

CHAPTER 204B

ELECTIONS; GENERAL PROVISIONS

204B.06	Filing for primary; affidavit of candidacy.	204B.23	Vacancies among election judges.
204B.146	Duties of secretary of state.	204B.27	Duties of secretary of state.
204B.15	Unorganized territory; election precincts.	204B.31	Compensation for election services.
204B.16	Polling places; designation.	204B.36	Ballots; form.
204B.22	Election judges; number required.	204B.45	Mail balloting.
		204B.47	Alternate election procedures; duties of secretary of state.

204B.06 FILING FOR PRIMARY; AFFIDAVIT OF CANDIDACY.

[For text of subs 1 to 7, see M.S.1996]

Subd. 8. Proof of eligibility. A candidate for judicial office or for the office of county attorney shall submit with the affidavit of candidacy proof that the candidate is licensed to practice law in this state.

A candidate for county sheriff shall submit with the affidavit of candidacy proof of licensure as a peace officer in this state.

History: 1997 c 147 s 26

204B.146 DUTIES OF SECRETARY OF STATE.

Subdivision 1. Redistricting. The secretary of state shall conduct conferences with the county auditors, municipal clerks, and school district clerks to instruct them on the procedures for redistricting of election districts and establishment of election precincts in the year ending in one.

Subd. 2. Precinct and election district boundaries. The secretary of state shall maintain a computer database of precinct and election district boundaries. The secretary of state shall revise the information in the database whenever a precinct or election district boundary is changed. The secretary of state shall prepare maps illustrating precinct and election district boundaries in either paper or electronic formats and make them available to the public at the cost of production.

The secretary of state may authorize municipalities and counties to provide updated precinct and election district boundary information in electronic formats.

The secretary of state shall provide periodic updates of precinct and election district boundaries to the legislative coordinating commission, the state demographer, and the land management information center.

At least 30 days before the state primary, the secretary of state shall provide the county auditor with maps of each precinct in municipalities with more than one precinct. The county auditor shall forward the maps to the appropriate municipal clerks, who shall post the map in the polling place on the day of the state primary and the state general election.

History: 1997 c 147 s 27

204B.15 UNORGANIZED TERRITORY; ELECTION PRECINCTS.

A county board may establish new election precincts to serve the residents of unorganized territories. The board shall designate a polling place for the new precinct that is convenient for the individuals residing in it.

History: 1997 c 147 s 28

204B.16 POLLING PLACES; DESIGNATION.

[For text of subd 1, see M.S.1996]

Subd. 1a. Notice to voters. If the location of a polling place has been changed, the governing body establishing the polling place shall send to every affected household with at least

one registered voter in the precinct a nonforwardable mailed notice stating the location of the new polling place at least 25 days before the next election. The secretary of state shall prepare a sample of this notice. A notice that is returned as undeliverable must be forwarded immediately to the county auditor. This subdivision does not apply to a polling place location that is changed on election day under section 204B.17.

Subd. 3. Designation effective until changed. The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

[For text of subs 4 to 7, see M.S.1996]

History: 1997 c 147 s 29,30

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subdivision 1. Minimum number required. A minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended. An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present.

[For text of subs 2 and 3, see M.S.1996]

History: 1997 c 147 s 31

204B.23 VACANCIES AMONG ELECTION JUDGES.

A vacancy on an election board occurs when any election judge who is a member of that board:

- (a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;
- (b) Becomes unable to perform the duties of the office after assuming those duties; or
- (c) For any reason fails or refuses to perform the duties of the office as assigned by the chair of the election board.

When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of section 204B.19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to section 204B.25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy. The municipal clerk may assign election judges to fill vacancies as they occur.

History: 1997 c 147 s 32

204B.27 DUTIES OF SECRETARY OF STATE.

[For text of subs 1 to 8, see M.S.1996]

Subd. 9. Election supply contract. The secretary of state may enter into a statewide contract from which any county auditor may purchase ballots, forms, or other election supplies.

History: 1997 c 147 s 33

204B.31 COMPENSATION FOR ELECTION SERVICES.

Subdivision 1. Compensation. The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with section 43A.18, subdivision 2;

(b) To individuals, other than county, city, school district, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed pursuant to section 471.665, subdivision 1;

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed pursuant to section 471.665, subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city; to election judges serving in any school district election which is not held in conjunction with a state election, an amount fixed by the school board of the school district; to election judges serving in unorganized territory, an amount fixed by the county board; and to election judges serving in towns, an amount fixed by the town board. Election judges shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places and in attending training sessions required by section 204B.25, except as provided in subdivision 2. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed pursuant to section 471.665, subdivision 1; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Subd. 2. Volunteer service. Any person appointed to serve as an election judge may elect to serve without payment by submitting a written statement to the appropriate governing body no later than ten days before the election.

History: 1997 c 147 s 34

204B.36 BALLOTS; FORM.

[For text of subd 1, see M.S.1996]

Subd. 2. Candidates and offices. The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate a vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

[For text of subs 3 to 5, see M.S.1996]

History: 1997 c 147 s 35

204B.45 MAIL BALLOTING.

Subdivision 1. **Authorization.** A municipality having fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county as defined by section 473.121 may provide balloting by mail at any municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than 50 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

[For text of subs 1a to 3, see M.S.1996]

History: 1997 c 145 s 1

204B.47 ALTERNATE ELECTION PROCEDURES; DUTIES OF SECRETARY OF STATE.

When a provision of the Minnesota election law cannot be implemented as a result of an order of a state or federal court, the secretary of state shall adopt alternate election procedures to permit the administration of any election affected by the order. The alternate procedures remain in effect until the first day of July following the next succeeding final adjournment of the legislature, unless otherwise provided by law or by court order.

History: 1997 c 147 s 36