

CHAPTER 203A

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The words in this chapter have the meanings prescribed to them in chapter 200.

History: 1975 c 5 s 41

GENERALLY

203A.11 BALLOTS.

Subdivision 1. **Preparation.** Except where voting machines are used and except as otherwise provided by law, all ballots for every election held in this state shall be prepared in the manner provided in this chapter.

Subd. 2. **Number.** At least 100 ballots of each kind to be voted at the ensuing election shall be provided by the clerk for each precinct for every 85 votes cast and counted therein at the last election for the same offices or on similar questions.

History: 1975 c 5 s 42

203A.12 BALLOTS, FORM.

Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing thereon from being discernible from the back. All ballots of the same color shall be substantially uniform as to style of printing, size, thickness, and shade of color, and whenever the same kind of ballots are printed on paper of the same general tint, but varying in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in type of such form, width, weight, and size as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on ballots. The same type shall be used for the names of all candidates on the same ballot, and the name of each candidate shall be printed in capital letters. The name of a candidate may not appear on a ballot in any way which gives that candidate an advantage over his opponent except as otherwise provided by law. The officer in charge of preparing the ballots shall do so in such a manner as to enable the voter to understand which questions are to be voted upon and what and how many candidates are to be voted for in each office, and to designate his choice easily and accurately.

Subd. 2. **Candidates and offices.** On all ballots the name of each candidate shall be printed at right angles with the length of the ballot. In the general election, except in the case of presidential electors, the political party designation of

each candidate, or in the case of nonpartisan offices, the words, "Nominated without party designation", shall be printed above or below the name of the candidate. The political party designation for all candidates shall be printed in upper and lower case letters of the same type style and the upper case letters shall be at least one-half the height of the upper case letters used for names of the candidates. At the general election, 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 he desires to vote, and when no person has filed for an office to be filled, the title of the office shall be printed on the ballot with as many blank lines below the title as there are offices to be filled, on which the voter's choice may be written. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed a square, each square to be of the same size, in which the voter may designate his choice by a mark (X). Above the first name on each ballot shall be printed the words, "Put an (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with the words and directly above the squares shall be printed a small arrow, or point, pointing downward. Directly underneath the official title of each office shall be printed the words, "Vote for one," or more, according to the number to be elected.

Subd. 3. **Question, form of ballot.** When a proposition or question is to be submitted to a vote, a concise statement of the nature thereof shall be printed on the ballot, and to the left of the statement shall appear the words, "YES" and "NO." To the left of and on the same line with each of the words shall be printed a square so that the voter may indicate by a mark (X) either a negative or affirmative vote. Suitable instructions also shall appear on the ballot directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the proposition or question, or to put an (X) before the word "NO" if the voter desires to vote against the proposition or question.

Subd. 4. [Repealed, 1976 c 224 s 10]

Subd. 5. **Ballot, form.** The official ballot shall contain the names of all candidates for each judicial office, and it shall state the number of candidates for whom an elector may vote. The official ballot shall designate each office as:

"For the office of associate (or chief justice) of the supreme court to which (name of justice)..... was elected for the regular term," or "to which (name of justice)..... was appointed."

or in the case of the district court:

"for the office of judge of the district court of (number)..... judicial district to which (name of judge)..... was elected for the regular term," or "to which (name of judge)..... was appointed,"

or in the case of the county court:

"for the office of judge of the county court of the county or counties of to which (name of judge)..... was elected for the regular term,"

or:

"for the office of judge of the county court of the county or counties of to which (name of judge)..... was appointed,"

as the case may be. The ballots for both the primary and general elections shall show the names of the justice or judge whose successor is to be elected at the general election, and in the case of a district court judge, the number of the judicial district, in the spaces provided for that purpose. Where voting machines are used and the statements provided in this section cannot be inserted because of length, the designation shall be:

“Successor to (name)..... elected (or appointed).”

The office of judge of the district court of Hennepin county, Juvenile Court Division, shall also be designated on the ballot in conformity with section 260.021.

Subd. 6. **Incumbent, designation.** In any case when the chief justice, associate justice, or judge is a candidate to succeed himself, the word, “incumbent” shall be printed after his name where it appears among the names of the candidates for the office.

History: 1975 c 5 s 43; 1976 c 224 s 2

203A.13 BALLOT, DESIGNATION.

On the back of all ballots shall be printed the words, “Official Ballot,” the date of the election and lines for the initials of two judges. The printing shall be so placed as to be visible when the ballot is properly folded for deposit.

History: 1975 c 5 s 44; 1979 c 29 s 3

203A.14 NAMES ON BALLOTS, IDENTICAL DESCRIPTIVE WORDS.

When the similarity of surnames of two or more candidates for the same office at an election may cause confusion to voters, the candidates with such names may have added to each of their surnames on the ballot no more than three words to indicate the occupation or office of the candidate, or his residence, or any combination thereof if they can be stated in no more than three words. If the candidate furnishes the identifying words on or before the time limit set by statute for withdrawal of candidacies, to the filing officer, the officer shall have the identifying words printed on the ballot immediately after the candidate's name; otherwise the words may not be printed on the ballot.

History: 1975 c 5 s 45

203A.15 SUBSTITUTE BALLOTS.

If the ballots are not delivered, or are stolen or destroyed and sufficient regular ballots cannot be seasonably had, the county auditor or other proper official shall cause other ballots to be immediately prepared as nearly in the form prescribed as practicable, with the word, “Substitute” printed in brackets immediately over the word “Official Ballot,” as endorsed on regular ballots, accompanied by his initialed affidavit that the same have been so prepared and furnished by him, and that the original ballots have not been received, or have been destroyed or stolen, as the case may be. The judges shall cause the substituted ballots to be used at the election.

History: 1975 c 5 s 46; 1979 c 29 s 4

203A.16 UNITED STATES SENATOR, CANDIDATES, DESIGNATION OF TERM.

When two persons are to be elected United States Senator in Congress from this state at the same general election, designation of the expiration date for each term shall be printed opposite the name of the candidate on the primary ballot and opposite the name of the successful candidates upon the general election ballot.

History: 1975 c 5 s 47

203A.17 BALLOTS, RECORDS, DISPOSITION.

The auditor of any county and the clerk of any municipality may destroy all ballots, voters' certificates, and election returns, except the abstract of the canvassing board, at any time after one year from the date of the election wherein the ballots and election returns were used, except that all election

returns involved in a contested election may not be destroyed until the contest has been finally determined.

History: 1975 c 5 s 48

203A.18 ERRORS AND OMISSIONS, REMEDY.

Subdivision 1. When it shall appear by affidavit to any judge of the supreme court in the case of a state election, or of the district court of the proper county in the case of a county election:

(a) That an error or omission in the placing or printing of the name or description of any candidate on official primary or general election ballots has occurred or is about to occur; or

(b) That any other error in preparing or printing the ballots has occurred or is about to occur; or

(c) That any officer of a political party or political party committee has failed to properly make or file a certificate of nomination; or

(d) That any wrongful act, neglect, or error by any election judge, county auditor, canvassing board or member thereof, secretary of state, or other person charged with any duty concerning an election, has been or is about to be done, then the judge immediately shall order the officer, person, or board charged with the error, wrong, neglect, or failure to correct the same or perform the duty forthwith or show why he should not do so. Failure to obey the order is contempt of court.

Subd. 2. If in conducting the canvass of votes at any election as provided by law the majority of the county canvassing board believes that an obvious error in the counting and recording of the vote for any particular office has been made by the judges in any precinct, then the county canvassing board shall forthwith notify the candidates for such particular office of their belief. They shall at the same time notify the candidates in writing what is the obvious error they believe has been made. Such candidates may without unreasonable delay apply to the district court of the county within which the precinct is located for an order determining whether or not an obvious error has been made. Such application shall set forth the facts and such evidence may be submitted as the court may direct. If the court finds that an obvious error appears to exist it shall specify the error and direct the board to make an inspection of the ballots and the returns of the precinct for the purpose of correcting the obvious error and to further proceed in accordance with section 204A.52 or as it may otherwise direct.

If any candidate believes that an obvious error in the counting and recording of the vote for any particular office has been made by the judges in any precinct, then such candidate may without unreasonable delay apply to the district court of the county within which the precinct is located for an order determining whether or not an obvious error has been made. If such application is made by a candidate the procedures otherwise provided for in this subdivision shall be applicable.

Whenever a proceeding is commenced in the district court pursuant to the provisions of this subdivision the county canvassing board and all candidates for the office affected shall be given notice thereof as the court may direct.

Subd. 3. (1) When all the candidates for a particular office concur in writing that an obvious error in the counting or recording of the vote for such office has been made by the judges in any precinct then the county canvassing board shall correct the obvious error as concurred in by the candidates.

(2) When all of the candidates for a particular office concur in writing that an obvious error in the counting and recording of the vote for such office has

been made by the county canvassing board they shall jointly notify the county auditor thereof who shall reconvene the county canvassing board. The county canvassing board shall forthwith correct such obvious error as concurred in by the candidates and file an amended report in connection therewith with the county auditor. The county auditor shall forthwith certify the amended result to the secretary of state. When an obvious error is corrected in conformity with this paragraph the county canvassing board and the county auditor shall also perform such other duties in connection therewith in order to conform with the requirements of section 204A.51.

(3) When all of the candidates for a particular office concur in writing that an obvious error in the counting and recording of the vote for such office has been made by the state canvassing board, they shall jointly notify the secretary of state, and if a certificate of election has not been issued, he shall reconvene the state canvassing board. The state canvassing board shall forthwith correct such obvious error as concurred in by the candidates and file an amended statement and certification in connection therewith. When an obvious error is corrected in conformity with this paragraph the state canvassing board and the secretary of state shall also perform such other duties in connection therewith to conform with the requirements of section 204A.50.

History: 1975 c 5 s 49

PRIMARY ELECTION BALLOT

203A.21 NONPARTISAN NOMINATION.

Subdivision 1. **Offices, ballot.** The chief justice and the associate justices of the supreme court, judges of the district, probate and county courts, and all elective county officers shall be nominated upon separate nonpartisan ballots, as hereinafter provided. The ballot shall be designated "ballot of candidates to be nominated without party designation."

Subd. 2. **Nonpartisan primary ballot.** No party or other designation, except as stated in subdivision 1, shall be placed on the ballot, nor shall any candidate filing for nomination on said ballot be permitted or required to state his party affiliation on his filing affidavit. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of these officers. Each voter is entitled to vote a nonpartisan primary ballot without reference to his party affiliation.

Subd. 3. **Candidates to be nominated, number.** When only two persons file for the nomination for any nonpartisan office, or when not more than twice the number of persons to be elected to a nonpartisan office file for the nomination thereof, their names may not be placed upon the nonpartisan primary ballot, but these persons shall be considered and shall be the nominees for the office, and their names shall be placed upon the general election ballot as the nonpartisan nominees.

Subd. 4. **Nominating petitions.** Nothing herein shall prevent the nomination of candidates by groups, individuals, or so-called political parties that cannot be recognized as such, by nominating petitions to the number hereafter specified. The names of candidates nominated by nominating petitions for offices herein designated as nonpartisan shall have no party or other designation on the petition or on the election ballot.

History: 1975 c 5 s 50

203A.22 BALLOTS.

Subdivision 1. **Partisan and nonpartisan candidates.** All voting at the primary election shall be by ballot. There shall be one ballot for all partisan candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation.

Subd. 2. **Placing of name on ballot.** Except as provided in section 203A.21, subdivision 3, upon proper filing of affidavit and payment of filing fee, the county auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated or on the nonpartisan ballot as the case may be.

Subd. 3. **Partisan primary ballot, one candidate.** If only one person files as a candidate for any one office in any one political party the auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated.

Subd. 4. **Secretary of state, candidates names certified by.** At least 32 days before a primary election, the secretary of state shall certify to the auditors of the several counties the names of all nominees to be voted for within such counties whose certificates have been properly filed with him, and direct the auditors to place upon the primary election ballots of their respective counties the names so certified.

History: 1975 c 5 s 51

203A.23 PRIMARY BALLOTS, PREPARATION.

Subdivision 1. **Form.** Except as provided in this section, the primary election ballots shall be printed in the same general manner as is provided for the general election ballots, so far as practicable. The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several precincts and wards. The consolidated primary election ballot shall be on white paper, the nonpartisan primary ballot shall be on canary paper, and any municipal primary ballot shall be on light green paper.

Subd. 2. **Partisan and nonpartisan, sample.** At least two weeks before the primary election each auditor shall group all the nonpartisan candidates and the candidates of each political party by themselves and prepare for public inspection a sample party ballot and a separate nonpartisan ballot. On the sample ballots only, the names of the candidates shall be arranged alphabetically according to the surname. Only one sample party ballot and one sample nonpartisan ballot shall be printed for any county, and the names of all candidates to be voted upon in the county shall be placed thereon. Each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county.

Subd. 3. **Nonpartisan offices, no contest.** All nonpartisan offices for which no candidate is to be voted at the primary election shall be omitted from the ballot.

Subd. 4. **Write-ins.** No blank spaces may be provided for writing in the names of candidates on primary election ballots whether or not any candidate has filed for the office.

Subd. 5. **Rotation of names.** On the primary election ballots for partisan and nonpartisan offices the name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office.

Subd. 6. **Rotation, printing.** The official charged with the preparation and distribution of the primary election ballots shall prepare instructions to the

printer for rotating, laying, and tabbing the ballots, which instructions first shall be approved by the legal advisor of the official before delivery to the printer. Before any printer is awarded any contract for printing ballots, he shall furnish a good and sufficient bond in such sum as the official awarding the contract shall designate which shall not be less than \$1000 nor more than \$5000, conditioned that he will print the ballots in conformity with the law and the instructions to him.

Subd. 7. **Primary party ballot.** The party ballot shall be headed by the words, "Consolidated Primary Election Ballot." Each political party shall have a separate ticket on the consolidated ballot, under which the names of all the candidates of the political party shall be grouped. Each political party ticket shall be headed by the words, "..... Party Ticket," giving the party name. Below the party name shall be printed the words, "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected." Each party ticket shall be separated by a 12-point solid rule line. On the consolidated ballot the candidates for senator in congress shall be first, candidates for representative in congress shall be second, candidates for senator in the legislature shall be third, and candidates for representative in the legislature shall be fourth. The candidates for state office shall follow the candidates for representative in the legislature.

Subd. 8. **Primary party ballot, place of ticket.** The party tickets shall be arranged in columns, and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the candidates of the political party which polled the highest average vote at the last general election in the county, and the second column the names of the candidates of the political party which polled the next highest average vote at that election in the county, and so on. For the purpose of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the county for all of the party's candidates on the general election ballot, and dividing that sum by the number of the party's candidates appearing on the general election ballot.

Subd. 9. **Primary nonpartisan ballot, form.** The nonpartisan ballot shall be headed, "Primary Election Ballot Candidates to be Nominated Without Party Designation," and otherwise the same as the party ballot.

History: 1975 c 5 s 52

GENERAL ELECTION BALLOT

203A.31 WHITE AND PINK BALLOTS; FEDERAL ELECTION BALLOT FOR VOTERS OUTSIDE THE UNITED STATES.

Subdivision 1. **State white ballot.** There shall be one ballot upon plain white paper, hereinafter called the "white ballot," upon which shall be printed names of all candidates for offices to be voted for throughout the state, including, but not to be restricted to, candidates for senator and representative in congress and candidates for senator and representative in the legislature. The candidates for senator in congress shall be first on the white ballot, the candidates for representative in congress shall be second, candidates for senator in the legislature shall be third, and candidates for representative in the legislature shall be fourth. The candidates for state offices shall follow the candidates for representative in the legislature. Candidates for governor and lieutenant governor shall appear so that a single vote will apply to both offices.

Subd. 2. **State pink ballot.** There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all propositions and questions to be voted upon throughout the state shall be printed so that the voters may indicate by a mark (X) either a negative or affirmative vote. In preparing the pink ballot

the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. At the head of the ballot or in some other prominent place on the ballot there shall be printed conspicuously a notice stating in substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns.

Subd. 3. Preparation; pink ballot. The pink ballot shall be prepared under the direction of the secretary of state and bound in blocks of 50, and a sufficient number thereof to enable the clerks to comply with the provisions of section 203A.11, subdivision 2 shall be forwarded by him by express to the auditor of each county at least 15 days before the general election, and receipts taken therefor, stating the number and date when received. Four weeks before the general election the secretary of state shall file sample copies of the pink ballots in his office for public inspection, and three weeks before the election the secretary shall mail to the auditor of each county sample copies of the pink ballots.

Subd. 3a. Preparation; white ballot. The white ballot shall be prepared under the direction of the county auditors, subject to the rules of the secretary of state and a sufficient number thereof shall be forwarded by the auditors to enable the clerks to comply with the provisions of section 203A.11, subdivision 2. The secretary of state shall provide by rule for the preparation and time of delivery of the white ballot and reimbursement of the counties' costs. The state shall reimburse the counties for the cost of the preparation of the white ballot.

Subd. 4. Form. The white ballot, the special white ballot and the pink ballot shall be headed by the words, "State Ballot." The white ballot and special white ballot shall contain the official title of all offices proper to be placed thereon in such order of precedence as the secretary of state shall direct, in conformity with the laws relating to ballots. Directly underneath the title of the office shall be printed the words, "Vote for One," or more, according to the number to be elected, followed by the names of the candidates for each office.

Subd. 5. Preparation of federal election ballot. The federal election ballot required by Public Law 94-203 to be used by United States citizens residing outside the United States in voting for candidates for president and vice-president, senator in congress, and representative in congress shall be prepared under the direction of the county auditor in the same manner as provided for the state white ballot and in conformance with the provisions of sections 203A.22 to 203A.34.

History: 1975 c 5 s 53; 1976 c 224 s 8

NOTE: Laws 1980, Chapter 587, Article 1, Sections 32 and 33 amend subdivisions 2 and 3 effective upon the ratification of the constitutional amendment proposed in Laws 1980, Chapter 587, Article 1, Section 1 and shall expire January 1, 1985. See Laws 1980, Chapter 587, Article 1, Section 41. The subdivisions, as amended, would read as follows:

"Subd. 2. **State pink and blue ballots.** There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all constitutional amendments to be voted upon throughout the state shall be printed so that the voters may indicate by a mark (X) either a negative or affirmative vote. All initiative or referendum ballot questions shall be on one blue ballot. The order of the questions shall be in the order of their sequential numbers assigned pursuant to section 3B.15. In preparing the pink and blue ballots the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. After each question on a constitutional amendment shall be printed a notice stating in substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. The blue ballots shall be deposited in a separate blue ballot box. They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns."

"Subd. 3. **Preparation; pink and blue ballot.** The pink ballot and the blue ballot shall be prepared under the direction of the secretary of state and bound in blocks of 50, and a sufficient number thereof to enable the clerks to comply with the provisions of section 203A.11, subdivision 2 shall be forwarded by him by express to the auditor of each county at least 15 days before the general election, and receipts taken therefor, stating the number and date when received. Four weeks before the general election the secretary

of state shall file sample copies of the pink and blue ballots in his office for public inspection, and three weeks before the election the secretary shall mail to the auditor of each county sample copies of the pink and blue ballots."

203A.32 COUNTY AND DISTRICT CANARY BALLOT.

Subdivision 1. **Canary ballot.** There shall be one ballot on canary paper, hereinafter called the "canary ballot," upon which shall be printed the names of all candidates for office and all questions and propositions to be submitted that are not required by law to be placed on other ballots, including but not to be restricted to, the candidates for all county elective offices, and the candidates for the district and probate court offices.

Subd. 2. **Form of canary ballot.** The canary ballot shall be prepared under the direction of the county auditor, and the ballot shall be headed, "County and District Ballot."

Subd. 3. **Sample ballots, notice.** Two weeks before the general election the auditor shall file a sample of the white ballot and the canary ballot in his office for public inspection, and two weeks before the general election the auditor shall give one week's published notice of the contents of the official state ballot and the county and district ballot.

History: 1975 c 5 s 54

203A.33 BALLOTS, NAMES ON.

Subdivision 1. **Candidates.** Only the names of duly nominated candidates may be placed upon the ballots, and no ballot shall be furnished to the judge of any precinct which contains the name of a candidate who cannot properly be voted upon therein.

Subd. 2. **Ballots, candidates nominated by petition.** At the general election, and in the case of partisan offices only, the names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed.

Subd. 3. **Candidates nominated at primary.** Every candidate for public office who has been duly nominated at any primary election or by petition and who has paid the filing fee required by law is entitled to have his name placed on the general election ballot for the general election after the primary, as a nominee, without payment of an additional fee.

Subd. 4. **Ballot, party position.** At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the smallest number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving succeeding higher numbers of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress, and dividing that sum by the number of the party's candidates, except representatives in congress, appearing on the general election ballot.

On voting machines, "first name printed for each office" means the position nearest the top or farthest left, whichever applies.

Subd. 5. **Uncontested nonpartisan offices.** In the general election, nonpartisan offices for which there is only one candidate shall appear after all contested offices on the ballot.

History: 1975 c 5 s 55; 1976 c 33 s 1; 1976 c 224 s 3

203A.34 CANDIDATES NOMINATED BY PETITION, DESIGNATION.

After the name of each candidate nominated by petition shall be placed the words "nominated by petition," and any other designation as may be permitted by law, except that the word "nonpartisan" may not be placed after or to designate any candidate not duly nominated at a primary election on the nonpartisan ballot.

History: 1975 c 5 s 56

203A.35 GENERAL ELECTION BALLOT, NONPARTISAN OFFICES, ROTATION OF NAMES.

Subdivision 1. At the general election, and in the case of nonpartisan offices only, the names of all candidates for the same office shall be rotated on the ballots in the manner provided for primary election ballots by section 203A.23, subdivision 5, and all the provisions of section 203A.23, subdivisions 5 and 6 are applicable to general election ballots, so far as practicable.

Subd. 2. In both the general election and the primary election, there may not be any rotation of offices on the ballots.

History: 1975 c 5 s 57

203A.36 VACANCY IN NOMINATION, CHANGING BALLOTS.

If the ballots have been printed, the officer whose duty it is to have the ballots prepared and printed shall cause to be printed and distributed to the judges to whom the ballots will be distributed a sufficient number of separate paper ballots on which shall be printed the title of the office in which the vacancy in a nomination has occurred and the names of all the candidates for that office. The separate paper ballot shall be designated as, "OFFICIAL SPECIAL BALLOT," and otherwise it shall conform to the provisions governing the printing of ballots, so far as practicable. The office and candidates for the office appearing on the previously printed regular ballots shall be blotted out or stricken by the judges, and the separate paper ballot shall be given to each voter at the time he is given the previously printed regular ballot or is admitted to the voting machine. Nominating petitions to fill a vacancy shall be filed with the proper officer within one week after the day the vacancy in a nomination occurred, except that no nominating petition may be filed during the three calendar days preceding an election, and the ballots may not be changed as provided in this section during the three calendar days preceding an election. Absentee ballots that have been mailed prior to the vacancy shall be counted in the same manner as if the vacancy had not occurred, and the separate ballots provided for in this section may not be mailed to absent voters to whom ballots already have been mailed prior to the vacancy.

History: 1975 c 5 s 58

SPECIAL ELECTION BALLOT

203A.41 BALLOTS, NAMES ON.

Subdivision 1. **Names.** Only the names of candidates who have duly filed shall be placed upon the ballots for any primary held under sections 202A.61 to 202A.71, and only names of candidates who have been duly nominated shall be placed upon the ballots for any final election held under sections 202A.61 to 202A.71. Blank spaces for writing in names shall be provided upon the final election ballots as upon general election ballots, but not upon the primary ballots.

Subd. 2. **Special election ballots, form.** Except as provided in subdivision 3 the auditor of each county concerned shall prepare special ballots for every election and primary held under sections 202A.61 to 202A.71. The ballots shall be headed, "Special Election Ballot" or, "Special Primary Ballot," as the case may be, followed by the date of the election or primary. Immediately below the title of each office to be filled there shall be printed the words, "To fill vacancy in term expiring,," with the date of expiration of the term and such other information as may be necessary to distinguish the office from any other office to be voted upon at the same election or primary. Otherwise the ballots shall conform, as far as practicable, with the laws relating to ballots for general elections and regular primary elections. The county auditor shall post a sample of each ballot in his office as soon as prepared and not later than four days before the election or primary, as the case may be, but he need not publish any sample ballot.

Subd. 3. **Ballots, use of regular ballots.** In any case where candidates are to be voted for under sections 202A.61 to 202A.71 on the general election day or are to be nominated on the regular primary election day, as the case may be, and where the canvass of the returns is to be made by the regular county canvassing board, as provided in section 202A.69, and where the ballots for the general election or primary have not been printed when the names of the candidates under sections 202A.61 to 202A.71 have been finally determined, the county auditor shall place the names of the candidates upon the regular ballots used for like offices at the general election or primary, designating the office to be filled in the same manner as provided in subdivision 2 for special ballots.

History: 1975 c 5 s 59

PENALTIES

203A.42 FAILURE TO DELIVER CERTIFICATE OF NOMINATION; PENALTY.

Every secretary of a delegate convention who fails or neglects to immediately deliver, to the officer charged with the printing of the ballots upon which the name of a candidate of such convention is to be placed, the certificate of nomination of such candidate, shall be guilty of a misdemeanor.

History: 1975 c 5 s 60

203A.43 UNLAWFUL PRINTING OR DISTRIBUTION OF BALLOTS; PENALTY.

Every person authorized to print, or employed in printing, official ballots, who knowingly gives or delivers any of such ballots to, or knowingly permits any of the same to be taken by, any person other than the official under whose direction they are being printed, or knowingly prints or causes or permits to be printed any ballot in a form other than that prescribed by law, or with any other names thereon, or with the names spelled or the names of officers arranged thereon in any way other than that authorized and directed by said official, shall be guilty of a felony.

History: 1975 c 5 s 61