**Office of the Secretary of State**

**Adopted Permanent Rules Relating to Elections**

## 8205.1010 FORM OF PETITIONS.

[For text of subp 1, see M.R.]

Subp. 2. **General form requirements.** Petitions must be prepared in accordance with items A to I.

[For text of item A, see M.R.]

B. The language on the petition must be printed in no smaller than 10-point type.

[For text of items C to E, see M.R.]

F. Each petition page must have a signer's oath in no smaller than 12-point bold type. If the form of the signer's oath is not specified by statute, the following oath must be used: "I swear (or affirm) that I know the contents and purpose of this petition and that I signed this petition only once and of my own free will."

[For text of item G, see M.R.]

H. Each petition page must have no more than ten signature lines. The signature lines must be consecutively numbered. Each signature line must have space for the date of signature; a signature; and each signatory's year of birth; printed first, middle, and last name; and residence address, municipality, and county.

[For text of item I, see M.R.]

## 8205.1040 FILING PETITIONS.

Subpart 1. **Applicability.** This part applies to any petition required for any election or recall in this state.

Subp. 2. **Definition of filing officer.** As used in this part and part 8205.1050, "filing officer" means:

A. in the case of a petition for a county office or county question, the county auditor;

B. in the case of a petition for a federal office, the secretary of state;

C. in the case of a state office, the filing officer who receives the affidavit for filing under Minnesota Statutes, section 204B.09, subdivision 1, paragraph (d);

D. in the case of a petition for a municipal office or municipal question, the municipal clerk;

E. in the case of a petition for a school district office or school district question, the school district clerk;

F. in the case of a petition for a special district office or special district question, the special district clerk;

G. in the case of a recall petition or a proposed recall petition filed under Minnesota Statutes, chapter 211C, the secretary of state;

H. in the case of a removal petition filed under Minnesota Statutes, section 351.16, the county auditor; or

I. in the case of a recall petition or a proposed recall petition filed pursuant to a municipal charter or ordinance, the municipal clerk.

[For text of subps 3 and 4, see M.R.]

**8205.1050 VERIFYING PETITIONS.**

[For text of subp 1, see M.R.]

Subp. 2. **Verifying petitions.** The filing officer shall verify each petition using the method in items A to C.

A. The filing officer shall inspect the form of the petition to determine whether it complies with part 8205.1010. The filing officer need only determine substantial compliance with regard to any type size on the form.

[For text of items B and C, see M.R.]

[For text of subp 3, see M.R.]

**8205.2010 VERIFYING THE PROPOSED RECALL PETITION.**

Subpart 1. **Verifying the proposed recall petition.** The secretary of state shall inspect the form of each proposed recall petition to determine whether it complies with the requirements in parts 8205.1010 and 8205.2000, subpart 1. The secretary of state need only determine substantial compliance with regard to any type size on the form. The secretary of state shall inspect each proposed recall petition to determine whether it has been signed by at least 25 persons eligible to vote in the district where the state officer subject to the proposed recall petition serves or, in the case of a statewide officer, within the state. The secretary of state shall verify that the address given by each signatory is in the district served by the state officer subject to the proposed recall petition and that the birth date given by each signatory establishes that the signatory was at least 18 years old when the petition was signed.

If the secretary of state determines that less than 25 eligible voters have signed a proposed recall petition, the secretary of state shall immediately dismiss the petition and send written notice to the person submitting the petition.

If the secretary of state determines that the proposed recall petition is sufficient, the secretary shall immediately send written notice to the state officer subject to the proposed recall petition and the petitioners and shall forward the proposed petition to the clerk of the appellate courts.

[For text of subp 2, see M.R.]

**8210.0100 PRESIDENTIAL ABSENTEE BALLOTS.**

Subpart 1. **Procedure for voting.** A person who is qualified under United States Code, title 42, section 1973aa-1, to vote for the offices of president and vice-president or for electors for president and vice-president may vote by absentee ballot or in person at the auditor's office in the county where the person formerly resided. The certificate of eligibility on the back of the absentee ballot return envelope must be printed in the form shown in subpart 2.

Subp. 2. **Form of certificate of eligibility.**

Please print clearly

Voter's name

_____

Voter's former address in MN

_____ MN

Current phone number (optional):

_____

Current email address (optional):

_____

I certify that I

- will be at least 18 years old on election day;
- am a citizen of the United States;
- am not under guardianship of the person in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence;
- previously lived in Minnesota at the address printed above;
- moved from Minnesota to another state within 30 days of the election; and
- am not eligible to vote in the state in which I now live.

Voter's Signature

**X**_____

Date _____

**8210.0300 BALLOT ENVELOPE.**

The ballot envelope shall be printed in the following manner.

The envelope shall be tan in color with black ink. The envelope shall be of a size to fit inside the absentee ballot return envelope. The words "Ballot Envelope" and "Use this envelope first to keep your ballot secret. Put only your ballot in this envelope and seal it." shall be printed on the front of the envelope.

**EFFECTIVE DATE.** This part is effective for any envelopes printed after March 1, 2010.

**8210.0500 INSTRUCTIONS TO ABSENT VOTER.**

Subpart 1. **Required instructions.** Instructions to the absent voter shall be transmitted with the absentee ballot materials sent or delivered to the absent voter. The instructions shall be in the form in subparts 2, 3, or 4 or 5 and 6. The instruction headings with numbers must be in no smaller than 12-point type and the rest of the text must be in no smaller than 10-point type. A telephone number and an electronic mail address which voters can call or contact for help in absentee voting must be printed as part of the return address on the envelope in which the absentee balloting materials are transmitted to the voter or as part of the cover letter to voters, for those voters to whom ballots are transmitted electronically. The envelope in which the absentee balloting materials are transmitted to the voter must have the following printed on it: "Read and follow the enclosed instruction sheet to help ensure that your vote will count." The instructions must explain how to correctly mark the ballot. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include

information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error. The instructions must include a graphic depiction of the absentee ballot materials and how they are to be completed and assembled by the voter. The secretary of state must provide each county auditor with sample instructions with graphic depictions.

Subp. 2. **Instructions for registered voters.**

**Instructions**

**How to vote by absentee ballot**

**for ~~preregistered~~ registered voters**

**Get ready**

~~You will need:~~ **You will need:**

- Ballot
- Tan ballot envelope
- White signature envelope
- Pen with black ink
- Your ID number

  Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

  *See below if you do not have any of these numbers.*
- Witness

  Anyone registered to vote in Minnesota,

  ~~including your spouse or relative,~~ *including your spouse or relative,*

  *or* a notary public,

  *or* a person with the authority to administer oaths

**1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.

- Do ~~not~~ not write your name or ID number anywhere on the ballot.
- Do ~~not~~ not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

**2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

**3 ~~Put~~ Slide the tan ballot envelope into the top of the white signature envelope**

**4 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

  **Be sure to use the same number that you provided on your absentee ballot application.**

  *If you do not have any of these numbers, check the box.*
- Read and sign the oath and write the date.

  ~~**This signature will be compared to the one on your absentee ballot application.**~~
- Ask your witness to print their name and Minnesota address and sign their name.

  *If your witness is an official or notary, they must print their title instead of an address.*

  *Notaries must also affix their stamp.*
- Seal the envelope. First the small flap, then the large flap.

**5 Return your ballot ~~by election day to the address on the signature envelope~~ by election day to the address on the signature envelope**

**Ballots may not be delivered directly to your polling place.**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or

- Ask someone to deliver it by 3:00 p.m. on election day.

  ~~This person cannot deliver more than 3 ballots.~~ *This person cannot deliver more than 3 ballots.*

**See other side for special instructions if you have a disability**

**Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

**Confidentiality Notice:** A privacy notice for the data you are being asked to provide on the signature envelope is posted at http://www.sos.state.mn.us/index.aspx?page=211.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under Get Ready must also include:

9.1 • Larger white return envelope

9.2 Instruction 3 must read:

9.3 **3 Put the tan ballot envelope in the white signature envelope**

9.4 The last instruction under 4, a new instruction numbered 5, and the first line of the
9.5 renumbered instruction 6 must read:

9.6 • Seal the envelope

9.7 **5 Put the signature envelope into the larger white return envelope to protect your**
9.8 **private information from view**

9.9 **6 Return your ballot by election day to the address on the return envelope**

9.10 Subp. 3. **Instructions for unregistered voters.**

9.11 **Instructions**

9.12 **How to vote by absentee ballot**

9.13 **Get ready**

9.14 ~~You will need:~~ **You will need:**

9.15 • Ballot
9.16 • Tan ballot envelope
9.17 • Voter registration application
9.18 • White signature envelope
9.19 • Pen with black ink
9.20 • Minnesota driver's license with your address
9.21 *or* other authorized proof of where you live.
9.22 *See other side for a list of options*
9.23 • Your ID number
9.24 Minnesota driver's license number, Minnesota ID card number, or the last four
9.25 digits of your Social Security Number.
9.26 *See below if you do not have any of these numbers.*
9.27 • Witness
9.28 Anyone registered to vote in Minnesota,

~~including your spouse or relative,~~ *including your spouse or relative,*

*or* a notary public,

*or* a person with the authority to administer oaths

**Important: You must submit the voter registration application ~~with~~ with your ballot (in the signature envelope) for your vote to be counted.**

**1 Fill out the voter registration application and sign it**

- Show your witness your driver's license or other authorized proof of where you live.

*See the other side for a list of options.*

**2 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do ~~not~~ not write your name or ID number anywhere on the ballot.
- Do ~~not~~ not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

**3 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

**4 Slide the tan ballot envelope and the voter registration application into the top of the white signature envelope**

**5 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address.
- Print your Minnesota driver's license number, Minnesota ID card number, or the last four digits of your Social Security Number.

**Be sure to use the same number that you provided on your absentee ballot application.**

*If you do not have any of these numbers, check the box.*

- Read and sign the oath and write the date.

  ~~**This signature will be compared to the one on your absentee ballot application.**~~

- Ask your witness to print their name and Minnesota address, indicate which proof you showed them, and sign their name.

  *If your witness is an official or notary, they must print their title instead of an address.*

  *Notaries must also affix their stamp.*

- Seal the envelope. First the small flap, then the large flap.

**6 Return your ballot ~~by election day to the address on the signature envelope~~ by election day to the address on the signature envelope**

**Ballots may not be delivered directly to your polling place.**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service,
- Deliver it in person by 5:00 p.m. on the day before the election, or
- Ask someone to deliver it by 3:00 p.m. on election day.

  ~~This person cannot deliver more than 3 ballots.~~ *This person cannot deliver more than 3 ballots.*

**Options for proof of where you live**

A valid Minnesota driver's license, Minnesota ID card, or permit with your current address

*or*

A photo ID that does not have your current address ~~along with~~ along with a document that ~~does~~ has your current address

- **Eligible photo IDs:** Minnesota driver's license ~~or~~, Minnesota ID card, U.S. passport, U.S. military ID card, Minnesota college/university ID card, or tribal ID card with your signature, from a tribe recognized by the Bureau of Indian Affairs (BIA)
- **Eligible documents with your current address:** a current student fee statement, or an original utility bill with a due date 30 days before or after the election, or a rent statement showing utility expenses. Eligible utility bills are gas, electric, solid waste, water, sewer, phone, television, or internet provider services.

*or* one of the following:

- A yellow receipt for a valid Minnesota driver's license, Minnesota ID card, or permit with your current address
- Vouching: the signature of a registered voter who lives in your precinct and personally knows that you live in the precinct. If your witness is registered to vote in this precinct, your witness may vouch for you. *This person must complete and sign the voucher form on the back of the voter registration application.*
- A tribal ID card with your name, address, signature, and picture, from a tribe recognized by the BIA
- A "Notice of Late Registration" if you received one from the county auditor or city clerk
- If you have moved within your precinct or changed your name, a current registration in the precinct
- Vouching for residents of certain residential facilities: the signature of an employee of your residential facility, including nursing homes, group homes, battered women's shelters, homeless shelters, etc. If you are not sure if the residential facility where you live is eligible, call your local election official. *The employee must complete and sign the voucher form on the back of the voter registration application.*

**Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have the witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence, as outlined above.

**Confidentiality Notice:** A privacy notice for the data you are being asked to provide on the signature envelope is posted at http://www.sos.state.mn.us/index.aspx?page=211.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under Get Ready must also include:

- Larger white return envelope.

Instruction 4 ~~should~~ must read:

**4 Put the tan ballot envelope and the voter registration application in the white signature envelope**

The last instruction under 5, a new instruction numbered 6, and the first line of the renumbered instruction 7 must read:

- Seal the envelope.

**6 Put the signature envelope into the larger white return envelope to protect your private information from view**

**7 Return your ballot by election day to the address on the return envelope**

Subp. 4. **Instructions for military and overseas voters transmitted ballots by mail.**

**Instructions**

**How to vote by absentee ballot**

**for military and overseas voters**

**Get ready**

~~You will need:~~ **You will need:**

- Ballot
- Tan ballot envelope
- White signature envelope
- Pen with black ink
- Your ID number

  U.S. passport number, Minnesota driver's license ~~or~~ number, Minnesota ID card number, or the last four digits of your Social Security Number.

  *See below if you do not have any of these numbers.*

**1 Vote!**

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do ~~not~~ not write your name or ID number anywhere on the ballot.
- Do ~~not~~ not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

  ***See the other side if you make a mistake on your ballot.***

**2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

**3 Slide the tan ballot envelope into the top of the white signature envelope**

**4 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address (present or last).
- Print your email address and phone number (optional).

- Print your passport number, Minnesota driver's license ~~or~~ number, Minnesota ID card number, or the last four digits of your Social Security Number.

  **Be sure to use the same number that you provided on your absentee ballot application. ~~The numbers must match.~~**

  ~~If you do not have access to any of these documents, leave this space blank.~~ *If you do not have access to any of these documents, leave this space blank.*

- Read and sign the oath and write the date.
- Seal the envelope. First the small flap, then the large flap.

**5 Return your ballot ~~by election day to the address on the signature envelope~~ by election day to the address on the signature envelope**

- Send it so it arrives by election day, using mail ~~or~~, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.

  Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**See the other side for special instructions if you have a disability.**

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If you have any questions, contact your county elections office at [insert email address] or [insert telephone number].

**Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or
- Ask for a new ballot from your election office. Their contact information can be found ~~in the return address section of the envelope in which you received these materials~~ on the reverse side.

**If you have a disability:**

If you have a disability or cannot mark your ballot, ~~your witness~~ another person may assist you by marking your ballot at your direction, assembling the materials, and filling in the forms for you.

When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask ~~your witness~~ another person to sign for you in your presence. (Have ~~the witness~~ this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask ~~your witness~~ another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Confidentiality Notice:** A privacy notice for the data you are being asked to provide on the signature envelope is posted at www.sos.state.mn.us/home/index.aspx?page=889.

In those precincts where an additional envelope is used instead of an envelope with a flap, the list under Get Ready must also include: "• Larger white return envelope." Instruction 3 must read "**3 Put the tan ballot envelope into the white signature envelope.**" The last instruction under 4, a new instruction numbered 5, and the first line of the renumbered instruction 6 must read:

- Seal the envelope.

**5 Put the signature envelope into the larger white return envelope to protect your private information from view**

**6 Return your ballot by election day to the address on the return envelope**

Subp. 5. **Cover letter for military and overseas voters transmitted ballots electronically.** Dear Military/Overseas Absentee Voter:

Your absentee ballot and supporting materials for the election on [month day, year] are attached. Your absentee ballot is being sent to you electronically because you requested this delivery method on your application. Please print, fill out, and return these materials so they are received by your county by election day, [day of the week], [month day, year].

**A paper ballot must be returned to Minnesota and received by election day to be counted.**

You may use the domestic mail service of the country you are located in, an international package delivery service, or the military or state department's mail services. Be sure to vote and return this ballot as soon as possible to ensure timely return. Your ballot must be received by your county elections office by election day to be counted.

This communication contains:

- A ballot
- Voting instructions
- Ballot envelope template
- Certificate of Eligibility
- Mailing envelope template

Carefully follow the instructions to ensure proper return of your voted ballot.

□ Print the materials
□ Fill out your ballot
□ Fold and seal your ballot and place it in your ballot envelope
□ Fill out the Certificate of Eligibility
□ Put the completed materials in your mailing envelope
□ Send your ballot by mail or package delivery service so that it is received by election day

Contact your county elections office at [email] or [phone number] if you have any questions.

Thank you.

Subp. 6. **Instructions for military and overseas voters transmitted ballots electronically.**

**Instructions**

**How to vote by absentee ballot**

**for military and overseas voters sent ballots electronically**

**Note: Your ballot must be printed out and physically returned. It cannot be returned electronically.**

**Get ready**

~~You will need:~~ **You will need:**

- A printer
- A pen with black ink
- Two envelopes (you have 3 options):
  - ~~You can provide~~ Address your own blank envelopes by hand
  - Print the envelope templates directly onto envelopes (print the mailing envelope onto an envelope approximately 4 1/8 inches x 9 1/2 inches so that everything is positioned according to postal regulations~~), or~~
  - If you do not have access to any envelopes, create the envelopes by folding and taping or gluing the attachments.
- Your ID number

  U.S. passport number, Minnesota driver's license ~~or~~ number, Minnesota ID card number, or the last four digits of your Social Security Number.

  *See below if you do not have access to any of these numbers.*

**1 Print the materials**

- Print your ballot, the Certificate of Eligibility, and the envelope templates if you are using them.
- Please note that the ballot may take multiple pages.
- Your printer should automatically scale the document to fit on the printable area of the page. Just be sure that none of the words or ovals are cut off.

**2 Vote!**

- Mark your votes in private.
- Follow the instructions on the ballot.
- Do ~~not~~ not write your name or ID number anywhere on the ballot.
- Do ~~not~~ not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See below if you make a mistake on your ballot.***

**3 Use one of the envelopes as the ballot envelope**

- Put your ballot in this envelope to keep your votes private.
- Seal the envelope.
- Do not write on this envelope.

**4 Complete the Certificate of Eligibility**

- Print your name and your Minnesota address (present or last).
- Print your email address and phone number (optional).
- Print your passport number, Minnesota driver's license ~~or~~ number, Minnesota ID card number, or the last four digits of your Social Security Number.

  **Be sure to use the same number that you provided on your absentee ballot application.** ~~**The numbers must match.**~~

  ~~If you do not have access to any of these documents, leave this space blank.~~

  *If you do not have access to any of these documents, leave this space blank.*
- Read and sign the oath and write the date.

**5 Put it all together**

- Attach the Certificate of Eligibility to the ballot envelope.
- Your second envelope is the return (mailing) envelope.
- Put the ballot envelope and the Certificate of Eligibility into the return envelope.
- Seal the return envelope.
- Address the return envelope to:

  Official Absentee Balloting Material
  ..... County
  [Street address]
  [City], MN [Zip Code]
  USA

**6 Return your ballot ~~to the address above~~ by election day to the address above**

- Send it so it arrives by election day, using mail, a package delivery service, or the diplomatic pouch at a U.S. embassy or consulate.

  Postage is not required if the postal permit is on the envelope and it is sent using U.S. mail, U.S. military mail, or the diplomatic pouch. Postage may be required if you use a foreign mail service or a package delivery service.

**If you need any help while voting, please contact your county elections office at [insert email address] or [insert telephone number].**

**Correcting a mistake**

- Print out a new ballot, or
- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or
- Ask for a new ballot from your election office. ~~Their contact information can be found in the return address section of the envelope in which you received these materials.~~

**If you have a disability:**

If you have a disability or cannot mark your ballot, ~~your witness~~ another person may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you.

When signing the Certificate of Eligibility, Minnesota law says you may:

- Sign the Certificate yourself, or
- Make your mark, or
- Ask ~~your witness~~ another person to sign for you in your presence. (Have ~~the witness~~ this person sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask ~~your witness~~ another person to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

**Confidentiality Notice:** A privacy notice for the data you are being asked to provide on the certificate of eligibility is posted at www.sos.state.mn.us/home/index.aspx?page=889.

Subp. 7. **Additional instructions for use with partisan primaries.** The following instructions must also be sent along with all absentee ballots for partisan primary elections.

**The top part of this ballot is for a partisan (party) primary election:**

- Vote only for candidates of one party - stay in one column.
- If you vote for candidates of more than one party, your votes in that section of the ballot will not be counted.

For how to correct a mistake, see the back side of the absentee ballot instructions.

**8210.0600 STATEMENT OF ABSENTEE VOTER.**

[For text of subp 1, see M.R.]

Subp. 1a. **Statement of registered absentee voter form.**

Signature Envelope

~~Voter completes this section~~ **Voter completes this section** please print clearly

Voter's name _____

Voter's MN Address _____

_____ MN

**Same ID number as on application**

(MN driver's license #,

MN ID card #,

or last four digits of SSN) _____

○ I do not have an MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

~~Voter's Signature~~ **Voter's Signature X** _____

Date _____

~~Witness completes this section~~ **Witness completes this section**

Witness Name _____

MN address

or title,

if an official

or notary _____ MN

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

~~Witness Signature~~ **Witness Signature X** _____

If notary, must affix stamp

Subp. 1b. **Statement of unregistered absentee voter form.**

Signature Envelope

~~Voter completes this section~~ **Voter completes this section** please print clearly

Voter's name _____

Voter's MN address _____

_____ MN

**Same ID number as on application**

(MN driver's license number,

MN ID card number,

or last four digits of SSN) _____

○ I do not have an MN-issued driver's license, MN-issued ID card, or a Social Security Number.

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

~~Voter's Signature~~ **Voter's Signature X** _____

Date _____

~~Witness completes this section~~ **Witness completes this section**

Witness Name _____

MN address

or title,

if an official

or notary _____ MN

Voter must provide proof of residence: (See instructions, check one)

- ○ MN driver's license, ID card, permit, or receipt
- ○ Utility bill, rent statement, or student fee statement plus photo ID
- ○ Registered voter in the precinct who vouched for voter's residence in the precinct (must complete the voucher form on the back of the Voter Registration Application)
- ○ Tribal ID card
- ○ Notice of late registration
- ○ Previous registration in the same precinct
- ○ An employee of a residential facility in the precinct who vouched for voter's residence at the facility (must complete the voucher form on the back of the Voter Registration Application)

I certify that:

- the voter showed me the blank ballots before voting;
- the voter marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- the voter enclosed and sealed the ballots in the ballot envelope;
- the voter registered to vote by filling out and enclosing a voter registration application in this envelope;

- the voter provided proof of residence as indicated above; and
- I am or have been registered to vote in Minnesota, or am a notary, or am authorized to give oaths.

~~Witness Signature~~ **Witness Signature X**_____

If notary, must affix stamp

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label. When placing the label, the official must place it over the space for the voter's name and address, but must not cover the instructions to the voter or the voter's oath.

Subp. 3. **Printing specifications.** The statement shall be printed on the back of the absentee ballot return envelope. The words "Voter completes this section" and "Witness completes this section" shall be printed in no smaller than 12-point bold type. The "X" on the signature lines must be in at least 20-point type. The remainder of the statement shall be printed in no smaller than 10-point medium type. The area for the voter's name and address must be no smaller than 1-1/4 inches by 3-1/4 inches. The voter's certificate must be at least 4-1/8 inches wide.

[For text of subps 4 and 4a, see M.R.]

**8210.0710 FORMAT AND INSTRUCTIONS FOR ABSENTEE BALLOT RETURN ENVELOPES.**

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** Absentee ballot return envelopes must be printed according to the following specifications:

A. The envelope must be no smaller than 10-3/8 inches by 4-1/2 inches.

B. Envelopes prepared with the certificates prepared according to part 8210.0600 must be white in color with black ink. Envelopes with certificates prepared according to part 8210.0800 must be white in color with Pantone 194 U red ink or darker used for all printing.

C. The following must be printed at the bottom of the envelope on the same side as the voter's certificate:

For ~~Office~~ Official Use Only

() Accepted () Rejected (reason:) _____

~~D. If the official will not be using labels that include the absent voter's ward and precinct number, the words "For office use only: Election _____," "Ward _____," and "Precinct _____" must be printed on the left-hand end of the front of the envelope in no smaller than 12-point bold type.~~

Subp. 3. **Envelope labeling.** The envelopes with the form printed according to part 8210.0600, subpart 1a, must have the words "Signature Envelope - Registered" printed in no smaller than 8-point type. The envelopes with the form printed according to part 8210.0600, subpart 1b, must have the words "Signature Envelope - Unregistered" printed in no smaller than 8-point type. The envelopes printed with the form printed according to part 8210.0800 must have the words "Signature Envelope - UOCAVA" printed in no smaller than 8-point type.

Subp. 4. **Additional instructions for registered and military and overseas voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under parts 8210.0600, subpart 1a, and 8210.0800:

"Put the Ballot Envelope
in here, then seal flap"

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

Subp. 5. **Additional instructions for unregistered voters.** The following words must be printed above the voter's certificate for envelopes with the form prepared under part 8210.0600, subpart 1b:

"Put the Ballot Envelope and the
Voter Registration Application
in here, then seal flap"

In cases in which the county uses a third envelope instead of a flap, the words may appear on the reverse side of the envelope.

Subp. 6. **Checklist for registered voters.** Envelopes with the form printed according to part 8210.0600, subpart 1a, that have a flap must have the following ~~printed below the witness's certificate~~ words printed inside the flap:

**"1. Have you . . .**

- □ Sealed your ballot in the tan ballot envelope?
- □ Put the ballot envelope in this envelope?
- □ Completed and signed this envelope?
- □ Asked your witness to complete their section and sign their name?

**2. Then seal this envelope -**

small flap first,
then the large flap.

**~~Then~~ 3. Return your ballot so it is received by election day."**

An illustration of how to fold the flaps must also be printed inside the flap.

Subp. 7. **Checklist for unregistered voters for use with flap.** Envelopes with the form printed according to part 8210.0600, subpart 1b, that have a flap must have the following words printed inside the flap:

**"1. Have you . . .**

□ Sealed your ballot in the tan ballot envelope?

□ Put the ballot envelope and your voter registration application in this envelope?

□ Completed and signed this envelope?

□ Asked your witness to complete their section and sign their name?

**2. Then seal this envelope –**

small flap first,

then the large flap.

**3. Return your ballot so it is received by election day."**

An illustration of how to fold the flaps must also be printed inside the flap.

Subp. 8. **Checklist for military and overseas voters for use with flap.** Envelopes with the form printed according to part 8210.0800 must have the following words printed inside the flap:

**"1. Have you . . .**

□ Sealed your ballot in the tan ballot envelope?

□ Put the ballot envelope in this envelope?

□ Completed and signed this envelope?

**2. Then seal this envelope –**

small flap first,

then the large flap.

**3. Return your ballot so it is received by election day."**

An illustration of how to fold the flaps must also be printed inside the flap.

**8210.0720 MAILING INFORMATION ON ABSENTEE BALLOT RETURN ENVELOPES OR A THIRD ENVELOPE.**

Subpart 1. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

Subp. 2. **Form.** The face of absentee ballot return envelopes or of the third envelope, in cases in which the county uses a third envelope, must be printed according to this part.

Subp. 3. **Mailing address.** County auditors and municipal clerks shall print a mailing address on each envelope that they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. An envelope may be addressed to the county auditor~~,~~ or to the municipal clerk~~, or to the appropriate election judges~~.

~~When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in, or of the absentee ballot board for, the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.~~

Subp. 4. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials must be printed on the envelope as specified in United States Postal Service instructions.

Subp. 5. **Official absentee balloting label.** The words "OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL" must be printed in 18-point bold type and inside a box.

Subp. 6. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the envelope.

Subp. 7. **Additional requirements for envelopes for military and overseas voters.** Envelopes for military and overseas voters must also meet the following additional requirements:

A. In the upper right-hand corner, a postage symbol and box shall be imprinted:
U.S. Postage Paid
39 USC 3406

B. The words "PAR AVION" must be printed in 12-point bold type in capital letters one-half inch below the postage box.

C. Facing identification marks (FIM) must be printed on the envelope and positioned as specified in United States Postal Service instructions.

D. The words "No Postage Necessary in the U.S. Mail - DMM703.8.0" must be printed immediately below the words required by subpart 5.

**8210.0730 ADDITIONAL REQUIREMENTS FOR THIRD ENVELOPE.**

Subpart 1. **Requirements.** In cases in which a county uses a third envelope instead of an envelope with a flap, the third envelope must include the additional features set forth in subparts 2 and 3.

Subp. 2. **Envelope labeling.** The words "Absentee Ballot Return Envelope" must be printed across the face of the envelope in no smaller than 18-point bold type.

Subp. 3. **Checklist.** The following words must be printed on the exterior of the envelope:

A. For registered voters:

**"Have you . . .**

- ☐ Sealed your ballot in the tan ballot envelope?
- ☐ Put the ballot envelope in the white signature envelope?
- ☐ Completed and signed the signature envelope?
- ☐ Asked your witness to complete their section and sign their name?

30.1 □ Put the signature envelope into this envelope?

30.2 **Then return your ballot so it is received by election**
30.3 **day."**

30.4 ~~A.~~ B. For unregistered voters:

30.5 **"Have you . . .**

30.6 □ Sealed your ballot in the tan ballot envelope?

30.7 □ Put the ballot envelope and your voter
30.8 registration application in the white signature
30.9 envelope?

30.10 □ Completed and signed the signature envelope?

30.11 □ Asked your witness to complete their section
30.12 and sign their name?

30.13 □ Put the signature envelope into this envelope?

30.14 **Then return your ballot so it is received by election**
30.15 **day."**

30.16 ~~B.~~ C. For military and overseas voters:

30.17 **"Have you . . .**

30.18 □ Sealed your ballot in the tan ballot envelope?

30.19 □ Put the ballot envelope in the white signature
30.20 envelope?

30.21 □ Completed and signed the signature envelope?

30.22 □ Put the signature envelope into this envelope?

30.23 **Then~~,~~ return your ballot so it is received by election**
30.24 **day."**

30.25 **8210.0800 CERTIFICATE OF ELIGIBILITY AS PROVIDED BY MINNESOTA**
30.26 **STATUTES, SECTIONS 203B.16 AND 203B.17.**

30.27 Subpart 1. [See repealer.]

30.28 Subp. 2. [See repealer.]

Subp. 3. **Certificate of eligibility.** On the back of the absentee return envelope provided for in Minnesota Statutes, section 203B.21, a certificate of eligibility must be printed on the envelope in the form shown in subpart 3a. The county auditor must provide the Certificate of Eligibility as an electronic document to voters who requested electronic delivery of absentee ballots.

Subp. 3a. **Form of certificate of eligibility.**

Signature Envelope ~~please print clearly~~

~~Voter completes this section~~ **Voter completes this section** please print clearly

Voter's name _____

Voter's MN address (present or last) _____

_____ MN

ID number

(U.S. passport #,

~~Minnesota~~ MN driver's license #,

MN ID card #,

or last four digits of SSN) _____

Email _____

Phone (optional) _____

I swear or affirm, under penalty of perjury, that I am (check one):

( ) a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member;

( ) a United States citizen temporarily residing outside the United States;

( ) other United States citizen residing outside the United States; and

- I am a United States citizen,
- at least 18 years of age (or will be by the date of the election), and
- I am eligible to vote in the requested jurisdiction;

- I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.
- In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.
- My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

~~Voter's Signature~~ **Voter's Signature X** _____

Date _____

[For text of subp 4, see M.R.]

**8210.2000 VOTER'S INFORMATION.**

If the absent voter's name, residential address, ward, and precinct number are not printed on a label affixed to the envelope, the official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's name, address, ward, and precinct number in the spaces provided on the return envelope, unless the materials are transmitted to the voter electronically.

**8210.2400 SAFEGUARDING PROCEDURES.**

The county auditor or municipal clerk shall establish measures for safeguarding absentee ballot return envelopes received prior to election day.

[For text of items A and B, see M.R.]

C. All retained envelopes shall be placed in a locked, secure location after being dated, stamped or initialed, and recorded. The envelopes shall not be removed from this

location or handled ~~until election day~~, except as necessary in an emergency or to process ballots as provided in Minnesota Statutes, section ~~203B.13~~ 203B.121.

[For text of items D and E, see M.R.]

**8210.2450 DUTIES OF BALLOT BOARD MEMBERS WHEN EXAMINING RETURN ENVELOPES UNDER MINNESOTA STATUTES, SECTION 203B.121.**

Subpart 1. **Review.** Two or more ballot board members from different major political parties must review the absentee ballots returned for the precinct under Minnesota Statutes, section 203B.121, unless they are exempt from that requirement under Minnesota Statutes, section 205.075, subdivision 4, or Minnesota Statutes, section 205A.10, subdivision 2.

Subp. 2. **Name, address, and signature review.** The voter's name and address on the absentee ballot application must match the voter's name and address on the return envelope. Use of, or lack of, full names, nicknames, abbreviations, or initials on either document are not a reason for rejection.

Ballot board members must determine whether the return envelope was signed by the voter. Use of, or lack of, full names, nicknames, abbreviations, or initials within either signature are not a reason for rejection. A signature is considered the voter's even if a voter uses a signature mark on either or both documents, or if a voter has another individual or different individuals sign the voter's name in their presence on either or both the application and the return envelope in accordance with Minnesota Statutes, section 645.44, subdivision 14. A ballot must be rejected under this subpart on the basis of the signature if the name signed is clearly a different name than the name of the voter as printed on the return envelope. This is the only circumstance under which a ballot may be rejected on the basis of signature under this subpart.

Subp. 3. **Identification number review.** Ballot board members must determine whether the identification number provided by the voter on the certificate is the same as the identification number provided by the voter on the absentee ballot application.

34.1 If the numbers do not match or the voter did not provide identification numbers on
34.2 both documents, the ballot board members must compare the signatures on the absentee
34.3 ballot application and on the return envelope to determine whether the ballots were
34.4 returned by the same person to whom they were transmitted. Use of, or lack of, full
34.5 names, nicknames, abbreviations, or initials within either signature are not a reason for
34.6 rejection. A signature is considered the voter's even if a voter uses a signature mark on
34.7 either or both documents, or if a voter has another individual or different individuals sign
34.8 the voter's name in their presence on either or both the application and the return envelope
34.9 in accordance with Minnesota Statutes, section 645.44, subdivision 14.

34.10 Subp. 4. **Voter's registration status.**

34.11 A. Ballot board members must determine the voter is registered under the name
34.12 and at the address on the return envelope by using the statewide voter registration system,
34.13 or a master list or polling place roster produced from the statewide voter registration
34.14 system. A voter who is not registered, whose registration is inactive, or whose registration
34.15 is challenged, must include a properly completed voter registration application within the
34.16 absentee return envelope pursuant to Minnesota Statutes, section 203B.04, subdivision 4,
34.17 or the ballot must be rejected. If the voter was sent nonregistered absentee materials and
34.18 the voter is not registered to vote and a voter registration application is not found in the
34.19 return envelope, the ballot board members shall open the ballot envelope and, without
34.20 examining or removing the ballot, remove any voter registration application from the
34.21 ballot envelope. The ballot board members must immediately reseal the ballot envelope
34.22 with the ballot enclosed, initialing across the seal and noting on the ballot envelope the
34.23 purpose for which it was opened.

34.24 B. A voter registration application returned separately from an absentee return
34.25 envelope after the voter registration deadline in Minnesota Statutes, section 201.061,

35.1 subdivision 1, is a late registration and may not be used as a registration for the current
35.2 election pursuant to Minnesota Statutes, section 201.054, subdivision 1, clause (3).

35.3 Subp. 5. **Witness eligibility.** An absentee ballot may not be rejected for lack of an
35.4 eligible witness, if a witness has signed the statement required from a witness by part
35.5 8210.0600, subpart 1a or 1b, and:

35.6 A. has provided a Minnesota address as part of the witness's certification on
35.7 the return envelope;

35.8 B. has provided the title indicating that they are eligible to administer oaths; or

35.9 C. has affixed a notarial stamp.

35.10 Subp. 6. **Ballot already cast.** Ballot board members must use the statewide voter
35.11 registration system or available polling place rosters to determine whether another ballot
35.12 from the voter has been accepted. If a ballot is received before the close of business on the
35.13 fourth day before the election, any ballot that has been previously received from that voter
35.14 and has not been rejected is deemed spoiled and must not be counted. If a ballot is received
35.15 after the close of business on the fourth day before the election and another absentee ballot
35.16 has been accepted for that voter, the return envelope must be marked "rejected."

35.17 **8210.2600 REPLACEMENT BALLOTS.**

35.18 Subpart 1. **Voter request.** The auditor or clerk must promptly provide a replacement
35.19 ballot to a voter who requests one because the voter's ballot was lost, spoiled, or never
35.20 received. The auditor or clerk must record the following information on the voter's
35.21 absentee ballot application: the date of the voter's request, the date that a replacement
35.22 ballot was issued to the voter, and the reason that the voter requested a replacement. If
35.23 a voter returns a spoiled ballot to the election official, the auditor or clerk must put the
35.24 returned ballot in a spoiled ballot envelope.

36.1 Subp. 2. **Ballot rejected by absentee ballot board.** The auditor or clerk must send a
36.2 replacement ballot to a voter whose absentee ballot is rejected more than five days before
36.3 an election, along with an explanation of why the ballot was rejected. The secretary of
36.4 state must provide election officials with a sample notice with a list of the possible reasons
36.5 that a ballot could be rejected for use by absentee ballot boards. The election official must
36.6 record the following information on the voter's absentee ballot application: the date that
36.7 the voter's ballot was rejected, the date that a replacement ballot was issued to the voter,
36.8 and the reason that the previous ballot was rejected. Rejected absentee ballots must be
36.9 kept in a separate sealed container.

36.10 **8210.2700 RECEIPT OF FEDERAL WRITE-IN ABSENTEE BALLOTS.**

36.11 Subpart 1. **If Federal Post Card Application was received.** If a voter submits a
36.12 Federal Write-in Absentee Ballot for which a Federal Post Card Application was received,
36.13 the county auditor must accept or reject the ballot in accordance with Minnesota Statutes,
36.14 section 203B.24 and 203B.25.

36.15 Subp. 2. **If Federal Post Card Application was not received.** If a voter submits
36.16 a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not
36.17 received, the Federal Write-in Absentee Ballot serves as a voter registration, for voters
36.18 who are eligible to register, in lieu of the voter's Federal Post Card Application. The
36.19 Federal Write-in Absentee Ballot also serves as an absentee ballot request for absentee
36.20 ballots in subsequent elections during the period required by Minnesota Statutes, section
36.21 203B.17, subdivision 1, paragraph (d). If the voter provided an e-mail address, then
36.22 the county auditor must record e-mail as the voter's preferred method of delivery. The
36.23 county auditor must not send a ballot to the voter for the election for which the voter
36.24 submitted the Federal Write-in Absentee Ballot. If the voter has not already voted and the
36.25 accompanying certificate is properly completed, the absentee ballot board must accept the
36.26 Federal Write-in Absentee Ballot.

**8210.3000 MAIL BALLOTING.**

Subpart 1. **Scope.** This part applies to mail balloting conducted under Minnesota Statutes, sections 204B.45 and 204B.46. Except as otherwise provided in this part, parts 8210.0200 to 8210.2700 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subp. 2. **Authorization.** The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 90 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to Minnesota Statutes, section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 90 days before the next affected election. Authorization to conduct a special election pursuant to Minnesota Statutes, section 204B.46, expires after completion of the election.

[For text of subp 3, see M.R.]

Subp. 4. **Mailing ballots.** The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than ~~30~~ 46 or later than 14 days prior to the election if mail balloting in the voter's precinct is proceeding pursuant to Minnesota Statutes, section 204B.45. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

A ballot mailing must be sent no earlier than ~~20~~ 30 or later than 14 days prior to the election if a mail election is being conducted in the jurisdiction pursuant to Minnesota Statutes, section 204B.46. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election.

No ballot may be mailed to a challenged voter. A challenged voter may apply for an absentee ballot.

The mail balloting process for voters whose registrations are incomplete under Minnesota Statutes, section 201.061, subdivision 1a, or 201.121, must be administered as if the voter were not registered to vote.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in Minnesota Statutes, section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter completes an absentee ballot request as provided in Minnesota Statutes, section 203B.04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions must include a telephone number or electronic mail address which voters can call or write for help in mail voting. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

Subp. 4a. **Form of instructions to mail voters.**

**Instructions**

**How to vote by mail ballot**

**Get ready**

~~You will need:~~ **You will need:**

- Ballot
- Tan ballot envelope
- White signature envelope
- Pen with black ink

- Witness

  Anyone registered to vote in Minnesota,

  ~~including your spouse or relative,~~ *including your spouse or relative,*

  *or* a notary public,

  *or* a person with the authority to administer oaths

**1 Vote!**

- Show your witness your blank ballot, then mark your votes in private.
- Follow the instructions on the ballot.
- Do ~~not~~ not write your name or ID number anywhere on the ballot.
- Do ~~not~~ not vote for more candidates than allowed. *If you do, your votes for that office will not count.*

***See the other side if you make a mistake on your ballot.***

**2 Seal your ballot in the tan ballot envelope**

- Do not write on this envelope.

**3 Put the tan ballot envelope into the white signature envelope**

**4 Complete the white signature envelope**

- If there is no label, print your name and Minnesota address.
- Read and sign the oath and write the date.
- Ask your witness to print their name and Minnesota address and sign their name.

  *If your witness is an official or notary, they must print their title instead of an address.*

  *Notaries must also affix their stamp.*
- Seal the envelope.

**5 Return your ballot ~~by election day to the address on the signature envelope~~ by election day to the address on the signature envelope**

You have three options:

- Send it so it arrives by election day, using U.S. mail or a package delivery service,
- Deliver it in person by 8:00 p.m. on election day, or
- Ask someone to deliver it by 8:00 p.m. on election day.
  This person cannot deliver more than three ballots.

If you have questions, please call (...) ...-.... .

**See other side for special instructions if you have a disability**

**Correcting a mistake**

- Completely erase the mistake, or
- Completely cross out the name of the candidate you accidentally marked and then mark your ballot for the candidate you prefer (do not initial your corrections), or
- Ask for a new ballot from your election office. Their contact information can be found in the return address section of the envelope in which you received these materials.

**If you have a disability:**

If you have a disability or cannot mark your ballot, your witness may assist you by marking your ballot at your direction, assembling the materials, and filling out the forms for you. When signing the envelope, Minnesota law says you may:

- Sign the return envelope yourself, or
- Make your mark, or
- Ask your witness to sign for you in your presence. (Have your witness sign their own name as well.)
- If you have adopted the use of a signature stamp for all purposes of signature, you may use your signature stamp or ask your witness to use your signature stamp in your presence.

Minnesota Statutes, section 645.44, subdivision 14

Please note: Voting is not covered by power of attorney. A person with power of attorney may only sign for you in your presence as outlined above.

Subp. 4b. **Form of mail voter's certificate.**

41.1 Signature Envelope

41.2 ~~Voter completes this section~~ **Voter**
41.3 **completes this section** please print clearly

41.4 Voter's name _____

41.5 Voter's MN Address _____

41.6 _____ MN

41.7 I certify that on election day I will meet all the legal requirements to vote.

41.8 ~~Voter's Signature~~ **Voter's Signature X** _____

41.9 Date _____

41.10 ~~Witness completes this section~~ **Witness completes this section**

41.11 Witness name _____

41.12 MN address

41.13 or title,

41.14 if an official

41.15 or notary _____ MN

41.16 I certify that:

41.17 • the voter showed me the blank ballots before voting;

41.18 • the voter marked the ballots in secrecy or, if physically unable to mark the ballots,
41.19 the ballots were marked as directed by the voter;

41.20 • the voter enclosed and sealed the ballots in the ballot envelope; and

41.21 • I am or have been registered to vote in Minnesota, or am a notary, or am authorized
41.22 to give oaths.

41.23 ~~Witness Signature~~ **Witness Signature X** _____

41.24 If notary, must affix stamp

41.25 Subp. 4c. [Repealed, 25 SR 616]

41.26 Subp. 5. **Nonregistered eligible voters.** An eligible voter who was not registered
41.27 on the 21st day prior to the election may apply for and receive an absentee ballot.

Absentee voting in precincts using mail balloting must be conducted under Minnesota Statutes, chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in part 8210.0500, subpart 3. The statement of absentee voter must be that specified in part 8210.0600, subpart 1b, or 8210.0800, subpart 3a. The absentee ballot return envelope must be as specified in parts 8210.0710, 8210.0720, and 8210.0730.

Subp. 6. **Replacement ballots.** The election official must maintain a record of all replacement ballots issued.

Subp. 6a. [See repealer.]

Subp. 7. **Undeliverable ballots.** Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification and the voter's registration must be treated as provided in Minnesota Statutes, section 201.12. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the county, municipality, school district, or unorganized territory holding the mail election, the auditor or clerk shall resend a ballot to the voter along with a return envelope. The auditor or clerk shall keep a list of individuals who are sent the second mailing after the rosters are printed and must provide a copy of that list to the election judges for use in processing the returned ballots.

[For text of subps 8 and 9, see M.R.]

Subp. 10. **Receiving and counting ballots.** On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk,

returned ballots and applications for absentee ballots, records of replacement ballots, and the list of voters sent a second mailing of the ballot. The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges of different major political parties, unless the election is exempt from this requirement pursuant to Minnesota Statutes, section 205.075, subdivision 4, or 205A.10, subdivision 2.

~~The county auditor, municipal clerk, or school district clerk may appoint election judges to examine the return envelopes and mark them "accepted" or "rejected" during the 30 days prior to the election. If a return envelope is opened to review a voter registration application, it must be resealed. The sealed accepted return envelopes must be placed in a sealed transfer case or other sealed container until Election Day. If an envelope is rejected at least five days before the election, the election official must provide the voter with a replacement ballot and return envelope, along with an explanation of why the ballot was rejected.~~ The secretary of state must provide a sample notice with a list of the possible reasons that a mail ballot may be rejected. The election official must keep a record of the date that the voter's ballot was rejected, the date the replacement ballot was issued to the voter, and the reason that the previous ballot was rejected. Rejected envelopes must be kept in a separate sealed container.

~~On election day prior to 8:00 p.m., the election judges may examine any return envelopes that have not been examined previously and mark them "accepted" or "rejected." The election judges may remove the ballot envelopes from the "accepted" return envelopes, remove the ballots from the ballot envelopes and place the ballots in a locked ballot box. At 8:00 p.m. on election day, the election judges must count the ballots.~~

[For text of subps 11 to 13, see M.R.]

**8220.0325 TIMING.**

All applications for examination and initial certification of electronic voting systems ~~and~~ must be submitted to the secretary of state between December 1 of an even-numbered year and December 1 of the following odd-numbered year. Applications for reexamination and recertification of electronic voting systems hardware or software may be submitted to the secretary of state at any time except between June 1 and December 1 of an even-numbered year.

**8220.0700 REEXAMINATION AND RECERTIFICATION OF HARDWARE AND SOFTWARE.**

After an electronic voting system has been certified by the secretary of state, the hardware and software necessary to operate the voting system, tabulate votes, and prepare ballot styles must be reexamined and recertified under part 8220.0650, subpart 1, by the secretary of state at any time that, in the opinion of the secretary of state, changes in Minnesota election law require reexamination of the voting system to determine continued compliance.

A modification to hardware or software of an electronic voting system which has been certified by the secretary of state must be submitted for reexamination and be recertified under part 8220.0650 unless the modification has been determined to be de minimis by an independent testing authority.

The vendor must notify the secretary of state of all de minimis modifications, provide the de minimis determination from an independent testing authority and receive a letter of acceptance of the de minimis modifications from the secretary of state before the modified electronic voting system may be used in an election.

**8220.0825 CANDIDATE ROTATION ALGORITHM.**

Subpart 1. **Base rotation.** The secretary of state shall determine the base rotation of candidates' names for partisan offices voted on at the state primary election. The county

auditor shall determine the base rotation of candidates' names for all other offices for which rotation is required. The county auditor may delegate the authority to determine the base rotation of candidates' names for municipal and school district offices to the municipal and school district clerks, respectively. The base rotation must be determined by assigning the initial order of the candidates' names by lot.

Subp. 2. **Base number of registered voters.** For purposes of the rotation algorithm, the county auditor shall determine the number of registered voters in each precinct as of 8:00 a.m. on ~~June~~ May 1 of the election year.

Subp. 3. **Algorithm.** The algorithm in items A to F must be used to determine the rotation sequence for each race for which rotation is required.

A. Determine the base rotation.

B. Determine which precincts belong to the race being rotated.

C. Arrange the precincts in order of the number of registered voters, from largest number to smallest.

D. Calculate the number of rotations needed by determining the number of candidates for the office.

E. Starting with the largest precinct, assign a precinct to each rotation. If there are more candidates than precincts, stop after the last precinct has been assigned and go on to item F. If there are more precincts than candidates, keep a running subtotal of the total registered voters assigned to each rotation. After each rotation has been assigned one precinct, assign the next largest precinct to the rotation with the lowest subtotal. Continue assigning the next largest precinct to the rotation with the lowest subtotal until all precincts for that race have been assigned.

F. Print a report by race showing rotation subtotals.

**8220.1050 PREPARATION OF TEST DECK.**

The election jurisdiction requesting the computer program must prepare a test deck of ballots to be used to determine that the voting system and the computer program will correctly mark or count the votes cast for all offices and all proposals in compliance with the Minnesota election law.

The test deck must conform to part 8220.1150. A test deck must be prepared specifically for each election.

The test deck prepared must consist of a preaudited configuration of ballots to record a predetermined number of valid votes for each candidate and issue.

**8220.1150 TEST BALLOTS.**

All test ballots must be marked "TEST."

Ballots must be prepared having votes in excess of the number allowed by law for each office and proposal appearing on the ballot.

For district offices in which the number of candidates appearing on the ballot for that office varies by district, test ballots must be prepared with the number of votes allowed by law for that office in that district.

In partisan primary elections test ballots must be prepared to check the program for splitting tickets. Test ballots must be prepared with votes appearing in the same ballot for candidates of opposite political parties, nonpartisan candidates, and proposals. At least one ballot must be prepared with votes for one party and including votes for a nonpartisan office in excess of the number permitted by law.

In preparing the test deck, a number of the ballots must be voted to include valid votes in the partisan, nonpartisan, and proposal sections of the ballot. The test deck must include ballots involving no overvotes or marks in unassigned locations, valid votes for each candidate and ballot question, overvotes, undervotes, and invalid votes in many different combinations.

At least one test ballot must be prepared in which marks appear in the precinct identifier or ballot style indicator.

Blank ballots in which no positions have been voted must be included in the test deck.

When required to be used in an election pursuant to Minnesota Statutes, section 206.57, subdivision 5, the test deck must include a number of ballots marked by an electronic ballot marker sufficient to have marked all vote targets on the ballot in every precinct.

**8220.1350 PRELIMINARY TESTING OF COMPUTER PROGRAMS.**

Prior to the public accuracy test, the election jurisdiction providing the computer programs shall test the voting systems and programs to ascertain that they will correctly mark or count the votes for all offices and measures. The computer programs must be tested on all precincts.

The election jurisdiction shall compare the zero tape with the ballots of all precincts to ascertain that the appropriate ballots are in each precinct and that the offices and questions to be voted on and the candidates' names are in the order that they appear on the ballots for each precinct. Each election jurisdiction shall make a certificate as to the above matters and file it with the county auditor.

The test must be conducted using the test deck prepared under the direction of the election jurisdiction, and the results must be compared against the predetermined results of the test deck.

**8220.2860 INSTRUCTIONS FOR BALLOT MARKING DEVICES <u>CERTIFIED BEFORE JANUARY 1, 2010</u>.**

Subpart 1. **Text instructions.** The instructions on the screen must read as follows:

A. Before a ballot is inserted: "Please insert your ballot"

B. On the voting instructions screen:

"[Month, Day, Year] [Primary or General or Special Primary or Special] Election"

Official Ballot

You are voting ballot .....

Voting instructions

To use this ballot marking device to mark your ballot:

1. You may touch the NEXT button in the lower right corner of the screen or the right arrow button to move on to the next screen at anytime.

2. To select a candidate, touch the name of the candidate. For ballot questions, touch YES or NO to make your selection.

3. Your choice will be highlighted in yellow and the oval will be filled in.

4. In general elections, you are allowed to write in the name of a candidate who is not on the ballot. You will be presented with a keyboard on the screen to type in the name of the person you want to write in.

5. Use the BACK arrow button in the lower left corner of the screen or the left arrow button to return to the previous screen at anytime.

6. When you have completed making your choices, a summary screen will display your selections.

7. Review your selections carefully.

8. On the next screen, press the MARK BALLOT button to mark your ballot.

9. Remove your ballot and deposit it in the ballot counter or ballot box."

C. If a voter tries to make a selection without having viewed the names of all of the candidates: "You did not view all candidates. Do you want to view the rest of the choices?"

D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: "You have tried to select more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another."

E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: "You are allowed to vote for more candidates in this race

than you have selected. You can return to the race to vote for more candidates, or you can continue on to the next race."

F. On the summary screen, before the ballot has been marked:
"Summary Screen
Your selections for each race are listed below. To change your selections, touch the box for that race. To mark your ballot with these selections, touch "NEXT" at the bottom of the screen."

G. Marking ballot instructions:
"To mark your votes on your ballot:
1. Press the MARK BALLOT button below.
2. Your votes will be marked on your ballot and your ballot will be returned to you.
3. Put your ballot in the ballot counter or ballot box."

H. While the ballot is being printed: "Your votes are being marked on your ballot."

I. Thank you: "Thank you for using this ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box to have it counted."

J. If the ballot is not readable: "The ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance."

K. If there is a paper jam: "There is a paper jam. Please contact an election judge."

L. If the voter tries to exit before the ballot is marked: "Exit now and your votes will not be marked on your ballot. Are you sure you want to exit?"

M. If the voter exits without having the ballot marked: "Thank you for using this ballot marking device. Please remove your blank ballot."

N. In partisan primary elections, the following instructions shall appear after the voter instruction screen:

"SELECT A POLITICAL PARTY

Instructions to Voters

You are only allowed to vote for the candidates of one political party for partisan offices in a primary election. Please select a political party below. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only see the names of candidates who are with the political party you choose. To see the names of candidates in other political parties, use the back button or left arrow button. At the screen called "Select a Political Party," choose a different political party."

O. When a voter inserts a ballot on which votes have already been marked: "Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press EXIT to eject your ballot. Then contact an election judge for a new ballot. To review the selections on this ballot, press the NEXT arrow button to view a summary page. Note: you cannot use this ballot marking device to change any of these selections."

P. On the summary screen after the ballot has been marked:

"Summary Screen

Your selections for each race are listed below. Your ballot has already been marked. It cannot be changed by this ballot marking device. When you have reviewed your selections, press the RETURN BALLOT button below to eject your ballot. To change a selection, you will need to request a new ballot from an election judge."

Subp. 2. **Audio instructions.** The instructions must be as follows:

A. Before a ballot is inserted: "Please insert your ballot. It may take up to 30 seconds for the ballot to be scanned. Please wait. The audio will be silent while scanning."

B. The presentation of the voting instructions: "[Month, Day, Year] [Primary or General or Special Primary or Special] Election. Official Ballot. You are voting ballot..... Voting Instructions. This ballot marking device will guide you through choosing candidates in each race on the ballot. This ballot marking device can be controlled in several ways, including a small keypad that is located to the right of the screen. The buttons are labeled in Braille. At the far right, there are four buttons in a vertical line. The bottom button adjusts the volume when pushed left or right. The button above it adjusts the speed of the audio when pressed left or right. The round button repeats the last set of instructions. The top diamond button turns the display screen on or off for privacy. The instructions will begin again from the beginning if you use any of the top three buttons. To the left of these buttons, you will find a square center button with four arrow buttons surrounding it. Press the right arrow button at any time to skip to the next screen. Press the down arrow button to hear the name of the next candidate in the race. Press the up arrow button to hear the name of the previous candidate in the race. When you hear the name of the candidate you want to vote for, press the square select button in the center to select the candidate. Press the right arrow button to move to the next race on the ballot. Press the left arrow button to move to the previous race on the ballot. If you need help, please talk to an election judge. When you have completed your ballot, you will hear a summary of your selections. Listen to the summary carefully before completing the final step of marking your ballot. Remove your ballot and deposit it in the ballot counter or ballot box. To exit without marking votes on your ballot, press the diamond-shaped screen button four times in a row. Press the right arrow button now to begin voting. Press the round repeat button to hear these instructions again.

C. If a voter tries to make a selection without having heard the names of all of the candidates: "Warning. You did not hear all candidates in this race. To hear the rest, press the left arrow key. To continue on to the next race, press the right arrow key."

D. If a voter tries to vote for more than the number of candidates allowed in a multiseat race: "You have selected more candidates than are allowed in this race. Deselect at least one of the candidates you have selected before selecting another. Press the square select key or the left arrow to return to the race."

E. If a voter tries to move on to the next race without selecting the maximum number of candidates allowed: "Warning. You are allowed to vote for more candidates in this race than you have selected. To return to this race to select more candidates, please press the left arrow key. To continue on to the next race, press the right arrow key."

F. With the summary screen, before the ballot has been marked: "This is the summary screen. Use the up and down arrow keys to scroll through each race and hear your selections. If you want to change a selection, use the square select key to return to that race. If you like your selections, press the right arrow key."

G. Marking ballot instructions: "To mark your votes on your ballot: 1. Press the square select key. 2. Your votes will be marked on your ballot and your ballot will be returned to you. 3. Put your ballot in the ballot counter or ballot box. To change a selection, use the left arrow key to return to the summary screen. To exit without marking your votes on your ballot, use the left arrow key until you hear the exit message. Follow the instructions. Your blank ballot will be returned to you."

H. Write-in instructions: "You have chosen to input a write-in candidate. Use the up and down arrows to scroll through the letters. Use the select key to select a letter. The hyphen, space, and backspace appear after the Z. Use backspace to remove a letter. At any time, you can press the round repeat key to hear the letters you have selected so far. When you are finished typing, press the right arrow key to return to the list of candidates in this race. Then select this write-in candidate. To cancel and return to the race without typing in a name of a write-in candidate, press the left arrow key. Press the

down arrow now to begin moving through the alphabet. To repeat these instructions, press the round repeat key."

I. While the ballot is being printed: "Your votes are being marked on your ballot. Please wait. It should take about 15 seconds. Your ballot will then be returned to you. Put your ballot into the ballot counter or ballot box."

J. Thank you: "Thank you for using the ballot marking device. Please remove your ballot. Put it into the ballot counter or ballot box to have it counted. If you need help, please talk to an election judge."

K. If the ballot is not readable: "This ballot marking device cannot read your ballot. Please try again or contact an election judge for assistance."

L. If there is a paper jam: "There is a paper jam. Please contact an election judge."

M. If the voter tries to exit before the ballot is marked: "Exit now and your votes will not be marked on your ballot. Press the left arrow key to return to voting. Press the right arrow key to exit and receive your blank ballot."

N. If the voter exits without having the ballot marked: "Thank you for using this ballot marking device. Please remove your blank ballot."

O. In partisan primary elections, the following instructions shall appear after the voter instruction screen:

"SELECT A POLITICAL PARTY.

Instructions to Voters.

You are only allowed to ~~voter~~ vote for the candidates of one political party for partisan offices in a primary election. On this screen you will select a political party. No record will be made of your political party choice. Your selection will only be used to direct you to the proper ballot information. You will only hear the names of candidates

who are with the political party you choose. To hear the names of candidates in other political parties, use the left arrow button until you get to a screen called "Select a Political Party." Then choose a different political party."

P. When a voter inserts a ballot on which votes have already been marked: "Votes have already been marked on your ballot. If you thought you were using a blank ballot, please press the left arrow key twice to eject your ballot. Then contact an election judge for a new ballot. To review the selections on this ballot, press the right arrow key to view a summary page. Note: you cannot use this ballot marking device to change any of these selections."

Q. With the summary screen after the ballot has been marked: "This is the Verification Screen. Use the up and down arrow keys to scroll through each race and hear your selections. When you are finished, press the right arrow key to eject your ballot. If you want to change your selections, you will need to request a new ballot from an election judge."

Subp. 3. **Brand name.** The brand name of the ballot marking device may be substituted for the words "the ballot marking device" and "this ballot marking device" throughout the instructions.

**8220.2865 INSTRUCTIONS FOR BALLOT MARKING DEVICES ORIGINALLY CERTIFIED ON OR AFTER JANUARY 1, 2010.**

Each ballot marking device originally certified by the secretary of state on or after January 1, 2010, must deliver substantially the same text and audio instructions as required in part 8220.2860. At the time of any certification after January 1, 2010, the secretary of state must approve any alternate text and audio instructions conforming with part 8220.2860 to the extent practicable, which are necessary to accommodate the navigational method and presentation of the ballot to the voter which are unique to the device being

certified. Alternate instructions approved during the certification process must be used for all following elections at which the device is used.

**8230.0560 BALLOTS.**

Ballots must meet or exceed the specifications the equipment manufacturer has filed with the secretary of state. The election official responsible for preparing the ballots must supply to the ballot printer the equipment manufacturer's recommended standards and specifications for ballot printing.

The ballots must be stored in a manner to protect against moisture.

The local election official must certify to the county auditor the number of ballots received for each ballot style. The local election official or county auditor shall package the ballots for each precinct in groups of 25, 50, or 100 and seal or place the ballots into a package or transfer case. The package or transfer case must contain a certificate stating the number of ballots it contains. All ballots not issued to a precinct or assigned for absentee voting must be secured and accounted for by the official conducting the election. The official conducting the election must maintain a record of the number of ballots issued to each precinct. The ballots must be delivered to the chief election judge of each precinct.

**8230.1450 USE OF STICKERS PROHIBITED.**

A sticker may not be affixed to a ballot that will be placed into a ballot box or ballot counter for any reason.

**8230.4365 PRECINCT COUNT VOTING SYSTEM EQUIPMENT AND PROCEDURES.**

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Opening ballot box during voting hours.** Two election judges of different political parties may open the ballot boxes on election day to straighten or remove the voted ballots but they shall not count or inspect the ballots. If removing ballots, the election judges shall put the ballots taken from the ballot box's main compartment into

containers and seal them. The judges shall put the ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and store them in a secure location. The judges shall note on the incident report the fact that the ballot box was opened, the time the box was opened, and, if applicable, the numbers of any seals used to seal the ballot containers.

[For text of subp 6, see M.R.]

**8235.0200 AUTOMATIC AND DISCRETIONARY RECOUNTS.**

This chapter establishes procedures for the conduct of all automatic and discretionary recounts provided for in Minnesota Statutes, sections 204C.35 and 204C.36. The secretary of state or secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or auditor's designee shall conduct recounts for county offices. The municipal clerk or clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in Minnesota Statutes, section 205A.10, subdivision 5. A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount. "Legal adviser" means counsel to the recount official and the canvassing board for the office being recounted. The scope of an automatic or discretionary recount is limited to the recount of the ballots cast and the declaration of the person nominated or elected. The ballots in the envelope labeled "Original ballots from which duplicates are to be or were made" are not within the scope of the recount and this envelope must not be opened during the recount.

**8235.0400 SECURING BALLOTS AND MATERIALS.**

The official who has custody of the voted ballots is responsible for keeping secure all election materials. Registration cards of voters who registered on election day may be processed as required by part 8200.2700. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

**8235.0600 FACILITIES AND EQUIPMENT.**

All recounts must be accessible to the public. In a multicounty recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available without charge to the recount official or body conducting the recount adequate accessible space and all necessary equipment and facilities.

**8235.0700 GENERAL PROCEDURES.**

At the opening of a recount the recount official or legal adviser shall present the procedures contained in this rule for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. <u>If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times.</u> The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. <u>There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive.</u> The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have

one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to part 8235.0800, subpart 2. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

**8235.0800 COUNTING AND CHALLENGING BALLOTS.**

Subpart 1. **Breaks in counting process.** Recount officials may not take a break for a meal or for the day prior to the completion of the sorting, counting, review, and labeling of challenges, and secure storage of the ballots for any precinct. All challenged ballots must be stored securely during breaks in the counting process.

~~Subpart 1~~ Subp. 2. **Sorting ballots.** Ballots must be recounted by precinct. The recount official shall open the sealed container of ballots and recount them in accordance with Minnesota Statutes, section 204C.22. The recount official must review each ballot and sort the ballots into piles based upon the recount official's determination as to which candidate, if any, the voter intended to ~~voter~~ vote for: one pile for each candidate that is the subject of the recount and one pile for all other ballots (those for other candidates, overvotes, undervotes, etc.). During the sorting, a candidate or candidate's representative may challenge the ballot if he or she disagrees with the recount official's determination of for whom the ballot should be counted and whether there are identifying marks on the ballot. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge pursuant to Minnesota Statutes, section 204C.22. Challenged ballots must be placed into separate piles, one for ballots challenged by each candidate. A challenge

is frivolous if it is based upon an alleged identifying mark other than a signature or an identification number written anywhere on the ballot or a name written on the ballot completely outside of the space for the name of a write-in candidate.

Subp. ~~2~~ 3. **Counting ballots.** Once ballots have been sorted, the recount officials must count the piles using the stacking method described in Minnesota Statutes, section 204C.21. A candidate or candidate's representative may immediately request to have a pile of 25 counted a second time if there is not agreement as to the number of votes in the pile.

Subp. ~~3~~ 4. **Reviewing and labeling challenged ballots.** After the ballots from a precinct have been counted, the recount official may review the challenged ballots with the candidate or the candidate representative. The candidate representative may choose to withdraw any challenges previously made. The precinct name, the reason for the challenge, and the name of the person challenging the ballot (or the candidate that person represents), and a sequential number must be marked on the back of each remaining challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots. After the count of votes for all precincts has been determined during that day of counting, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

**8240.1655 QUALIFICATIONS FOR TRAINEE ELECTION JUDGES.**

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Qualifications.** A trainee election judge must be a United States citizen, must be at least 16 years of age, and must meet any residency requirement specified in Minnesota Statutes, section 204B.19, subdivision 6. Trainee election judges must provide certification from their school that they are enrolled in a Minnesota high school,

and are performing at an academic level acceptable to the principal of the trainee's high school. A trainee election judge who is home-schooled must provide certification from the trainee's parent that the trainee is performing at an academic level acceptable to serve as a trainee election judge.

[For text of subps 4 to 6, see M.R.]

**8250.0390 FORM OF BLUE BALLOT.**

[For text of subp 1, see M.R.]

Subp. 2. **Ballot heading.** The words "CITY QUESTION BALLOT" or "TOWN QUESTION BALLOT" must be printed at the top of the ballot in upper case letters. The municipal clerk may add the type of election directly above the date on the blue ballot. The following words must be printed directly under the ballot heading, municipality name, election type, and election date. "To vote for a question, put an (X) in the square next to the word "YES" on that question. To vote against a question, put an (X) in the square next to the word "NO" on that question."

When more than one municipal question is on the ballot, each municipal ballot question must be designated by a number and must be preceded by the words "CITY QUESTION" or "TOWN QUESTION" in upper case letters and the number assigned to the question. The municipal clerk or municipal governing body shall provide a title for each municipal question printed on the blue ballot. The title must not contain more than ten words. The municipality's attorney shall review the title to determine whether it accurately describes the question asked. The title must not be used on the ballot until it has been approved by the municipality's attorney. The title must be printed in upper case letters and must be printed above the question to which it refers. The body of the question must be printed in upper and lower case letters.

**8250.1600 APPLICABILITY.**

Parts 8250.1600 to 8250.1800 apply to electronic voting systems, as defined in Minnesota Statutes, section 206.56, subdivision 8.

**8250.1810 FORMAT OF BALLOTS FOR OPTICAL SCAN SYSTEMS.**

Subpart 1. **Ballot form.** The optical scan ballot shall be prepared in a sufficient number to enable the clerks to comply with Minnesota Statutes, section 204B.29. The ballot shall be prepared and printed as soon as practicable, but in no event less than 46 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal or county office, and at least 30 days before ~~the~~ any other election. Ballots for distribution in the polling place must be shrink-wrapped in quantities of 25, 50, or 100.

The ballot shall be printed with black ink on white paper. The ballot shall be printed so as to be easily legible, with suitable lines for divisions between candidates, offices, instructions, and other matter proper to be printed on the ballot.

Each ballot must have printed on it both the name of the precinct and an electronically readable precinct identifier or ballot style indicator. A ballot style used in more than one precinct may have the names of all precincts in which it is used printed on the ballot. If multiple ballots styles are to be used in the same precinct for precincts split by school districts, each ballot style must include the precinct name and applicable school district number. Only the electronically readable precinct identifier or ballot style indicator is required on a presidential only or federal only absentee ballot.

Subp. 2. **Primary ballot form.** Items A to F apply to primary ballots.

A. On the partisan primary ballot, the names of the political parties that head the political party columns must be printed in uppercase in as large as practicable but no smaller than 14-point bold face type and must be shaded with a screen of 30 percent. When a party does not have candidates within a given precinct, the party headings are to remain on top of each column, regardless of whether the party has a contest on the given ballot.

B. If a partisan primary ballot also includes a nonpartisan primary section, the heading of the nonpartisan section of the ballot must be printed white on black.

C. Pursuant to Minnesota Statutes, section 206.90, subdivision 6, the instructions in Minnesota Statutes, section 204D.08, do not apply to optical scan partisan primary ballots.

D. If a partisan primary ballot also includes a nonpartisan primary section on the same side of the ballot, a bold line must divide the partisan section of the ballot from the nonpartisan section of the ballot.

E. If a partisan primary ballot has political party columns on both sides of the ballot, the instruction in subpart 13 for two-sided ballots must not be used on the ballot.

F. If a partisan primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." These statements must be printed in uppercase in as large as practicable but no smaller than 10-point type.

Subp. 3. **Ballot heading.** At the top of a ballot containing both partisan and nonpartisan offices, the applicable words "STATE GENERAL ELECTION BALLOT" or "STATE PARTISAN PRIMARY BALLOT" and "STATE AND COUNTY NONPARTISAN PRIMARY BALLOT" shall be printed. At the top of a primary ballot

containing only partisan offices, the words "STATE PRIMARY BALLOT" shall be printed. At the top of a ballot containing only nonpartisan offices, the words "GENERAL ELECTION BALLOT" or "PRIMARY ELECTION BALLOT" shall be printed, except for first-class cities which may use an optional heading. At the top of a ballot containing questions only, the words "SPECIAL ELECTION BALLOT" shall be printed.

The name of the jurisdiction preparing the ballot may be added within the heading in no smaller than 8-point type. The date of the election must be printed within the heading in no smaller than 8-point type.

The ballot heading must be printed in uppercase in as large as practicable but no smaller than 18-point type.

On the front of the ballot the words "OFFICIAL BALLOT" must be printed in uppercase in as large as practicable but no smaller than 10-point bold type and the word "Judge" in upper and lowercase in as large as practicable but no smaller than 10-point type with lines for initials of at least two election judges.

Subp. 4. **Instructions to voters.** Under the heading at the top of each side of the ballot, the words "INSTRUCTIONS TO VOTERS:" must be printed in uppercase bold in as large as practicable but no smaller than 12-point bold type. The words "To vote, completely fill in the oval(s) next to your choice(s) like this: (R)." or "To vote, complete the arrow(s) pointing to your choice(s) like this: – –>." must follow and be printed in upper and lowercase in as large as practicable but no smaller than 8-point bold face type.

Immediately under each office title and district identified, one of the following instructions must be printed in uppercase and bold face in as large as practicable but no smaller than 8-point type:

VOTE FOR ONE TEAM

VOTE FOR ONE

VOTE FOR UP TO ..... followed by the number of candidates to be elected.

Subp. 5. **Order and form of office types.** When more than one of the following types of offices is on the ballot, the offices must appear on the ballot in the following order and must be identified as follows in uppercase in as large as practicable but no smaller than 14-point bold face type:

FEDERAL OFFICES

STATE OFFICES

CONSTITUTIONAL AMENDMENTS

COUNTY OFFICES

COUNTY QUESTIONS

CITY OFFICES

CITY QUESTIONS

TOWN OFFICES

TOWN QUESTIONS

SCHOOL DISTRICT OFFICES

SCHOOL DISTRICT QUESTIONS

SPECIAL DISTRICT OFFICES

SPECIAL DISTRICT QUESTIONS

JUDICIAL OFFICES

The name or the number of the appropriate municipality, school district, or special district may be added directly under the office types listed in this subpart.

Subp. 6. **Order and form of offices.** The offices must appear on the ballot in the following order and must be identified as follows in uppercase letters and printed in uppercase in as large as practicable but no smaller than 10-point bold face type. The office titles must either be shaded with a screen of ten percent or less, or printed white on black:

"PRESIDENT AND VICE-PRESIDENT"

"UNITED STATES SENATOR"

"UNITED STATES REPRESENTATIVE"

"STATE SENATOR"

"STATE REPRESENTATIVE"

"GOVERNOR AND LIEUTENANT GOVERNOR"

"SECRETARY OF STATE"

"STATE AUDITOR"

"ATTORNEY GENERAL"

"COUNTY COMMISSIONER"

"COUNTY AUDITOR"

"COUNTY TREASURER"

"COUNTY AUDITOR-TREASURER"

"COUNTY RECORDER"

"COUNTY SHERIFF"

"COUNTY ATTORNEY"

"COUNTY SURVEYOR"

"COUNTY CORONER"

"COUNTY PARK COMMISSIONER"

"SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR" or "CONSERVATION DISTRICT SUPERVISOR" where allowed by statute

"COUNTY QUESTIONS"

"MAYOR"

"COUNCIL MEMBER"

"CITY CLERK"

"CITY TREASURER"

"CITY QUESTIONS"

"TOWN SUPERVISOR"

"TOWN CLERK"

"TOWN TREASURER"

"TOWN QUESTIONS"

"SCHOOL BOARD MEMBER"

"SCHOOL DISTRICT QUESTIONS"

"HOSPITAL DISTRICT BOARD MEMBER"

"HOSPITAL DISTRICT QUESTIONS"

Judicial offices must follow special district offices and appear in the following order:

CHIEF JUSTICE - SUPREME COURT

ASSOCIATE JUSTICE - SUPREME COURT

JUDGE - COURT OF APPEALS

JUDGE - DISTRICT COURT

"United States" may be abbreviated as "U.S." Directly underneath the titles of the offices of United States representative and state senator and representative must be printed in uppercase letters and numbers the district (for example: "DISTRICT 6") that the person elected will represent. A single vote must be cast for president and vice-president and for governor and lieutenant governor.

If on the same ballot with other offices of the same type, offices elected at large must include "AT LARGE" following the office identification and must be listed before other offices of the same type elected by district.

Where nonjudicial offices are designated by number, those offices must be listed in numerical order and must be printed in uppercase letters or numbers directly under the title of the office. Where judicial offices are designated by number, the seats must be listed in numerical order, except that for judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court.

If an office is not to be filled at a general election, the office must not appear on the ballot. If two of the offices have been combined into one office, the combined office must take the place of the first office listed in this subpart.

Any county offices not listed must follow the office of soil and water conservation district supervisor on the ballot and must be listed in the order determined by the county auditor.

Subp. 7. **Order and form of candidate names.** The name of each candidate as filed on the affidavit of candidacy shall be printed at right angles to the length of the ballot. The candidate names must be printed in uppercase in as large as practicable but no smaller than 10-point type. The name of the candidate must be aligned as close to the vote target as possible. Below the name of each candidate for a partisan office must appear in the designation in not more than three words of the party or principle the candidate represents. Words used in the name of a major political party as defined in Minnesota Statutes, section 200.02, subdivision 7, may not be used to identify the party of a candidate of any other party. This prohibition does not apply to the word "independent," if it is used in the name of a major political party. The word "nonpartisan" may not be used in the designation of any candidate for a partisan office. The party or principle designation, if applicable, must be printed under the candidate name in upper and lower case letters in as large as practicable but no smaller than 8-point type.

Subp. 8. **Order and form of write-in candidate lines.** On general election ballots, 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 name of persons not printed on the ballot for whom the voter desires to vote. When no person has filed for an office to be filled, the title and identification of the office shall be printed on the ballot with as many blank lines below as there are offices to be filled. Above or below each write-in line the words "write-in, if any" must appear in lowercase in as large as practicable but no smaller than 6-point type and must be aligned next to the vote target.

Subp. 9. **Order of candidates for partisan office in general election.** At the same time that the secretary of state certifies the names of nominees under Minnesota Statutes,

section 204C.32, subdivision 2, the secretary of state shall certify to the county auditors the order in which the names of the candidates representing the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, must appear for every partisan office on the ballot. Candidates nominated by petition must appear on the ballot beneath the names of the candidates of the political parties as defined in Minnesota Statutes, section 200.02, subdivision 7, and in the order determined by lot by the secretary of state. The secretary of state shall draw lots once by political party or principle. To draw the lot, a candidate who has used the word "independent" to designate the candidate's party or principle must be identified by the word "independent" followed by the candidate's surname. If more than one candidate is nominated by petition for the same office within the same political party or principle, the secretary of state shall draw a supplementary lot within that party or principle by candidate surname to determine the order of those candidates. The order of political parties or principles determined by the drawing of lots applies to all partisan offices on the ballot.

Subp. 10. **Order and form of ballot questions.** Ballot questions must be printed after offices of the same jurisdiction. Directly after the office type required in subpart 2, the words "To vote for a question, fill in the oval next to the word "YES" on that question. To vote against a question, fill in the oval next to the word "NO" on that question." or "To vote for a question, complete the arrow next to the word "YES" on that question. To vote against a question, complete the arrow next to the word "NO" on that question." must be printed in upper and lower case and no smaller than 8-point type. When more than one question is on the ballot for a given jurisdiction, each ballot question must be designated by a number and must be preceded by the words "COUNTY QUESTION," "CITY QUESTION," "TOWN QUESTION," "SCHOOL DISTRICT QUESTION," "HOSPITAL DISTRICT QUESTION," and the number assigned to the question in uppercase letters in as large as practicable but no smaller than 10-point bold face type. The name and/or number of the jurisdiction that the question will represent may be printed directly under

the heading of the question. The question heading and numbers (where applicable) must be shaded with a screen of ten percent or less or printed white on black. A clerk, county auditor, or appropriate governing body shall provide a title for each question printed on the ballot. The title must not contain more than ten words and must not be used on the ballot until it has been approved by the jurisdiction's legal counsel. The title must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type and must be printed in the same section as the body of the question to which it refers. The body of the question must be printed in upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 11. **Instructions, order and form of constitutional amendments.** For a ballot containing a constitutional amendment, the following statement shall be printed beneath the heading "CONSTITUTIONAL AMENDMENT" in upper and lowercase and no smaller than 8-point type: "Failure to vote on a constitutional amendment will have the same effect as voting no on the amendment." A bold dividing line running the width of the ballot column shall be immediately below the statement. The words "To vote for a proposed constitutional amendment, fill in the oval next to the word "YES" on that question. To vote against a proposed constitutional amendment, fill in the oval next to the word "NO" on that question." or "To vote for a proposed constitutional amendment, complete the arrow next to the word "YES" on that question. To vote against a proposed constitutional amendment, complete the arrow next to the word "NO" on that question." must follow and be printed in upper and lower case and no smaller than 8-point type. If more than one constitutional amendment is on the ballot, each constitutional amendment must be designated by a number and must be preceded by the word "AMENDMENT" and the number assigned to the amendment and the title required by Minnesota Statutes, section 204D.15, subdivision 1, must be printed in uppercase letters in as large as

practicable but no smaller than 10-point bold face type and must be shaded with a screen of ten percent. The body of the question must be printed upper and lowercase letters in as large as practicable but no smaller than 8-point type. The words "YES" and "NO" must be aligned as close as possible to the vote targets and must be printed in uppercase and bold face in as large as practicable but no smaller than 10-point type.

Subp. 12. **Vote targets.** The target used to indicate to the voters where to mark their votes may be either an arrow pointing toward the candidate name or a horizontal oval next to the candidate name. The target may be highlighted or outlined in a color that does not affect the ability of the ballot counter to read the ballot.

Subp. 13. **Two-sided ballots.** On two-sided ballots, the words "VOTE FRONT AND BACK OF BALLOT" must be printed in uppercase 10-point bold type at the bottom of both sides of the ballot.

Subp. 14. **Form of federal ballot.** The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "federal ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The federal ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot only for federal candidates in Minnesota. The federal ballot shall conform in all other respects to the State Primary or State General election ballot.

Subp. 15. **Form of presidential ballot.** The names of all candidates for the offices of president and vice-president of the United States shall be placed on a ballot printed on white paper which shall be known as the "presidential ballot." This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff. The presidential ballot

shall be the only ballot provided to citizens of the United States who are eligible to vote by absentee ballot only for presidential candidates in Minnesota. The presidential ballot shall conform in all other respects to the State General election ballot.

Subp. 16. **Order and form of special election ballot.** The names of candidates to fill vacancies at a special election for county and municipal offices must be listed under the heading "Special election for (name of office)," followed by "To fill vacancy in term expiring (date)" with the name of the office, the date of expiration of the term, and any other information necessary to distinguish the office. For state offices, immediately following the title of the office shall be printed "To fill vacancy in term expiring (date)." Vacant offices being filled by special election must be listed with other offices of that type but after any offices for which a candidate will be elected for a full term, except as required by Minnesota Statutes, section 204D.25, subdivision 1.

Subp. 17. **Extraneous marks.** No election official may place marks on the ballot other than those provided in Minnesota Statutes, section 204C.09, subdivision 1, or 206.86, subdivision 5.

Subp. 18. **Example ballot.** The secretary of state shall supply each auditor with a copy of an example ballot by ~~June~~ May 1 of each year. The example ballot must illustrate the format required for the ballots used in the primary and general elections that year. The county auditor shall distribute copies of the example ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official ballots must conform in all respects to the example ballot.

**REPEALER.** Minnesota Rules, parts 8210.0200, subpart 3; 8210.0700, subparts 1, 2, 3, 7, 8, 9, and 10; 8210.0800, subparts 1 and 2; 8210.3000, subpart 6a; 8220.0950; 8235.0500; 8235.1000; and 8250.1800, are repealed.

**EFFECTIVE DATE.** Part 8220.2860 is effective for elections beginning with the state primary in 2010.