

CHAPTER 203

ABSENT AND DISABLED VOTERS

203.01 ABSENT AND DISABLED VOTERS MAY VOTE BY MAIL.

HISTORY. 1917 c. 68 s. 1; 1917 c. 120; 1923 c. 108; G.S. 1823 s. 496; 1925 c. 289 s. 1; M.S. 1927 s. 496; 1929 c. 29; 1937 c. 413 s. 1; 1939 c. 345 Pt. 4 c. 1 s. 1; M. Supp. ss. 496, 601-4(1).

This section is applicable to a city election in a city of the fourth class operating under a home rule charter. "Any city election" is not restricted to city elections held solely for the purpose of electing city officers. 1928 El. Op. 195.

If a person who takes advantage of the absent voters law dies before election day and this fact is known to the election judges, his ballots should not be deposited by the election judges in the appropriate ballot boxes. 1928 El. Op. 197.

A person confined in jail for a misdemeanor may cast his ballot under the absent voters law. 1930 OAG 229.

It was not the legislative intent that this section should apply to village elections. The election machinery in villages is not readily adapted to the provisions of the absent voters law. The word "city" was used by the legislature in its limited meaning and does not include villages. 1928 El. Op. 196.

The absent voters law does not apply to village elections. OAG Jan. 6, 1933.

This section does not apply to special village elections. OAG June 24, 1933.

A citizen cannot vote by radio. OAG Oct. 24, 1934.

The soldiers voting act, Laws 1917, Chapter 68, is available to soldiers, 1940 OAG 89.

For a general discussion of the absent voters law, see 1934 OAG 400.

A soldier who regularly files for office may be legally elected though he is absent in service and is outside the state during the campaign and on election day. 1940 OAG 89, Aug. 5, 1940 (639e).

Section 203.01 may apply to city elections. OAG March 15, 1944 (639L).

203.02 APPLICATION FOR BALLOTS.

HISTORY. 1917 c. 68 s. 2; G.S. 1923 s. 497; 1927 c. 77 s. 1; M.S. 1927 s. 497; 1939 c. 345 Pt. 4 c. 1 s. 2; M. Supp. s. 601-4(1)a.

The provisions requiring the filing of a verified application for a ballot with the city clerk prior to an election are mandatory and noncompliance is ground for rejecting ballot. *Wichelmann v City of Glencoe*, 200 M 62, 273 NW 638.

How the voters obtain the blank application is immaterial. 1930 OAG 230.

203.03 COUNTY AUDITOR TO BE SUPPLIED WITH BALLOTS.

HISTORY. 1917 c. 68 s. 3; G.S. 1923 s. 498; M.S. 1927 s. 498; 1939 c. 345 Pt. 4 c. 1 s. 3; M. Supp. s. 601-4(1)b.

203.04 COUNTY AUDITOR TO FILE APPLICATIONS.

HISTORY. 1917 c. 68 s. 4; G.S. 1923 s. 499; 1927 c. 77 s. 2; M.S. 1927 s. 499; 1939 c. 345 Pt. 4 c. 1 s. 4; M. Supp. s. 601-4(1)c; 1945 c. 501 s. 1.

203.05 FEES.

HISTORY. 1917 c. 68 s. 5; G.S. 1923 s. 500; M.S. 1927 s. 500; 1933 c. 196; 1939 c. 345 Pt. 4 c. 1 s. 5; M. Supp. ss. 500, 601-4(1)d; 1943 c. 288 s. 1; 1945 c. 501 s. 2.

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203.06 AUDITOR MAY EMPLOY ADDITIONAL HELP.

HISTORY. 1917 c. 68 s. 5; G.S. 1923 s. 500; M.S. 1927 s. 500; 1933 c. 196; 1939 c. 345 Pt. 4 c. 1 s. 6; M. Supp. ss. 500, 601-4(1)e; 1945 c. 501 s. 3.

203.07 AUDITOR TO DELIVER BALLOTS.

HISTORY. 1917 c. 68 s. 6; G.S. 1923 s. 501; 1925 c. 277 s. 1; M.S. 1927 s. 501; 1931 c. 170; 1933 c. 242; 1939 c. 345 Pt. 4 c. 1 s. 7; M. Supp. ss. 501, 601-4(1)f; 1945 c. 501 s. 4.

See OAG Oct. 29, 1931.

203.08 APPLICATION TO BE CERTIFIED AND SEALED.

HISTORY. 1917 c. 68 s. 7; G.S. 1923 s. 502; M.S. 1927 s. 502; 1939 c. 345 Pt. 4 c. 1 s. 8; M. Supp. s. 601-4(1)g.

203.09 VOTER MAY MAIL BALLOT.

HISTORY. 1917 c. 68 s. 8; G.S. 1923 s. 503; M.S. 1927 s. 503; 1939 c. 345 Pt. 4 c. 1 s. 9; M. Supp. s. 601-4(1)h.

On the death of a voter, who takes advantage of the absent voters law, before the day of election, this fact becoming known to the election judges, they should not deposit the ballots of this voter. 1928 El. Op. 197.

Except by members of the armed forces, a voter's ballot may not be mailed from Alaska. OAG May 27, 1944 (639a).

Ballots may not be mailed from Europe. 1928 OAG 182.

203.10 JUDGES TO RECEIVE AND COUNT BALLOTS.

HISTORY. 1917 c. 68 s. 9; G.S. 1923 s. 504; M.S. 1927 s. 504; 1939 c. 345 Pt. 4 c. 1 s. 10; M. Supp. s. 601-4(1)i.

See 1930 OAG 230.

The provision requiring the postmaster's signature as attesting witness to be authenticated by his cancellation stamp, is mandatory and not merely directory. 1942 OAG 62, Jan. 29, 1942 (639a).

203.11 CLERK TO NOTIFY POST-OFFICE OF DISTRICT ADDRESSES.

HISTORY. 1917 c. 68 s. 10; G.S. 1923 s. 505; M.S. 1927 s. 505; 1939 c. 345 Pt. 4 c. 1 s. 11; M. Supp. s. 601-4(1)j.

203.12 COUNTY AUDITOR TO PREPARE APPLICATIONS.

HISTORY. 1917 c. 68 s. 11; G.S. 1923 s. 506; M.S. 1927 s. 506; 1939 c. 345 Pt. 4 c. 1 s. 12; M. Supp. s. 601-4(1)k.

203.13 VIOLATIONS.

HISTORY. 1917 c. 68 s. 12; G.S. 1923 s. 507; M.S. 1927 s. 507; 1939 c. 345 Pt. 4 c. 1 s. 13; M. Supp. s. 601-4(1)l.

203.14 DISPOSITION OF FEES.

HISTORY. 1917 c. 68 s. 13A; 1925 c. 388; M.S. 1927 s. 508-1; 1929 c. 168; 1937 c. 413 s. 2; 1939 c. 345 Pt. 4 c. 1 s. 14; M. Supp. s. 601-4(1)m; 1945 c. 501 s. 5.

Where the last day for filing falls on Sunday or a legal holiday the last day for filing is the preceding secular day. OAG Jan. 20, 1936 (911r).

See OAG Oct. 6, 1936.