

CHAPTER 203

ABSENT AND DISABLED VOTERS

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203.01 ABSENT AND DISABLED VOTERS MAY VOTE BY MAIL. Any person entitled to vote at any general election, any primary election, any city election, any school election, or any village or town election in villages or towns operating under the "Australian Ballot System," who is absent on the day such election is held from the district in which he is entitled to vote, or who by reason of illness or physical disability is unable to go to the polling place of such district, may vote therein by having his ballot delivered by mail to the election board of such district on the day of such election, by complying with the provisions of this chapter. No person residing in a municipality now or hereafter having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote unless he has registered as a voter in accordance with such provisions.

[1939 c 345 part 4 c 1 s 1; 1949 c 365 s 1] (601-4(1))

203.02 APPLICATION FOR BALLOTS. At any time not more than 30 days or less than one day before the day of holding any election, any person may make application in writing subscribed by him to the auditor of the county in which he is a resident for ballots and envelopes, by mailing to or filing with such auditor an application substantially in the following form:

"APPLICATION FOR BALLOTS

The undersigned, a duly qualified voter in the County of.....State of Minnesota, residing at.....(here insert street and number) in said city, village or town, because of (absence from home)....., (illness)....., (physical disability)....., hereby makes application for the ballots to be voted upon in said district at the next election. Please mail said ballots and accompanying envelope to me at..... (insert post office address to which to be sent) Dated....., 19.....

(Signature of Applicant)"

Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots"; any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony.

[1939 c 345 part 4 c 1 s 2; 1949 c 368 s 1] (601-4(1)a)

203.03 COUNTY AUDITOR TO BE SUPPLIED WITH BALLOTS. The several officers charged by law with the preparation, printing, and distribution of ballots shall, at least 15 days before any election, print and deliver to the county auditor a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor to comply with the provisions of this chapter. It shall be the duty of the county auditor to prepare and print the ballots prepared under his direction at least 15 days before such election.

[1939 c. 345 part 4 c. 1 s. 3] (601-4(1)b)

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203.04 COUNTY AUDITOR TO FILE APPLICATIONS. If any application is made either in person or by mail more than 15 days before election, the auditor shall file the same and forthwith on the delivery to him of the ballots, shall mail to the applicant, without charge, at the address specified in the application one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelope hereinafter specified. If the application is made within 15 days of the election, he shall forthwith upon receipt of such application, mail, or deliver to the applicant, without charge, if he apply therefor in person, and fill out and sign the application blank specified in section 203.02, one each of the several ballots the applicant is entitled to vote upon at the next election; also the envelopes hereinafter specified.

[1939 c. 345 part 4 c. 1 s. 4; 1945 c. 501 s. 1] (601-4(1)c)

203.05 FEES. The expense of such extra clerical assistance as may be required for the performance by the auditor of the duties imposed by this chapter; the cost of furnishing and printing the application blanks specified in section 203.02; the cost of furnishing and printing the envelopes and voters' certificates herein specified; the cost of postage both in forwarding and for the return of the ballots as herein specified and in delivering to the judges of the several districts in his county the applications after the same have been endorsed by him as herein specified, shall be paid by the county.

[1939 c. 345 part 4 c. 1 s. 5; 1943 c. 288 s. 1; 1945 c. 501 s. 2] (601-4(1)d)

203.06 AUDITOR MAY EMPLOY ADDITIONAL HELP. Each county auditor is hereby authorized to employ such assistants, additional to those now authorized by law, as may be necessary to the carrying into effect of the provisions of this chapter, and the expense of such additional clerical assistance shall be paid by the county.

[1939 c. 345 part 4 c. 1 s. 6; 1945 c. 501 s. 3] (601-4(1)e)

203.07 AUDITOR TO DELIVER BALLOTS. The auditor of each of the several counties shall mail or deliver to the applicant with the ballots two envelopes and "Directions to Voters." One envelope shall be known as the "Return Envelope" and shall be sufficiently larger than the "Ballot Envelope" herein described, to conveniently enclose and contain the "Ballot Envelope" herein described. There shall be printed or written across the left hand end of this envelope, by the auditor, before delivery thereof to the applicant, the words:

"Return Envelope

Postmaster to deliver on Election Day."

The auditor shall also cause this "Return Envelope" to be addressed to the "Judges of Election" in the districts in which the applicant is entitled to vote, such address shall be in substantial conformity to one of the illustrations herein set forth and as the facts may require:

"To the Judges of Election.

Seventh Precinct, Third Ward,
City of Minneapolis,
Hennepin County,
Minnesota."

"To the Judges of Election, Rosedale Town,

.....
(Here insert name of post-office nearest voting place)

Hennepin County, Minnesota."

"To the Judges of Election, Village of Excelsior,
Excelsior, Hennepin County, Minnesota."

The auditor may vary any such form for addressing "Return Envelope" as the facts may require, but shall adopt such form of address as will best insure the prompt delivery of such envelope and contents to the judges on election day.

The county auditor shall also affix to this "Return Envelope" postage stamps sufficient in amount to pay the postage on the "Return Envelope," after the ballot, ballot envelope and voter's certificate herein prescribed have been enclosed therein, from any post-office within the territorial limits of the United States, other than the overseas possessions of the United States to the place to which it is addressed.

There shall be printed on the back of this "Return Envelope" a certificate which shall be substantially in the following form:

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"VOTER'S CERTIFICATE"

County of.....
State of.....

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I do swear that I am a citizen of the United States; that I am 21 years of age, and have been a legal resident of the State of Minnesota continuously during the six months last past; that I am an actual resident of the election district named in my application; that on the date of the ballots contained herein I will have legally resided therein for more than 30 days; that I do not intend to abandon my residence in said district prior to such date; that at said time I will be a qualified voter in said district.

(Signed).....

(Voter)

Subscribed and sworn to before me this.....day of.....A.D....., and I hereby certify that the affiant exhibited the enclosed ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; that the affiant was not solicited or advised by me for or against any candidate or measure.

.....
(Attesting Witness)

.....
(Official Title)

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc.)"

The return envelope shall be so made as to open on the left hand end and the certificate above set forth shall be printed on the right hand three-fourths of the back of the envelope.

The following "Directions to Voters" shall be printed and furnished to each voter at the time such ballots are mailed or delivered in person.

"DIRECTIONS TO VOTERS"

(1) You may mark and mail your ballot at any place within the United States other than Alaska and the Island Possessions of the United States.

(2) The ballot must be marked and sealed in the "Ballot Envelope" in the presence of an attesting witness, but in such a manner as to prevent such witness or any other person from knowing or learning how you have voted as to any candidate or proposition.

(3) After marking and enclosing ballot in the "Ballot Envelope" you and attesting witness must each sign your respective names to the "Voter's Certificate" on back of return envelope.

(4) Enclose "Ballot Envelope" in "Return Envelope," seal the letter, you must sign and have attesting witness sign certificate on back of "Return Envelope" and then deposit same in the United States Post-office in presence of, or by the attesting witness.

(5) The ballot may be marked and mailed at any time after you receive it from the county auditor; it should, however, be marked and mailed so as to arrive at your voting place on or before election day. If not there by that day it will not be counted.

(6) Any Notary Public, United States postmaster, assistant United States postmaster, United States postal supervisor, Clerk in charge of a contract postal station, or any officer having authority to administer an oath or take an acknowledgment may be an attesting witness.

If a postmaster, or assistant postmaster, or postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his signature on the "Voter's Certificate" must be authenticated by the cancellation stamp of their respective post-offices. If one or the other officers named acts as attesting witness his signature on the "Voter's Certificate" must be authenticated with his official seal.

(7) Remember that the officers above named are not bound to act as attesting witness for you.

(8) Fold each ballot separately before placing it in "Ballot Envelope"; fold so that cross mark cannot be seen without unfolding, but so that facsimile signature of officer (secretary of state, county auditor, or city clerk) under whose direction

the ballot is printed and appearing on the back of the ballot, can be seen without unfolding the ballot. Do not put your name, initials or any other identifying mark on the ballot.

[1939 c 345 part 4 c 1 s 7; 1949 c 368 s 2] (601-4(1)f)

203.08 APPLICATION TO BE CERTIFIED AND SEALED. The county auditor on mailing or delivering to an applicant ballots as hereinbefore specified, shall sign or cause to be signed by his deputy, and date(d) the certificate printed on the application for ballots and shall authenticate such certificate with his official seal. All applications shall be preserved by the auditor and arranged by him according to districts and the initial letter of the surname of the applicant. At the time he delivers the state and county ballots to the town, village and city clerks within his county, he shall also deliver to the respective town, village, and city clerks the applications theretofore received by him and endorsed by him. Such town, village and city clerks shall in turn deliver said applications so endorsed to the respective judges of the several districts.

[1939 c 345 part 4 c 1 s 8; 1949 c 368 s 3] (601-4(1)g)

203.09 VOTER MAY MAIL BALLOT. Any qualified voter of any district of this state to whom ballots have been delivered by the county auditor, may mark and mail the ballots so delivered to him at any place within the territorial jurisdiction of the United States, exclusive of Alaska and the so-called island possessions of the United States, the same to be marked and mailed in the manner specified in the directions to voters, set forth in section 203.07, and before an attesting witness belonging to one of the classes specified in the directions to voters.

[1939 c. 345 part 4 c. 1 s. 9] (601-4(1)h)

203.10 JUDGES TO RECEIVE AND COUNT BALLOTS. The judges in the several districts at any election shall receive all ballots delivered to them on election day by officers or employees of the United States postoffice department in due course of the business of that department and as herein provided, and deposit the same in the appropriate ballot box provided that they are satisfied that the person is a voter in such district and entitled to vote therein at such election; provided, further, that the conditions precedent hereinafter set forth, exist. Ballots so deposited shall be counted, canvassed, and returned in the same manner and shall be given the same force and effect as the votes of other duly qualified voters who vote in person.

Upon a "Return Envelope" being delivered to the judges they shall open the same in such a manner as not to cut or mutilate the contents or deface or damage certificate or the signatures thereto on the outside thereof. They shall compare the signature of the voter on the outside of the "Return Envelope" with the signature on the "Application for Ballots" delivered to them as provided herein. If the judges or a majority of them, shall be satisfied that the signature of the voter subscribed to the "Voter's Certificate" is the genuine signature of the person who made the "Application for Ballots," and if the signature of the voter has been properly authenticated as prescribed in the "Directions to Voters" set forth in this chapter, the judges, or one or more of them shall write the word "Received" on such "Ballot Envelope" and under such word his or their name or initials, provided that in cities of first, second or third class such ballot shall not be so marked unless the voter mailing in such ballots has been theretofore duly registered in such district, nor shall said ballots be so marked with the word "Received" if it appears from the registration list that such voter has already voted at such election, either in person or by mail. If the ballots are not received for the reason that the voter has failed to comply with the requirements herein set forth or has previously voted at such election, then such "Ballot Envelope" shall be marked "Rejected" and placed in the "Return Envelope" and placed with and returned to the county auditor with the unused ballots. No person who voted by mail as herein provided shall be permitted to thereafter vote in person in the same election.

If the "Ballot Envelope" is marked with the word "Received," as herein provided, the judges in charge of the register shall make an appropriate notation on the register of voters indicating that the voter has voted by mail; this shall be done by placing the letters "V.M." in the appropriate column opposite the voter's name.

The "Ballot Envelope" marked "Received" as aforesaid, shall be carefully kept by the judges until the closing of the polls on the election day, but before any of the ballot boxes are opened, at which time the said "Ballot Envelope" shall be opened

and the ballots therein taken therefrom and deposited by the judges in the proper ballot box. If there be more than one ballot of any kind enclosed in said "Ballot Envelope," then and in such case neither of such ballots of such kind shall be deposited in the ballot box, but all such kinds shall be placed with the spoiled ballots and returned as is provided for by law with reference to such spoiled ballots. The judges before depositing said ballots in the ballot boxes shall write their initials thereon in the same manner as is provided by law with reference to ballots delivered by them to voters voting in person.

[1939 c 345 part 4 c 1 s 10; 1949 c 368 s 4] (601-4(1)i)

203.11 CLERK TO NOTIFY POST-OFFICE OF DISTRICT ADDRESSES. It shall be the duty of the clerk of each municipality having more than two voting districts therein to furnish to the postmaster of the municipality, at least two days before the day on which any election is held, a certified tabulated list of the polling places in each of the districts of the municipality, describing the same by ward and precinct number and opposite each such description shall be set forth the respective location by street and number, of such polling place, this for the guidance of post-office employees in delivering the "Return Envelopes."

[1939 c. 345 part 4 c. 1 s. 11] (601-4(1)j)

203.12 COUNTY AUDITOR TO PREPARE APPLICATIONS. The county auditor shall prepare and print a suitable number of blanks for the "Application for Ballots" described herein and deliver a copy thereof to any voter applying therefor.

[1939 c. 345 part 4 c. 1 s. 12] (601-4(1)k)

203.13 VIOLATIONS. Any person who shall wilfully make or sign any false certificates specified herein; any person who shall wilfully make any false or untrue statement in any "Application for Ballots;" any person who shall wilfully exhibit to any other person any ballot marked by him; any person who shall in any way wilfully do any act contrary to the terms and provisions of this chapter with intent to cast an illegal vote in any district or to aid another in so doing shall be guilty of a felony.

[1939 c. 345 part 4 c. 1 s. 13] (601-4(1)l)

203.14 DISPOSITION OF FEES. In the case of city elections in all cities, or village elections in all villages operating under the "Australian Ballot System," voter's applications for ballots shall be filed with the city or village clerk, no fees shall be required to be paid therefor, and the duties prescribed in this Part for the county auditor shall be performed by the city or village clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of this Part for any such city or village election shall be paid by the city or village in which the same is held.

[1939 c 345 part 4 c 1 s 14; 1945 c 501 s 5; 1949 c 368 s 5] (601-4(1)m)

203.15 DECLARATION OF POLICY. In recognition of the State's responsibility to facilitate so far as practicable the voting by its qualified electors who are serving in the armed forces of the United States, at elections held within the state, the legislature by sections 203.15 to 203.28 makes necessary adjustments in the absent voting law to provide for the preparation and transmission of ballots to such electors within and without the United States and for the return of such ballots to be recorded at such elections. All county and local clerks and all election officials throughout the state are directed to cooperate to the fullest possible extent in order to effectively carry out the purpose and intent of sections 203.15 to 203.28.

[1949 c 383 s 1]

203.16 APPLICATION OF CHAPTERS 200 TO 212. Except as modified by sections 203.15 to 203.28, the provisions of Minnesota Statutes, Chapters 200 to 212 inclusive, and other statutes relating to elections shall remain in full force and effect.

[1949 c 383 s 2]

203.17 ARMED FORCES DEFINED. The term "armed forces" as used in sections 203.15 to 203.28 shall refer to and include the Army and Navy of the United States, or the Merchant Marine of the United States, or the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, the Salvation Army, the United Service Organizations and all other persons connected in any capacity with the Army or Navy of the United States.

[1949 c 383 s 3]

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203.18 REGISTRATION; REQUEST; BALLOT. Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces over 21 years of age or who will attain the age of 21 years on or before the date of the next primary or general election occurring after such registration by the member of the armed forces himself or by a parent, spouse, or a brother, sister, or child over the age of 18 years, by filing in the office of the county auditor of the county of which he was a resident prior to his entrance into the armed forces, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the war and navy departments or otherwise:

REQUEST FOR BALLOTS

To the County Auditor of.....County, Minnesota, United States of America:
The name of the person for whom ballots are requested is.....
He is a member of the armed forces of the United States. He expects to be absent from his place of residence in Minnesota on the primary or general election date. Request is therefore made that ballots be furnished to him to be used by him in voting at such elections and be sent to him at the address herein stated. He is a citizen of the United States. He is a resident of the State of Minnesota, and has been such resident for more than six months last past.
He was born on the.....day of..... in the year.....
His home and place of residence is and on said election days will be at.....
.....in the.....of.....
(town, city or village)

.....
County of....., State of Minnesota.
His voting precinct or district according to the best information of the undersigned is.....(Give precinct and ward number or name of precinct if you know it)
Ballots are to be sent to said member of the armed forces at the following address:

.....
.....
.....

(If this request is signed by the spouse, parent, or a brother, sister, or child over the age of 18 years, of the member of the armed forces, fill in the following paragraph.)
The relative who signs this request is the.....of said voter above-named, and is of the age of 18 years or over.

.....
(Signature of member of armed forces or relative)

Subscribed and sworn to before me this
.....day of..... 19.....

(State title of office. If officer of armed forces, must be a commissioned, non-commissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

Subd. 2. Any such communication on request filed with or received by the county auditor shall be registered by the county auditor in a permanent record kept by him for such purpose, and the entry of said name in such register shall constitute the only registration necessary to entitle any member of the armed forces to vote at a primary or general election. Registrations under sections 203.15 to 203.28 may be challenged in the manner provided for in law, except that the county auditor shall not be required to give notice to the voter, and all reasonable doubt shall be resolved in favor of the validity of such registration. If it appears from the communication or request that the applicant is not qualified to vote at the primary election but will be qualified to vote at the general election, then no primary ballot shall be forwarded to the applicant, but such communication or request shall nevertheless constitute a request for ballot for the general election. Should any such request or a communication in the form thereof be addressed to the secretary of state or any other election official, the same shall immediately upon its receipt by said election official be forwarded to the county auditor of the county of residence of such registrant, as specified in such request, and shall have the same force and effect as if it were addressed to the county auditor. The county auditor shall, in no event, send more than one set of ballots to any member of the armed forces for each election.

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Subd. 3. Every county auditor shall forthwith prepare at the expense of his county a sufficient supply of blank forms to be used to request that ballots be furnished a member of the armed forces and shall furnish such blanks to any person applying therefor.

[1949 c 383 s 4]

203.19 COUNTY AUDITOR; DUTIES. Subdivision 1. The county auditor shall, as promptly as possible, mail an official ballot, or ballots if more than one are to be voted at the election, to every absent member of the armed forces who has been registered in accordance with the foregoing provisions. Registration for the primary election shall entitle the registrant to receive a general election ballot without further application, notwithstanding that the registrant may have failed to vote in the primary election. Said ballot or ballots shall be mailed by air mail, postage prepaid, in an envelope upon which shall be printed "OFFICIAL BALLOT." There shall also be sent in the same envelope a return air mail, stamped envelope addressed to the county auditor of the county in which said vote is to be cast, upon which shall be printed "OFFICIAL BALLOT" and upon the back of which shall be an affidavit in the following form:

THIS FORM MUST BE COMPLETED IN ORDER THAT THE ENCLOSED BALLOT BE COUNTED:

I, do solemnly swear that I am over the age of 21 years or will be 21 years on or before.....(the date of the next primary or general election in Minnesota).....; that I am a citizen of the United States; that for more than six months prior to my entrance into the armed forces I was a resident of the state of Minnesota; that for more than 30 days prior thereto I resided at.....; that I have not cast another vote or returned another ballot for this election to any voting district; and that I am otherwise qualified to vote the enclosed ballot which I personally marked and sealed in this envelope without exhibiting it to any other person, or which, in case of my physical incapacity, has been marked for me and sealed in this envelope under my personal direction.

Subscribed and sworn to before me
this..... day of..... 19.....

(State title of office. If officer of armed forces, must be a commissioned, non-commissioned or petty officer (not below the rank of Sergeant or its equivalent). Affix seal, if any.)

NOTE: Temporary change of dwelling place made necessary by military service does not affect the voter's residence.

Subd. 2. Priority in mailing shall be given to all ballots to be sent outside the United States. In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in sections 203.15 to 203.28 through the mails postage free, or otherwise, the election officials of the several counties of the state are authorized to make use thereof.

Subd. 3. No envelope, return envelope or explanatory note shall contain the name of any person who is a candidate at the election to which the enclosed ballot pertains.

[1949 c 383 s 5]

203.20 AFFIDAVIT, HOW EXECUTED. Any affidavits made by an absent voter pursuant to the provisions of sections 203.15 to 203.28 may be executed before a commissioned officer, warrant officer or non-commissioned officer not lower in grade than sergeant or its equivalent navy rating, or any other person authorized to administer oaths.

[1949 c 383 s 6]

203.21 BALLOTS CONFORM TO CHAPTERS 200 TO 212. The ballots used under this section shall conform to the requirements of Minnesota Statutes, Chapters 200 to 212, inclusive, except that if modification of the size of ballot or envelope, or weight or color of paper, is necessary to conform to mailing requirements of the federal authorities, state and county officials in charge of the preparation of

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such ballots and envelopes shall cause such modifications to be made. Ballots shall be marked pursuant to instructions contained thereon and shall be returned in the return envelope provided therefor.

[1949 c 383 s 7]

203.22 RETURN OF BALLOT. Upon receipt of the returned ballot, the county auditor shall stamp upon the ballot envelope the date of its receipt in his office and shall check the elector's name with his temporary registration book to insure that the ballot is from a voter entitled to vote and that he has not already returned another ballot for the same election. Any discrepancy or disqualifying fact shall be noted by the county auditor on the envelope. In other respects the provisions of Minnesota Statutes, Chapters 200 to 212, inclusive, as to deposit and counting of such ballots shall apply, except that failure to return unused ballots shall not invalidate the marked ballot, which shall be counted, and no ballot contained in a return envelope in which the affidavit upon the back thereof is not properly executed shall be counted. All ballots received by the county auditor before the closing hours of the polls shall be delivered by him to the proper polling places.

[1949 c 383 s 8]

203.23 CAST OF BALLOT IN PERSON, EFFECT. If any person entitled to vote under the provisions of sections 203.15 to 203.28 casts his ballot in person on election day, then no absentee ballot shall be counted for such elector. If more than one absentee ballot is received from any elector entitled to vote under the provisions of sections 203.15 to 203.28, the ballot of such elector bearing the latest county auditor's date stamp shall be cast.

[1949 c 383 s 9]

203.24 DEATH OF VOTER. Whenever it shall be made to appear by due proof to the judges of election that any elector who has marked and forwarded his ballot as provided in sections 203.15 to 203.28, has died prior to the opening of the polls on the date of the election, then the ballot of such deceased elector shall be returned by the judges of election in the same manner as provided for rejected ballots; but the casting of the ballot of a deceased elector shall not invalidate the election.

[1949 c 383 s 10]

203.25 SEPARATE RECORD. A separate record of the ballots of absent voters under sections 203.15 to 203.28 shall be kept in the various voting districts.

[1949 c 383 s 11]

203.26 NO TIME LIMIT. There shall be no limitation of time for filing and receiving applications for ballots under sections 203.15 to 203.28.

[1949 c 383 s 12]

203.27 EXPENSE CHARGEABLE TO GENERAL REVENUE. The county auditors of the several counties may incur such expenses and expend such amounts for clerk hire, postage and other expenses as are necessary to carry out the provisions of sections 203.15 to 203.28, the same to be paid from the general revenue funds of the counties.

[1949 c 383 s 13]

203.28 PROVISIONS EXCLUSIVE. The provisions of sections 203.15 to 203.28 shall constitute the exclusive requirements for absentee voting by members of the armed forces.

[1949 c 383 s 14]