

CHAPTER 8250
SECRETARY OF STATE
BALLOT PREPARATION

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PREPARING BALLOTS

8250.0100 [Repealed, 38 SR 1368]

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8250.0200 AUDITOR'S DUTIES.

The state general election 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 state general election ballot as soon as practicable, but in no event less than 46 days before the election. At least 46 days before the general election the auditor shall file sample copies of the state general election ballot for each precinct in the auditor's office for public inspection and transmit electronic copies of these sample ballots to the secretary of state. 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; 38 SR 1368*

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8250.0375 FORM OF JUDICIAL BALLOT.

Subpart 1. **General form.** The judicial ballot must only be used when it is not possible to place all offices on a single ballot for the state general election as provided in Minnesota Statutes, section 204D.11, subdivision 6. The ballot for judicial nonpartisan offices must be prepared in the same manner as the state general election ballot, except the ballot heading provided in part 8250.1810, subpart 3, must instead use the words "Judicial Nonpartisan General Election Ballot."

Subp. 2. [Repealed, 38 SR 1368]

Statutory Authority: *MS s 204D.11*

History: *19 SR 593; 23 SR 459; 38 SR 1368; 40 SR 1553*

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8250.0385 FORM OF TOWN ELECTION BALLOT.

Subpart 1. **General form.** A town election ballot must be prepared in the same manner as the state general election ballot as provided in part 8250.1810, except towns conducting an election under the limited exemption under Minnesota Statutes, section 206.57, subdivision 5a, may prepare ballots as provided in this part.

Subp. 1a. **Ballot heading.** The words "Town Election Ballot" must be printed at the top of the ballot.

Subp. 2. **Ballot order.** Town offices and questions must be listed in the following order and must be identified as follows:

Town Supervisor

Town Clerk

Town Treasurer

Town Question

The name and/or number of the district that the person elected will represent must be printed 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 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. Town offices not listed in this subpart must follow the last office listed above and must be listed in the order determined by the town clerk.

Subp. 3. **Names of candidates.** The full name of each candidate shall be printed at right angles to the length of the town election ballot. 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 town election 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 candidates and the blank lines, there shall be placed squares or similar target shapes, and each square or similar target shape must 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.

Subp. 4. **Town questions.** 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 a target shape other than a square is used on the ballot, then the word "square" must be replaced with the applicable target shape word. When more than one town question is on the ballot, each town ballot question must be designated by a number and must be preceded by the words "Town Question" and the number assigned to the question. The town clerk or town governing body shall provide a title for each town question printed on the town election 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 above the question to which it refers. The body of the question must be printed in upper and lower case letters.

Subp. 5. **Back of ballot.** On the back of the town election 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 placed as to be visible when the ballot is properly folded for deposit.

Subp. 6. **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. When a target shape other than a square is used on the ballot, then the word "square" must be replaced with the applicable target shape word.

The words "Town Election Ballot" must be printed in as large as practicable but not smaller than 18-point type.

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

The words "Vote For One" must be printed in as large as practicable but no smaller than 8-point bold type.

The names of the candidates must be printed 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 no smaller than 8-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.

Subp. 7. **Town clerk's duties.** The town clerk shall prepare and print the town election ballot as soon as practicable, but in no event less than 30 days before the election. Two weeks before the election, the town clerk shall file sample copies in the town clerk's office for public inspection. The town election 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 division between candidates,

office, instructions, and other matter proper to be printed on the ballot. The town clerk 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 205.17*

History: *23 SR 459; 25 SR 616; 38 SR 1368; 40 SR 1553*

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8250.0700 NUMBER OF CANDIDATES.

Directly underneath the title and identification of each office shall be printed the words "Vote For One" or more, according to the number to be elected.

Statutory Authority: *MS s 204D.11*

History: *40 SR 1553*

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BALLOTS FOR ELECTRONIC VOTING SYSTEMS

8250.1600 APPLICABILITY.

Part 8250.1810 applies 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; 40 SR 1553*

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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 an election unless otherwise specified in statute. 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 and in mixed upper and lower case, 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 E 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 as large as practicable but no smaller than 14-point bold type and must be shaded with a screen of at least ten 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 ballot must contain a demarcation indicating the beginning of the nonpartisan section of the ballot.

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 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.

E. If a primary ballot or special primary ballot contains only a partisan primary, the instructions to the voter must include a statement that reads substantially as follows: "This is a partisan primary ballot. You are permitted to vote for candidates of one political party only." 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 as large as practicable but no smaller than 10-point type.

F. The names of candidates for nomination of the major political party that received the smallest average vote at the last state general election must be placed in the first column on the left side of the ballot. The names of candidates for nomination of the major political party that received the next smallest average vote at the last state general election must be placed in the second column and so on. The average vote shall be computed in the manner provided in Minnesota Statutes, section 204D.13, subdivision 2. If there

are only two major political parties to be listed, one party must occupy the left hand column, the other party must occupy the right hand column, and the center column must contain the following statement: "Do not vote for candidates of more than one party."

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 special election ballot for state office containing only a vacancy for a partisan office, the words "Special Election 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 special primary ballot for state office containing only a vacancy for a partisan office, the words "Special 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.

When a county, municipal, school district, or hospital district election is held other than in conjunction with a federal or state office, the applicable words "County Election Ballot," "City Election Ballot," "Town Election Ballot," "School District Ballot," or "Hospital District 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 no smaller than 10-point type.

On the front of the ballot the words "Official Ballot" must be printed in as large as practicable but no smaller than 8-point bold type and the word "Judge" in as large as practicable but no smaller than 8-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 bold and 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 a similar wording or mark if a different target shape is used by the electronic voting equipment must follow and be printed in as large as practicable but no smaller than 8-point bold type. The county may include an image demonstrating the instruction if approved by the secretary of state.

Immediately under each office title and district identified, one of the following instructions must be printed in bold type 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:

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 as large as practicable but no smaller than 10-point bold type. The office titles must be shaded with a screen of at least ten percent:

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

County Attorney

County Surveyor

County Coroner

County Park Commissioner

Soil and Water Conservation District Supervisor

Conservation District Supervisor

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 the district numbers (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 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. On state primary ballots for nomination to a partisan or nonpartisan office, and on state general election ballots and judicial nonpartisan general election ballots, the names of each candidate shall be rotated with the names of the other candidates pursuant to part 8220.0825. If the number of candidates for an office is equal to or less than the number to be elected, no rotation of candidate names is required and the official preparing the ballot shall determine the position of the candidates by lot. The candidate names must be printed 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 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 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 following words must be printed in upper and lower case and no smaller than 8-point type: "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 if a target shape other than an oval is used on the ballot, then the word "oval" must be replaced with the applicable target shape word. 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 as large as practicable but no smaller than 10-point bold 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 at least ten percent. 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 bold type 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 as large as practicable but no smaller than 10-point type. The words "Yes" and "No" must be aligned as close as possible to the vote targets and must be printed in bold type 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 in "Constitutional Amendment" 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." must follow and be printed in upper and lower case and no smaller than 8-point type. If a target shape other than an oval is used on the ballot, then the word "oval" must be replaced with the applicable target shape word. 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 as large as practicable but no smaller than 10-point bold type and must be shaded with a screen of at least ten percent. The body of the question must be printed in as large as practicable but no smaller than 10-point type. The words "Yes" and "No" must be aligned as close as possible to the vote targets and must be printed in bold type 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 a horizontal oval next to the candidate name or similar target if used by certified equipment. 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 no smaller than 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 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.

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