

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

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**MAIL BALLOTS**

- 8210.3000 MAIL BALLOTING.

**ABSENTEE BALLOT MATERIALS; INSTRUCTIONS**

**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.

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.

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.09*

**History:** *29 SR 155; 32 SR 2055*

**Published Electronically:** *May 25, 2010*

**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 certificate 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 certificate of eligibility.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter former address in MN** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) \_\_\_\_\_

I do not have a MN-issued driver's license, MN-issued ID card, or Social Security number.

Current phone number (optional):

\_\_\_\_\_

Current email address (optional):

\_\_\_\_\_

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 in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence;
- 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 Signature X** \_\_\_\_\_

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *23 SR 459; 29 SR 155; 31 SR 350; 32 SR 2055; 34 SR 1561; 36 SR 1407*

**Published Electronically:** *May 31, 2012*

#### **8210.0200 PERMANENT ABSENTEE BALLOT APPLICATION.**

Subpart 1. [Repealed, 32 SR 2055]

Subp. 1a. [Repealed, 32 SR 2055]

Subp. 1b. [Repealed, 29 SR 155]

Subp. 1c. [Repealed, 32 SR 2055]

Subp. 1d. [Repealed, 32 SR 2055]

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 [Repealed, 25 SR 616]

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 [Repealed, 25 SR 616]

Subp. 2. [Repealed, 32 SR 2055]

Subp. 3. [Repealed, 34 SR 1561]

Subp. 4. **Permanent application.** An eligible voter under 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 by the secretary of state 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 60 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. [Repealed, 32 SR 2055]

Subp. 5. [Repealed, 25 SR 616]

Subp. 6. [Repealed, 32 SR 2055]

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 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; 29 SR 155; 32 SR 2055; 34 SR 1561; 38 SR 1368*

**Published Electronically:** *May 1, 2014*

#### **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; 203B.04; 203B.08; 203B.09; 203B.125*

**History:** *23 SR 459; 29 SR 155*

**Published Electronically:** *May 25, 2010*

#### **8210.0250** [Repealed, 25 SR 616]

**Published Electronically:** *May 25, 2010*

#### **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" and "Use this envelope first to keep your ballot secret. Put only your ballot in this envelope and seal it." 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; 34 SR 1561*

**Published Electronically:** *May 25, 2010*

#### **8210.0400 TRANSMITTAL ENVELOPE.**

A telephone number and an electronic mail address that voters can call or contact for help in absentee voting must be printed as part of the return address on the envelope in which the absentee balloting materials are transmitted to the voter or as part of the cover letter to voters, for those voters to whom ballots are transmitted electronically. The envelope in which the absentee balloting materials are transmitted to the

voter must have the following printed on it: "Read and follow the enclosed instruction sheet to help ensure that your vote will count."

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

**History:** *36 SR 1407*

**Published Electronically:** *May 31, 2012*

## **8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

Subpart 1. **Required instructions.** Instructions to the absent voter shall be transmitted with the absentee ballot materials sent or delivered to the absent voter. The instructions shall be in the form in subparts 2, 3, or 4 or 5 and 6. The instruction headings with numbers must be in no smaller than 12-point type and the rest of the text must be in no smaller than 10-point type, except for the confidentiality notice, which may be in 7-point type. The instructions must explain how to correctly mark the ballot. 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. The instructions must include a graphic depiction of the absentee ballot materials and how they are to be completed and assembled by the voter. The instructions must also include a privacy notice that complies with Minnesota Statutes, section 13.04. The secretary of state must provide each county auditor with sample instructions with graphic depictions.

Subp. 2. **Instructions for registered voters.**

### **Instructions**

#### **How to vote by absentee ballot**

#### **for registered voters**

#### **You will need:**

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Larger white return envelope\*
- Pen with black ink
- Your ID number

Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.

*See below if you do not have any of these numbers.*

- Witness

Anyone registered to vote in Minnesota,  
*including your spouse or relative,*

*or* a notary public,

*or* a person with the authority to administer oaths

\* If any of these items are missing, please contact your local election official.

### **1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **3 Put the tan ballot envelope into the white signature envelope**

### **4 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have any of these numbers, check the box.*

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

- Seal the envelope.

### **5 Put the signature envelope into the larger white return envelope to protect your private information from view**

- Seal the envelope.

**6 Return your ballot by Election Day to the address on the return envelope**

**Ballots may not be delivered to your polling place.**

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person before election day or by 3:00 p.m. on Election Day, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

*This person cannot deliver more than 3 ballots.*

**See the other side for special instructions if you have a disability.**

**To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

**Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

Subp. 3. **Instructions for unregistered voters.****Instructions****How to vote by absentee ballot****You will need:**

- Ballot\*
  - Tan ballot envelope\*
  - Voter registration application\*
  - White signature envelope\*
  - Larger white return envelope\*
  - Pen with black ink
  - Minnesota driver's license with your address  
*or other authorized proof of where you live.*  
*See other side for a list of options*
  - Your ID number  
Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.  
*See below if you do not have any of these numbers.*
  - Witness  
Anyone registered to vote in Minnesota,  
*including your spouse or relative,*  
*or a notary public,*  
*or a person with the authority to administer oaths*
- \* If any of these items are missing, please contact your local election official.

**Important: You must submit the voter registration application with your ballot (in the white signature envelope) for your vote to be counted.**

**1 Fill out the voter registration application and sign it**

- Show your witness your driver's license or other authorized proof of where you live.  
*See the other side for a list of options.*

**2 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*  
*See the other side if you make a mistake on your ballot.*

### **3 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **4 Put the tan ballot envelope and the voter registration application in the white signature envelope**

### **5 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have any of these numbers, check the box.*

- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), indicate which proof you showed them, and sign their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

- Seal the envelope.

### **6 Put the signature envelope into the larger white return envelope to protect your private information from view**

- Seal the envelope.

### **7 Return your ballot by Election Day to the address on the return envelope**

**Ballots may not be delivered to your polling place.**

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person before election day or by 3:00 p.m. on Election Day, or
- Ask someone to deliver it by 3:00 p.m. on Election Day.

*This person cannot deliver more than 3 ballots.*

**To check the status of your absentee ballot, visit [www.mnvotes.org](http://www.mnvotes.org).**

**Options for proof of where you live**

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address

*or*

A photo ID that does not have your current address along with a document that has your current address

- **Eligible photo IDs:** Minnesota or another state's driver's license, learner's permit, or ID card; U.S. passport; U.S. military or veteran ID card; Minnesota high school/college/university ID card; or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA).
- **Eligible documents with your current address:** an original bill, including account statements and start-of-service notifications, dated within 30 days before or with a due date 30 days before or after the election; a current student fee statement; or a residential lease if valid through election day. Eligible bills are: gas, electric, solid waste, water, sewer, phone, cell phone, television, Internet provider, credit card, or banking services; or bills for rent or mortgage payments.

*or* one of the following:

- A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you. *This person must complete and sign the voucher form on the back of the voter registration application.*
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk

- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official. *The employee must complete and sign the voucher form on the back of the voter registration application.*

### Correcting a mistake

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

### If you have a disability:

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

### Subp. 4. **Instructions for military and overseas voters transmitted ballots by mail.**

#### Instructions

#### How to vote by absentee ballot for military and overseas voters

#### You will need:

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Larger white return envelope\*
- Pen with black ink
- Your ID number

Minnesota driver's license number, Minnesota ID card number, U.S. passport number, or the last four digits of your Social Security number.

*See below if you do not have any of these numbers.*

\* If any of these items are missing, please contact your local election official.

### **1 Vote!**

- Mark your votes in private.
  - Follow the instructions on the ballot.
  - Do not write your name or ID number anywhere on the ballot.
  - Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*
- See the other side if you make a mistake on your ballot.***

### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **3 Put the tan ballot envelope into the white signature envelope**

### **4 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address (present or last).
- Print your e-mail address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number, or the last four digits of your Social Security number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have access to any of these documents, leave this space blank.*

- Read and sign the oath.
- Seal the envelope.

**5 Put the signature envelope into the larger white return envelope to protect your private information from view**

- Seal the envelope.

**6 Return your ballot by Election Day to the address on the return envelope**

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**See the other side for special instructions if you have a disability.**

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

If you have any questions, contact your county elections office at [insert e-mail address] or [insert telephone number].

**Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or

- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Subp. 5. **Cover letter for military and overseas voters transmitted ballots electronically.** Dear Military/Overseas Absentee Voter:

Your absentee ballot and supporting materials for the election on [month day, year] are attached. Your absentee ballot is being sent to you electronically because you requested this delivery method on your application. Please print, fill out, and return these materials so they are received by your county by Election Day, [day of the week], [month day, year].

**A paper ballot must be returned to Minnesota and received by Election Day to be counted.**

You may use the domestic mail service of the country you are located in, an international package delivery service, or the military or state department's mail services. Be sure to vote and return this ballot as soon as possible to ensure timely return. Your ballot must be received by your county elections office by Election Day to be counted.

This communication contains:

- A ballot
- Voting instructions
- Ballot envelope template
- Certificate of Eligibility
- Mailing envelope template

Carefully follow the instructions to ensure proper return of your voted ballot.

- Print the materials
- Fill out your ballot
- Fold and seal your ballot and place it in your ballot envelope
- Fill out the Certificate of Eligibility
- Put the completed materials in your mailing envelope
- Send your ballot by mail or package delivery service so that it is received by Election Day

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

Contact your county elections office at [email] or [phone number] if you have any questions.

**Please note:** Each voter must submit an application and receive their own ballot. **Do not forward this ballot to other voters.** A ballot received from a voter who did not submit an application will not be counted. Refer other military or overseas voters who need to apply for a ballot to <http://www.mnvotes.org>.

Thank you.

Subp. 6. **Instructions for military and overseas voters transmitted ballots electronically.**

## **Instructions**

### **How to vote by absentee ballot for military and overseas voters sent ballots electronically**

**Note: Your ballot must be printed out and physically returned. It cannot be returned electronically.**

#### **You will need:**

- A printer
- A pen with black ink
- Two envelopes (you have 3 options):
  - Address your own blank envelopes by hand
  - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that everything is positioned according to postal regulations)
  - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number  
Minnesota driver's license number, Minnesota ID card number, U.S. passport number, or the last four digits of your Social Security number.

*See below if you do not have access to any of these numbers.*

### **1 Print the materials**

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the document to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.

### **2 Vote!**

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count. See below if you make a mistake on your ballot.*

### **3 Use one of the envelopes as the ballot envelope**

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.

### **4 Fill out the Certificate of Eligibility completely**

- Print your name and your Minnesota street address, including city (present or last).
- Print your e-mail address and phone number (optional).
- Print your Minnesota driver's license number, Minnesota ID card number, passport number, or the last four digits of your Social Security number.

**Be sure to use one of the same numbers that you provided on your absentee ballot application.**

*If you do not have access to any of these documents, leave this space blank.*

- Read and sign the oath.

### **5 Put it all together**

- Attach the Certificate of Eligibility to the ballot envelope.
- Your second envelope is the return (mailing) envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

Official Absentee Balloting Material

..... County

[Street address]

[City], MN [Zip Code]

USA

**6 Return your ballot by Election Day to the address above**

- Send it so it arrives by Election Day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.
- Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**To check the status of your absentee ballot, visit <http://www.mnvotes.org>.**

If you need any help while voting, please contact your county elections office at [insert e-mail address] or [insert telephone number].

**Correcting a mistake**

- Print out a new ballot, or
- Ask for a new ballot from your election office, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, another person may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask another person to sign for you in your presence. (Have this person sign their own name as well.)

- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Subp. 7. **Additional instructions for use with partisan primaries.** The following instructions must also be sent along with all absentee ballots for partisan primary elections.

**The top part of this ballot is for a partisan (party) primary election:**

- Vote only for candidates of one party - stay in one column.
- If you vote for candidates of more than one party, your votes in that section of the ballot will not be counted.

For how to correct a mistake, see the back side of the absentee ballot instructions.

**Statutory Authority:** *MS s 14.388; 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

**History:** *17 SR 351; 23 SR 459; 25 SR 616; 29 SR 155; 31 SR 350; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368; 40 SR 1553*

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**8210.0600 STATEMENT OF ABSENTEE VOTER.**

Subpart 1. **Form.** The statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15, must be printed in the forms shown in subparts 1a and 1b. The version found in subpart 1a must be provided only to absentee voters who are registered to vote at the time of application. All other absentee voters must be provided the version found in subpart 1b. The statements must be printed to the specifications of subpart 3.

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

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,  
or last four digits of SSN) \_\_\_\_\_

○ I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

**Voter Signature X** \_\_\_\_\_

**Witness must complete this section**

**Witness name** \_\_\_\_\_

**MN street address**

(or title, if an  
official or notary)

\_\_\_\_\_

Street Address

\_\_\_\_\_ MN

City

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

**Witness Signature X** \_\_\_\_\_

If notary, must affix stamp

Subp. 1b. **Statement of unregistered absentee voter form.**

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) \_\_\_\_\_

I do not have a MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on Election Day I will meet all the legal requirements to vote.

**Voter Signature X** \_\_\_\_\_

**Witness must complete this section**

**Witness name** \_\_\_\_\_

**MN street address**

(or title, if an

official or notary)

\_\_\_\_\_

Street Address

\_\_\_\_\_ MN

City

Witness MUST CHECK ONE indicating proof of residence provided by voter: (See instructions)

- MN driver's license, ID card, permit, or receipt
- Bill, student fee statement, or residential lease plus photo ID
- Registered voter in the precinct who vouched for voter's residence in the precinct (must complete the voucher form on the back of the Voter Registration Application)
- Tribal ID card

- Notice of late registration
- Previous registration in the same precinct
- An employee of a residential facility in the precinct who vouched for voter's residence at the facility (must complete the voucher form on the back of the Voter Registration Application)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope;
- the voter registered to vote by filling out and enclosing a voter registration application in this envelope;
- the voter provided proof of residence as indicated above; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

**Witness Signature X** \_\_\_\_\_

If notary, must affix stamp

Subp. 2. [Repealed, 40 SR 1553]

Subp. 3. **Printing specifications.** The statement shall be printed on the back of the absentee ballot return envelope. The words "Voter must complete this section" and "Witness must complete this section" shall be printed in no smaller than 12-point bold type. The "X" on the signature lines must be in at least 20-point type. The remainder of the statement shall be printed in no smaller than 10-point medium type. The area for the voter's name and address must be no smaller than 1-1/4 inches by 3-1/4 inches. The voter's certificate must be at least 4-1/8 inches wide. County auditors and municipal clerks may use the existing stock of absentee ballot return envelopes on hand as of January 1, 2014, for absentee voting conducted in-person.

Subp. 4. [Repealed, 32 SR 2055]

Subp. 4a. [Repealed, 32 SR 2055]

**Statutory Authority:** *MS s 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

**History:** *8 SR 1348; 17 SR 351; 23 SR 459; 25 SR 616; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

**8210.0700** Subpart 1. [Repealed, 34 SR 1561]

Subp. 2. [Repealed, 34 SR 1561]

Subp. 3. [Repealed, 34 SR 1561]

Subp. 4. [Repealed, 20 SR 2787]

Subp. 5. [Repealed, 20 SR 2787]

Subp. 6. [Repealed, 20 SR 2787]

Subp. 7. [Repealed, 34 SR 1561]

Subp. 8. [Repealed, 34 SR 1561]

Subp. 9. [Repealed, 34 SR 1561]

Subp. 10. [Repealed, 34 SR 1561]

**Published Electronically:** *May 25, 2010*

### 8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN ENVELOPES.

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** Absentee ballot return envelopes 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. Envelopes prepared with the certificates prepared according to part 8210.0600 must be white in color with black ink. Envelopes with certificates prepared according to part 8210.0800 must be white in color with Pantone 194 U red ink or darker used for all printing.

C. The following must be printed at the bottom of the envelope on the same side as the voter's certificate:

For Official Use Only

Accepted       Rejected      (reason:) \_\_\_\_\_

Subp. 3. **Envelope labeling.** The envelopes with the form printed according to part 8210.0600, subpart 1a, must have the words "Signature Envelope - Registered" printed in no smaller than 8-point type. The envelopes with the form printed according to part 8210.0600, subpart 1b, must have the words "Signature Envelope - Unregistered" printed in no smaller than 8-point type. The envelopes printed with the form printed according to part 8210.0800 must have the words "Signature Envelope - UOCAVA" printed in no smaller than 8-point type.

Subp. 4. **Additional instructions for registered and military and overseas voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under parts 8210.0600, subpart 1a, and 8210.0800:

"Put the Ballot Envelope  
in here, then seal flap"

The words may appear on the reverse side of the envelope.

Subp. 5. **Additional instructions for unregistered voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under part 8210.0600, subpart 1b:

"Put the Ballot Envelope and the  
Voter Registration Application  
in here, then seal flap"

The words may appear on the reverse side of the envelope.

Subp. 6. **Checklist for registered voters.** Envelopes with the form printed according to part 8210.0600, subpart 1a, must have the following words printed on the exterior of the return envelope:

**"Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Asked your witness to complete their section and sign their name?
- Put the white signature envelope into this envelope?

**Return your ballot so it is received by Election Day."**

Subp. 7. **Checklist for unregistered voters.** Envelopes with the form printed according to part 8210.0600, subpart 1b, must have the following words printed on the exterior of the return envelope:

**"Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope and your voter registration application in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Asked your witness to complete their section and sign their name?
- Put the white signature envelope into this envelope?

**Return your ballot so it is received by Election Day."**

Subp. 8. **Checklist for military and overseas voters.** Envelopes with the form printed according to part 8210.0800 must have the following words on the exterior of the return envelope:

**"Have you . . .**

- Sealed your ballot in the tan ballot envelope?
- Put the ballot envelope in the white signature envelope?
- Filled out the white signature envelope completely and signed it?
- Put the white signature envelope into this envelope?

**Return your ballot so it is received by Election Day."**

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

**History:** *34 SR 1561; 36 SR 1407; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

**8210.0720 MAILING INFORMATION ON ABSENTEE BALLOT RETURN ENVELOPES.**

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** The face of absentee ballot return envelopes must be printed according to this part.

Subp. 3. **Mailing address.** County auditors and municipal clerks shall print a mailing address on each 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. An envelope may be addressed to the county auditor or to the municipal clerk.

Subp. 4. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials must be printed on the envelope as specified in United States Postal Service instructions.

Subp. 5. **Official absentee balloting label.** The words "OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL" must be printed in 18-point bold type and inside a box.

Subp. 6. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the envelope.

Subp. 7. **Additional requirements for envelopes for military and overseas voters.** Envelopes for military and overseas voters must also meet the following additional requirements:

- A. In the upper right-hand corner, a postage symbol and box shall be imprinted:

U.S. Postage Paid

39 USC 3406

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

C. Facing identification marks (FIM) must be printed on the envelope and positioned as specified in United States Postal Service instructions.

D. The words "No Postage Necessary in the U.S. Mail - DMM703.8.0" must be printed immediately below the words required by subpart 5.

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

**History:** *34 SR 1561; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

**8210.0730** Subpart 1. [Repealed, 40 SR 1553]

Subp. 2. [Repealed, 36 SR 1407]

Subp. 3. [Repealed, 40 SR 1553]

Subp. 4. [Repealed, 40 SR 1553]

**Published Electronically:** *June 15, 2016*

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

Subpart 1. [Repealed, 34 SR 1561]

Subp. 2. [Repealed, 34 SR 1561]

Subp. 3. **Certificate of eligibility.** On the back of the absentee signature envelope provided for in Minnesota Statutes, section 203B.21, a certificate of eligibility must be printed on the envelope in the form shown in subpart 3a. The county auditor must provide the Certificate of Eligibility as an electronic document to voters who requested electronic delivery of absentee ballots.

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

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN address (present or last)** \_\_\_\_\_

\_\_\_\_\_ MN

**ID number**

(MN driver's license #,

MN ID card #,  
 U.S. passport #,  
 or last four digits of SSN) \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone (optional) \_\_\_\_\_

I swear or affirm, under penalty of perjury, that I am (**check one**):

- a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member;
  - a United States citizen temporarily residing outside the United States;
  - other United States citizen residing outside the United States;
- and

- I am a United States citizen,
- at least 18 years of age (or will be by the date of the election), and
- I am eligible to vote in the requested jurisdiction;
- I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

**Voter Signature X** \_\_\_\_\_

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 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *8 SR 1348; 23 SR 459; 32 SR 2055; 34 SR 1561; 36 SR 1407; 38 SR 1368; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

**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*

**Published Electronically:** *May 25, 2010*

**8210.2000 VOTER'S INFORMATION.**

If the absent voter's name, residential address, ward, and precinct number are not printed on a label affixed to the envelope, the official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's name, address, ward, and precinct number in the spaces provided on the signature envelope, unless the materials are transmitted to the voter electronically. When placing the label, the official must place it over the space for the voter's name and address, but must not cover the instructions to the voter or the voter's oath.

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

**History:** *34 SR 1561; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

**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*

**Published Electronically:** *May 25, 2010*

**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 or an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day. Ballots received by personal delivery after 3:00 p.m. of election day shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

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 in compliance with the time requirements in subpart 1.

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 201.061; 201.221; 203B.04; 203B.08; 203B.09; 203B.125*

**History:** *8 SR 1348; 17 SR 1279; 23 SR 459; 25 SR 616; 32 SR 2055; 38 SR 1368; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

### **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 must retain it in the office as provided in part 8210.2400.

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

**History:** *17 SR 1279; 38 SR 1368*

**Published Electronically:** *May 1, 2014*

### **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. 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.

B. All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this location or handled, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section 203B.121.

C. 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.

D. When the ballot board opens accepted return envelopes pursuant to Minnesota Statutes, section 203B.121, subdivision 4, 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.

**Statutory Authority:** *MS s 203B.04; 203B.08; 203B.09; 203B.125; 204B.45*

**History:** *17 SR 1279; 23 SR 459; 34 SR 1561; 36 SR 1407; 38 SR 1368*

**Published Electronically:** *May 1, 2014*

#### **8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.**

Subpart 1. **Review.** Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots, or are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

Subp. 2. **Name, address, and signature review.** The voter's name and address on the absentee ballot application must match the voter's name and address on the signature envelope. Use of, or lack of, full names, nicknames, abbreviations, or initials on either document are not a reason for rejection.

Ballot board members must determine whether the signature envelope was signed by the voter. Use of, or lack of, full names, nicknames, abbreviations, or initials within either signature are not a reason for rejection. A signature is considered the voter's even if a voter uses a signature mark on either or both documents, or if a voter has another individual or different individuals sign the voter's name in their presence on either or both the application and the signature envelope in accordance with Minnesota Statutes, section 645.44, subdivision 14. A ballot must be rejected under this subpart on the basis of the signature if the name signed is clearly a different name than the name of the voter as printed on the signature envelope. This is the only circumstance under which a ballot may be rejected on the basis of signature under this subpart.

Subp. 3. **Identification number review.** Ballot board members must determine whether the identification number provided by the voter on the certificate is the same as the identification number provided by the voter on the absentee ballot application or the voter's record in the statewide voter registration system.

If the numbers do not match or the voter did not provide identification numbers on both documents, the ballot board members must compare the signatures on the absentee ballot application and on the signature envelope to determine whether the ballots were returned by the same person to whom they were transmitted. Use of, or lack of, full names, nicknames, abbreviations, or initials within either signature are not a reason for rejection. A signature is considered the voter's even if a voter uses a signature mark on either or both

documents, or if a voter has another individual or different individuals sign the voter's name in their presence on either or both the application and the return envelope in accordance with Minnesota Statutes, section 645.44, subdivision 14.

**Subp. 4. Voter's registration status.**

A. Ballot board members must determine the voter is registered under the name and at the address on the signature envelope by using the statewide voter registration system, or a master list or polling place roster produced from the statewide voter registration system. A voter who is not registered, whose registration is inactive, or whose registration is challenged, must include a properly completed voter registration application within the absentee return envelope pursuant to Minnesota Statutes, section 203B.04, subdivision 4, or the ballot must be rejected. If the voter was sent nonregistered absentee materials and the voter is not registered to vote and a voter registration application is not found in the return envelope, the ballot board members shall open the signature and ballot envelope and, without examining or removing the ballot, remove any voter registration application from the signature and ballot envelope. The ballot board members must immediately reseal the ballot envelope with the ballot enclosed, initialing across the seal and noting on the ballot envelope the purpose for which it was opened.

B. A voter registration application returned separately from an absentee return envelope after the voter registration deadline in Minnesota Statutes, section 201.061, subdivision 1, is a late registration and may not be used as a registration for the current election pursuant to Minnesota Statutes, section 201.054, subdivision 1, clause (3).

**Subp. 5. Witness eligibility.** An absentee ballot may not be rejected for lack of an eligible witness, if a witness has signed the statement required from a witness by part 8210.0600, subpart 1a or 1b, and:

- A. has provided a Minnesota address as part of the witness's certification on the return envelope;
- B. has provided the title indicating that they are eligible to administer oaths; or
- C. has affixed a notarial stamp.

**Subp. 6. Ballot already cast.** Ballot board members must use the statewide voter registration system or available polling place rosters to determine whether another ballot from the voter has been accepted. If a ballot is received before the close of business on the seventh day before the election, any ballot that has been previously received from that voter and has not been rejected is deemed spoiled and must not be counted. If a ballot is received after the close of business on the seventh day before the election and another absentee ballot has been accepted for that voter, the return envelope must be marked "rejected."

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

**History:** *34 SR 1561; 38 SR 1368; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

## **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. 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 ballot board. Absentee ballots returned by mail delivery and received after election day shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

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

**History:** *17 SR 1279; 38 SR 1368; 40 SR 1553*

**Published Electronically:** *June 15, 2016*

#### **8210.2600 REPLACEMENT BALLOTS.**

Subpart 1. **Voter request.** The auditor or clerk must promptly provide a replacement ballot to a voter who requests one because the voter's ballot was lost, spoiled, or never received. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type. The auditor or clerk must record the following information on the voter's absentee ballot application: the date of the voter's request, the date that a replacement ballot was issued to the voter, and the reason that the voter requested a replacement. If a voter returns a spoiled ballot to the election official, the auditor or clerk must put the returned ballot in a spoiled ballot envelope.

Subp. 2. **Ballot rejected by absentee ballot board.** The auditor or clerk must send a replacement ballot to a voter whose absentee ballot is rejected more than five days before an election, along with an explanation of why the ballot was rejected. The secretary of state must provide election officials with a sample notice with a list of the possible reasons that a ballot could be rejected for use by absentee ballot boards. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type. The election official must record the following information on the voter's absentee ballot application: the date that the voter's ballot was rejected, the date that a replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected absentee ballots must be kept in a separate sealed container.

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

**History:** *34 SR 1561; 36 SR 1407*

**Published Electronically:** *May 31, 2012*

#### **8210.2700 RECEIPT OF FEDERAL WRITE-IN ABSENTEE BALLOTS.**

Subpart 1. **If Federal Post Card Application was received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was received, the county auditor must accept or reject the ballot in accordance with Minnesota Statutes, section 203B.24 and 203B.25.

Subp. 2. **If Federal Post Card Application was not received.** If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card Application. The Federal Write-in Absentee Ballot also serves as an absentee ballot request for absentee ballots in subsequent elections during the period required by Minnesota Statutes, section 203B.17, subdivision 1, paragraph (d). If the voter provided an e-mail address, then the county auditor must record e-mail as the voter's preferred method of delivery. The county auditor must not send a ballot to the voter for the election for which the voter submitted the Federal Write-in Absentee Ballot. If the voter has not already voted and the accompanying certificate is properly completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

**Statutory Authority:** *MS s 203B.0125*

**History:** *34 SR 1561*

**Published Electronically:** *May 25, 2010*

## 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 8210.2700 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 90 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 90 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 46 or later than 14 days prior to the election if mail balloting in the

voter's precinct is proceeding pursuant to Minnesota Statutes, section 204B.45. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than 46 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to Minnesota Statutes, section 204B.46. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

No ballot may be mailed to a challenged voter. A notice must be transmitted to challenged voters with an explanation of the challenge and with instructions on how they may apply for an absentee ballot if they believe their registration was challenged in error.

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. A notice must be transmitted to voters with incomplete registrations with instructions on how they 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 must include a telephone number or electronic mail address which voters can call or write for help in mail voting. The instructions must also include a privacy notice that complies with Minnesota Statutes, section 13.04. 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**

#### **How to vote by mail ballot**

#### **You will need:**

- Ballot\*
- Tan ballot envelope\*
- White signature envelope\*
- Pen with black ink
- Witness

Anyone registered to vote in Minnesota,  
*including your spouse or relative,*

or a notary public,  
or a person with the authority to administer oaths

\* If any of these items are missing, please contact your local election official.

### **1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do not write your name or ID number anywhere on the ballot.
- Do not vote for more candidates than allowed. *If you do, your votes for that office will not count.*  
*See the other side if you make a mistake on your ballot.*

### **2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

### **3 Put the tan ballot envelope into the white signature envelope**

### **4 Fill out the white signature envelope completely**

- If there is no label, print your name and Minnesota address.
- Read and sign the oath.
- Ask your witness to print their name and Minnesota street address, including city (not a P. O. Box), and sign their name.

*If your witness is an official or notary, they must print their title instead of an address.*

*Notaries must also affix their stamp.*

- Seal the envelope.

### **5 Return your ballot by Election Day to the address on the signature envelope**

You have three options:

- Send it so it arrives by Election Day, using U.S. mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on Election Day, or
- Ask someone to deliver it by 8:00 p.m. on Election Day.

*This person cannot deliver more than 3 ballots.*

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

**See other side for special instructions if you have a disability**

**Correcting a mistake**

- If time allows, ask for a new ballot from your election office. Contact your election office at [e-mail] or [phone number], or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections).

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

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

Signature Envelope

**Voter must complete this section**

please print clearly

**Voter name** \_\_\_\_\_

**Voter MN Address** \_\_\_\_\_

MN

I certify that on Election Day I will meet all the legal requirements to vote.

Voter Signature X \_\_\_\_\_

Witness must complete this section

Witness name \_\_\_\_\_

MN street address

(or title, if an  
official or notary)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
MN

City

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

Witness Signature X \_\_\_\_\_

If notary, must affix stamp

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 3. The statement of absentee voter must be that specified in part 8210.0600, subpart 1b, or 8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in parts 8210.0710 and 8210.0720.

Subp. 6. **Replacement ballots.** The election official must maintain a record of all replacement ballots issued. The transmittal envelope must be labeled "REPLACEMENT BALLOT" in at least 18-point type.

Subp. 6a. [Repealed, 34 SR 1561]

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 and the voter's registration must be treated as provided in Minnesota Statutes, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office prior to 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall resend a ballot to the voter along with a return envelope. If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a mail election, the auditor or clerk shall transmit instructions on how the voter may apply for an absentee ballot.

If the ballot is returned by the post office within 20 days before the election with notification of the voter's new address within a jurisdiction holding a nonmail election, the auditor or clerk must transmit a notice via nonforwardable mail to the voter of how to register and vote at the proper polling location. This notice must be treated as a notice of late registration under part 8200.5100, subpart 1.

The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and must provide a copy of that list to the ballot board for use in processing the returned ballots.

Subp. 7a. **Voter registration applications after ballots have been mailed.** When a voter registration application is processed on a voter record where a ballot has been previously mailed, the original mail ballot record must be marked as "Spoiled" and the voter must be notified that the original mail ballot cannot be counted.

If the application is processed prior to 20 days before an election, a voter in a jurisdiction holding a mail election must also be provided a replacement ballot.

If the application is processed within 20 days prior to the election, a voter in a jurisdiction holding a mail election must be sent a notice of late registration that includes a notification that the original mail ballot cannot be counted and instructions on how the voter may apply for an absentee ballot.

If the application is processed within 20 days before an election, the notice of late registration sent to a voter in a jurisdiction holding a nonmail election must be notified that the original mail ballot cannot be counted and how to register and vote at the proper polling location.

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. Ballots received after 8:00 p.m. on election day shall be marked as received late by the official conducting the election. An individual shall not be the designated agent of more than three absentee or mail 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 ballot board shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots and applications for absentee ballots, records of replacement ballots, and the list of voters sent a second mailing of the ballot. The ballot board 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 of different major political parties unless the election judges are municipal clerks or deputy clerks, or the judges are exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election judges are municipal clerks or deputy clerks, or the election is exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2.

The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

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 14.388; 203B.08; 203B.09; 203B.125; 203B.14; 204B.45*

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