

CHAPTER 204B

ELECTIONS; GENERAL PROVISIONS

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

Subdivision 1. **Form of affidavit.** (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington county, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) This subdivision does not apply to a candidate for president or vice-president of the United States.

Subd. 1a. [Repealed, 1Sp2001 c 10: art 18 s 44]

[For text of subs 2 to 8, see M.S.2000]

History: 1Sp2001 c 10: art 18 s 16

204B.07 NOMINATING PETITIONS.

[For text of subd 1, see M.S.2000]

Subd. 2. **Petitions for presidential electors.** On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.

[For text of subs 3 to 6, see M.S.2000]

History: 1Sp2001 c 10: art 18 s 17

204B.09 TIME AND PLACE OF FILING AFFIDAVITS AND PETITIONS.

Subdivision 1. **Candidates in state and county general elections.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not

more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

[For text of subs 1a and 2, see M.S.2000]

Subd. 3. Write-in candidates. (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

History: *1Sp2001 c 10 art 18 s 18,19*

204B.20 ELECTION BOARD; HEAD ELECTION JUDGE; DUTIES.

The election judges appointed to serve in an election precinct shall constitute the election board for that precinct. The appointing authority shall designate one of the election judges in each precinct to serve as the head election judge. The head election judge shall assign specific duties to the election judges of that precinct as necessary or convenient to complete forms, obtain signatures, and perform all the other duties required of election judges.

History: *1Sp2001 c 10 art 18 s 20*

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subdivision 1. Minimum number required. (a) 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.

(b) 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. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

[For text of subd 2, see M.S.2000]

Subd. 3. **Minimum number required in certain precincts.** At each state primary or state general election in precincts using an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

History: *1Sp2001 c 10 art 18 s 21,22*

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 head election judge.

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: *1Sp2001 c 10 art 18 s 23*

204B.27 DUTIES OF SECRETARY OF STATE.

[For text of subs 1 to 10, see M.S.2000]

Subd. 11. **Translation of voting instructions.** The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The state demographer shall determine and report to the secretary of state the languages that are so common in this state that there is a need for translated voting instructions.

History: *1Sp2001 c 10 art 18 s 24*

204B.28 CLERKS; ELECTION SUPPLIES; DUTIES.

Subdivision 1. **Meeting with election officials.** At least 12 weeks before each regularly scheduled general election, each county auditor shall conduct a meeting with local election officials to review the procedures for the election. The county auditor may require the head election judges in the county to attend this meeting.

[For text of subd 2, see M.S.2000]

History: *1Sp2001 c 10 art 18 s 25*

204B.48 VOTING EQUIPMENT GRANT ACCOUNT.

Subdivision 1. **Account created.** A voting equipment grant account is created in the state treasury to provide grants to political subdivisions to purchase precinct based optical scan ballot tabulation equipment. The equipment must permit the voter to verify and correct any errors on the ballot, including both undervotes and overvotes. Any grants made by the federal government to the state to improve election administration or equipment must be credited to the account.

Subd. 2. **Application.** The commissioner of administration may make a grant from the account to a political subdivision only after receiving an application from the political subdivision and a recommendation from the secretary of state concerning the application. The application must contain the following information:

- (1) the date the application is submitted;
- (2) the name of the political subdivision;
- (3) the name and title of the individual who prepared the application;
- (4) the type of voting system currently used in each precinct in the political subdivision;
- (5) if the current system is an optical scan system, the date the system was acquired and at what cost;
- (6) the total number of registered voters, as of the date of the application, in each precinct in the political subdivision;
- (7) the total amount of the grant requested;
- (8) the total amount and source of the political subdivision's money to be used to match a grant from the account;
- (9) the type of voting system to be acquired with the grant money and whether the voting system will permit individuals with disabilities to cast a secret ballot;
- (10) the proposed schedule for purchasing and implementing the new voting system and the precincts in which the new voting system would be used;
- (11) the proposed schedule for training election administrators and election judges to operate the new voting system;
- (12) a proposed plan to educate voters, the media, and the general public concerning the new voting system;
- (13) the names and contact information for the individuals and offices of the political subdivision responsible for communications and reporting to the commissioner of administration regarding the administration and implementation of the grant by the political subdivision, authorizing the purchase of voting systems, and implementing the training and education plan for the voting system;
- (14) whether the political subdivision has previously applied for a grant from the account and the disposition of that application;
- (15) a certified statement by the political subdivision that the grant will be used only to purchase precinct based optical scan ballot tabulation equipment, that the political subdivision will provide a dollar-for-dollar match that will not come from state or federal money, and that the political subdivision has insufficient resources to purchase the voting system without obtaining a grant from the account.

The commissioner of administration must forward a copy of the application to the secretary of state.

Subd. 3. Evaluation and approval. In evaluating the application, the commissioner of administration may consider only the information set forth in the application and is not subject to chapter 14. If the commissioner of administration determines that the application has been fully and properly completed, and that there is a sufficient balance in the account to fund the grant, either in whole or in part, the commissioner, after receiving the recommendation of the secretary of state, may approve the application.

Subd. 4. Payment. The commissioner of administration may then pay the grant to the political subdivision after certifying that:

- (1) the grant will be used only to purchase the kind of ballot tabulation equipment prescribed by subdivision 1, which may include equipment that makes it possible for individuals with disabilities to cast a secret ballot;
- (2) the political subdivision to receive the grant has insufficient resources available to purchase the equipment; and
- (3) the recipient of the grant will provide a dollar-for-dollar match, which may not come from state or federal money.

History: 1Sp2001 c:10 art 18 s 26