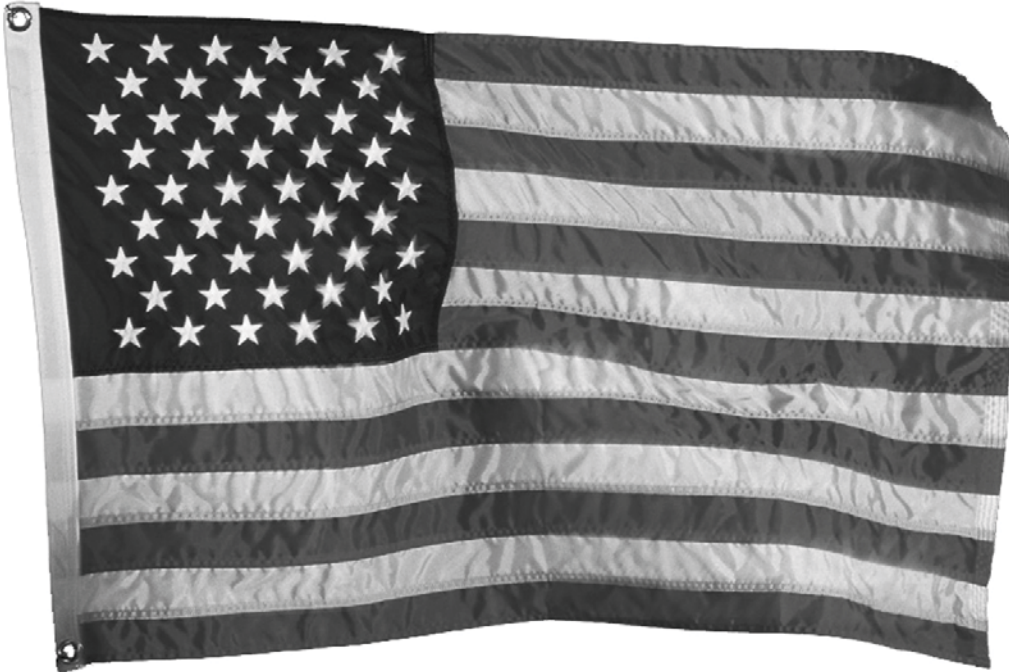


2010

School District Election Guide



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ABBREVIATED ELECTION ADMINISTRATION CALENDAR

This abbreviated calendar lists important deadlines related to a state election year. Each listing includes citations to Minnesota Statutes or Minnesota Rules. Minnesota Statutes and Rules are available at www.revisor.leg.state.mn.us. This calendar is not intended to provide legal advice and should not be used as a substitute for legal guidance. Readers should consult with an attorney for advice concerning specific situations.

The detailed version of the 2010 Election Calendar is available at www.sos.state.mn.us.

April:

- **Last day for school board to adopt resolution to hold primary** – no later than April 15th of any year..

May:

- **Last day to change precinct boundary** – no later than May 1 in the year of the State General Election. Note: Prohibition in year ending in zero through legislative redistricting. (*M.S. 204B.14, subd. 4*)
- **Candidate filing (schools with a primary)** – not more than 84 days nor less than 70 days before the election (*M.S. 205A.06, subd. 1a*)
- **Withdrawal period ends (schools with a primary)** – until 5:00 p.m. two days after filing closes. (*M.S. 204B.12, subd. 1; 205A.06, subd. 5*)

June:

- **Absentee voting available for State Primary Election** – during the 46 days before the election. (*M.S. 203B.05, subd. 2; 203B.085; 204B.35*)

July:

- **Voter pre-registration closes** – at 5:00 p.m. 21 days before the primary. (*M.S. 201.061, subd. 1*)
- **(State general election year) Last day for School District to hold special election prior to State Primary** – not within 30 days before the state primary. (*M.S. 205A.05, subd. 1*)

August:

- **Filing period for schools without a primary** – opens 91 days before and closes 77 days before the first Tuesday after the first Monday in November. (*M.S. 205A.06, 1a*)
- **Withdrawal period ends for cities without a primary** – until 5:00 p.m. two days after the filing closes. (*M.S. 204B.12, subd. 1; 205A.06, subd. 5*)
- **State Primary Election Day** – second Tuesday in August. (*M.S. 204D.03; 205A.03, subd. 2*)
- **Canvass primary results** – on third day after the primary. (*M.S. 205A.03, subd. 4*)

September:

- **Absentee ballots available for general election** – 46 days before general election. (*M.S. 203B.081; 204B.35*)

October:

- **Voter pre-registration closes for November General Election** – at 5:00 pm 21 days before the general election. (*M.S. 201.061, subd. 1*)

November:

- **November General Election Day** – the first Tuesday after the first Monday in November. ([M.S. 205A.04](#))
- **Canvass the results of the November General Election** – between the third and 10th day following the November general election. ([M.S. 204C.33, subd. 1](#); [205A.09, subd. 3](#))

December:

- **(State general election year) First day for school district to hold a special election after the state general election** – not 40 days following the state general election. ([M.S. 205A.05, subd. 1](#))

January:

- **Terms begin for Officers elected at the November General Election** – first Monday in January. ([M.S. 123B.09](#))

1.0 INTRODUCTION

This guide is for school district clerks and their staff who administer school district elections. Please use this guide with the Office of the Minnesota Secretary of State (OSS) publication “Minnesota Election Laws.” Citations in this guide refer to the Minnesota election laws (M.S. citations) or rules (M.R. citations). If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule. In all matters, the law and rule are the final authority.

School district clerks have a key role in administering the elections process that involves a sequence of “must do” tasks. For this reason, this guide is organized to generally follow the election calendar.

For a more comprehensive view of election administration in Minnesota we refer you to the following election guides:

- County Auditors Election Guide
- City Clerk Election Guide
- Township Clerk Election Guide
- Equipment Testing Guide
- Mail Election Guide
- Recount Election Guide
- Post Election Review Guide
- Campaign Manual

These guides, training materials, and other publications are updated periodically. Current editions are available at www.sos.state.mn.us. Please contact our office if you have comments on how this publication could better support the needs of school district clerks.

2.0 ELECTION CALENDAR OVERVIEW

An abbreviated election calendar is shown in the front of this manual. It includes important deadlines for a standard election cycle. When a statutory reference is to a certain number of days before an election or other event, start counting from the day before the event. When determining the days after the event, start counting from the day after the event. If the last day falls on a weekend or legal holiday, that day is usually omitted. For example, if a deadline falls on a Sunday, that day is omitted and Monday becomes the day of the deadline.

The complete detailed 2010 Election Calendar is available at www.sos.state.mn.us.

3.0 SCHOOL DISTRICT RESPONSIBILITIES

School boards are responsible for the conduct of all school district elections. The school district clerk, or the clerk's designee, is the election administrator for the district and subject to election training and certification requirements. If school elections coincide with other elections (as on municipal or uniform Election Days), the counties and municipalities will administer the voting process in the coinciding precincts.

(M.S. 203B.05; 204B.16; 205A.10; 205A.11; M.R. 8240.2800)

When school elections take place on the November uniform Election Day in even numbered years, school district elections coincide with the state elections. In this situation, many election administration duties will be performed by local township and city clerks and the county auditor. Duties the district and the clerk would perform are limited to:

1. giving notice;
2. candidate filing;
3. candidate and committee financial reporting;
4. ballot preparation; and
5. canvassing and certifying the results.

(M.S. 205A.03; 205A.06; 205A.07; 205A.08; 205A.10; 211A.01; 211A.02; M.R. 8250)

If the school district election will occur alone (likely in odd years or for many special elections), the school district is responsible for administering all of the election duties. In addition to the duties listed above, the list would include:

1. administering absentee voting, including special outreach to healthcare facilities;
2. hiring election judges;
3. equipping and operating the polling place(s); and
4. gathering the election returns.

(M.S. 203B.05; 203B.11; 204B.16; 205A.10 subd. 2; 205A.10, subd. 3; 205A.11)

School boards, municipal and county officials can always choose to divide their duties as long as the parties agree and the tasks are performed. Examples include notice giving, absentee voting, or operating voting equipment. *(M.S. 201.021; 203B.05; 204B.21; 204B.40; 205)*

School districts may transition their school elections to the odd or even numbered year by resolution or ordinance with an orderly transition plan. *(Laws 1994, Chapter 646, Section 18, 26)*

A school board may, by resolution no later than April 15th of any year, decide to choose nominees for school board by a primary. If school candidates are to be nominated by primary, a primary must be held there are more than two candidates for a specified school board position or twice as many candidates as there are at-large school board positions available. The primary would be held on the second Tuesday in August. The candidate filing period would open not more than 84 days before and close at 5 p.m. 70 days before the primary.

(M.S. 205A.03, subd. 1)

4.0 ELECTION ADMINISTRATOR TRAINING AND CERTIFICATION

School district clerks, or their designees, who serve as the local election administrators must be trained and certified before they may administer elections:

1. initial certification;
 - a. initial certification requires successful completion of five hours of training and is good for the election cycle in which it is earned and through the following election cycle;
 - b. each election cycle begins on January 1 of an even-numbered year and ends on December 31 of an odd-numbered year;
2. certification maintenance;
 - a. to maintain certification to administer elections, school district clerks need to complete four hours of election training during the election cycle following their initial certification and every two years thereafter; training may be provided by county auditors or by the OSS; and
3. emergency training;
 - a. a school district clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training given by the home county auditor or by the OSS.

(M.R. 8240.0100, subp. 2; 8240.2800)

School district clerk election training addresses the following:

1. candidate filings;
2. campaign practices;
3. campaign finance;
4. election calendar;
5. ballot preparation;
6. election judge duties;
7. notice requirements;
8. voting systems;
9. mail elections;
10. absentee voting;
11. local procedures; and
12. post-election activities

(M.R. 8240.2800, subp. 5)

Up to four of the five training hours for initial certification, and three of the four training hours for certification maintenance, may be from other sources, subject to the approval of the home county auditor. Time spent attending election judge training may be counted toward a clerk's initial certification or biennial certification maintenance requirement. The auditor of the county in which your school district's administrative offices are located will issue your election administrator certificate and maintain a record of related training.

(M.S. 204B.25; M.R. 8240.2800; 8240.2800, subp. 6; 8240.2800, subp. 7)

5.0 PRECINCTS

“Precincts” are the basic geographical areas for organizing and administering elections. Precinct boundaries are established by cities and townships following requirements in state statutes. Each city and township contains at least one precinct. To change precinct boundaries, the municipal governing body must adopt the changes at least 90 days before the next election. If a municipality changes the boundary of an election precinct, or if an annexation affecting a precinct boundary occurs, the county auditor must notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change. Counties establish precincts in unorganized territories. ([M.S. 204B.14](#))

A change in the boundary of a precinct that has occurred as a result of a municipal boundary adjustment that is effective more than 21 days before a regularly scheduled election takes effect at the scheduled election. A change that is effective less than 21 days before a regularly scheduled election takes effect the day after the scheduled election. ([M.S. 204B.14, subd. 4a](#))

School boards must use the precincts created by cities and townships. When no other election is being held in one or more precincts, school districts have wide discretion to combine the polling places that would have normally served those precincts. ([M.S. 205A.11](#))

6.0 POLLING PLACES

6.1 DESIGNATION

If the school district election coincides with another election in a precinct, as they will for the state general elections even numbered, the city or township is responsible for designating and operating that precinct's polling place. ([M.S. 205A.11, subd. 1](#))

If the school district is holding a standalone election it will use the city and township polling places unless the board acts to establish one or more combined polling places (see section 6.3). In all cases polling places must be:

1. fully accessible (see section 6.4);
2. large enough to accommodate the election activities;
3. free of other non-election activities;
4. smoking free;
5. liquor free and not next to a liquor service area; and
6. located within the precinct except:
 - a. metropolitan area schools may locate a polling place outside the precinct if within one mile of the precinct boundary or it is part of a combined polling place (see section 6.3 below);
 - b. non-metropolitan schools may locate polling places up to five miles outside the precinct boundary.

([M.S. 144.414](#); [204B.16](#))

The polling place designation remains in effect until the school board makes a new designation. Changes cannot be made less than 90 days before the next election nor any time between the primary and general elections. Be sure to immediately notify the county auditor of a polling place change. ([M.S. 204B.16](#))

Every time a polling place is changed, all affected household with at least one registered voter affected by the change must receive notice of the changed location by non-forwardable mail at least 25 days before the election. There are multiple ways to accomplish this: ([M.S. 204B.16, subd. 1a](#))

- The clerk may purchase a PDF of household address labels from the OSS to use in combination with their own notification to send to all affected households with at least one registered voter. Order forms are available at www.sos.state.mn.us.
- The clerk may purchase voter labels from the OSS to use in combination with their own notification to send to all affected voters. Order forms are available at www.sos.state.mn.us.

Note: Label PDFs should be ordered by precinct when sending a mailing to multiple polling place combinations or to a specific polling place combination that is not school district wide.

6.2 EMERGENCY DESIGNATION

The only exception to guidelines in 6.1 above is when an emergency renders the original polling place unusable, the election judges can move the polling place (with permission of the administering clerk or county auditor) to another nearby location. ([M.S. 204B.16, subd. 3](#))

Election judges must do the following when designating an emergency polling place:

1. meet at original location on Election Day;
2. fill election judge vacancies;
3. announce the polling place change to any voters who show up at original location;
4. post notice indicating the polling place change (must be easily seen by voters in vehicles); and
5. meet at new polling place and post notice indicating the change.

([M.S. 204B.17](#))

6.3 COMBINED POLLING PLACE

By passing a resolution, a school board may combine the polling places serving precincts in which only the district's election is taking place that day. The designation criteria above apply. In giving notice, the clerk should be clear that the combination applies only to school district elections. An assistive voting device must be available at each polling place. For more details see section 13.0 of this guide.

In school districts that have been organized into separate board member election districts, a combined polling place for a school general election cannot include more than one board member election district.

When using a combined polling place for a levy or bond referendum, the clerk must notify the county auditor (or auditors) within 30 days of establishing a combined polling place and send a special notice to households of registered voters in the affected precincts. The notice should specify the reason for the election, the date, the voting hours, and the voting location. It must be sent by non-forwardable mail at least 14 days before the election. The district must mail the notice for every referendum that uses a combined polling place except when the referendum is held by mail, or is held on a uniform Election Day and uses a previously established polling place. ([M.S. 205A.11](#))

One precinct count voting system and one memory unit may be used to count ballots for up to four precincts that are in the county and that have a combined total of fewer than 2,500 registered voters as of June 1 of that election year. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct. ([M.R. 8230.4365](#))

Note: PVCs cannot be sent to meet any of the above notification requirements because they do not list combined school district polling places. School districts should order a voter list from the OSS using the Voter Registration List Request Form for election administrators available at www.sos.state.mn.us.

6.4 POLLING PLACE ACCESSIBILITY

Federal and state laws require that all polling places be fully accessible and usable by elderly voters or voters with disabilities.

Minimum requirements include:

1. paved parking with extra wide spaces reserved for disabled persons;
2. curb cuts or temporary ramps;
3. paved main routes free of stairs or with ramp or elevator bypasses;
4. entrances/doorways a minimum of 32 inches wide;
5. walkways and hallways at least 36 inches wide;
6. hallways free of protrusions overhanging the floor;
7. handrails on all stairs;
8. signs directing voters around obstructed entrances or stairs to accessible routes;
9. signs outlining the assistance available to voters; and
10. one or more wheelchair accessible voting booth(s) or station(s) with writing surfaces 34 inches high. ([M.S. 204B.16](#))

Minnesota election law offers some additional accommodations if the voter needs assistance with the voting materials:

1. voting by absentee ballot;
2. curbside voting;
3. a team of election judges from different major political parties to provide assistance in the polling place;

4. voters bringing someone of their choosing to assist in the polling place; and
5. assistive voting equipment (AutoMARK) available at the polling place.
([M.S. 203B.02](#); [204C.15](#); [204C.16](#))

For more specific details on accessibility, we recommend the following:

- [Americans with Disabilities Act](#)

6.5 POLLING PLACE MATERIALS AND EQUIPMENT

School district clerks are responsible for ensuring that all necessary supplies are delivered to the polling place when the school is administering its own election. This includes ballots, ballot box voting equipment such as precinct optical scan ballot counter, assistive voting equipment, poll rosters posters, flags, and boxes, envelopes and seals to secure ballots and other election materials. A more extensive example supply list is included in the appendix of this guide. ([M.S. 204B.28](#); [205A.10](#))

7.0 ELECTION JUDGES

7.1 ELECTION JUDGE QUALIFICATIONS

People may be an election judge if they are:

1. eligible to vote in the State of Minnesota;
2. able to read, write and speak English;
3. appointed by the school board; and
4. trained and are currently certified as an election judge.

([M.S. 204B.19](#); [204B.25](#); [205A.10](#))

Individuals applying to be election judges need to declare their party affiliation, if they are affiliated with a major political party.

An exception to the requirement that all election judges be trained and certified is provided for precincts in which less than 100 people voted at the last state general election. In these precincts, having only two of the required number of election judges trained is sufficient if they are not from the same major political party. If electronic voting equipment is in use in the precinct such as in a statewide election, it is highly recommended that all election judges be trained and certified. (*[M.S. 204B.25, sub. 3](#)*)

An election judge cannot be:

1. a candidate in that election (i.e., they are running for an office on a ballot used in that precinct);
2. the husband, wife, parent, child, brother, or sister of a candidate;
3. the husband, wife, parent, child, stepchild, brother, or sister, or stepsibling, of a candidate or another judge in the same precinct; or
4. a challenger.

Individuals who are related to each other may serve as election judges in the same precinct provided that they serve on separate shifts that do not overlap. (*[M.S. 204B.19](#)*)

7.2 STUDENT ELECTION JUDGE TRAINEES

High school students 16 and 17 years of age can be trainee election judges. Students who are 18 years of age or older can serve as regular election judges.

To serve as trainee election judges students must be:

1. be a United States citizen
2. at least 16 years of age;
3. serve in the county where they reside;
4. be in good academic standing; and
5. have permission from their school and parents.

([M.S. 204B.19, subd. 6](#); [M.R. 8240.1655, subp. 3](#))

Trainee election judges can serve for all elections. They serve without party affiliation and must be paid at least 2/3 of the minimum wage. They cannot serve past 10:00 p.m. and cannot number more than 1/3 of the election judges in any one precinct. Trainee election judges, like other election judges, are not required to serve the entire day.

Because trainee judges serve without party affiliation, they cannot perform tasks that must be performed by two judges of different political parties, like curbside voting. Trainee election judges can perform any other election judge tasks and should be assigned those duties just as other election judges are assigned. Trainees do not count toward the minimum number of election judges required to serve. ([M.S. 204B.19, subd. 6](#); [M.R. 8240.1655](#))

7.3 APPOINTING ELECTION JUDGES

7.3.1 Appointment By School Board

The school clerk recommends election judges to be appointed for the upcoming election (including healthcare and absentee ballot boards if applicable), and then the school board makes the appointments at least 25 days before elections held solely for school district offices or questions. The school board may pass a resolution authorizing additional election judges within 25 days before the election, if they deem necessary. Also, the board may evaluate applicants to determine if they are capable of carrying out the duties.

The school clerk may contact municipalities within their school district to obtain names of previously trained election judges who may be interested in serving for the school election. The appointments must be made at least 25 days before the election. ([M.S. 204B.21, subd. 2](#); [205A.10, subd. 2](#))

Note: The clerk may suggest that the council include wording to the resolution to allow the clerk substitutions as necessary.

Note: In 1988, the U.S. Immigration and Naturalization Service exempted jurisdictions that hire election judges from the Form I-9 employment verification procedures.

7.3.2 Party Balance

The usual party balance requirement does not apply for elections held solely for school district offices or questions. ([M.S. 204B.21, subd. 1](#); [204B.21, subd. 2](#); [205A.10, subd. 2](#))

7.3.3 Required Number Of Election Judges

Every polling place using an electronic voting system must have a minimum of four election judges for each precinct or combined precinct for all elections.

Student election judge trainees do not count towards the four election judges appointed per precinct requirement. ([M.S. 204B.22](#))

7.3.4 Head Judge

When the school board appoints the election judges, they designate one of the judges as head judge. The head judge assigns duties among the judges and is responsible for performance of all required duties. In addition to election judge training and certification, head election judges complete an additional hour of training every two years to be certified as head election judge. ([M.S. 204B.20](#); [M.R. 8240.1750](#))

7.4 VACANCIES

If a judge doesn't show up at the polling place or doesn't perform his or her duties, the other judges may select a qualified person from the precinct to fill the vacancy. The clerk may also fill vacancies as they occur. ([M.S. 204B.23](#))

7.5 COMPENSATION

The school board sets the compensation for election judges, but it must be at least the state minimum hourly wage. Training and work related travel time must be included along with work related travel mileage. Judges may volunteer their time without pay by submitting a written statement no later than 10 days before the election. ([M.S. 204B.31](#))

7.6 TIME-OFF FROM WORK

People who would like to be election judges may take time-off from work without loss of pay. A prospective judge must give his or her employer at least 20 days written notice and a certificate from the school district that shows the hours the person will work and rate of pay. The employer may deduct what the person receives for being an election judge from his or her salary for the hours that overlap. For example, if the employee normally works 8 hours per day at \$10 per hour (8 hours X \$10=\$80), and the rate of pay established by the school district for election judges is \$5 per hour for the same 8 hours of service as an election judge (8 hours X \$5=\$40), the school district will pay the election judge \$40 and the employer must pay the difference of \$40. As an alternative, if the employee takes vacation for the time off, the employee can keep the salary paid by the township for election judge service. An employer may restrict the number of persons serving to no more than 20 percent from any single work site. ([M.S. 204B.195](#))

7.7 ELECTION JUDGE TRAINING

All election judges must successfully complete training. Student election judge trainees (16 – 17 year olds) complete the same training as all other election judges. County auditors are responsible for training election judges or delegating the responsibility to city or township clerks. School district clerks are encouraged to attend election judge training as well. ([M.S. 204B.25](#); [M.R. 8240.0100](#); [8240.1300](#); [8240.1600](#); [8240.2000](#))

Time spent attending election judge training may be counted toward a school clerk's initial election administrator certification, or biennial certification maintenance requirement. School district clerks and their designees are strongly encouraged to take advantage of this training. ([M.R. 8240.2800, subd. 7](#))

If the school district has a healthcare facility within its border, special outreach to that facility is required for absentee voting in school district elections. See section 14 of this guide for more information on absentee voting. The election judges assigned to healthcare facility absentee voting must complete an additional one-hour of training. ([M.S. 203B.11](#); [M.R. 8240.1400](#); [8240.1800](#))

In addition to election judge training, head election judges must complete an additional hour of training by the county auditor or their designee.

7.8 ABSENTEE BALLOT BOARD ELECTION JUDGE TRAINING

In order to serve as an election judge on an absentee ballot board, individuals must be appointed as provided in 204B.19 to 204B.22 and trained on the handling and processing of absentee ballots. It is recommended that this be at least a one hour training that covers all aspects of the handling and processing of absentee ballots. An individual does not need to attend a basic election judge training course to serve on an absentee ballot board.

[\(M.S. 203B.121\)](#)

8.0 GIVING NOTICE

8.1 CANDIDATE FILING PERIOD NOTICE

Clerks must publish a notice of filing dates at least two weeks before the first day to the candidate filing period. The school district shall publish a notice in the official newspaper stating the first and last dates on which affidavits may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk must post a similar notice 10 days before filing opens. ([M.S. 205A.06, subd. 2](#))

8.2 ELECTION NOTICE TO COUNTY AUDITORS

When held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal or county office, each school clerk must give the auditor at least 74 days' written notice in which any offices or questions are to be voted on. For any other school election, the school clerk must give at least 53 days written notice. The notice should include the date of the election, the offices to be voted on, and the title and language for each ballot question. At this time, it is a good idea to indicate to the county auditor how rosters should be printed for the upcoming election. (For example, one per precinct in alpha order or two or more precincts combined.) With this information, auditors can appropriately set up the election and polling place rosters in SVRS. They also are then able to provide accurate information to the public, coordinate absentee voting, and begin ballot layout.

At least 67 days written notice must be given to the county auditor by the school clerk if a special election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or special primary for federal or county office is cancelled.

At least 74 days written notice must be given to the county auditor by the school clerk if a special election held in conjunction with a regularly scheduled election for federal, state, county, city, or school board office or special election for federal or county office is cancelled. At least 46 days written notice must be given before any other election is cancelled. ([M.S. 205A.05, subd. 3](#))

8.3 ELECTION NOTICE TO COMMISSIONER OF EDUCATION

An election notice similar to the written notice described in 8.2 above also must be filed with the commissioner of education. This notice is provided to the commissioner of education at least 67 days before every school election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or special election for federal or county office. Also, at 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal or county office, and at least 49 days before any other school district election under [M.S. 123B.62](#), [123B.63](#), [126C.17](#), [126C.69](#), or [475.58](#).

When available, a written notice containing the certified vote totals for each ballot question must be provided to the commissioner of education.

If any of the above elections would be cancelled, the appropriate notification must also be given to the commissioner of education. ([M.S. 205A.07, subd. 3a](#))

8.4 ELECTRONIC VOTING SYSTEM NOTICE REQUIREMENTS

8.4.1 Notice Of Public Accuracy Test (PAT)

Public notice of the time and place of the Public Accuracy Test (PAT) must be given at least two days in advance by publication once in official newspapers. The PAT of the voting system must be performed within 14 days before Election Day. ([M.S. 206.83](#))

8.4.2 Notice To OSS Of Use OF New Equipment

A school board may provide for the use of an electronic voting system in the district in one or more polling places or combined polling places in the district for an election not held in conjunction with a statewide election. The system must have been approved by the OSS according to [M.S. 206.57](#). If use of an electronic voting system is adopted in this manner, notice must be given to the OSS within 30 days from the date of the adoption that electronic voting equipment will be used and the date of its first use. ([M.S. 205A.12](#))

8.5 PUBLIC NOTICE OF ELECTION

The school district clerk must give two weeks published notice and give ten days posted notice before a school district primary, general, or special election.

All notices of election must include:

1. the election date;
2. voting hours;
3. all polling place locations; and
4. a list of all offices and questions on the ballot.

([M.S. 205.16, subd. 1](#))

In addition to publishing, the clerk must post the notice in the administrative offices of the school district for public inspection. ([M.S. 205A.07, subd. 1](#))

8.6 LEVY REFERENDUM MAILED NOTICE

The school board must prepare and deliver to each property taxpayer a notice of a levy referendum and the proposed revenue increase. Mail the notice by first class mail at least 15 days, but no more than 30 days, before the day of the referendum. Those persons shown as the property owner on the records of the county auditor (or in any county where tax statements are mailed by the county treasurer, on the record of the county treasurer) must be sent the notice. Note: Contact the county auditor for property owner labels. These are not registered voter labels.

The notice must include the following statement:

PASSAGE OF THIS REFERENDUM WILL RESULT IN AN INCREASE IN YOUR PROPERTY TAXES.

In cases of renewing existing levies, the notice may include the following statement:

PASSAGE OF THIS REFERENDUM EXTENDS AN EXISTING OPERATING REFERENDUM AT THE SAME AMOUNT PER PUPIL AS IN THE PREVIOUS YEAR.

Note that the above statements are similar, but different from the notice placed on the ballot (see “Bond and Levy Referendums” in section 11.3 in this guide). The mailed notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. ([M.S. 126C.17, subd. 9\(b\)](#))

8.7 NOTICE OF MAIL BALLOTING PROCEDURES

In a county, municipality, or school district where a mail election or mail balloting will occur, notice of the election and the special mail procedure must be given at least 6 weeks prior to the election. ([M.S. 204B.45](#); [204B.46](#))

8.8 COMBINED PRECINCT NOTICE

The district may need to mail voters a combined polling place notice at least 14 days before the election for a levy or bond referendum. Please refer to Combined Polling Places in section 6.3 of this guide. ([M.S. 205A.11](#))

8.9 SAMPLE BALLOT POSTING

For every school district primary, general or special election, the clerk must post a sample ballot in the administrative offices of the school district for public inspection at least four days before the election. The sample ballot must also be posted in each polling place on Election Day. ([M.S. 205A.07, subd. 2](#))

9.0 CANDIDATE FILING

9.1 FILING PERIOD

Candidate filing is the process through which candidates have their names placed on the ballot. While one person may generally only hold one elected office at the same time, Minnesota law provides a rare, specific exception allowing the same person to serve on their town board and school board at the same time.

[\(M.S. 205A.06; 367.033\)](#)

Candidates must file during a two week filing period. In school districts nominating candidates at a school primary, an affidavit of candidacy for school office voted on in November must be filed during a two week filing period that opens not more than 84 days before (May 18th, 2010) the primary and closes not less than 70 days (June 1, 2010) before the primary. In all other cities, affidavits of candidacy must be filed during a two week period that opens not more than 91 days (August 3, 2010) before the general and closes not less than 77 days (August 17, 2010) before the general. [\(M.S. 205A.03, subd. 1; 205A.06, 1a\)](#)

For special elections not held in conjunction with another election, candidates file affidavits of candidacy during a two week period that opens not more than 70 days before the election and closes not less than 56 days before the election. [\(M.S. 205A.06, subd. 1a\)](#)

If a candidate will be absent from the state during the filing period, the candidate may file an affidavit and any filing fee during the seven days immediately before the candidate leaves the state. The candidate must state in writing the reason for being unable to file during the normal filing period. [\(M.S. 205A.06\)](#)

The clerk must publish a notice of filing dates, location, and closing time at least two weeks before filing opens and must post a similar notice 10 days before filing opens. [\(M.S. 205A.06, subd. 2\)](#)

9.2 CANDIDATE ELIGIBILITY

For a school district office, any person may be a candidate who is:

- eligible to vote;
- will be 21 years old on assuming office;
- will have been a resident of the election district (school district and specific election district, if any) for 30 days before the election; and
- is not registered as a convicted sex offender;
 - a sex offender who has been convicted of an offense for which registration is required under [M.S. 243.166](#) is ineligible to become a candidate. [\(M.S. 204B.06, subd. 1; 205A.06, subd. 1b\)](#)

9.3 FILING PROCESS

A candidate for a school district office must file an affidavit of candidacy with the school district clerk. The steps for candidate filing are as follows:

1. a candidate for office must file an Affidavit of Candidacy with the clerk;
2. affidavits must be signed, notarized and delivered in person or otherwise to the clerk during the filing period;
 - a. absent candidates may follow the process listed in section 9.1 above;
3. alternatively, five or more voters can “draft” a candidate by filing an application on behalf of an eligible voter in the school district with the school district clerk;
 - a. this candidates name is placed on the ballot after the proper filing fee is received;
4. at the time of filing, a \$2 filing fee must be paid or a petition may be filed in place of the filing fee;

- a. candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;
- b. filing fees are nonrefundable once accepted by the filing officer;
5. a petition in place of the filing fee by eligible voters having either 500 or a number equal to 5% of the total number of persons who voted in the last general election when the office was on the ballot (whichever is less);
6. affidavits of candidacy must be numbered in the order they are received by the filing officer;
7. when the similarity of both the first and last names of two or more candidates for the same office and election may cause confusion, candidates may provide up to three additional words to be printed to distinguish between the two; and
8. any individual who has an issue with the names placed on a ballot or with the candidate filing process may file an error and omissions petition in accordance with [M.S. 204B.44](#).
([M.S. 204B.10](#); [204B.11, subd. 2](#); [205A.06, subd. 1](#), [205A.06, subd. 3](#); [205A.06; subd. 4](#))

Contact your auditor with regards to receiving information on candidate name pronunciation and transmission of this information to the county auditor.

9.3.1 WITHDRAWAL

A candidate may withdraw from participation in the election by filing an affidavit of withdrawal with the filing officer. The affidavit shall request that the official withdraw the candidate's name from the ballot. The candidate's filing fee is non-refundable. Also, a candidate may stop campaigning but their name will remain on the ballot if they fail to submit an affidavit of withdrawal during the withdrawal period. School district candidates have until 5:00 p.m. two days after the close of filing to withdraw. ([M.S. 205A.06, subd. 5](#))

A copy of the affidavit of withdrawal form is available at www.sos.state.mn.us. ([M.S. 205.13, subd. 6](#))

9.4 PRIMARIES

A school board may, by resolution, decide to choose nominees for school board by a primary. Otherwise, candidates will stand for election on the general election date. If school candidates are to be nominated by a primary, a primary must be held when there are more than two candidates for a specified school board position or twice as many candidates as there are at-large school board positions available. The primary would be held on the second Tuesday in August. The candidate filing period would open not more than 84 days before and close at 5 p.m. 70 days before the primary. The clerk shall give notice of the primary in the same manner as for the general election. ([M.S. 205A.03](#))

9.5 CAMPAIGN PRACTICE AND FINANCIAL REPORTING (CAMPAIGN MANUAL)

As candidates file, the clerk must give them a copy of the Minnesota Campaign Manual, available at www.sos.state.mn.us. This Manual explains campaign financial reporting requirements, found in [M.S. 211A](#), and campaign practices requirements, found in [M.S. 211B](#), that apply to municipal candidates. ([M.S. 211B.14](#))

Although the clerk does not interpret or enforce campaign finance laws, the clerk must:

1. give a copy of the Minnesota Campaign Manual, the financial reporting form, and the Certificate of Filing form to each candidate at the time of filing;
2. receive financial reports from candidates and committees according to campaign finance report filing schedule, described in the Minnesota Campaign Manual; with the clerk's permission, these forms may be filed electronically;

- a. the campaign report filing schedule is triggered after a committee or candidate files an initial campaign finance report, due within 14 days after they receive contributions or make expenditures in excess of \$750;
- b. charter cities may have additional campaign finance requirements;
3. collect Certification of Filing forms from all candidates and committees within seven days after the election;
4. have financial reports available for public inspection;
5. if a candidate or committee fails to file a campaign finance report when due, notify the candidate or committee of the failure;
6. if no reply is received within 10 days after notification is mailed, file a complaint before the Minnesota Office of Administrative Hearings; and
7. must issue Certificates of Election only to winning candidates who have filed Certification of Filing forms.

([M.S. 13.601, subd. 1](#); [211A.02](#); [211A.05](#); [211B.14](#))

For information on campaign practices for state office candidates or constitutional amendment campaigns, call the Minnesota Campaign Finance and Public Disclosure Board at (651) 296-5148 or visit www.cfboard.state.mn.us.

9.6 CAMPAIGN COMPLAINTS

Complaints of campaign finance or practice violations [M.S. 211A](#) or [211B](#) are heard by the Office of Administrative Hearings (OAH). To initiate a complaint, a completed form must be filed with the OAH; the matter is then subject to review and possible hearing. Additional information and the appropriate forms are available at www.oah.state.mn.us.

In addition to receiving financial reports required under [M.S. 211.02](#), clerks also have to notify a candidate or committee which has filed an initial report of the failure to file a subsequent report. If a report is not filed within 10 days after the notification is mailed, the filing officer must file a complaint with the OAH. *([M.S. 211A.05, subd. 2](#); [211A.32](#))*

Clerks are not responsible for interpreting or enforcing campaign finance or practices laws but have the following administrative duties for local candidates who report under M.S. 211A:

1. provide report forms to candidates or committees (the forms are printed by the OSS and distributed through the auditors and are available at www.sos.state.mn.us);
2. receive financial reports from candidates and committees (They may be filed electronically);
3. notify a candidate or committee of the failure to file a report on the date it is due;
4. file a complaint with the OAH of any candidates or committees who appear to have collected or spent more than \$750 but did not file Campaign Financial Reports and/or a Certification of Filing form;
5. hold financial reports available for public inspection;
6. collect Certification of Filing forms from all candidates and committees within seven days after the election, form available at www.sos.state.mn.us; and
7. issue Certificates of Election only to winning candidates who have filed Certification of Filing forms.

([M.S. 13.60](#); [211A.02](#); [211A.05](#); [211B.32](#))

10.0 BALLOT PREPARATION

10.1 PRINTING ARRANGEMENTS

Contact the county election official to confirm the specifics of responsibilities for printing ballots for the school district. During the state election years the county auditor will instruct on how ballot preparation will be coordinated with the school district.

The official administering the election must identify a ballot printer as early as possible and begin working with the printer well before filing closes. Immediately after the filing period closes and the withdrawal period has passed, the official administering the election needs to finalize the ballot preparation. The ballots must be prepared in time to have a supply for every precinct available to cover absentee voting at least 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 any other election. ([M.S. 203B.081; 204B.35](#))

The official charged with preparation of the ballots prepares instructions for the printer in writing addressing candidate name rotation, if any, and ballot layout. These instructions must be approved by the legal advisor of the official before delivery to the printer. If the printing contract will exceed \$1000, the election official may request the printer first furnish a bond, letter or credit, or certified check conditioned on the ballot being prepared in accordance with the furnished instructions and Minnesota election law. ([M.S. 204D.04, subd. 2](#))

Each precinct must be provided with at least 100 ballots for every 85 individuals who voted in that precinct at the previous election for the same office or on similar questions, or in an amount at least 10 percent greater than the number of votes which are reasonably expected to be cast in that precinct, whichever supply of ballots is greater. The auditor or clerk must certify the number of ballots being provided to each precinct, without opening any of the packages of ballots, and provide this number to the election judges for inclusion on the summary statement. ([M.S. 204B.28, subd. 3; 204B.29 sub. 1](#))

When determining ballot quantities, also consider:

1. referring to turnout statistics of previous similar elections;
 2. noting campaign activity and public interest which may increase voter turnout.
- ([M.S. 204B.29, subd. 1](#))

A major decision to resolve well in advance is whether to use an electronic voting system or traditional hand counted paper ballots. Even when normally using an electronic voting system for state elections, it may be more convenient and cost-effective to hand count the ballots for low turnout elections. Even with hand counting, ballots must be in optical scan format to accommodate use of the AutoMARK.

10.2 BALLOT LAYOUT

By May 1st of state election years, the OSS will distribute examples of the ballots to county auditors. These example ballots are available at www.sos.state.mn.us. The county auditor distributes copies of the example ballots to the clerks in school districts holding elections that year. ([M.R. 8250.1810, subp. 18; M.S. 204D.09, subp. 1](#))

10.2.1 Optical Scan Ballot Layout

Ballots must be prepared according to the rules for format of optical scan systems. The ballots must be packaged for each precinct in groups of 25, 50, or 100. ([M.R. 8250.1810](#))

10.3 PROOFING TIPS

Check ballot header language for accuracy.

- Check the layout matches the example ballot.
- Check the headings on the ballot.
- Check order of offices on ballot .
- Check the vote for # on each office.
- Check to make sure candidates are in proper order for each race.
- Check that candidate names are spelled correctly.
- Check these items for both the front and back sides of the ballots.

11.0 BALLOT QUESTIONS

11.1 WHAT ARE “BALLOT QUESTIONS?”

The school board may decide to hold a referendum on certain questions that the state statutes authorize the voters to decide. These questions are generally limited to:

- District dissolution and attachment.
 - District consolidation.
 - Levy increase or decrease.
 - Creation of elective districts.
 - Bond issuance.
- ([M.S. 123A.46](#); [123A.48](#); [126C.17](#); [205A.12](#); [475.59](#))*

11.2 RESTRICTIONS

A school board may hold a referendum on a ballot question coincident with another election such as a general election, or the board may submit it as a special election. If submitted as a special election, restrictions apply:

1. a special election may not be held within 30 days before or after a state primary election (even years);
2. a special election may not be held within 30 days before or 40 days after a state general election (even years);
3. a special election may not be held within 20 days before or after a regularly scheduled municipal election (odd years);
4. a levy referendum must be held by mail if not held on the November uniform Election Day (unless exempted by the Commissioner of Children, Families, and Learning);
5. only one levy referendum to approve an increase may be held in a calendar year;
6. revenue approved by the voters must be received at least once before it is subject to a referendum on its revocation or reduction for subsequent years;
7. only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year or for years thereafter.

([M.S. 126C.17](#); [205A.05](#))

11.3 BOND AND LEVY REFERENDUMS

A bond referendum determines if the jurisdiction should be authorized to sell bonds to be repaid by property taxes to obtain the funds to finance a project, such as a new building. For all bond or levy referendums that will have the effect of raising property taxes, the ballot must include the notice:

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING FOR A PROPERTY TAX INCREASE. (*[M.S. 275.60](#)*)

A levy referendum is a referendum held to determine if the jurisdiction should be authorized to levy additional property taxes to fund general operational expenses. Levy referendum ballots may also require notice of the maximum amount of the increased levy as a percentage of market value and the amount that will be raised by the new referendum tax rate in the first year it is to be levied. (*[M.S. 275.61](#)*)

In cases of renewing existing levies, the notice may be modified to read:

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS SCHEDULED TO EXPIRE.

A levy referendum question must abbreviate the terms “per resident marginal cost pupil unit” as “per pupil”. ([M.S. 126C.17, subd. 9](#))

11.4 SCHOOL BOARD ELECTION DISTRICTS

With a favorable vote in a referendum in a previous election, school boards may divide school districts into sub election districts from which candidates would seek election to the school board. The proposal to create districts may be submitted for vote by a board resolution or by a petition. The petition would need to be signed by at least 50 electors of the school district or be signed by a number of voters equal to at least 10 percent of those who voted in the last regular school board election, whichever is larger. ([M.S. 205A.12](#))

The board has wide discretion in designing election districts. Each board position may be paired with one district, or there may be two or three member districts, or there may be a combination of districts and at large positions. The districts would need to be as equal in population as possible, compact, and contiguous (i.e., not “gerrymandered”). Boundaries would be subject to revision every 10 years following the national census. ([M.S. 205A.12](#))

If approved by the voters, the board must specify the election districts from which vacancies shall be filled as they occur until such time as each board member represents an election district. Once fully implemented, candidates would need to file for office by the district that corresponds to their residence or file for an at large position. The board may modify the districts by resolution at a later time, or dissolve them if the school district enters a consolidation or a cooperation and combination agreement. ([M.S. 205A.12](#))

11.5 DISSOLUTION AND CONSOLIDATION ELECTIONS

The steps leading to and then for scheduling and conducting a school district dissolution or consolidation election are found in [M.S. 123A.46](#) for dissolution and [M.S. 123A.48](#) for consolidation.

11.6 ADVISORY ELECTIONS

Occasionally there will be calls for an “advisory” election on a given topic. The Attorney General has ruled over the years that, unless authorized by a specific law, advisory elections would violate Minnesota law. ([M.S. 205.10, subd. 1](#))

12.0 MAIL ELECTIONS

If a school district holds a levy referendum at a time other than the first Tuesday after the first Monday in November, Minnesota Statutes require the district to hold it by mail. An exception to this voting by mail requirement can be granted by the commissioner of the Department of Education when a school district is in statutory operating debt. In addition, Minnesota statutes permit mail elections for special election on question(s). No offices may be voted on at a mail election.

The school board must make the decision to hold the election by mail more than six weeks before the election date. The clerk must develop a plan for the mailing and for processing the voted ballots and give at least 53 days notice to the county auditor prior to the election. The clerk posts the mail procedures (in addition to giving public notice of the normal election notices) beginning six weeks before the election. The mailing of the ballots to all registered voters begins no earlier than 30 days or later than 14 days prior to the election. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to voters who registered after the initial mailing was sent but before the voter registration cutoff, 20 days before election day, for the election. The mailing must be first class, "return service requested", and include first class postage on the return envelope.

Voters must return the ballots by 8:00 p.m. on election night. The clerk or auditor's office must be open as a polling place for walk-in voters and as a drop-off point for voted ballots. The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned ballots. The ballot board must mark returned ballots "accepted" or "rejected" within 5 days after they are received, and within 3 days if they are received 14 or fewer days before Election Day. More detailed information regarding mail balloting is available in the Mail Election Guide. ([*M.S. 126C.17, subd. 9*](#); [*204B.46*](#); [*M.R. 8210.3000*](#))

Note: Mail balloting is not an option for the school district's regular general election if held in odd numbered years.

13.0 VOTING SYSTEMS

13.1 WHAT ARE VOTING SYSTEMS?

All voting systems must meet the standards issued by the federal Election Assistance Commission and be certified by the OSS before they can be used in Minnesota.

13.1.1 Optical Scan

Optical scan voting systems are electronic ballot counters that use scanners for reading the marks voters make on the ballots similar to the process used for standardized testing. They can instantly produce vote totals, even on the most complex ballots. Other than paper ballots, current state law permits the use of only optical scan type voting systems. ([M.S. 206.57, subd. 6](#))

Optical scan systems are available in two configurations:

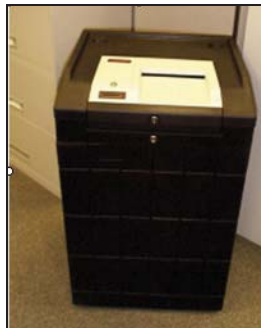
1. "precinct ballot counters" that sit on top of the ballot box in the polling place and that scan the ballot as the voter places the ballot into the ballot box.
2. "central count" systems where ballots are collected from several precincts and brought to the scanner for tabulation. ([M.S. 206.56, subd. 8](#); [206.57](#))

The ES&S M100 and the Diebold Accu-Vote are two main types of precinct optical scan voting systems in our state.

M100



Accu-Vote



13.1.2 Assistive Voting Device - AutoMARK

Every precinct must have at least one assistive voting device. The assistive voting device for the state of Minnesota is AutoMARK. The AutoMARK allows voters with disabilities to mark their ballot independently and privately but does not count the ballot. Local jurisdictions must make AutoMARK(s) purchased with HAVA funds available to other jurisdictions holding stand-alone elections. The jurisdictions providing the equipment cannot charge the jurisdiction using the equipment a rental fee, but may require reimbursement for any actual direct cost that results from the equipment's use and prorated indirect cost of maintaining and storing the equipment. Reimbursements for any cost paid for with HAVA funds must be deposited in the counties HAVA account

AutoMARK



13.2 PROGRAMMING AND BALLOT LAYOUT

Voting systems require specific programming for each election, and the programming must be carefully coordinated with ballot printing. Some jurisdictions opt to do their own programming, but the vast majority contract for this service. Either way, timeliness is critical. As soon as possible, jurisdictions must provide the programmer with complete ballot information including office order, candidate names, base rotation, ballot questions, and the precinct registration counts used in the rotation algorithm. The deadline for providing the candidate names is within five days after the withdrawal period closes. If all candidates are entered into ERS, the OSS works to electronically transfer the candidate information to the vendor. The OSS also provides audio files of candidate name pronunciation to the vendor or programmer for AutoMARK programming.

The vendor or programmer, in turn, must provide the completed programming to the jurisdiction at least 21 days prior to the election. ([M.R. 8220.0850](#))

13.3 TESTING

State statutes and rules require jurisdictions to complete two rounds of testing of optical scan equipment and assistive voting equipment and programming prior to Election Day. Contact the county election official to confirm the specific responsibilities in the testing process. Preliminary testing is extensive and should be performed as soon as possible. The second round of testing is a Public Accuracy Test which occurs within 14 days of the election. Each jurisdiction that operates electronic voting equipment must hold a PAT, giving at least 48 hour published and posted notice of the time and place of the test. At least two election judges from different parties must be on hand to witness the test. If the jurisdiction has three or fewer precincts, all precincts must be tested. If more precincts exist, test at least three including one from each congressional, legislative, county commissioner, school district and ward. The public is welcome to watch the test. See the Equipment Testing Guide for more details on conducting testing. ([M.R. 8220.1550](#))

14.0 ABSENTEE VOTING

14.1 PREPARING TO ADMINISTER ABSENTEE VOTING

In general, the county auditor administers absentee voting for county, state and federal elections, and school district clerks administer absentee voting for school district elections not held on the same day as a state election. By mutual agreement, others (e.g., county auditor) may administer absentee ballot on behalf of the school district for school district elections. ([M.S. 203B.05](#))

14.1.1 Administering Absentee Voting

Voters must never be required to apply or go to more than one location in order to cast an absentee ballot. For example, if both a city and school district were conducting an election on the same day, the city clerk would administer absentee ballots for the school district residents who reside in the city and the school clerk would administer absentee balloting elsewhere. ([M.S. 203B.05](#); [204C.13](#))

State Elections

The county auditor administers absentee voting for county, state and federal elections, and for UOCAVA voters. They may also delegate the job of administering regular absentees to a full-time city clerk. A full-time clerk must accept the delegation. If the auditor has not delegated, a full-time clerk may give the auditor notice that the municipality will administer regular absentee voting. However, in either case, a municipality may only be delegated to administer regular absentee voting if they have the technical capacity to access SVRS and must receive training from the OSS. ([M.S. 203B.05, subd. 1](#); [203B.22](#))

Counties must establish an absentee ballot board for processing returned UOCAVA ballots. Also, counties and delegated municipalities must establish an absentee ballot board for processing returned regular absentee ballots.

Special Elections and School District Elections

When a school district election is held on a different date than a state election or municipal election, the school district is responsible for administering absentee voting for its election, except UOCAVA absentee ballots which are administered by the county auditor. However, if the school district asks the county, and the county agrees, the county may administer all of the absentee voting for the school district.

The school district, or county if they have agreed, must establish an absentee ballot board for processing returned regular absentee ballots. ([M.S. 203B.05, subd. 2](#))

14.1.2 Process Overview

There are two separate absentee voting procedures:

- the Minnesota procedures, found under [M.S. 203B.04](#) to [M.S. 203B.15](#); or
- the procedures for military and overseas voters (UOCAVA - Uniformed and Overseas Citizens Absentee Voting Act) found under [M.S. 203B.16](#) to [M.S. 203B.27](#).

If you are administering absentee voting:

- have an adequate supply of absentee ballot applications, ballot envelopes, administrative envelopes (or return envelopes with a “security flap”), return envelopes, mailing envelopes,

- and instructions ready for distribution no later than 46 days before a regularly scheduled election or special election for federal or county office;
 - no later than 30 days before a standalone special school district election;
- provide the ballots to the voters beginning at least 46 days before the election;
 - no later than 30 days before a standalone special school district election;
- provide same direction to absentee voters as given to voters at the polls;
- must establish an absentee ballot board to process regular absentee ballots;
- provide a voting booth and an assistive voting device (AutoMARK) in your office;
- provide first class postage on the return envelopes for regular absentees sent within the United States;
- secure all materials, including blank ballots and voted ballots, as they are returned;
- provide Incident Log for absentee voting;
- maintain spoiled ballot envelope;
- log ballots returned by agents;
- arrange for receiving, accepting and rejecting the voted ballots;
 - ABs received more than 14 days before Election Day must be accepted or rejected within 5 days of receipt;
 - ABs received within 14 days of Election Day must be accepted or rejected within 3 days of receipt;
 - mark “AB” on the rosters for accepted ballots;
- county or clerk provides supplemental report that lists absentee voters who were non-registered, submitted a VRA with their ballot, and whose absentee ballot was accepted prior to Election Day;
- provide absentee outreach to healthcare facilities;
- all ballots must be received by Election Day; and
- arrange for counting of the ballots and reporting of AB results.

([M.S. 203B.07](#); [203B.081](#); [204B.35, subd. 4](#); [206.57, subd 5](#); [M.R. 8210.2400](#))

14.1.3 How Many Absentee Voters Should Be Anticipated?

Use your past experience in similar elections, and feedback from the county or other clerks in your county that administer regular absentee voting, to estimate the number of anticipated absentee voters. Adjust for health care facilities within your jurisdiction and for municipal growth. Some counties have formulas to use for this process.

14.1.4 What If My Ballots Are Not Available Yet?

Ballots must be available for absentee voters at least 46 days before the election. If the vendor preparing your ballots is late in providing them, absentee voting must still begin as scheduled. You must accommodate absentee voters at least 46 days before the election, under emergency procedures, using substitute ballots. This situation is similar to running out of printed ballots at the polling place on Election Day. (*[M.S. 204B.35, subd. 4](#); [204B.39](#)*)

Substitute ballots are prepared to look like the official ballots as much as possible. The words “Substitute” must be printed in brackets directly above the words “Official Ballot” on the ballots. When delivered, these ballots must be accompanied by an initialed affidavit from the election official who prepared them that lists the reason why the official ballots were not ready. (*[M.S. 204B.39](#)*)

14.2 PERMANENT AND ONGOING ABSENTEE BALLOT APPLICATIONS

The county auditor or school clerk must deliver blank absentee ballot applications to eligible permanent or ongoing absentee ballot voters at least:

- 60 days before every regularly scheduled primary or federal, state, county, city or school board office.
- 60 days before every regularly scheduled general election for city or school board office for which a primary is not held;
- 60 days before a special primary to fill a federal or county office vacancy or special election to fill a federal or county office vacancy, if no primary is held; or
- 45 days before any other primary or other election for which a primary is not held.
(M.S. 203B.06, subd. 1)

14.2.1 Permanent Absentee Ballot Applications

An eligible voter who reasonably expects to be permanently ill or disabled may apply to the auditor to automatically receive an absentee ballot application before each election.

(M.S. 203B.04, subd. 5; M.R. 8210.0200, subp. 4a)

14.2.2 Ongoing Absentee Ballot Applications

An eligible voter may apply for ongoing absentee status if they expect to be unable to vote at their polling place on an ongoing basis due to being absent from the precinct, illness or disability including quarantine, a religious discipline or observance of a religious holiday, or service as an election judge.

A voter's ongoing absentee status is terminated upon the voter's written request, the voter's death, postal return of an ongoing voter's absentee ballot, or a voter's status no longer being active.

(M.S. 203B.04, subd. 6)

14.3 APPLICATION PROCESSING

An application is required before a ballot can be issued. After receipt of an absentee ballot application, an absentee ballot may be issued:

- Directly to the voter for them to complete in person during the 46 days, or 30 days for standalone school district elections, prior to the election at the auditor's, municipal election officials office (if absentee balloting has been delegated), or school district office for standalone school elections.
- To the voter through the mail.
- To an agent if during the 7 days before an election the voter is a patient of a health care facility, assisted living facility, a participant in a residential program for adults, a resident of a battered women's shelter, or to a voter who would have difficulty getting to the polls because of incapacitating health reasons, in which case special procedures apply.

An application for an absentee ballot may be faxed or received as an attachment to an email, but balloting materials can only be sent electronically to UOCAVA voters (see section 14.8.2 below). Note: Except to an agent designated by a voter, a ballot may not be issued to any person other than the voter.

(M.S. 203B.04, subd. 1; 203B.225, subd. 1)

14.3.1 Absentee Ballot Applications

Each county auditor and school clerk prepares absentee ballot application forms in the format provided by the OSS and furnishes them to any person upon request. The OSS has application forms available at www.sos.state.mn.us. There are separate absentee applications for standard, overseas and military, and presidential absentee voters. An “official” application form does not have to be used; an individual may apply to vote absentee by sending or presenting a letter which includes the following information:

1. the voter’s name and residential address;
2. the address where the ballot should be sent;
3. the election or elections for which the request is made (if not provided, prepare ballot for the next election only); a single application may be used for both the primary and general election;
4. one of the following reasons for voting absentee:
 - a. absence from the precinct;
 - b. illness or disability;
 - c. religious discipline or observance;
 - d. service as an election judge in another precinct;
 - e. quarantine, Governor declared emergency noting a disruption to voting;
5. the voter’s date of birth and at least one of the following:
 - a. the applicant’s Minnesota driver’s license number;
 - b. Minnesota state identification number;
 - c. the last four digits of the applicant of the voter’s Social Security number; or
 - d. a statement that the voter does not have any of these numbers;
6. oath stating that the information contained on the form is accurate, that the voter is applying on their own behalf, and that the voter is signing the oath under penalty of perjury;
7. the voter’s signature; and
8. the date the voter signed.

(M.S. 203B.02, subd. 1; 203B.04, subd. 1; 203B.06, subd. 3)

Applications must be signed by the person requesting the ballot (except for military and overseas voters: see below). If the person requesting the ballot is unable to sign, they may make their mark, use their signature stamp, or ask another individual to sign for them while in their presence (second individual also signs by voter’s name). Power of attorney does not apply to voting. Information from absentee ballot applications may only be used for election, political or law-enforcement purposes. This information is only available publicly after 8 p.m. on Election Day. An applicant’s full date of birth, Minnesota driver’s license or Minnesota ID number, and the last four of their social security number are not public information. *(M.S. 203B.03, subd. 1(f); 203B.17, subd. 26)*

If the applicant is not registered, they will need to register as part of the absentee voting process.

14.3.2 Administering Absentee Ballot Applications In-Person

Process the application of those applying in person immediately. Always check the registration status of the absentee ballot applicant:

- If the voter is registered, give the absentee ballot directly to the voter.
- If the voter is not registered, issue non-registered materials. The voter must complete a voter registration application and present proof of residence to you in the same manner as would be done before an election judge on Election Day.

Fill in the voter’s name, address, ward and precinct number on the return label.

(M.R. 8210.2000; M.S. 203B.06, subd. 4)

If the voter wants to vote at that time, they may take their ballot to a voting booth or to the assistive voting device in your office, vote, seal the ballot in the return envelopes, and return the ballot to you. Confirm that the envelope is properly completed and signed. You may serve as a witness for the voter. Stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by your office. Keep the ballot and application together. It is a good idea to clip or bind them together with rubber bands. Deliver all ballots to the absentee ballot board for processing within 5 days of receipt. If received within the last 2 weeks prior to the election, deliver ballots to the ballot board for processing within 3 days of receipt. ([M.S. 203B.08, subd. 3](#))

If the voter wants to take the ballot with them, place the correct postage on the return envelope, put all of the needed materials into a large mailing envelope and hand it to the voter.

All election materials, including regular absentee ballot applications, are to be retained for 22 months. For additional information on record retention see section 18.9 of this guide. ([M.S. 204B.40](#))

14.3.3 Administering Absentee Ballot Applications By Mail

Date the applications as you receive them. If the voter sent the application to the wrong office, promptly forward it to the correct administrator by fax or by mail or as an attachment to an email. Fill in the voter's name, address, ward and precinct number on the return envelope. Voters may have paid to have their ballot sent to them by express service and included a prepaid envelope with their application. ([M.R. 8210.2000](#); [M.S. 203B.06, subd. 2](#); [203B.04, subd. 1](#))

If registered, and if the ballots are ready, mail the ballot immediately including an instruction sheet, an inner ballot envelope, and postage paid and addressed return envelope with a flap or an additional envelope.

For challenged and non-registered voters, in addition to the ballot include a VRA, the non-registered voting instruction sheet, an inner ballot envelope, an administrative envelope (or return envelope with an additional "security flap"), and the postage paid return envelope. Postage paid return envelopes for non-registered voters may require additional postage.

Retain and file the filled applications. The names of voters who have applied for and/or voted absentee are to remain confidential until after voting has closed on Election Day. ([M.S. 203B.04, subd. 1](#); [203B.05, subd. 7](#); [203B.06, subd. 5](#))

A replacement ballot may be sent to a voter whose requests one because the ballot has been spoiled, lost, or never received. ([M.R. 8210.2600](#))

14.3.4 Administering Absentee Ballot Applications By Fax or Email

Voters may submit applications by fax or email. This applies to both regular and UOCAVA absentee ballot applications. ([M.S. 203B.04](#); [203B.17](#))

14.4 RETURN OF VOTED ABSENTEE BALLOTS

Absentee voters may return the marked absentee ballots either by mail, package delivery service, in-person, or through an agent. When received, the county auditor or clerk stamps or initials the return envelope(s), marks them received in SVRS for state elections, and places them in a secure location with the other returned absentee ballots. The received absentee ballots must be delivered to the absentee ballot board within 5 days for processing, except during the 14 days preceding the election, when they must be delivered within 3 days. ([M.S. 203B.08](#))

14.4.1 Mail or Package Delivery Service

A ballot may be returned by U.S. mail or package delivery service to the address on the return envelope, if it arrives by the last mail delivery on Election Day. ([M.S. 203B.08, subd. 3](#))

14.4.2 In-Person

A voter may drop off their own voted absentee ballot in person to the county auditor or clerk from whom the ballot was received by 5:00 p.m. the evening preceding the election. Note that this is different than the 8:00 p.m. on election night deadline for mail election ballots. ([M.R. 8210.2200, subp. 1](#))

14.4.3 Agent Delivery

An absentee ballot may not be returned by an agent to election judges in a polling place. An absentee voter may designate an agent to deliver their sealed return envelope in person to the county auditor or clerk from whom the ballots were received. An agent must be at least 18 years old, and may only deliver ballots for up to three voters per election. A ballot returned by an agent must be returned by 3:00 p.m. on Election Day. A record of ballots hand-delivered by agents must be maintained by the county auditor or the clerk. The record must indicate the agent's and the absentee voter's names and addresses. The agent must sign the record and show the auditor or clerk identification containing the agent's name and signature. ([M.S. 203B.08, subd 1](#); [M.R. 8210.2200, subp. 3](#); [8210.2100](#))

14.5 ABSENTEE BALLOT BOARDS

The governing body of any county or school district administering regular absentees must authorize an absentee ballot board by ordinance or resolution to process regular absentee ballots. All counties must also establish a UOCAVA absentee ballot board to immediately process UOCAVA absentee ballots. Absentee ballot boards must consist of a sufficient number of election judges or election staff trained in the handling and processing of absentee ballots, see section 7.8. Election staff serving on a regular absentee board must declare a major party and are not required to be Minnesota residents, unless exempt from this requirement for a standalone school district election per [M.S. 205A.10, subd. 2](#).

The regular absentee ballot board must receive all return envelopes received during the 45 days, or 30 days for standalone school district elections, before the election for processing. Within five days after receipt, the county auditor or clerk must deliver returned absentees to the ballot board, except during the 14 days immediately preceding an election, the ballots must be delivered to the ballot board within three days. The absentee ballot board must examine all return envelopes and accept or reject the absentee ballots in the manner provided in [M.S. 203B.121](#). ([M.S. 203B.13, subd. 2](#))

If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the absentee ballot board must provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot. If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the absentee ballot board must attempt to contact the voter by telephone or email to notify the voter of the rejection. The official must document attempts made to contact the voter. ([M.S. 203B.121, subd. 3](#))

An absentee ballot board established for processing regular absentees:

1. must consist of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges;
2. election judges performing these duties must be of different major political parties (unless exempted for school elections not held in conjunction with statewide elections);
3. two or more members of the board examine each return envelope and mark it accepted or rejected;

4. the board must accept and reject the absentee ballots as provided in [M.S. 203B.121](#) and [M.R. 8210.2450](#);
5. mark the return envelope as “Accepted” and sign or initial below this indication on the envelope if satisfied that;
 - a. the voter’s name and address on the envelope matches the application (use of, or lack of, full names, nicknames, abbreviations, or initials on either document is not a reason for rejection);
 - b. the voter has signed and dated on the back of the return envelope;
 - c. the voter has provided the same Minnesota driver’s license or state identification card number, or the last four digits of the voter’s social security number is the same as on the application;
 - i. if these numbers do not match, absentee ballot board must compare the signature provided by the applicant on envelope to the signature on the application to determine whether the ballots were returned by the same person to whom they were transmitted;
 - ii. use of, or lack of, full names, nicknames, abbreviations, or initials within either signature is not a reason for rejection
 - d. the voter is registered and eligible to vote in the precinct or has included a properly completed VRA and proof of residence is marked on the envelope;
 - i. if the voter was sent non-registered materials and the voter is not registered and a VRA was not found in the return envelope, open the ballot envelope and, without examining or removing the ballot, remove any VRA from the ballot envelope and immediately reseal, initial and note the purpose why it was opened;
 - e. a witness has signed the statement on the return envelope, and has provided a Minnesota address, or a title indicating they are eligible to administer oaths, or has affixed a notary stamp;
 - f. the voter has not already voted in the election, in person or, if it is after the 4th day before the election, by absentee;
6. if not satisfied the ballot should be accepted, mark the return envelope as “Rejected” and sign or initial below this indication and list the reason for rejection and return it to the auditor or delegated clerk; and
7. if a school district is administering regular absentees, the county auditor must forward “accepted” UOCAVA ballots to the appropriate school district ballot board.
([M.S. 203B.23](#); [203B.24](#))

14.5.1 Opening of Envelopes, Storage and Counting of Votes

After the close of business on the fourth day before the election, the ballots from return envelopes marked “Accepted” may be opened, duplicated as needed as provided in section [206.86, subdivision 5](#), initialed by members of the board and deposited in the ballot box (ballot counter).

At the end of each day that absentee ballots were deposited in the ballot box, two members of the board of different major political parties must remove the ballots and, without inspecting the ballots, ensure the number of ballots removed equal the number of voters whose absentee ballots were processed that day. They must seal and secure all ballots present in the location.

After the polls have closed on Election Day, two members of different major political parties must publicly count the ballots. In state primary and state general elections, the results must be tabulated by precinct and the totals added to the totals reported on each precinct’s summary statement. In other elections, the absentee vote totals may be added to the precinct totals or they may be reported as a separate total.

If not completed previously, within 24 hours after the end of voting, members of the board must verify that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on Election Day. The absentee ballot must be rejected if the person voted on Election Day. All other accepted absentee ballots must be

opened, duplicated if necessary, and counted by the board. The vote totals must be incorporated into the other absentee vote totals. ([M.S. 203B.121](#))

14.5.2 Notification of Rejection

Starting with the election in November of 2010, a notice of regular absentee ballot rejection must be mailed to a voter between six and ten weeks following the election. The notice is not required if the voter has otherwise cast a ballot in the election (either in person or by replacement absentee). If an absentee ballot is rejected because it arrived after Election Day, the notice must be provided between six to ten weeks after receipt of the ballot. The notice of rejection must contain the following information: the date of rejection (or the date it was received late); the reason for rejection; and contact information of the election official. ([M.S. 203B.121](#))

14.6 HEALTH CARE PATIENTS

14.6.1 Mandatory Facility Outreach

If administering regular absentee voting, the school clerk must also administer absentee voting outreach to healthcare facilities in the county, cities, or townships. **HCFs mean hospitals, residential treatment centers and nursing homes governed by [M.S. 144.50](#).** You can confirm a facility's status by calling its administrator or by using the Minnesota Department of Health web site, www.health.state.mn.us. ([M.S. 203B.01, subd. 4; 203B.11](#))

The outreach consists of organizing one or more teams of two election judges who are from different major political parties to:

1. go to the HCF during the 20 days preceding the election;
2. travel together in the same car;
3. take applications for absentee ballots from county residents who are patients at the facility;
4. issue the absentee ballots;
5. assist patients with voting; and
6. return the voted ballots in a sealed container to the clerk on the same day.

([M.S. 203B.11](#))

On Election Day, an absentee ballot must also be delivered by two election judges from different parties to an eligible voter who becomes hospitalized on the day before an election if the voter has applied for an absentee ballot as in [M.S. 203B.04, subd. 2](#) and the hospital is also in the municipality where the voter maintains residence. ([M.S. 203B.11, subd. 3](#))

Election judges assigned to conduct HCF absentee voting must obtain one additional hour of training on these duties. Training materials to support this preparation have been developed by the OSS and is available at www.sos.state.mn.us. ([M.R. 8240.1800](#))

14.7 AGENT DELIVERY

During the seven days preceding an election, and up until 2:00 p.m. on Election Day, an eligible voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a HCF, a resident of a assisted living facility governed by chapter 144G, in a residential program, or a battered women's shelter may designate someone to serve as an agent to pick up and return absentee ballots for them. The voter may be in a home or facility anywhere the agent is willing to travel and the agent must have a preexisting relationship with the voter.

The voter must authorize the agent in writing. A candidate at the election may not be an agent for a voter. A special request form can be combined and submitted with the application. A copy of the agent delivery form is

available at www.sos.state.mn.us. To cut down on back and forth trips, you may fax or email the application to the voter, and the voter may return it by fax or as an attachment to an email. Ballots returned under this provision must arrive back to the county auditor or city clerk by 3:00 p.m. on Election Day. (*M.S. 203B.11, subd. 4*)

14.8 SPECIAL CIRCUMSTANCES

14.8.1 Challenged Voters

If the person requesting an absentee ballot happens to be listed in SVRS as “challenged,” process the application as you would for a person who is not registered. In other words, the person needs to complete a voter registration application and show proof of residence to a witness.

14.8.2 UOCAVA Voters

Federal law provides an absentee voting process for absentee voters who are in the military, their spouses and dependents, U.S. citizens who are temporarily outside of the U.S. and U.S. citizens who are indefinitely (permanently) outside of the U.S. These voters may request an absentee ballot based on where they last lived in the U.S. The law makes some allowances for them in order to compensate for what may be difficult logistics:

1. the voter need not be registered to vote;
 - a. the FPCA is used to register the voter and is entered into SVRS as a VRA (except if marked as indefinitely (permanently) away);
2. an immediate relative 18 years of age or over may apply for the ballot on behalf of the voter;
3. the voter may use the [Federal Post Card Application \(FPCA\)](#) which is available from the Federal Voting Assistance Program;
4. the application must have the voter’s passport number, Minnesota driver’s license or state identification card number, or the last four digits of the voter’s social security number, or the voter or individual requesting the absentee ballot may attest to the fact that the information on the application is correct if the voter does not have any of these documents;
5. if the ballots are being sent by the U.S. Postal Service or the military postal service, you may mail them using the UOCAVA return envelopes with U.S. Postage;
6. a voter’s application may include a request to have their ballot, instructions, and certificate of voter eligibility (the certificate on the back of the return envelope) sent to them electronically by fax or email;
 - a. the county auditor is not required to provide return postage to voters to whom ballots are sent electronically;
 - b. the voter must then print and return the ballot(s) and certificate of voter eligibility to the county auditor in a sealed envelope;
7. a replacement ballot may be sent to a voter whose ballot has been spoiled or lost, or to a voter whose mailing address has changed after the original application was sent;
8. the voter must provide the same passport number, Minnesota driver’s license or state identification card number, or the last four digits of their social security number as provided on the absentee ballot application on the back of their absentee ballot return envelope;
 - a. the voter may attest to the fact that the information on the back of the return envelope is correct if they do not have access to any of these documents;
9. an application is valid for any primary, special primary, general election or special election from the time the application is received through the end of the calendar year in which the application is received.

(*M.S. 201.071, subd. 1; 203B.17; 203B.22; 203B.225, subd. 1; M.R. 8210.0200, subp. 1c*)

Military Voters And Voters Temporarily Outside Of The U.S:

This group of voters is entitled to vote for all offices and they receive a full ballot. These voters claim Minnesota as their permanent residence but are temporarily away from their voting precinct. Even though the federal law is specifically geared toward military and overseas voters, the regular absentee process under [M.S. 203B.04](#) to [M.S. 203B.15](#) is available to them as an option.

Voters Indefinitely (Permanently) Outside Of The U.S. (Federal Ballot Only):

This variation is available to U.S. citizens who live indefinitely (permanently) outside the U.S. or have no definite plans for returning to the U.S. (aka “Ex Pats”). They meet all qualifications of voter eligibility except residence in Minnesota. They may vote based on their last residence before leaving the U.S. and this is the address to be included on the application. In order to cast a ballot in Minnesota, they have to have maintained residence in Minnesota at least 20 days prior to leaving the U.S. Unlike military voters or those residing temporarily outside of the U.S., the only procedural option available is to apply using the FPCA and vote by absentee ballot. They are not entitled to vote for all offices; they may vote only for the federal offices of U.S. President, U.S. Senator or U.S. Representative. These voters will be issued a “special federal ballot”. ([M.S. 203B.16](#); [204D.11, subd. 4](#))

14.8.3 Federal Write-In Absentee Ballot

Minnesota allows the use of a Federal Write-In Absentee Ballot (FWAB). After requesting an official absentee ballot, eligible voters who feel that there may not be sufficient time to receive and return the official ballot may use the Federal Write-In Absentee Ballot. For federal offices, either a candidate name or political party can be written in. For state or local offices, a candidate name must be written in for the votes to count. If both the official ballot and the Federal Write-In Absentee Ballot are returned prior to the close business on the 4th day before Election Day, count only the official ballot. ([M.R. 8210.2700, subp. 2](#); [M.S. 203B.227](#))

Any Write-In absentee ballots that are received will need to be duplicated by the AB board on an official ballot.

14.8.4 Safe At Home

Safe at Home is a program offered by the OSS in collaboration with local victim service providers, to help establish a confidential address for survivors of domestic violence, sexual assault, and/or stalking, or others who fear for their safety.

Individuals participating in the program register with the OSS as an ongoing absentee voter. The OSS receives the applications and determines the voter’s precinct. The OSS then obtains the appropriate absentee ballot materials from the voter’s county auditor and mails these materials to the voter. The voter returns their absentee ballot to the OSS where ID numbers are compared. Ballots are then forwarded to the appropriate election official to be counted along with the rest of the ballots. ([M.S. 5B.06](#))

Note: Voters participating in the Safe at Home program will not have a voter record in SVRS and will not be listed on the polling place roster. All absentee ballots from the Safe at Home program must be counted if certification indicates that ID numbers matched. The absentee ballot board will mark “SAH” followed by a sequential number and “AB” on the Election Day registration roster page for all accepted Safe at Home ballots. You will not know the identity of the Safe at Home voter, and it is important that you only share the existence of any Safe at Home voters in any particular precinct with those who need to know.

15.0 ELECTION SUPPLIES AND COSTS

The clerk is responsible for providing all the supplies for conducting a school district election. An example polling place supply list is provided in Appendix 2, although specific needs may vary. Generally, the cost of these supplies is borne by the school district. Costs may be prorated, however, for elections that involve other jurisdictions such as county, city, township, soil and water district, or a hospital district. Local units of government can agree on any method of cost sharing that is mutually agreeable or use methods described in the OSS Cost Allocation Procedures. (*M.S. 204B.32*) This document is available at www.sos.state.mn.us.

16.0 COURT REMEDY FOR ERRORS AND OMISSIONS

Any person may petition a court to seek to correct any error, omission or wrongful act that they feel has occurred or is about to occur in the election process or ballot preparation. This includes mistakes in preparing or printing the ballots, errors or omissions in printing names or questions, or any error or wrongful act of any individual charged with any duty concerning an election.

The petitioner must state the problem and the proposed solution in the petition. In matters concerning election for state or federal office the petition must be filed with any judge of the Minnesota Supreme Court. In matters concerning election for county, municipal, or school district office the petition must be filed with any judge of the district court in the county where the election was held. The court will hold an expedited hearing and issue its findings and order as soon as possible after. Failure to obey the order is contempt of court. ([M.S. 204B.44](#))

17.0 ELECTION DAY

17.1 VOTING HOURS – POSTPONEMENT

For state primaries and general elections, polling places must be open from 7:00 a.m. to 8:00 p.m.

For school elections, the minimum voting hours for schools in the metropolitan area are from 10:00 a.m. to 8:00 p.m. For school elections outside the metropolitan area, minimum hours are from 5:00 p.m. to 8:00 p.m. Metropolitan area for elections is defined as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

For stand-alone school elections, the board may change the hours by resolution before the deadline for giving notice of the election. If 20 percent of the voters in the district petition at least 30 days before the election, the hours must be at least 10:00 a.m. to 8:00 p.m. The clerk must give 10 days' published and posted notice when the hours change and notify the county auditors.

Voters waiting in line at closing time are allowed to register and/or vote. Those who come after the closing hour cannot vote.

Local school district elections not held in conjunction with a state or federal election may be postponed for inclement weather. When one or more local jurisdictions are holding elections in conjunction with one another, the jurisdiction with the largest local geographic area has the authority, after consulting with other auditors and clerks, to postpone the election. A decision to postpone must apply to every precinct in the jurisdiction and must be made no later than 6:00 p.m. on the day before the election. A postponed election must be rescheduled for the next following Tuesday. An election that is postponed due to weather may be postponed again.
([M.S. 200.02, subd 24](#); [205A.055](#); [205A.09](#); [204C.05](#))

17.2 ACTIVITY IN OR NEAR THE POLL

17.2.1 Authorized Persons In The Poll During Voting

The polling place will be administered by the head election judge and the other election judges on Election Day. No public official, including the clerk may assume the duties of an election judges simply because they hold elected or appointed office. All election judges must be eligible to serve, trained, and appointed according to the law. Each official on duty in the polling place must wear an identification badge that shows their role in the election process, such as head judge, election judge, or election judge trainee. The badge must not show their party affiliation.
([M.S.204C.06 subd.2](#); [204B.19](#); [204B.20](#); [204B.21](#); [204B.25](#))

During voting hours, the law allows only election judges, people directly engaged in voting, and authorized persons to be present in the polling place. Authorized persons are:

- Persons helping a voter who is disabled or unable to read English.
- Persons who are vouching for a voter's residence.
- Observers with written authorization from the OSS, the county auditor, or the clerk for the purpose of observing election procedures.
- Peace officers, if the election judges request their presence to keep order.
- Children when accompanying voters.
- Challengers authorized to observe in the polling place (see sec. 17.4).
- Teachers, elementary and high school students if participating in a mock election that has been authorized by the secretary of state.

- The news media (see sec. 17.2.2 below)
- Persons making a written complaint.
([M.S. 204C.06](#))

17.2.2 Media Access

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

- Approach within six feet of an election judge or voter.
- Converse with a voter while in the polling place.
- Make a list of persons voting or not voting.
- Interfere with the voting process.
([M.S. 204C.06, subd. 8](#))

17.2.3 Prohibited Polling Place Activities

Some persons, items and activities are not allowed in the polling place:

- Disorderly persons.
- Intoxicated persons and/or liquor.
- Persons who are campaigning and/or campaign materials including literature or buttons.
- Smoking.
- Lingering.
([M.S. 204B.06](#))

Clerks administering absentee voting during the 30 days before Election Day are subject to the same polling place prohibitions that election judges will enforce on Election Day. During absentee voting the place of business is the voter's polling place. Statutes provide the following restrictions:

People may not gather or linger in the polling place or within 100 feet of the building in which the polling place is located. One exception is an individual conducting an exit poll. Exit polls cannot be conducted within the polling place, but may be conducted anywhere outside of the room being used as the polling place. An individual conducting an exit poll may only approach voters as they leave the polling place after having voted to ask them to take an anonymous written questionnaire. Furthermore, campaigning is also not allowed in the polling place, within 100 feet of the building where the polling place is located or on public property if the polling place is on public property. This prohibition on campaigning means that campaign buttons cannot be worn in the polling place and campaign signs cannot be displayed within 100 ft of the building or on public property if the polling place is on public property. Voters, however, may take sample ballots from the newspapers or campaign flyers into the voting booth for personal use but they should take care not to display these materials outside of the voting booth. These prohibitions also limit where meetings and other activities can be held in polling place sites with multiple rooms. ([M.S. 204C.06](#); [204C.13, subd. 2](#); [211B.11](#))

See the Election Judge Guide for additional information regarding prohibited conduct in the polling place.

On Election Day, if the clerk and other elected officials are not eligible to be appointed as election judges (e.g. they may be candidates in that election), special care must be taken to ensure that they do not act "in any manner" to influence voters in, or near, the polling place.

Note: Per *Schimming v. Riverblood*, OAH 7-6347-20326-CV (June 5, 2009), the prohibition of signs and campaign materials within 100 feet does not apply to adjacent private property.

17.3 ELECTION DAY VOTER REGISTRATION

Minnesota permits election day registration. The clerk may expect 20 percent or more of voters to register at the polling places on Election Day. To help avoid delays and congestion, plan a flow of traffic for voter registration and voting lines. Consider appointing additional judges to handle registration duties. Judges who register voters cannot also handle ballots for the same voter. These duties must be separated. ([M.S. 201.061](#); [201.018](#))

Election judges must make sure each applicant is registering in the proper place. The clerk must supply an accurate precinct finder or precinct map to each polling place in the school district. Election judges use the precinct finder or precinct map to determine if persons are registering in the correct precinct. Judges who register voters cannot handle ballots for the same voter. The duties must be separated. ([M.R. 8200.5300](#))

The clerk must return the polling place roster(s) and completed VRAs to the appropriate county auditor within two days following each election. ([M.S. 201.081](#); [204C.27](#))

17.4 CHALLENGERS

Specifically-appointed “challengers” are permitted to be present in the polling place during the hours of voting. When challengers arrive at a precinct, they should be directed to the Head Judge to prove their Minnesota residency by presenting one of the proofs of residence accepted for election day registration and a letter of appointment from a party or non-partisan candidate. Challengers do not need to prove residence in the precinct where they are appointed on Election Day.

The challenger cannot speak to voters. Furthermore, the challenger cannot handle or inspect any of the voting materials, or make lists of who has or has not voted, or compile lists of voters to challenge on the basis of mail sent by a political party that was returned undeliverable or if the receipt by the intended recipient was not acknowledged in the case of registered mail, and cannot attempt to influence voting in any manner. Challenge of a particular voter’s eligibility to vote takes place through the election judge. The challenger must complete the Oath of Challenge to Voters Eligibility form for each challenge and the election judge then resolves the issue with the voter. See the Election Judge Guide for more detailed information.

Appointment as a challenger requires issuance of a written certificate according to the following circumstances:

- **Partisan elections.** At an election to fill partisan offices, the chair of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct is allowed to remain in the polling place at one time.
- **Nonpartisan elections.** At an election to fill nonpartisan offices, nonpartisan candidates may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate is allowed to remain in the polling place for each precinct at one time.
- **Elections on questions.** At an election where a question is to be voted upon, the mayor of a city, or the school board of a school district, or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, must appoint by written certificate one voter for each precinct in the municipality, or school district if applicable, to act as a challenger of voters in the polling place for that precinct.

- Challengers must be residents of the state of Minnesota and prove their residency by presenting one of the proofs of residency listed in [M.S. 201.061, subd. 3](#), accepted for election day registration.
 - Challengers do not need to prove residence in the precinct where they are appointed on Election Day.
([M.S. 204C.07](#); [204C.12](#))

17.5 EMERGENCIES

Nothing must interfere with the right of voters to vote free of undue delay or inconvenience. Should emergencies occur, auditors, clerks and election judges have wide discretion to resolve the problem. Polling places may be moved, additional judges enlisted, and materials or supplies (including ballots and voter registration applications) photocopied, if necessary. If a precinct ballot counter should break down, the emergency voting slot in its ballot box should be opened immediately.

([M.S. 204B.16, subd. 7](#); [204B.25, subd. 1](#); [204B.30](#))

17.6 PUBLIC COUNTING

After all voters in line at 8:00 p.m. have voted, the polling place is open to the public, including members of the media and candidates, until votes are counted and results are declared., Election judges will count the ballots/run results tapes, prepare the summary of results, secure and turn in election materials. Unless appointed as an election judge, no individual will touch election materials during this process, including the clerk.

([M.S.204C.19, subds.1](#); [204C.19, subd. 2](#); [204C.07](#))

17.7 SUMMARY STATEMENTS

After the last voter in line at 8:00 p.m. has voted, the election judges count the ballots; prepare summary statements of the votes for each candidate for each office for and against each ballot question; and sign the summary statement. Three copies of the summary statements must be completed by the election judges, except that only two copies of the summary statements are needed for elections not held on the same day as the state elections. In precincts with a precinct ballot counter, the summary statement is printed at the end of the results tape. Election judges from all precincts must complete three copies of the summary statement and seal each in individually signed envelopes. The first copy must remain attached to the zero report printed when the polls were opened.

Each copy of the summary statements must include the following:

- Total ballots delivered to your precinct as adjusted by the actual count (from any adjustments noted on the incident log);
- The number of unofficial ballots made, if any;
- The number of spoiled ballots;
- The number of duplicate ballots made, if any;
- The number of unused ballots at the end of the day;
- The number of absentee ballots delivered;
- The number of absentee ballots rejected;
- The number of persons registered to vote at 7am on Election Day;
 - This number is listed in the back of the pre-registered roster.
- The number of persons who registered to vote at the polling place on Election Day;
 - This is the number of voter signatures on the election day registration roster (or the number of EDR voter registration applications).

- The number of signatures on the rosters (pre-registered roster plus the election day registration roster);
 - This is the number of voter signatures on both rosters.
 - Do not count “AB” notations printed, written, or stamped on the registered roster.
- The number of accepted absentees;
- The total number of voters that voted at the polling place on Election Day.
(M.S. 204C.24)

18.0 AFTER THE ELECTION

18.1 RECEIVING MATERIALS

On election night at least one election judge from each precinct must deliver the following items to the county auditor or the municipal clerk (who delivers to the county auditor) after all ballots have been counted but no later than 24 hours after voting ends at 8:00 p.m. on election night:

1. two sets of summary statements; and
2. all voted and spoiled ballots.

(M.S. 204C.27)

Every auditor must remain in their office on the night of the state primary and general election until all returns have been delivered to the auditor's office. The auditor must prepare a record of all materials delivered to their office on the night of the election. This record must be prepared in the presence of the municipal clerk or election judge who delivered the materials to the auditor's office. The record must include all materials delivered, the time of the delivery, the name of the individual who made the delivery, the number of ballots delivered to the precinct and the total number of ballots returned as listed on the summary statement. A discrepancy between the number of ballots delivered and returned must be noted. All envelopes returned on election night must remain sealed and stored in a secure place in the auditor's office. *(M.S. 204C.28, subd. 1)*

At least one election judge from each precinct must deliver the following to the school clerk within 24 hours after voting has ended on the night of the election:

1. remaining summary statements and returns;
2. all unused and spoiled municipal ballots;
3. completed voter registration applications;
4. voter rosters; and
5. voting systems.

The school clerk then must return all polling place rosters and completed voter registration applications to the county auditor within 48 hours after voting ends on election night. Rosters may need to be returned to the county auditor sooner to complete accepting/rejecting absentee ballots within 24 hours after the polls close. *(M.S. 204C.27)*

18.2 CANVASS OF THE RETURNS

The school district board serves as a canvassing board for school district elections. The board must meet to canvass the returns and declare the results on the third day after the primary, and between the third and tenth day after the election. For a recount of a levy or bond special election, a special canvassing board is required. See "Recounts" below. *(M.S. 205A.03, subd.4; 205A.10)*

The steps to canvass elections in school districts using paper ballots:

1. the clerk provides the canvassing board with summary statements from the election judges to examine and declare the results;
2. the canvass board takes the oath of office and publicly canvasses the election returns by reviewing the abstract and write-in reports;
 - a. the board may ask to examine summary statements before it declares the results;
 - b. when satisfied that the abstract reports are correct, the board signs the abstracts and they become the official results;
 - c. in the case of a tie vote, the canvassing board determines the winner by lot; and

- errors by election judges in counting may be corrected by following specific procedures as prescribed by law.

(M.S. 204C.38; 204C.39; 205A.10)

18.3 RECOUNTS

18.3.1 Discretionary School Election Recounts

While there is no automatic recount for school elections, a losing candidate for nomination or election to a municipal office may request a manual recount of the votes cast for the nomination or election to that office at the jurisdiction's expense if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one half of one percent of the total votes counted for that office or if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less and the total number of votes cast for the nomination or election of all candidates is no more than 400. A losing candidate may request a recount at their own expense if the difference is greater than these stated differences. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one half of one percent is the difference between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

The candidate requesting the recount at their own expense may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these recounts have been counted. If the winner of the race is changed by the result of the recount or if the difference between the result of the recount and what was reported on Election Day is more than the accepted margin of error for the post election review, the cost of the recount is paid by the jurisdiction conducting the recount. *(M.S. 204C.36, subd. 1; 204C.36, subd. 2)*

18.3.2 Ballot Question Recounts

A written request for a recount must be filed by any person eligible to vote on the ballot question, filed with the school clerk and be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. A recount on a ballot question may be requested within five days after a primary election canvass, and within seven days following the canvass of a general election. The clerk is responsible for conducting the recount on behalf of the school board. The recount will be conducted at the school district's expense if the difference between votes for and against are less than one-half of one percent of the total votes counted for that question, or 10 votes or less when the number of votes cast on that question is 400 or less. If the difference between votes for and against the ballot question is greater, the person requesting the recount shall also file with the clerk a bond, cash or surety in an amount set by the school board for payment of recount expenses at the time when the written request and petition is submitted. *(M.S. 204C.36, subd. 3)*

18.4 CONTEST OF ELECTION

A "contest of election" means to challenge the result of an election in district court, usually seeking a specific correction. Any voter or candidate may contest the election of a candidate or ballot question election that they were eligible to vote in. An election may be contested over an irregularity in the conduct of an election or canvass of votes or on the grounds of deliberate, serious, and material violations of Minnesota election law. *(M.S. 209.02; 209.021)*

The individual contesting the election must file a written notice of contest with the clerk of the district court of the county. The notice must specify the points the contest is based on, and must be filed within seven days after

the canvassing board declares the results of the election or recount. For a primary, the notice of contest must be filed with the clerk of the district court within five days. Anyone considering filing a notice of contest, should read and carefully comply with [M.S. 209](#), which governs the contest of election process. As a clerk, do not allow yourself to be misunderstood as providing legal counsel to an individual. Advise citizens to seek legal counsel to ensure that their efforts are in compliance with the law. ([M.S. 209.02](#); [209.021](#))

If an election is contested, the clerk cannot issue a certificate of election until the contest has been determined by the court. The clerk takes no other action except as directed by the court. ([M.S. 205A.10, subd. 3](#); [209](#))

18.5 CERTIFYING RESULTS

The school district clerk shall certify the results of the school election to the county auditor. ([M.S. 205A.10, subd. 3](#))

18.6 CAMPAIGN FINANCE REPORTING

The clerk shall ensure that candidates have certified that all campaign financial reports required by [M.S. 211A.02](#) have been submitted, including the Certification of Filing. The Certification of Filing is due no later than seven days after the general or special election. ([M.S. 211A.02](#); [211A.05, subd. 1](#))

If a candidate or committee fails to file a campaign finance report when due, the clerk shall notify the candidate or committee of the failure. If no reply is received within 10 days after notification is mailed, file a complaint before the Minnesota Office of Administrative Hearings. ([M.S. 211A.05, subd. 2](#))

18.7 CERTIFICATE OF ELECTION

After the time for recounts and contesting election results has passed (and after any contests have been resolved), and after confirming that all required campaign financial reports due from the successful candidate are on file, the clerk shall issue a certificate of election to the successful candidate. A clerk or auditor who issues a certificate of election to a candidate who has not certified that all campaign finance reports have been filed is guilty of a misdemeanor. ([M.S. 205.185](#); [211A.02](#); [211A.05](#))

18.8 OATH OF OFFICE

Every person elected or appointed to any public office shall take and subscribe an oath or affirmation to support the U.S. Constitution and the Constitution of Minnesota, and to discharge faithfully the duties of their office to the best of their judgment and ability. This requirement applies to every official commissioner or member of a public board or body before transacting any of the business or exercising any privilege of such office. School district officials typically take and subscribe their oath of office with their clerk but may do so with anyone eligible to administer oaths (e.g., office holders and notaries).

([M.S. 358.05](#); [358.10](#); [358.11](#); [359.04](#); [359.05](#); [Constitution of the State of Minnesota](#))

18.9 RECORD RETENTION

The clerk is responsible for custody of the ballots and returns in school district elections. The clerk must secure all materials used in the election including optical scan testing materials and the voted ballots for 22 months following the election. Abstracts filed by canvassing boards shall be retained permanently by the officer with whom those abstracts are filed. ([M.S. 138.163](#); [204B.40](#))

19.0 VACANCIES IN ELECTIVE OFFICES

19.1 OCCURRENCES

Vacancies in elective offices can occur due to the incumbent's death, resignation, becoming ineligible, or moving out of the elective district. Occasionally, someone who has been elected to an office will decline or refuse to serve, and this is considered a vacancy as well. A resignation creates a vacancy when the letter of resignation is received and accepted by the officer, body, or board authorized to receive it. A vacancy may require a special election to take place. Preparations for the special election may begin immediately after the written resignation is received by the official(s) authorized under [M.S. 351.01](#) to receive it.

([M.S. 351.01, subd. 2](#); [351.02](#); [351.055](#))

19.2 FILLING VACANCIES

Vacancies typically are filled by the school board appointing an individual who is eligible to hold the office to serve until the next regular school district election. Filings for the position are taken during the usual filing period, and voters elect the permanent replacement at the election. ([M.S. 123B.09, subd. 5](#))

The elected person takes office as soon as the seven day contest and recount period is over (or upon the resolution of pending recounts and/or contests) and serves for the remainder of the term.

Exceptions to this are:

1. if less than two years remain of the term, the appointee serves out the term;
2. if filings for general election have already opened, only two years remain, the appointee serves out the term; or
3. if filings for general election have not opened, and more than two years remain of the term, a special election is held in conjunction with the school district election.

([M.S. 123B.09, subd. 5](#))

List the vacancy as a separate office on the ballot. Candidates file specifically for the vacant position and must indicate on their affidavit of candidacy that they are filing for that office. ([M.S. 205A.08, subd. 3](#))

GLOSSARY

Absentee ballot board: A special board of election judges, that handles all processing of regular absentee ballots.

Agent delivery: A process by which during the seven days preceding an election, and up until 2:00 p.m. on Election Day, specific eligible voters designate someone to serve as an agent to pick up and return absentee ballots to them. (*M.S. 203B.11, subd. 4*)

Assistive voting device: An electronic ballot marker with a touch screen, keypad, keyboard, earphones, or any electronic ballot marker that assists voters to use an audio or electronic ballot display in order to cast votes. (*M.S. 206.56, subd. 1*)

Ballot:

- Spoiled:** A ballot returned to an election judge due to an error made by the voter. The voter can exchange this for a new blank ballot.
- Defective:** A ballot is defective if the voter overvoted, voter's intent cannot be determined during counting, or if the voter has written their name, ID number, signature on the ballot. A ballot may be defective in the whole (as in cross-party voting in a primary) or defective as to a single office or ballot question (as in voting for too many candidates for one office).
- Duplicate:** A ballot created by an election judge team to replace a ballot that cannot be scanned by a ballot counter.

Ballot box: Secure box used to hold voted ballots. The ballot counter sits atop the ballot box.

Ballot board: A special board of election judges, created at the option of the governing body to handle some or all processing of absentee ballots.

Bond Referendum: A referendum held to determine if the jurisdiction should be authorized to sell bonds to obtain the funds to finance a project, such as a new building.

Challenger: An individual with written authorization to be present in a polling place to question the eligibility of voters. A challenger must prove they are a resident of Minnesota by providing the Head Judge with one of the proofs of residence acceptable for election day registration under and complete an Oath of Challenge to Voters Eligibility form to challenge a voter's eligibility.

City: A home rule charter or statutory city. (*M.S. 200.02, subd. 8*)

Clerk: Statutes refer to "municipal" clerks meaning either the city clerk or township clerk or a designee. References to school districts mean the school district clerk or a designee.

Challenger (sometimes incorrectly termed "poll watcher"): An individual with written authorization to be present in a polling place to question the eligibility of voters.

Cross-party voting: Voting for candidates of more than one party when a candidates appear on the ballot under a political party designation. "Cross-over" voting is not allowed in a partisan primary.

Exit polling: Individuals may conduct exit polls, surveys of voters, anywhere outside of the room being used as the polling place. An individual conducting an exit poll may only approach a voter as they leave the polling place after having voted to ask them to complete a written anonymous questionnaire.

General election: An election held at regular intervals on a day set by law at which voters of the state or any of its subdivisions choose by ballot public officials or presidential electors. ([MS 200.02, subd. 2](#))

Health care agent delivery: When a patient in a healthcare facility authorizes a person to pick up and return absentee ballots for the patient.

Health care facility (HCF): A hospital, residential treatment center, or nursing home.

Levy Referendum: A referendum held to determine if the jurisdiction should be authorized to levy additional property taxes to fund general operational expenses.

Mail Election: A special election for question(s) submitted to the voters of a county, municipality or school district with no polling place other than the office of the auditor or clerk.

Metropolitan Area: The counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright. ([M.S. 200.02, subd. 24](#))

Non-partisan: In a non-partisan primary or a non-partisan general election, voters may vote for any candidates. In a non-partisan election, individual candidates are listed without party designation, unless a local city Charter creates other options.

Partisan : In a partisan primary, voters may only vote for candidates within one major political party. In a partisan general election, voters may vote for any candidates regardless of the party affiliation of the candidates. Individual candidates are listed with party designation.

Posted: “Posted” notice refers to the posting of a copy of the notice in a manner likely to attract attention by affixing the notice to a wall, post, or bulletin board, etc. ([M.S. 645.12](#))

Precinct: The basic geographical units for organizing and administering elections.

Primary: An election at which voters choose the nominees for the offices to be filled at a general election. ([M.S. 200.02, subd. 3](#))

Prior registration: The registration record of an individual at the individual’s most recent prior residence address.

Published: “Published” notice means the publication in full of the notice in the regular issue of a qualified newspaper, once each week for the number of weeks specified. ([M.S. 645.11](#))

Roster: The document provided to each precinct listing the voters registered in that precinct with current residence address and date of birth.

Summary statement: The precinct summary statement is the official record of the numbers of voters and vote totals for the precinct. In precincts using an electronic ballot counter, the machine tape is the summary statement.

Vouching: An Election Day procedure that permits an individual to register to vote and to cast a ballot if another authorized individual swears an oath that the individual resides in that precinct. Election Day voter vouchers within a polling place are limited to 15 voters they may vouch for, however, that limitation does not apply to employees of residential facilities vouching for residents of those facilities.

Registered Voter in the Precinct: A registered voter in the precinct or a voter who registers on Election Day in the precinct who can attest to a new registrant's residence allowing them to register in the same precinct on Election Day. A voter may vouch for a maximum of 15 persons. Vouched for voters cannot vouch for new voters on Election Day.

Employee of a Residential Facility: An individual who proves that they are an employee of a residential facility in the precinct and attests to know a new registrant's residence at the facility. The employee voucher may vouch for an unlimited number of residents of the facility.

Voter Registration Application (VRA): Application used to register to vote or to update an existing registration.

Witness: A registered voter who signs an absentee ballot envelope to document that the ballots inside were marked by the voter entitled to cast the ballots.

Please refer to [M.S. 200.02](#) for other definitions that may be used in this Guide.

APPENDIX 1

ELECTION RESOURCES

COUNTY AUDITOR

County auditors are required to train school district clerks, election judges and individuals serving on the absentee ballot board prior to the state primary. Training will address election laws and procedures; duties of school district clerk and duties of election judges; and related subjects. ([M.S. 204B.25](#); [204B.28](#))

SECRETARY OF STATE

The OSS supports county auditors' training program by training the auditors (or their designees) in the administration of election laws and the training of local election officials and election judges. As part of the OSS training program, the Secretary meets with election officials to present information about new laws and rules, and to discuss proposals for laws and for amendments to rules. The OSS also collaborates with other programs and conferences offered for election officials by their own associations. ([M.S. 204B.27](#))

To assist county auditors, municipal clerks, and other election officials in their duties, the OSS makes available the following publications:

MINNESOTA ELECTION LAWS - A compilation of Minnesota's election laws with annotations by the Attorney General. Printed in odd-numbered years, copies and updates are sent to county auditors for distribution to clerks. It is updated online in even-numbered years. In all matters, the law and rule are the final authority. ([M.S. 204B.27](#))

MINNESOTA ELECTION JUDGE GUIDE – Explains election judge duties and procedures.

MINNEOSTA CITY ELECTIONS GUIDE - Provides city election calendar, procedure summary and references to Minnesota election laws.

MINNEOSTA TOWNSHIP ELECTIONS GUIDE - Provides township election calendar, procedure summary and references to Minnesota election laws.

MINNEOSTA SCHOOL DISTRICT ELECTIONS GUIDE - Provides school board election calendar, procedure summary and references to Minnesota election laws.

MINNESOTA CAMPAIGN MANUAL – A digest of the laws in [M.S. 211B](#). It also includes financial reporting requirements from [M.S. 211A](#) and references other Minnesota Election Laws.

MINNESOTA MAIL ELECTIONS GUIDE – Provides mail election and mail balloting procedure summary and references to Minnesota Election Laws.

MINNESOTA ELECTIONS RECOUNT GUIDE – Provides procedural summary for election recounts and references to Minnesota Election Laws.

MINNESOTA POST-ELECTION REVIEW GUIDE – Provides procedural summary for post-election reviews and references to Minnesota Election Laws.

MINNESOTA EQUIPMENT TESTING GUIDE – Contains procedures for creating test decks, conducting pre-testing and public accuracy tests when using electronic voting equipment.

APPENDIX 2

EXAMPLE POLLING PLACE SUPPLY LIST

This list is provided as an example only. Depending on your voting equipment, or arrangements your office may have with other units of government, you may not use certain items, you may use items not listed.

Alphabetical tabs – 1 set	Oath of election judge form
AutoMARK	Oath of challenge to voter’s eligibility form
Bag of rubber bands & paper clips	Official certification sheet
Ballot counter & power cord	Opening/closing the polls checklist
Ballots	Payroll/timesheet records for election judges
Ballot marking pens	Poll closing sign for last voter in line at 8 p.m.
Ballot marker boxes/strings	Polling place posters and signs
Ballot receipts for registered voter	Precinct finder
Blank cardboard pieces for signs	Precinct list of persons vouched for Form
Certificate of registered voter for curbside voting	Precinct map
Clipboard	Precinct rosters
Deceased voter forms	Results tape envelope
Demonstration ballot	Rubber fingers
Duplicated ballot envelope	Sample ballots
Duty cards	Scissors
Election Judge Manual(s) – add phone numbers on the back	Secrecy cover for ballots
Election day registration applications	Security seals for ballot transfer case
Extension cords	Spoiled ballot envelope
Flag(s) & stand	Voter registration tally sheet
HAVA Election Complaint Form	Voter registration bags
Highlighter	Oath of Vouching to Voter’s Eligibility
“I Voted” stickers	Precinct List of Person’s Vouched for Form
Identification Badges	Residential Facility Precinct List of Persons Vouched for Form
Incident logs	
Key(s) to polling place; ballot box	
Letter opener	
Magic marker	
Magnifying lens	
Masking tape	

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County Auditor’s Office _____

Voting Machine Repair _____

County Sheriff / Local Police _____

Fire Department _____

Emergency Medical Services _____

