

## CHAPTER 209A

### ELECTION CONTESTS - PRESIDENTIAL ELECTIONS

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#### 209A.01 DEFINITIONS.

The definitions in chapter 200 apply to this chapter.

**History:** 2024 c 112 art 2 s 54

#### 209A.02 CONTESTANT; GROUNDS.

Any eligible voter, including a candidate, wishing to contest the election of the presidential elector or alternate in the courts of this state whether over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, on the grounds of deliberate, serious, and material violations of Minnesota election law, or on any other ground must do so according to this chapter.

**History:** 2024 c 112 art 2 s 55

#### 209A.03 NOTICE OF CONTEST.

Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Notice must be served and filed on or before 5:00 p.m. one day after the canvass is completed, except that if the election is being recounted pursuant to section 204C.35, the time for notice of a contest shall begin to run upon certification of the results of the recount by the canvassing board.

Subd. 2. **Notice filed with court.** The contestant shall file the notice of contest under this section with the supreme court.

Subd. 3. **Notice served on parties.** The notice of contest must be served on all candidates for the office and on any other party as required by the court. A copy must also be furnished to the governor and secretary of state. If personal or substituted service on any party cannot be made, an affidavit of the attempt by the person attempting to make service and the affidavit of the person who sent a copy of the notice to the contestee by certified mail are sufficient to confer jurisdiction upon the court to decide the contest.

**History:** 2024 c 112 art 2 s 56

#### 209A.04 CONTESTEE'S ANSWER.

Subdivision 1. **Contest of vote count.** If a notice of contest questions only which of the parties to the contest received the highest number of votes legally cast at the election, the contestee need not file an answer, unless the contestee desires to raise issues not specified in the notice of contest.

Subd. 2. **Other contests.** For all other election contests the contestee's answer to the notice of contest must be filed and served on all candidates for the office and on any other party as required by the court. A

copy must also be furnished to the governor and secretary of state. The answer must so far as practicable conform to the rules for pleading in civil actions. Service and filing of the answer must be made two days after service of the notice of contest. The contestee's answer must be served in the same manner as the answer in a civil action or in the manner the court may order. Any other notices must be served in the manner and within the times the court may order.

**History:** *2024 c 112 art 2 s 57*

#### **209A.05 VENUE.**

The court for the election contest of presidential electors shall be the supreme court.

**History:** *2024 c 112 art 2 s 58*

#### **209A.06 GUARDING AND INSPECTING THE BALLOTS.**

The provisions of sections 209.05 and 209.06 apply to election contests filed under this section. The chief justice of the supreme court shall appoint any inspectors required under this section.

**History:** *2024 c 112 art 2 s 59*

#### **209A.07 PLEADINGS; PROCEDURE.**

The notice of contest and any answer are the pleadings in the case and may be amended in the discretion of the supreme court. The contest proceedings must be brought as soon as practicable. The court shall proceed in the manner provided for the trial of civil actions so far as practicable, but must issue its decision at least one day before the deadline to submit the certificate of ascertainment as required under the laws of the United States.

**History:** *2024 c 112 art 2 s 60*

#### **209A.08 RESULTS OF CONTEST.**

Subdivision 1. **Generally.** When the court decides an election contest under this chapter, the court may invalidate and revoke any election certificate which has been issued to a presidential elector. If the contest involved an error in the counting of ballots, the official authorized to issue the certificate of election shall issue the certificate to the person entitled to it, but if a contestant succeeds in a contest where there is no question as to which of the candidates received the highest number of votes cast at the election, the contestant is not, by reason of the disqualification of the contestee, entitled to the certificate of election.

Subd. 2. **Defective ballots.** In a contested election, if the court decides that a serious and material defect in the ballots used changed the outcome of the election, the election must be declared invalid.

Subd. 3. **Costs of contest.** If the contestee succeeds, costs of the contest must be paid by the contestant. If the contestant succeeds, costs of the contest must be paid by the contestee, except that if the contestee loses because of an error in the counting of ballots or canvass of the returns or because of any other irregularity in the election procedure, costs must be paid, in the discretion of the judge, by the election jurisdictions responsible for errors which resulted in the reversal of the prior results of the election.

**History:** *2024 c 112 art 2 s 61*