

## CHAPTER 204C

## ELECTION DAY ACTIVITIES

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**204C.05 STATE ELECTIONS; HOURS FOR VOTING.**

*[For text of subd 1, see M.S.2004]*

Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500 inhabitants according to the most recent federal decennial census, which is located outside the metropolitan area as defined in section 200.02, subdivision 24, may fix a later time for voting to begin at state primary, special, or general elections, if approved by a vote of the town electors at the annual town meeting. The question of shorter voting hours must be included in the notice of the annual town meeting before the question may be submitted to the electors at the meeting. The later time may not be later than 10:00 a.m. for special, primary, or general elections. The town clerk shall either post or publish notice of the changed hours and notify the county auditor of the change 30 days before the election.

*[For text of subds 1b and 2, see M.S.2004]*

**History:** 2005 c 156 art 6 s 40

**204C.06 CONDUCT IN AND NEAR POLLING PLACES.**

*[For text of subd 1, see M.S.2004]*

Subd. 2. **Individuals allowed in polling place; identification.** (a) Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, providing proof of residence for an individual who is registering to vote, or assisting a handicapped voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

(b) Teachers and elementary or secondary school students participating in an educational activity authorized by section 204B.27, subdivision 7, may be present at the polling place during voting hours.

(c) Each official on duty in the polling place must wear an identification badge that shows their role in the election process. The badge must not show their party affiliation.

*[For text of subds 3 to 7, see M.S.2004]*

Subd. 8. **Access for news media.** A news media representative may enter a polling place during voting hours only to observe the voting process. A media representative must present photo identification to the head election judge upon arrival at the polling place, along with either a recognized media credential or written statement from a local election official attesting to the media representative's credentials. A media representative must not:

- (1) approach within six feet of a voter;
- (2) converse with a voter while in the polling place;

- (3) make a list of persons voting or not voting; or
- (4) interfere with the voting process.

**History:** 2005 c 113 s 1; 2005 c 156 art 6 s 41

#### 204C.07 CHALLENGERS.

*[For text of subs 1 to 3, see M.S.2004]*

Subd. 3a. **Residence requirement.** A challenger must be a resident of this state.

Subd. 4. **Restrictions on conduct.** An election judge may not be appointed as a challenger. The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No challenger shall handle or inspect registration cards, files, or lists. Challengers shall not prepare in any manner any list of individuals who have or have not voted. They shall not attempt to influence voting in any manner. They shall not converse with a voter except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.

**History:** 2005 c 156 art 6 s 42,43

#### 204C.08 OPENING OF POLLING PLACES.

*[For text of subd 1, see M.S.2004]*

Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

##### "VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

- (1) You have the right to be absent from work for the purpose of voting during the morning of election day.
- (2) If you are in line at your polling place any time between 7:00 a.m. and 8:00 p.m., you have the right to vote.
- (3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.
- (4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.
- (5) You have the right to request special assistance when voting.
- (6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.
- (7) You have the right to bring your minor children into the polling place and into the voting booth with you.
- (8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.
- (9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.
- (10) You have the right to vote without anyone in the polling place trying to influence your vote.
- (11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.
- (12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

*[For text of subs 2 to 4, see M.S.2004]*

**History:** 2005 c 156 art 6 s 44

#### **204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

**History:** 2005 c 156 art 6 s 45

#### **204C.12 CHALLENGES TO VOTERS; PENALTY.**

*[For text of subd. 1, see M.S.2004]*

**Subd. 2. Statement of grounds; oath.** A challenger must be a resident of this state. The secretary of state shall prepare a form that challengers must complete and sign when making a challenge. The form must include space to state the ground for the challenge, a statement that the challenge is based on the challenger's personal knowledge, and a statement that the challenge is made under oath. The form must include a space for the challenger's printed name, signature, telephone number, and address.

An election judge shall administer to the challenged individual the following oath:

"Do you solemnly swear that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"

The election judge shall then ask the challenged individual sufficient questions to test that individual's residence and right to vote.

*[For text of subs 3 to 5, see M.S.2004]*

**History:** 2005 c 156 art 6 s 46

#### **204C.24 ELECTION RETURNS; SUMMARY STATEMENTS.**

**Subdivision 1. Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially defective ballots with respect to each office or question;

(b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

- (c) the number of individuals who voted at the election in the precinct;
- (d) the number of voters registering on election day in that precinct; and
- (e) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

*[For text of subd 2, see M.S.2004]*

**History:** 2005 c 156 art 6 s 47

#### **204C.28 ELECTION NIGHT; DUTIES OF COUNTY AUDITORS AND MUNICIPAL CLERKS.**

Subdivision 1. **County auditor.** Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every county auditor shall, in the presence of the municipal clerk or the election judges who deliver the returns, make a record of all materials delivered, the time of delivery, and the names of the municipal clerk or election judges who made delivery. The county auditor shall file the record and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the record and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections or, if a contest is filed, until the contest has been finally determined. Thereafter, the record shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.

The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

*[For text of subs 2 and 3, see M.S.2004]*

**History:** 2005 c 156 art 6 s 48

#### **204C.50 POSTELECTION SECURITY AND CERTIFICATION REVIEW.**

Subdivision 1. **Selection for review; notice.** (a) Postelection review under this section must be conducted only on the election for president, senator or representative in Congress, constitutional offices, and legislative offices.

(b) The Office of the Secretary of State shall, within three days after each state general election beginning in 2006, randomly select 80 precincts for postelection review as defined in this section. The precincts must be selected so that an equal number of precincts are selected in each congressional district of the state. Of the precincts in each congressional district, at least five must have had more than 500 votes cast, and at least two must have had fewer than 500 votes cast. The secretary of state must promptly provide notices of which precincts are chosen to the election administration officials who are responsible for the conduct of elections in those precincts.

(c) One week before the state general election beginning in 2006, the secretary of state must post on the office Web site the date, time, and location at which precincts will be randomly chosen for review under this section. The chair of each major political party may appoint a designee to observe the random selection process.

Subd. 2. **Scope and conduct of review.** Each review is limited to federal and state offices and must consist of at least the following:

(a) The election officials immediately responsible for a precinct chosen for review must conduct the following review and submit the results in writing to the State Canvassing Board before it meets to canvass the election:

(1) a hand tally of the paper ballots or electronic ballot marker record, of whatever kind used in that precinct, for each contested election;

(2) a recount using the actual machine and software used on election day, if a precinct-count or central-count automated voting system was used; and

(3) a comparison of the hand tally with the reported results for the precinct in the county canvassing board report, as well as the actual tape of any automated tabulation produced by any precinct-count or central-count optical scan equipment that may have been used to tabulate votes cast in that precinct.

(b) The staff of the Office of the Secretary of State shall conduct or directly supervise a review of the procedures used by the election officials at all levels for a precinct chosen for review, including an inspection of the materials retained for the official 22-month retention period, such as the rosters, the incident log, and the ballots themselves. The staff must submit a written report to the secretary of state before the next regularly scheduled meeting of the State Canvassing Board.

*[For text of subds 3 to 6, see M.S.2004]*

Subd. 7. [Repealed, 2005 c 156 art 6 s 68]

**History:** 2005 c 156 art 6 s 49,50