable but no smaller than 8-point bold type.

The words "OFFICIAL BALLOT" on the back of the ballot must be printed in upper case in as large as practicable but no smaller than 18-point bold type, the date in upper case in as large as practicable but no smaller than 8-point type, and the word "Judge" in upper and lower case in as large as practicable but no smaller than 10-point type.

Statutory Authority: *MS s 204D.11; 206.57*

History: *8 SR 1348; 20 SR 2787; 23 SR 459*

8250.1300 [Repealed, 8 SR 1348]

8250.1400 [Repealed, L 2001 1Sp10 art 18 s 44]

8250.1500 [Repealed, 20 SR 2787]

8250.1550 [Repealed, 25 SR 616]

BALLOTS FOR ELECTRONIC VOTING SYSTEMS**8250.1600 APPLICABILITY.**

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8.

Statutory Authority: *MS s 204D.11; 206.57; 206.84*

History: *13 SR 347; 20 SR 2787; 34 SR 1561*

8250.1700 [Repealed, 23 SR 459]

8250.1800 [Repealed, 34 SR 1561]

8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.

Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The ballot shall be prepared and printed as soon as practicable, but in no event less than 46 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal or county office, and at least 30 days before any other election. Ballots for distribution in the polling place must be shrink-wrapped in quantities of 25, 50, or 100.

The ballot shall be printed with black ink on white paper. The ballot shall be printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on the ballot.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. If multiple ballots styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number. Only the electronically readable precinct identifier or ballot style indicator is required on a presidential only or federal only absentee ballot.

Subp. 2. **Primary ballot form.** Items A to F apply to primary ballots.

A. On the partisan primary ballot, the names of the political parties that head the political party columns must be printed in uppercase in as large as practicable but no smaller than 14-point bold face type and must be shaded with a screen of 30 percent. When a party

does not have candidates within a given precinct, the party headings are to remain on top of each column, regardless of whether the party has a contest on the given ballot.

B. If a partisan primary ballot also includes a nonpartisan primary section, the heading of the nonpartisan section of the ballot must be printed white on black.

C. Pursuant to Minnesota Statutes, section 206.90, subdivision 6, the instructions in Minnesota Statutes, section 204D.08, do not apply to optical scan partisan primary ballots.

D. If a partisan primary ballot also includes a nonpartisan primary section on the same side of the ballot, a bold line must divide the partisan section of the ballot from the nonpartisan section of the ballot.

E. If a partisan primary ballot has political party columns on both sides of the ballot, the instruction in subpart 13 for two-sided ballots must not be used on the ballot.

F. If a partisan primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." These statements must be printed in uppercase in as large as practicable but no smaller than 10-point type.

Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and nonpartisan offices, the applicable words "STATE GENERAL ELECTION BALLOT" or "STATE PARTISAN PRIMARY BALLOT" and "STATE AND COUNTY NONPARTISAN PRIMARY BALLOT" shall be printed. At the top of a primary ballot containing only partisan offices, the words "STATE PRIMARY BALLOT" shall be printed. At the top of a ballot containing only nonpartisan offices, the words "GENERAL ELECTION BALLOT" or "PRIMARY ELECTION BALLOT" shall be printed, except for first-class cities which may use an optional heading. At the top of a ballot containing questions only, the words "SPECIAL ELECTION BALLOT" shall be printed.

The name of the jurisdiction preparing the ballot may be added within the heading in no smaller than 8-point type. The date of the election must be printed within the heading in no smaller than 8-point type.

The ballot heading must be printed in uppercase in as large as practicable but no smaller than 18-point type.

On the front of the ballot the words "OFFICIAL BALLOT" must be printed in uppercase in as large as practicable but no smaller than 10-point bold type and the word "Judge" in upper and lowercase in as large as practicable but no smaller than 10-point type with lines for initials of at least two election judges.

Subp. 4. **Instructions to voters.** Under the heading at the top of each side of the ballot, the words "INSTRUCTIONS TO VOTERS:" must be printed in uppercase bold in as large as practicable but no smaller than 12-point bold type. The words "To vote, completely fill in the oval(s) next to your choice(s) like this: (R)." or "To vote, complete the arrow(s) pointing to your choice(s) like this: -- -->." must follow and be printed in upper and lowercase in as large as practicable but no smaller than 8-point bold face type.

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Immediately under each office title and district identified, one of the following instructions must be printed in uppercase and bold face in as large as practicable but no smaller than 8-point type:

VOTE FOR ONE TEAM

VOTE FOR ONE

VOTE FOR UP TO followed by the number of candidates to be elected.

Subp. 5. **Order and form of office types.** When more than one of the following types of offices is on the ballot, the offices must appear on the ballot in the following order and must be identified as follows in uppercase in as large as practicable but no smaller than 14-point bold face type:

FEDERAL OFFICES

STATE OFFICES

CONSTITUTIONAL AMENDMENTS

COUNTY OFFICES

COUNTY QUESTIONS

CITY OFFICES

CITY QUESTIONS

TOWN OFFICES

TOWN QUESTIONS

SCHOOL DISTRICT OFFICES

SCHOOL DISTRICT QUESTIONS

SPECIAL DISTRICT OFFICES

SPECIAL DISTRICT QUESTIONS

JUDICIAL OFFICES

The name or the number of the appropriate municipality, school district, or special district may be added directly under the office types listed in this subpart.

Subp. 6. **Order and form of offices.** The offices must appear on the ballot in the following order and must be identified as follows in uppercase letters and printed in uppercase in as large as practicable but no smaller than 10-point bold face type. The office titles must either be shaded with a screen of ten percent or less, or printed white on black:

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"ATTORNEY GENERAL"

"COUNTY COMMISSIONER"

"COUNTY AUDITOR"

"COUNTY TREASURER"

"COUNTY AUDITOR-TREASURER"

"COUNTY RECORDER"

"COUNTY SHERIFF"

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"COUNTY ATTORNEY"

"COUNTY SURVEYOR"

"COUNTY CORONER"

"COUNTY PARK COMMISSIONER"

"SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR" or "CONSERVATION DISTRICT SUPERVISOR" where allowed by statute

"COUNTY QUESTIONS"

"MAYOR"

"COUNCIL MEMBER"

"CITY CLERK"

"CITY TREASURER"

"CITY QUESTIONS"

"TOWN SUPERVISOR"

"TOWN CLERK"

"TOWN TREASURER"

"TOWN QUESTIONS"

"SCHOOL BOARD MEMBER"

"SCHOOL DISTRICT QUESTIONS"

"HOSPITAL DISTRICT BOARD MEMBER"

"HOSPITAL DISTRICT QUESTIONS"

Judicial offices must follow special district offices and appear in the following order:

CHIEF JUSTICE - SUPREME COURT

ASSOCIATE JUSTICE - SUPREME COURT

JUDGE - COURT OF APPEALS

JUDGE - DISTRICT COURT

"United States" may be abbreviated as "U.S." Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in uppercase letters and numbers the district (for example: "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

If on the same ballot with other offices of the same type, offices elected at large must include "AT LARGE" following the office identification and must be listed before other offices of the same type elected by district.

Where nonjudicial offices are designated by number, those offices must be listed in numerical order and must be printed in uppercase letters or numbers directly under the title of the office. Where judicial offices are designated by number, the seats must be listed in numerical order, except that for judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court.

If an office is not to be filled at a general election, the office must not appear on the ballot. If two of the offices have been combined into one office, the combined office must take the place of the first office listed in this subpart.

Any county offices not listed must follow the office of soil and water conservation district supervisor on the ballot and must be listed in the order determined by the county auditor.

Subp. 7. Order and form of candidate names. The name of each candidate as filed on the affidavit of candidacy shall be printed at right angles to the length of the ballot. The candidate names must be printed in uppercase in as large as practicable but no smaller

than 10-point type. The name of the candidate must be aligned as close to the vote target as possible. Below the name of each candidate for a partisan office must appear in the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a major political party as defined in Minnesota Statutes, section 200.02, subdivision 7, may not be used to identify the party of a candidate of any other party. This prohibition does not apply to the word "independent," if it is used in the name of a major political party. The word "nonpartisan" may not be used in the designation of any candidate for a partisan office. The party or principle designation, if applicable, must be printed under the candidate name in upper and lower case letters in as large as practicable but no smaller than 8-point type.

Subp. 8. Order and form of write-in candidate lines. On general election ballots, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the name of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled. Above or below each write-in line the words "write-in, if any" must appear in lowercase in as large as practicable but no smaller than 6-point type and must be aligned next to the vote target.

Subp. 9. Order of candidates for partisan office in general election. At the same time that the secretary of state certifies the names of nominees under Minnesota Statutes, section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, must appear for every partisan office on the ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, and in the order determined by lot by the secretary of state. The secretary of state shall draw lots once by political party or principle. To draw the lot, a candidate who has used the word "independent" to designate the candidate's party or principle must be identified by the word "independent" followed by the candidate's surname. If more than one candidate is nominated by petition for the same office within the same political party or principle, the secretary of state shall draw a supplementary lot within that party or principle by candidate surname to determine the order of those candidates. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

Subp. 10. Order and form of ballot questions. Ballot questions must be printed after offices of the same jurisdiction. Directly after the office type required in subpart 2, the words "To vote for a question, fill in the oval next to the word "YES" on that question. To vote against a question, fill in the oval next to the word "NO" on that question." or "To vote for a question, complete the arrow next to the word "YES" on that question. To vote against a question, complete the arrow next to the word "NO" on that question." must be printed in upper and lower case and no smaller than 8-point type. When more than one question is on the ballot for a given jurisdiction, each ballot question must be designated by a number and must be preceded by the words "COUNTY QUESTION," "CITY QUESTION," "TOWN QUESTION," "SCHOOL DISTRICT QUESTION," "HOSPITAL DISTRICT QUESTION," and the number assigned to the question in uppercase letters in as large as practicable but no smaller than 10-point bold face type. The name and/or number of the jurisdiction that the question will represent may be printed directly under the heading of the question. The question heading and numbers (where applicable) must be shaded with a screen of ten percent or less or printed white on black. A clerk, county auditor, or appropriate governing body shall provide a title for each question printed on the ballot. The title must not contain more than ten words and must not be used on the ballot until it has been approved by the jurisdiction's legal counsel. The title must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type and must be printed

in the same section as the body of the question to which it refers. The body of the question must be printed in upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 11. **Instructions, order and form of constitutional amendments.** For a ballot containing a constitutional amendment, the following statement shall be printed beneath the heading "CONSTITUTIONAL AMENDMENT" in upper and lowercase and no smaller than 8-point type: "Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment." A bold dividing line running the width of the ballot column shall be immediately below the statement. The words "To vote for a proposed constitutional amendment, fill in the oval next to the word "YES" on that question. To vote against a proposed constitutional amendment, fill in the oval next to the word "NO" on that question." or "To vote for a proposed constitutional amendment, complete the arrow next to the word "YES" on that question. To vote against a proposed constitutional amendment, complete the arrow next to the word "NO" on that question." must follow and be printed in upper and lower case and no smaller than 8-point type. If more than one constitutional amendment is on the ballot, each constitutional amendment must be designated by a number and must be preceded by the word "AMENDMENT" and the number assigned to the amendment and the title required by Minnesota Statutes, section 204D.15, subdivision 1, must be printed in uppercase letters in as large as practicable but no smaller than 10-point bold face type and must be shaded with a screen of ten percent. The body of the question must be printed upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 12. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

Subp. 13. **Two-sided ballots.** On two-sided ballots, the words "VOTE FRONT AND BACK OF BALLOT" must be printed in uppercase 10-point bold type at the bottom of both sides of the ballot.

Subp. 14. **Form of federal ballot.** The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "federal ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The federal ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot only for federal candidates in Minnesota. The federal ballot shall conform in all other respects to the State Primary or State General election ballot.

Subp. 15. **Form of presidential ballot.** The names of all candidates for the offices of president and vice-president of the United States shall be placed on a ballot printed on white paper which shall be known as the "presidential ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The presidential ballot shall be the only ballot provided to citizens of the United States who are eligible to vote by absentee ballot only for presidential candidates in Minnesota. The presidential ballot shall conform in all other respects to the State General election ballot.

Subp. 16. **Order and form of special election ballot.** The names of candidates to fill vacancies at a special election for county and municipal offices must be listed under the heading "Special election for (name of office)," followed by "To fill vacancy in term expiring (date)" with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. For state offices, immediately following the

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title of the office shall be printed "To fill vacancy in term expiring (date)." Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term, except as required by Minnesota Statutes, section 204D.25, subdivision 1.

Subp. 17. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1, or 206.86, subdivision 5.

Subp. 18. **Example ballot.** The secretary of state shall supply each auditor with a copy of an example ballot by May 1 of each year. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year. The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballots must conform in all respects to the example ballot.

Statutory Authority: *MS s 206.84*

History: *34 SR 1561*

8250.9910 [Repealed, 23 SR 459]

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