

CHAPTER 207

ABSENT AND DISABLED VOTERS.

Sec.		Sec.	
207.01	Definitions.	207.16	Declaration of policy.
207.02	Voting by mail.	207.17	Application of Minnesota election law.
207.025	Eligible voters residing outside the United States.	207.18	Armed forces and temporary nonresidents.
207.03	Application for ballots.	207.19	Registration; request; ballot.
207.04	Supplies of ballots and applications.	207.20	County auditor; municipal clerk duties.
207.05	Applications filed with auditor or municipal clerk; delivery of ballot.	207.21	Affidavit, how executed.
207.06	Fees.	207.22	Ballots conform to provisions of the Minnesota election law.
207.07	Auditor or municipal clerk may employ additional help.	207.221	Registration records; delivery by auditor and by the municipal clerk.
207.08	Return and ballot envelopes, directions to voters.	207.23	Return of ballot.
207.085	Form and content of required materials; rules of secretary of state.	207.24	Cast of ballot in person, effect.
207.09	Endorsement of application; receipt and delivery of ballots.	207.25	Death of voter.
207.10	Voter to mail ballot.	207.26	Separate record.
207.11	Judges to receive and count ballots.	207.27	No time limit.
207.14	Violations.	207.28	Expense chargeable to general revenue.
207.151	Absent voting, municipal elections, duties of clerks.	207.29	Provisions exclusive.
		207.30	Absentee ballot precinct.
		207.31	Hospital patients and health care facility residents.

207.01 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.01 DEFINITIONS. The words used in this chapter have the meanings prescribed to them in chapter 200.
[1959 c 675 art 8 s 1]

207.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.02 VOTING BY MAIL. Any individual entitled to vote at any election, who by reason of absence from his precinct, illness, physical disability, religious discipline, or observance of a religious holiday is unable to go to the polling place in that precinct on the day that election is held, or who is employed as a judge of election in a precinct other than his own, may vote by complying with the provisions of this chapter. Any individual residing in a municipality having permanent registration of voters, as provided by chapter 201, shall be permitted to so vote if he has registered as a voter in accordance with those provisions or registers by enclosing a completed registration card with his ballot and providing proof of his residence in the manner required in section 207.03.
[1959 c 675 art 8 s 2; 1965 c 4 s 1; 1973 c 123 art 5 s 7; 1973 c 676 s 28; 1977 c 133 s 1; 1978 c 714 s 12]

207.025 ELIGIBLE VOTERS RESIDING OUTSIDE THE UNITED STATES. Any person eligible to vote in Minnesota under the provisions of Public Law 94-203 shall be permitted to register and vote for candidates for the offices of president and vice-president, senator in congress, and representative in congress in the same manner as provided in sections 207.03 to 207.151 for any person eligible to vote who is absent from his precinct on election day.
[1976 c 224 s 9]

207.03 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.03 APPLICATION FOR BALLOTS. Subdivision 1. At any time not more than 45 days or less than one day before the day of holding any election, any individual may apply in writing for absentee ballots to: (a) the auditor of the county in which the applicant is a resident; (b) the full time clerk of a municipality designated by the county auditor if the applicant is a resident of that municipality; or (c) the full time clerk of a municipality which has requested designation by the county auditor if the applicant is a resident of that municipality. An application submitted by mail shall be accepted if it is signed and dated by the applicant, contains his voting and mailing addresses and states that he will be absent from the precinct or that he will be unable to go to the polling place for one of the reasons provided in section 207.02. Any county auditor or clerk of a town or city who receives an application for absentee ballots

which he cannot provide to the applicant shall forthwith forward that application to the official who can provide the ballots.

Subd. 1a. Any individual desiring to vote by absentee ballot who is not registered to vote shall include with his ballot a completed registration card and provide proof of residence as required by this subdivision. Applicants in person shall present, at the time of application, proof of residence as required by section 201.061, subdivision 3. An individual applying by mail shall present to the individual witnessing the marking of the absentee ballots proof of residence as required by section 201.061, subdivision 3.

Subd. 2. An eligible voter may apply for an absentee ballot on election day if he becomes a resident or patient on the day before election in a health care facility or hospital located in the municipality to which he applies and if he requests an absentee ballot application directly from the judges engaged in delivering ballots pursuant to section 207.31 or by telephone from the municipal clerk not later than 5 p.m. on the day before election day. An application shall be delivered to any such voter by the judges designated to deliver ballots pursuant to section 207.31.

Subd. 3. Upon receipt of an application for ballots submitted by mail, the county auditor or municipal clerk receiving the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the auditor or clerk shall include a registration card, proof of residence certificate, and instructions for completing them, among the election materials mailed to the applicant.

Subd. 4. For the purposes of this chapter, "municipal clerk" means the full time clerk designated pursuant to this section.

[1959 c 675 art 8 s 3; 1973 c 676 s 29; 1973 c 677 s 1; 1973 c 699 s 1; 1974 c 259 s 1; 1977 c 395 s 10; 1978 c 714 s 13]

207.04 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.04 SUPPLIES OF BALLOTS AND APPLICATIONS. Subdivision 1. **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 and to the municipal clerk a sufficient number of the ballots printed under their supervision, respectively, to enable the auditor and the municipal clerk to comply with the provisions of this chapter. It shall be the duty of the county auditor and the municipal clerk to prepare and print the ballots prepared under his direction at least 15 days before such election.

Subd. 2. **Applications.** The county auditor or the municipal clerk shall prepare and print a suitable number of blanks for the application for ballots and deliver a copy of the application to any voter who requests one.

[1959 c 675 art 8 s 4; 1973 c 699 s 2; 1978 c 714 s 14]

207.05 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.05 APPLICATIONS FILED WITH AUDITOR OR MUNICIPAL CLERK; DELIVERY OF BALLOT. Subdivision 1. **Application, delivery.** If any application is made in person or by mail more than 30 days before election, the auditor or the municipal clerk shall file the same and forthwith on the delivery to him of the ballots, shall mail the ballots and other materials required by this chapter to the applicant without charge, at the address specified in the application. If the application is made within 30 days of the election, he shall forthwith upon receipt of the application or as soon thereafter as ballots are available, mail the ballots and other materials required by this chapter without charge to any voter who applies by mail, or deliver the ballots and materials to any voter who applies in person in his office. The provisions of this subdivision shall not be construed to require mailing of absentee ballots to applicants to whom delivery by election judges is required pursuant to section 207.31.

Subd. 2. **Air mail.** If an application requests delivery of ballots to a point outside the continental limits of the United States, ballots shall be transmitted by air mail, and the transmitting and return envelopes shall be marked with the words, printed thereon, "OFFICIAL ELECTION BALLOTING MATERIAL — VIA AIR MAIL."

Subd. 3. **Priority in mailing.** 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 through the mails postage free, or otherwise, the

MINNESOTA STATUTES 1978

3181

ABSENT AND DISABLED VOTERS 207.08

election officials of the several counties and of the several municipalities of the state are authorized to make use thereof.

Subd. 4. **Restrictions.** 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.

[1959 c 675 art 8 s 5; 1961 c 606 s 10; 1973 c 699 s 3,4; 1977 c 395 s 12; 1978 c 714 s 15]

207.06 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.06 FEES. The expense of: any extra clerical assistance required for the performance by the auditor or by the municipal clerk of the duties imposed by this chapter; furnishing and printing application blanks, envelopes and voters' certificates; postage for forwarding and returning the ballots; and delivering endorsed applications to the judges of the several precincts in the county or municipality, shall be paid by the county or by the municipality.

[1959 c 675 art 8 s 6; 1973 c 699 s 5; 1978 c 714 s 16]

207.07 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.07 AUDITOR OR MUNICIPAL CLERK MAY EMPLOY ADDITIONAL HELP. Each county auditor and each municipal clerk 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 or by the municipality.

[1959 c 675 art 8 s 7; 1973 c 699 s 6]

207.08 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

207.08 RETURN AND BALLOT ENVELOPES, DIRECTIONS TO VOTERS.

Subdivision 1. The county auditor or the municipal clerk shall mail or deliver to the applicant with the ballots a return envelope, a ballot envelope and a copy of the directions to voters as prescribed by this section. The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations.

The return envelope shall be designed to open on the left hand end. A certificate of eligibility to vote by absentee ballots shall be printed on the right hand three-fourths of the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements provided by law to vote by absentee ballot. The certificate shall also contain a statement signed by an eligible voter of the county in which the absent voter resides or by a notary public, United States postmaster, assistant postmaster, postal supervisor, clerk of a postal service contract station or other individual authorized to administer oaths that (a) the ballots were displayed to him unmarked; (b) the voter marked the ballots in his presence without showing how they were marked; and (c) if the voter was not previously registered, that the voter has provided proof of residence as required by section 201.061, subdivision 3.

The county auditor or municipal clerk shall print directions for casting an absentee ballot and furnish a copy of the directions to each voter at the time the ballots are mailed or delivered. The directions may include instructions for registering to vote.

Subd. 2. When absentee ballots are mailed to the absent voter, the county auditor or municipal clerk shall provide for the return of the ballots to judges in the precinct in which the voter is eligible to vote by one of the following methods:

(a) by mail to the county auditor or municipal clerk who sent the ballots to the voter and delivery by the auditor or clerk to the judges;

(b) by mail to the clerk of the town or city in which the absent voter is eligible to vote and delivery by that clerk to the judges;

(c) by mail directly to the judges of election; or

(d) any other method authorized by rules adopted by the secretary of state.

The county auditor or municipal clerk shall in all cases affix sufficient postage to return envelopes to assure return of the ballots to the judges by election day. When absentee ballots are delivered by election judges pursuant to section 207.31, the ballots shall be returned in person to the municipal clerk by the judges who delivered them and the clerk shall deliver the ballots to the judges in the precincts.

The secretary of state shall adopt rules establishing the procedures to be used for each method of returning ballots permitted by clauses (a) to (c), including procedures necessary to assure accurate and timely delivery of ballots by the United States postal service, and may authorize additional methods and procedures of return.

[1959 c 675 art 8 s 8; 1965 c 4 s 2; 1965 c 247 s 1; 1971 c 181 s 1; 1973 c 123 art 5 s 7; 1973 c 676 s 30; 1973 c 677 s 2; 1973 c 699 s 7; 1978 c 714 s 17]

207.085 FORM AND CONTENT OF REQUIRED MATERIALS; RULES OF SECRETARY OF STATE. The secretary of state shall adopt rules establishing the form, content, and type size and style for the printing of applications for absentee ballots, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot. Any official charged with the duty of printing any of these materials shall do so in accordance with these rules.

[1978 c 714 s 18]

207.09 ENDORSEMENT OF APPLICATION; RECEIPT AND DELIVERY OF BALLOTS. Subdivision 1. **Endorsement of application.** When the county auditor or the municipal clerk mails or delivers ballots to an applicant he shall date and sign the application for ballots and authenticate his signature with his official seal. All applications shall be preserved by the auditor or the municipal clerk and arranged by him according to precincts and the initial letter of the surname of the applicant.

Subd. 2. **Delivery by auditor and town and city clerks.** On the day before election day the county auditor shall deliver to the town and city clerks within his county the applications theretofore received and endorsed by him. The town and city clerks shall in turn deliver those endorsed applications together with the applications filed with their respective offices to the respective judges of the several precincts.

[1959 c 675 art 8 s 9; 1973 c 123 art 5 s 7; 1973 c 699 s 8; 1978 c 714 s 19]

207.10 VOTER TO MAIL BALLOT. Any qualified voter of any precinct of this state to whom ballots have been mailed or delivered by the county auditor or by the municipal clerk, may mark and mail those ballots at any place in the manner specified in the directions for casting an absentee ballot. A voter to whom ballots have been delivered in person may leave his marked ballots with the county auditor or municipal clerk who shall deliver or forward them in accordance with section 207.08, subdivision 2.

[1959 c 675 art 8 s 10; 1973 c 699 s 9; 1977 c 395 s 13; 1978 c 714 s 20]

207.101 [Repealed, 1978 c 714 s 31]

207.11 JUDGES TO RECEIVE AND COUNT BALLOTS. Subdivision 1. **Receipt of return envelopes.** The judges in each precinct at any election shall receive all return envelopes delivered to them by the United States postal service or by the auditor or town or city clerk.

Subd. 2. **Examination of return envelopes.** The judges shall examine the return envelopes and receive or reject absentee ballots in the manner provided in this subdivision. One or more judges shall mark the ballot envelope "Received" and place his or their initials or names below the word "Received," if:

(a) A majority of the judges, are satisfied that the signature of the voter on the certificate printed on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) In municipalities with a permanent voter registration system, the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope or, in municipalities with no permanent voter registration system, the address of the voter lies within the precinct; and

(c) The voter has not already voted at that election, either in person or by mail. If the judges find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) to (c), they shall remove the ballot envelope from the return envelope, mark the ballot envelope "Rejected", place it back in the return envelope and return it to the county auditor with the unused ballots.

Subd. 3. **Notation on registration card or election register.** If the ballot envelope is marked with the word "Received", the judges shall record the fact that the voter has voted by mail on the voter registration card or on the election register in precincts

with no permanent voter registration. This shall be done by placing the letters "V.M." in the appropriate space on the card or register. No individual who has voted by mail shall thereafter be permitted to vote in person at that election.

Subd. 4. Placement in container; opening and counting of ballots. Any ballot envelope marked "Received" shall be placed by the judges in a separate absentee ballot container. The container and each ballot envelope may be opened after the last regular mail delivery by the United States postal service on election day. The ballots shall then be initialled by the election judges in the same manner as ballots delivered by them to voters in person and shall be deposited in the appropriate ballot box. Ballots so deposited shall be counted, canvassed and returned and shall be given the same force and effect as the votes of other duly qualified voters who vote in person. If there is more than one ballot of any kind enclosed in the ballot envelope, neither ballot of that kind shall be counted but all ballots of that kind shall be placed with the spoiled ballots and returned as provided by law with reference to spoiled ballots. No count results from any precinct shall be disclosed by any election official or other individual until all count results are available, nor shall the public media disclose any count results from any precinct before the polls are closed.

Subd. 5. Exception for absentee ballot precincts. In municipalities with an absentee ballot precinct the judges shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes marked "Received" shall be delivered in an absentee ballot container to the absentee ballot precinct for the counting of ballots as soon as possible after processing. The judges shall include the vote totals provided by the absentee ballot precinct in the vote totals on the summary statements of the returns for that precinct.

[1959 c 675 art 8 s 11; 1965 c 4 s 4; 1967 c 852 s 5; 1973 c 637 s 1; 1977 c 91 s 10; 1978 c 714 s 21]

207.12 [Repealed, 1978 c 714 s 31]

207.13 [Repealed, 1978 c 714 s 31]

207.14 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 precinct or to aid another in so doing shall be guilty of a felony.

[1959 c 675 art 8 s 14; 1978 c 714 s 30]

207.15 [Repealed, 1973 c 699 s 20]

207.151 ABSENT VOTING, MUNICIPAL ELECTIONS, DUTIES OF CLERKS.

In the case of city elections in all cities or town elections in all towns operating under the "Australian Ballot System," voters' applications for ballots shall be filed with the city or town clerk, no fees shall be required to be paid therefor, and the duties prescribed in this chapter for the county auditor shall be performed by the city or town 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 chapter for any such city or town election shall be paid by the city or town in which the same is held.

[1974 c 259 s 2]

207.16 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 207.16 to 207.29 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 207.16 to 207.29.

[1959 c 675 art 8 s 16]

207.17 APPLICATION OF MINNESOTA ELECTION LAW. Except as modified

MINNESOTA STATUTES 1978

207.18 ABSENT AND DISABLED VOTERS

3184

by sections 207.16 to 207.29, the provisions of the Minnesota election law shall remain in full force and effect.

[1959 c 675 art 8 s 17]

207.18 ARMED FORCES AND TEMPORARY NONRESIDENTS. The term "armed forces" as used in sections 207.16 to 207.29 shall refer to and include the Army and Navy, the Air Force, the Marine Corps and the Coast Guard of the United States, or the Merchant Marine of the United States, or the spouses or dependents of the same. The voting rights and procedures of sections 207.16 to 207.29 shall also extend in like manner as for the armed forces to a citizen of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and a spouse or dependent residing with or accompanying such person.

[1959 c 675 art 8 s 18; 1961 c 606 s 13; 1969 c 705 s 1]

207.19 REGISTRATION; REQUEST; BALLOT. Subdivision 1. Registration for the primary and general elections may be made by or for any member of the armed forces who is an eligible voter or who will be an eligible voter 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 in which his place of residence is located, a request for ballot in substantially the following form, whether said request for ballot is upon a form prepared and distributed by the defense department 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 20 days 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 or City) County of, State of Minnesota. His voting precinct 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, noncommissioned, or petty officer not below rank of sergeant or its equivalent. Affix seal, if any.)

Subd. 2. Any such communication or 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 207.16 to 207.29 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

MINNESOTA STATUTES 1978

3185

ABSENT AND DISABLED VOTERS 207.22

county auditor shall, in no event, send more than one set of ballots to any member of the armed forces for each election.

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.

[1959 c 675 art 8 s 19; 1967 c 811 s 1; 1971 c 181 s 2; 1973 c 676 s 31; 1973 c 699 s 11; 1974 c 259 s 3; 1977 c 91 s 11; 1977 c 347 s 35]

207.20 COUNTY AUDITOR; MUNICIPAL CLERK 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, labeled "Official Ballot Return Envelope" and addressed in conformity with the requirements of the return envelope prescribed in section 207.08; upon the back of the official ballot return envelope 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 an eligible voter or will be an eligible voter on or before; (the date of the next primary or general election in Minnesota) that I am a citizen of the United States; that my home and place of residence is and on said election days will be at in the (Town or City) of, county of, State of Minnesota; that I have not cast another vote or returned another ballot for this election to any voting precinct; 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 207.16 to 207.29 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.

[1959 c 675 art 8 s 20; 1965 c 4 s 6; 1967 c 811 s 2; 1971 c 181 s 3; 1973 c 699 s 12,13; 1974 c 259 s 4; 1978 c 714 s 30]

207.21 AFFIDAVIT, HOW EXECUTED. Any affidavits made by an absent voter pursuant to the provisions of sections 207.16 to 207.29 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.

[1959 c 675 art 8 s 21]

207.22 BALLOTS CONFORM TO PROVISIONS OF THE MINNESOTA ELECTION LAW. The ballots used under this section conform to the requirements of the Minnesota election law, 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 fed-

eral authorities, state, county, and municipal officials in charge of the preparation of 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.

[1959 c 675 art 8 s 22; 1973 c 699 s 14]

207.221 REGISTRATION RECORDS; DELIVERY BY AUDITOR AND BY THE MUNICIPAL CLERK. At the time the county auditor delivers the state and county ballots to the town and city clerks within his county he shall also deliver to them a copy, certified by him, of his registration records as kept in conformity with Minnesota Statutes 1961, Section 207.19, Subdivision 2. If members of the armed forces are registered after such ballots have been delivered to such clerks certified copies of such additional registration records shall forthwith be delivered by the county auditor to the appropriate town or city clerk. Such town and city clerks shall in turn deliver such registration records together with registration records made by them in conformity with section 207.19, subdivision 2 to the respective judges of the several precincts.

[1965 c 4 s 7; 1973 c 123 art 5 s 7; 1973 c 699 s 15]

207.23 RETURN OF BALLOT. Upon receipt of the returned ballot, the judges of election shall check the elector's name with the copy of the registration records 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 judges of election on the envelope. In other respects the provisions of the Minnesota election law, 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 an official ballot return envelope in which the affidavit upon the back thereof is not properly executed shall be counted.

[1959 c 675 art 8 s 23; 1965 c 4 s 8; 1978 c 714 s 30]

207.24 CAST OF BALLOT IN PERSON, EFFECT. If any person entitled to vote under the provision of sections 207.16 to 207.29 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 207.16 to 207.29, the ballot of such elector bearing the latest county auditor's or municipal clerk's date stamp shall be cast.

[1959 c 675 art 8 s 24; 1973 c 699 s 16]

207.25 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 207.16 to 207.29, 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.

[1959 c 675 art 8 s 25]

207.26 SEPARATE RECORD. A separate record of the ballots of absent voters under sections 207.16 to 207.29 shall be kept in the various voting precincts.

[1959 c 675 art 8 s 26]

207.27 NO TIME LIMIT. There shall be no limitation of time for filing and receiving applications for ballots under sections 207.16 to 207.29.

[1959 c 675 art 8 s 27]

207.28 EXPENSE CHARGEABLE TO GENERAL REVENUE. The county auditors of the several counties and the clerks of the municipalities 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 207.16 to 207.29, the same to be paid from the general revenue funds of the counties or of the municipalities.

[1959 c 675 art 8 s 28; 1973 c 699 s 17]

207.29 PROVISIONS EXCLUSIVE. The provisions of sections 207.16 to 207.29

MINNESOTA STATUTES 1978

3187

ABSENT AND DISABLED VOTERS 207.31

shall constitute the exclusive requirements for absentee voting by members of the armed forces.

[1959 c 675 art 8 s 29]

207.30 ABSENTEE BALLOT PRECINCT. Subdivision 1. [Repealed, 1978 c 714 s 31]

Subd. 2. **Establishment.** The governing body of any municipality may by ordinance establish an absentee ballot precinct.

Subd. 3. **Composition and duties.** An absentee ballot precinct shall consist of an election board designated by the city or town clerk. The board shall:

(a) Receive from each regular precinct all ballot envelopes marked "Received" by the precinct judges;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; and

(c) Report the vote totals tabulated for each precinct to the appropriate precinct judges.

Subd. 4. **Appointment of members.** The city or town clerk shall appoint the number of individuals he deems necessary to carry out the duties of the absentee ballot precinct.

Subd. 5. **Compensation of members.** The city or town clerk shall pay a reasonable compensation to each member of the absentee ballot precinct for his services rendered during each election.

Subd. 6. **Applicable laws.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the election laws of this state shall apply to an absentee ballot precinct.

[1969 c 657 s 1; 1973 c 123 art 5 s 7; 1973 c 699 s 18,19; 1978 c 714 s 22-26]

207.31 HOSPITAL PATIENTS AND HEALTH CARE FACILITY RESIDENTS.

Each municipal clerk shall designate election judges to deliver absentee ballots to any eligible voter who has applied for an absentee ballot as provided in section 207.03 and who is a resident or patient in a health care facility or hospital located in the municipality to which the application has been submitted. The ballots shall be delivered to any such voter by two election judges, each of whom is affiliated with a different political party. When the judges are engaged in delivering or returning ballots as provided in this section, they shall travel together in the same vehicle. Both judges shall be present when an applicant completes his voter's certificate and casts his absentee ballot, and may assist an applicant to mark his ballot in the manner provided in section 204A.34. The judges shall deposit the return envelopes containing the voted absentee ballots in a sealed container and deliver them to the clerk on the same day that they are delivered and cast. The judges shall deliver the absentee ballots to the applicant during the ten days preceding an election except that ballots may be delivered on election day to any voter who has applied for ballots pursuant to section 207.03, subdivision 2.

[1977 c 395 s 11; 1978 c 714 s 27]