

2016

City Clerk 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.

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 version of the 2016 Election Calendar is available at the OSS Elections Calendars website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/.

May:

- **5-17-2016 to 5-31-2016: Candidate filing period (cities with a primary)** – not more than 84 days nor less than 70 days before election. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period. [M.S. 205.13, subd. 1a](#)

June:

- **6-1-2016: Last day to change precinct boundary** – no later than June 1 in the year of the State General Election. [M.S. 204B.14, subd. 4](#)
- **6-2-2016: Withdrawal period ends (cities with a primary)** – until 5:00 p.m. 2 days after filing closes. [M.S. 204B.12, subd. 1](#); [205.13, subd. 6](#)
- **6-24-2016: 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:

- **7-19-2016: Voter pre-registration closes** – at 5:00 p.m. 21 days before the primary. [M.S. 201.061, subd. 1](#)

August:

- **8-2-2016 to 8-16-2016: Filing period for cities without a primary** – opens 98 days before and closes 84 days before the election. Hospital district office seat candidates also file with city or town clerk during this same time period. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period. [M.S. 205.13, subd. 1a](#); [M.S. 447.32, subd. 4](#)
- **8-6-2016 & 8-8-2016: Clerk's office open for absentee voting (if applicable)** – from 10:00 am to 3:00 p.m. on the Saturday before the election and until 5:00 p.m. on the day before the election.
- **8-9-2016: State Primary Election Day** – 2nd Tuesday in August. [M.S. 205.065, subd. 1](#); [204D.03](#)

- **8-12-2016: Canvass primary results** – the canvass must be conducted on the 3rd day after the primary. A canvass *may be* conducted on the 2nd day after the primary *if* the county auditor of each county in which the municipality is located agrees to administratively review the municipality's primary voting statistics for accuracy and completeness within a time that permits the canvass to be conducted on that day. [M.S. 205.065, subd. 5](#)
- **8-18-2016: Withdrawal period ends for cities without a primary** – until 5:00 p.m. 2 days after filing closes. [M.S. 204B.12, subd. 1](#); [205.13, subd. 1a](#)

September:

- **9-23-2016: Absentee ballots available for State General Election** – 46 days before state general election. [M.S. 203B.05](#); [203B.081](#); [204B.35](#)

October:

- **10-18-2016: Voter pre-registration closes for November general election** – at 5:00 p.m. 21 days before the general election. [M.S. 201.061, subd. 1](#)

November:

- **11-5-2016 & 11-7-2016: Clerk's office open for absentee voting (if applicable)** – from 10:00 a.m. to 3:00 p.m. on the Saturday before the November general election and until 5:00 p.m. on the day before the election. [M.S. 203B.085](#)
- **11-8-2016: State General Election Day** – the 1st Tuesday after the 1st Monday in November. [M.S. 204D.03](#); [205.065, subd. 1](#)
- **11-11-2016 to 11-18-2016: Canvass the results of the November general election** – between the 3rd and 10th day following the November general election. [M.S. 204C.33, subd. 1](#); [205.185, subd. 3](#)

January:

- **1-2-2017: Terms begin for city officers elected at the November general election** – 1st Monday in January following the year of election. [M.S. 412.02, subd. 2](#)

LIST OF ELECTION ACTIVITIES BY MONTH

January	<ul style="list-style-type: none"> • Elected city officials take office. • Confirm the city's contact information with all the county auditors that fall within your city's boundaries. • Confirm city's election schedule, odd or even year general elections? Primary possible? • Charter items that affect elections? • Confirm offices that are scheduled to be on that year's general ballot. • Inform county auditors as to potential special elections, vacancies, change in election schedules, change in primary possibility, etc. • Confirm health care facility outreach locations and contacts.
March	<ul style="list-style-type: none"> • Possibility of city meeting restrictions on statewide caucus date. • Make note of election supplies on hand and contact auditors to replenish supplies if needed. • Review HR policies regarding hiring and appointment of election judges.
April	<ul style="list-style-type: none"> • Many election year materials, guides, calendars are updated for the year's election cycle and placed on OSS web pages. • "Primary possible" candidate filing notices.
May	<ul style="list-style-type: none"> • Even years, many OSS election year paper materials are delivered to Auditor's Office for distribution to local jurisdictions. • "Primary possible" candidate filings. • Primary ballot preparation. In odd years, counties might not assist with ballot ordering activities. • Campaign financial reporting. • Even years, political party election judge lists are shared with municipalities.
June	<ul style="list-style-type: none"> • Absentee voting for primary elections begins. UOCAVA ballots are distributed by 46 days by county auditors. • Odd years, master lists provided by all counties for primary voting not using SVRS.
July	<ul style="list-style-type: none"> • Primary AB voting continues. • Election judge training conducted by auditor or delegated municipal clerk. • Notices of candidate filings for jurisdictions that are not "primary possible."
August	<ul style="list-style-type: none"> • Primary elections. Canvass meetings. Notices of nomination. • "Late" candidate filing period. • Campaign financial reporting. • Begin preparing general election ballots. In odd years, counties might not assist with ballot ordering activities.
September	<ul style="list-style-type: none"> • Review previous years' election items and determine if retention period is over. • AB voting for general elections begins. UOCAVA ballots are delivered by 46 days by county auditors.
October	<ul style="list-style-type: none"> • AB voting for general elections continues.
November	<ul style="list-style-type: none"> • General Election. Canvass meetings. Certificates of election.

1.0 INTRODUCTION

This guide is designed to aid city clerks and their staff to administer city 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). Full text of the Minnesota election laws and rules can be found at the OSS Election Law website located at <http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-laws/>.

If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule. For home rule charter cities refer to your city charter for specifics concerning your municipal elections.

City clerks have a key role in administering the election 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
- Township Clerk Election Guide
- School District Clerk Election Guide
- Election Judge Guide
- Voting Equipment Testing Guide
- Absentee Voting Administration Guide
- Mail Election Guide
- Recount 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/election-administration-campaigns/election-administration/election-guides/. Please contact this office if you have comments on how this publication could better support the needs of city clerks.

2.0 ELECTION ADMINISTRATOR TRAINING AND CERTIFICATION

City clerks who serve as the local election administrators must be trained and certified before they may administer elections:

2.1 INITIAL CERTIFICATION

- initial certification requires successful completion of five hours of training
- initial certification is good for the election cycle in which it is earned and through the following election cycle
- each election cycle begins on January 1 of an even-numbered year and ends on December 31 of an odd-numbered year

2.2 ANNUAL CERTIFICATION MAINTENANCE

To maintain certification to administer elections, city clerks need to complete 4 hours of election training during each election cycle after the expiration of the initial certification. [M.R. 8240.2700, subp. 4](#)

Training may be provided by the county auditor or by the OSS.

If the county auditor has delegated election judge training responsibility under [M.S. 204B.25](#), the clerk is responsible for training election judges. If delegated, the clerk must complete, in addition to the initial training or maintenance training, a “train the trainer” course conducted by or approved by the OSS before each state primary election. [M.R. 8240.1100](#)

If a city clerk is designated to provide absentee voting using the statewide voter registration system (SVRS), the clerk must receive training approved by the OSS on the use of SVRS before accessing the system. The auditor will notify the OSS of the clerk’s access to the system. [M.S. 203B.05, subd. 1](#)

There is emergency training provisions in statute for a city clerk who has taken office less than six months before an election. They may administer that election after completing two hours of emergency training conducted by the home county auditor or the OSS. [M.R. 8240.0100, subp. 2; 8240.1100; 8240.2700](#)

2.3 CITY CLERK ELECTION ADMINISTRATION TRAINING AREAS

City clerk election training addresses the following:

- candidate filings;
- campaign practices;
- campaign finance;
- election calendar;
- ballot preparation;
- election judge recruitment and duties;
- notice requirements;
- voting systems;
- mail elections;
- absentee voting;
- local procedures; and
- post election duties. [M.R. 8240.2700, subp. 5](#)

2.4 ALTERNATE TRAINING

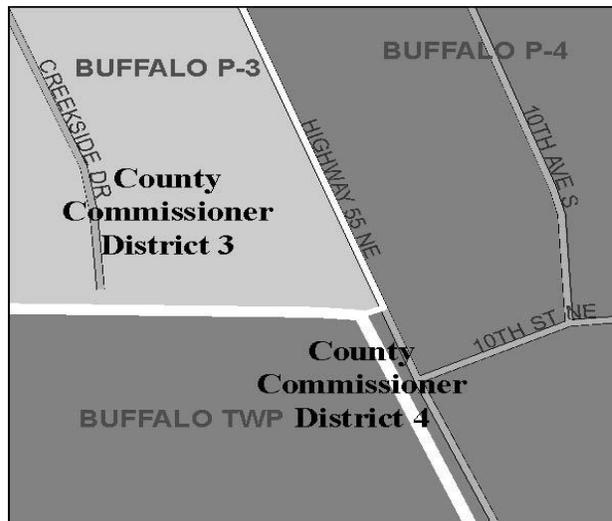
Up to four of the five training hours for initial certification, and three of the four training hours for certification maintenance, may be from other sources, subject to the approval of the home county auditor. Time spent attending, or teaching, election judge training may be counted toward a clerk's initial certification or biennial certification maintenance requirement, however, "train the trainer" sessions may not be counted toward these requirements. The clerk's county auditor will issue their election administrator certificate and maintain a record of related training. [M.S. 204B.25](#); [M.R. 8240.2700, subp. 6](#); [8240.2700, subp. 7](#)

3.0 PRECINCTS

County election officials must know when municipal governments change precinct boundaries to ensure that voter registration records for affected voters in SVRS and the related online precinct finder are updated. The address ranges that individual voters are tied to in SVRS must be kept up to date. [M.S. 201.022](#); [M.R. 8200](#)

3.1 WHAT ARE PRECINCTS?

Precincts are the basic geographical areas for organizing and administering elections. The graphic below shows three different sample precincts: Buffalo P-3, Buffalo P-4 and Buffalo Twp.



Precinct boundaries are established by the governing body of each municipality, and the county board in unorganized territories. City councils and township boards establish precinct boundaries as the result of various requirements in state statutes and also to suit the needs of the community. At a minimum, each municipality must be at least one precinct; additional precincts are necessary if the municipality is divided by a county, county commissioner, legislative or congressional district boundary. Within these broad requirements, municipalities may create as many or as few precincts as suits the community. Precincts are not tied to population size. However, precincts sized much beyond 1,500 registered voters become difficult to manage. [M.S. 204B.14](#)

3.2 PRECINCT BOUNDARY CHANGES

The municipality (or county board for unorganized territories) may make precinct boundary changes at any time except:

- after January 1 of a year ending in 0 until after the legislature has been redistricted except for certain annexations or to divide an existing precinct;
- after June 1 of state election (even) years; or
- within 10 weeks before the next election. [M.S. 204B.14, subs. 3 & 4](#)

Precinct lines must not cross city, ward, county, county commissioner, legislative or congressional district boundaries. When municipalities are further subdivided into two or more precincts, the boundary between two precincts should follow “visible, clearly recognizable physical features” or the jurisdictional boundaries (M.S. 204B.14, subd. 6 was repealed in 2015). Examples of recognizable physical features include streets, rivers and railway rights-of-way. Precinct

boundaries may also follow school district boundaries that are lacking a recognizable physical feature. If necessary, 2 precincts may be formed which share a boundary that is not located on a recognizable physical feature, as long as the boundary of the two precincts combined is entirely located on recognizable physical features or jurisdictional boundaries. The names of these 2 precincts are ***no longer required*** to reflect their adjoining relationship (e.g. 1A, 1B) (M.R. 8255.0020 repealed in 2016). [M.S. 204B.14, subs. 2 & 3](#)

The city clerk (or county board for unorganized territories) must provide the following notification after a boundary change occurs:

- must immediately notify the county auditor and the OSS;
- must file a corrected base map with the county auditor and the OSS within 30 days after the boundary change was made;
- post a notice of the change for at least 56 days; the change cannot go into effect until a notice has been posted for the 56 day period; and
- if polling locations change, make arrangements with the county auditor to notify the affected voters and their households of the change. [M.S. 204B.14, subd. 5](#)

The county auditor must use the corrected map filed by the city clerk to update the precinct finder in SVRS. The corrected map and precinct finder must be made available for inspection. If a municipality makes a change to the boundary of an election precinct (or if an annexation occurs affecting a precinct boundary) the auditor must notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change. [M.S. 204B.14, subd. 5](#)

The map information sent to the OSS is used to update the statewide database of precinct and election district boundaries. The precinct map data is used by a variety of state agencies and available to the public for download. A variety of maps are available for download at the OSS Maps website located at www.sos.state.mn.us/election-administration-campaigns/data-maps/. Printed maps are also available from OSS for the cost of production. [M.S. 204B.146](#)

3.3 ANNEXATIONS AND PRECINCT BOUNDARY CHANGES

A common trigger event for precinct boundary changes is municipal annexation, which usually goes through the [Minnesota Boundary Adjustments unit](#) of the Office of Administrative Hearings. The Minnesota Boundary Adjustments staff works with property owners, local governments, and state agencies to review and facilitate municipal boundary adjustments. After an annexation has occurred affecting a precinct boundary, the city clerk must comply with the precinct boundary change requirements in [M.S. 204B.14, subd. 5](#), described above. Annexed territory may be incorporated into the existing adjacent precinct if the new precinct meets all legal requirements and the pre-annexation municipal boundary was **not** coterminous with a county, county commissioner, legislative or congressional district boundary. Coterminous boundaries have a boundary in common. In the graphic in Section 3.1, the boundaries of the Buffalo P-3 precinct are coterminous with the boundaries between County Commissioner Districts 3 and 4.

If the pre-annexation municipal boundary **was** coterminous with a county, county commissioner, legislative or congressional district boundary, a new precinct must be created. If the affected territory is contiguous with the municipal boundary, in the same county, and contains 50 or fewer registered voters, the OSS may move the boundary to be coterminous. Please call the Elections Division at (651) 215-1440 or 1-877-600-8683 for more information on the process of obtaining a Boundary Adjustment Order from the OSS. [M.S. 204B.14, subd.5; 204B.146, subd. 3](#)

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](#)

For additional information on boundary changes and annexations see the redistricting information available at the [Minnesota Legislative Reference Library](#).

3.4 HOUSE NUMBER & STREET ADDRESS CHANGES

If a municipality administratively changes the number or name of a street address of an existing residence, the city clerk shall promptly notify the county auditor and the county auditor shall immediately update the voter records of registered voters in SVRS to reflect the change. A municipality must not make a change to the number or name of a street address of an existing residence effective during the 45 days prior to any election in a jurisdiction which includes the affected residence. [M.S. 201.11, subd. 2](#)

4.0 POLLING PLACES

Polling places are designated by the governing body of each municipality or each county for unorganized territory.

4.1 DESIGNATION

The governing body of a municipality making the polling place designation must designate, by ordinance or resolution, a polling place for every precinct. The polling place designation remains in effect until the governing body makes a new designation. Changes cannot be made less than 90 days before the next election, including school district elections or referenda, nor anytime between the state primary and state general election. The county auditor needs to be notified of polling place changes when they are made so county staff can update the polling place in SVRS and work with the governing body to appropriately notify voters. The governing body making a polling place change must notify every affected household with at least one registered voter by non-forwardable mail at least 25 days prior to the next election. [M.S. 204B.16 subs. 1a & 3](#)

All polling places must be:

- fully accessible (see section 4.4);
- large enough to accommodate the election activities;
- free of other, non-election, activities;
- smoke free;
- liquor free and not next to a liquor service area; and
- for cities in the metro area, within the precinct or within one mile of the precinct boundary or it is part of a combined polling place (see the Combined Polling Place section below).
[M.S. 144.414; 200.02, subd. 24; 204B.16, subd. 1](#)

Note: Governing bodies using school district buildings as polling places should contact the school district annually to verify that their security requirements have not changed.

4.2 EMERGENCY DESIGNATION

The only exception to what is in 4.1 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:

- meet at original location on Election Day;
- fill election judge vacancies;
- announce the polling place change to any voters who show up at original location;
- post notice indicating the polling place change (must be easily seen by voters in vehicles); and
- meet at new polling place and post notice indicating the change. [M.S. 204B.17](#)

4.3 COMBINED POLLING PLACE

Under certain circumstances, the governing body of a municipality may combine polling places into a single, accessible location, with a single team of election judges. A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body or, in the case of multiple municipalities, all governing bodies. Separate ballot boxes and separate returns are kept for each precinct involved.

A single, accessible, combined polling place may be established no later than May 1 of any year in any of the following:

- cities of the 3rd and 4th class;
- cities located in more than one county;
- contiguous precincts in the same city;
- up to four contiguous municipalities located outside the metro area and in the same county;
- noncontiguous precincts located in one or more counties subject to approval by both of the governing bodies of each municipality and the secretary of state; and
- mail election precincts, in which case the designation by the municipality or the auditor of only one centrally-located polling place is required. See the Mail Voting Guide found at the OSS Election Guide website found at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. *M.S. 204B.45; M204B.14*

Note: The metropolitan area is defined as Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties. *M.S. 200.02, subd. 24*

One precinct-count voting system and one memory unit may be used to count ballots for combined precincts. 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*

A municipality withdrawing from participation in a combined polling place must do so by resolution. The resolution of withdrawal must be filed with the county auditor no later than April 1 of any year. *M.S. 204B.14, subd. 2*

4.4 VOTER NOTIFICATION

When municipalities change polling places, in addition to notifying the auditor to update SVRS, they also must notify all affected households with at least one registered voter by a non-forwardable mailing no later than 25 days before the next election. *M.S. 204B.16, subd. 1a*

There are multiple ways to provide the required voter notification:

- The clerk may request that the county auditor mail a Postal Verification Card (PVC) to all households with at least one registered voter in the affected precincts.
- The clerk may request that the county auditor mail a PVC to all the voters in the affected precincts.
- The clerk may purchase household address labels from the OSS to send their own notification to all affected households with at least one registered voter.
- The clerk may purchase voter labels from the OSS to send their own notification to all affected voters.

Be sure the County Auditor enters the new polling place information into SVRS BEFORE PVCs are mailed out.

Order forms to purchase labels are available from the OSS Voter Information Request website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/.

4.5 POLLING PLACE ACCESSIBILITY

Federal and state laws require that all polling places be fully accessible and usable by elderly voters or voters with disabilities. [M.S. 204B.16, subd. 4](#)

Minimum requirements include:

- paved parking with extra wide spaces reserved for disabled persons;
- curb cuts or temporary ramps;
- paved main routes free of stairs or with ramp or elevator bypasses;
- entrances/doorways a minimum of 32 inches wide;
- walkways and hallways at least 36 inches wide;
- hallways free of protrusions overhanging the floor;
- handrails on all stairs;
- signs directing voters around obstructed entrances or stairs to accessible routes;
- signs outlining the assistance available to voters; and
- one or more wheelchair accessible voting booth(s) or station(s) with stable, flat 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:

- voting by absentee ballot;
- curbside voting;
- a team of election judges from different major political parties to provide assistance in the polling place;
- voters bringing someone of their choosing to assist in the polling place; and
- assistive voting equipment available at the polling place. [M.S. 203B.02](#); [204B.16, subd. 5](#); [204C.15](#)

When using large buildings such as a school or athletic complex for a polling location, accessible parking is to be made available at the *closest entrance to the polling place within the building*. If the building's permanent accessible locations are at another entrance, election judges are to use the accessible parking signs found in their election supplies to set aside accessible parking spots right next to the entrance that is the shortest distance to the polling place within the building.

Municipalities should visit polling locations periodically to verify that polling locations are still accessible. The [Office of the Secretary of State Polling Place Accessibility Diagnostic Tool](#) provides instructions on how polling place inspections should be performed.

For more specific details on accessibility, the following is recommended: [Americans with Disabilities Act](#)

4.6 POLLING PLACE MATERIALS AND EQUIPMENT

City clerks are responsible for ensuring that all necessary supplies are delivered to the polling place for use on Election Day. This includes ballots, ballot boxes, voting equipment such as precinct optical scan ballot counter, assistive voting device, 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 2 of this guide. [M.S. 204B.28](#)

4.7 ELECTION SUPPLIES/COSTS

The clerk is responsible for providing all the supplies for conducting a city election. An example polling place supply list is provided in the Appendix 2 of this guide, although specific needs may vary. Generally, the cost of these supplies is borne by the city. Costs may be prorated, however, for elections that involve other jurisdictions such as county, school district, 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. This document is available at the OSS Election Administrator Forms website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/. *M.S. 204B.32*

5.0 ELECTION JUDGES

5.1 ELECTION JUDGE QUALIFICATIONS

An election judge must be:

- eligible to vote in the State of Minnesota;
- able to read, write and speak English;
- appointed by the appointing authority (county, city, township, or school board); and
- trained and currently certified as an election judge. [M.S. 204B19, subd. 2](#); [204B.21](#); [204B.25](#)

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 2 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, subd. 3](#)

An election judge cannot be:

- a candidate in that election (i.e., they are running for an office on a ballot used in that precinct. An individual actively campaigning as a write-in candidate is a candidate.);
- the husband, wife, parent, child, brother, sister of or domiciled with (permanently or temporarily) a candidate;
- the husband, wife, parent, child, stepchild, brother, or sister, or stepsibling, of a candidate or another judge in the same precinct; or
- 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](#)

5.2 STUDENT ELECTION JUDGE TRAINEES

High school students, including home schooled students that are 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 a United States citizen;
- be at least 16 years of age;
- serve in the county where they reside or adjoining county;
- be in good academic standing; and
- have permission from their school and parents.

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. [M.S. 204B.19](#); [M.R. 8240.1655](#)

5.3 APPOINTING ELECTION JUDGES

5.3.1 County Lists

Each major political party will furnish electronic lists of potential election judges to the Secretary of State's Office by May 1st of even numbered years. The OSS will in turn furnish the list to the auditor's office by May 15th. County auditors must promptly forward the lists to city clerks.

The party lists are used to appoint election judges to serve at elections in their jurisdictions over the next two years. If there aren't enough people on the lists from your municipality or no lists have been received, the governing body may appoint other people who meet the qualifications. [M.S. 204B.21](#); [M.R. 8240.0300](#)

5.3.2 Appointment by City Council

The clerk recommends elections judges to be appointed for the upcoming election (including health care and absentee ballot boards if applicable), and then the city council makes the appointments at least 25 days before the election. The city council may pass a resolution authorizing additional election judges within 25 days before the election, if they deem necessary. If there aren't enough people on the list, the city council may appoint other people who meet the qualifications. The city council may evaluate applicants to determine if they are capable of carrying out the duties. [M.S. 204B.21, 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.

5.3.3 Party Balance

At least two election judges in each precinct must serve with a different major political party designation (except in school district and township elections not held in conjunction with a statewide election, and for student trainee election judges). The remaining election judges in a precinct can serve without an affiliation to a major political party. No more than half the judges in a precinct may belong to the same major political party. [M.S. 204B.19, subd. 5](#); [M.S. 204B.21, subd. 2](#); [205A.10, subd. 2](#); [205.075, subd. 4](#)

5.3.4 Required Number of Election Judges

A minimum of four election judges shall be appointed for each precinct in the state general election, provided that a minimum of three election judges shall be appointed for each precinct with fewer than 500 registered voters as of 14 weeks before the state primary. In all other elections, a minimum of three election judges shall be appointed for each precinct. In a combined polling place, at least one judge must be appointed from each municipality that has precincts in the combined polling place.

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

Currently, in the State of Minnesota, there are two major parties: Republican and DFL.

5.3.5 Head Election Judge

When the city council appoints the election judges, they designate one of the judges as head election judge. The head election judge assigns duties among the judges and is responsible for the 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](#)

5.4 VACANCIES

If a judge doesn't show up at the polling place or doesn't perform required 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](#)

5.5 COMPENSATION

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

5.6 TIME-OFF FROM WORK

People who would like to be election judges may take time-off from work without loss of pay. Prospective judges must give their employer at least 20 days' written notice and a certificate from the city 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 their salary for the hours that overlap. For example, if the employee normally works eight hours per day at \$10 per hour (8 hours X \$10=\$80), and the rate of pay established by the city for election judges is \$8 per hour for the same eight hours of service as an election judge (8 hours X \$8=\$64), the city will pay the election judge \$64 and the employer must pay the difference of \$16. As an alternative, if the employee takes vacation for the time off, the employee can keep the salary paid by the city for election judge service. An employer can also restrict the number of persons serving to no more than 20 percent from any single work site. An employer cannot force an employee to take vacation. [M.S. 204B.195](#)

5.7 ELECTION JUDGE TRAINING

5.7.1 Certification and Administration

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 municipal clerks. If the clerk will be conducting election judge training, the clerk or a designee must attend an adult education ("train the trainer") training provided by the OSS. A review of the Train the Trainer Manual found on the OSS website for guides equates to the required OSS training. [M.S. 204B.25](#); [M.R. 8240.1100](#); [8240.1655](#)

Working through the county auditors, the OSS will provide copies of the Election Judge Guide, Election Judge DVD, customizable slide presentation, and other training materials to municipalities. Current editions of guides and training materials are available at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. Clerks must arrange to have at least one Election Judge Guide available in each polling place on Election Day. The training authority, whether auditor or clerk, must develop a training plan that outlines the staff and resources assigned to training, the dates, topics to be covered, and materials to be used. The plan must be kept available for public inspection. [M.R. 8240.2000](#); [8240.2400](#)

Trainers must keep a record of the training each election judge has completed. The trainer must give a certificate to each election judge, head election judge, or health care facility absentee voting election judge who successfully completes a training course. [M.R. 8240.2100](#); [8240.2300](#)

Time spent attending, or conducting, election judge training may be counted toward a clerk's initial election administrator certification, or biennial certification maintenance requirement. City clerks (and their deputies) are strongly encouraged to take advantage of election judge training. [M.R. 8240.2700, subp. 7](#)

The training includes the following phases:

- basic training course;
 - all election judges must complete a two-hour basic training course every two years;
- maintaining certification;
 - a person must successfully complete the basic training course every two years to remain qualified to serve as an election judge; and
- additional training;
 - after completing the basic training course, judges may need to complete additional training if they will be administering health care facility voting or serving as a head judge. [M.R. 8240.1300](#)

5.7.2 Election Judge Training Plan and Course Content

Each training authority shall prepare a training plan which shall be available for public inspection. The training plan must include:

- the names of persons conducting training;
- number of sessions planned;
- projected attendance at each session; training materials to be used;
- training methods employed; and
- an outline of the content of each election judge training course. [M.R. 8200.2400](#)

Election judge training is two hours long and covers the following topics:

- eligibility;
- training and assignment;
- new laws, rules, forms, and procedures;
- role of head judge;
- preparations on Election Day before polls open;
- poll opening activities;
- greeting and directing duties;
- roster duties;
- challenge process;
- providing assistance to voters with disabilities;
- operation of voting equipment;
- vote tabulation duties; and
- closing the polls. [M.S. 204B.25](#); [M.R. 8240.1600](#)

Additional training requirements may be adopted provided they are reasonably related to the ability to perform election judge duties in that election. [M.S. 204B.25, subd. 2](#); [M.R. 8240.1600, subp. 2](#)

5.7.3 Health Care Facility (HCF) Absentee Voting Election Judge Training

If the city has a health care facility (HCF), special outreach to that facility is required by any full-time clerk responsible for absentee balloting in that election. (See Section 11 for more information). HCFs located in a particular area can be looked up at www.health.state.mn.us. In order to be certified as a HCF absentee election judge, in addition to the basic election judge training, an individual must complete another hour of training every two years.

The HCF absentee voting course shall be at least one hour long and cover the following topics:

- who is eligible to vote absentee from HCF;
- application process, including methods for providing proof of residence;
- voter registration;
- providing assistance to voters;
- voting procedures;
- names and addresses of eligible facilities;
- name of contact person at each facility; and
- transporting the materials and voted ballots. [M.R. 8240.1800](#)

5.7.4 Head Election Judge Training

In addition to election judge training, head election judges must complete an additional hour of training. This training includes:

- duties before Election Day;
- training and assignment;
- new laws, rules, forms, and procedures;
- preparations on Election Day before polls open;
- polling place opening activities;
- use of training materials to find answers to questions on Election Day;
- helping election judges work together on Election Day;
- use of voting equipment;
- handling emergencies;
- preparing election returns; and
- returning election materials to the local election official. [M.R. 8240.1750](#)

5.8 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 [M.S. 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](#)

6.0 GIVING NOTICE

6.1 CANDIDATE FILING PERIOD NOTICE

City clerks must publish a notice of filing dates at least two weeks before the first day of the candidate filing period. The city 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. The notice must list separately any office(s) where candidates can file affidavits to fill the unexpired term of a vacancy at a special election. The posted notice must also state the opening date, the closing time on the last day of the filing period, and where candidates may file affidavits of candidacy. [M.S. 205.13, subd. 2](#)

Note: The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of its filing period.

6.2 ELECTION NOTICE TO COUNTY AUDITOR

Before every municipal election the municipal clerk must provide at least 74 days' written notice to the county auditor.

The notice should include the date of the election, the offices to be voted on, and the title and language for each ballot question. With this information, auditors are able to provide accurate information to the public, coordinate absentee voting, and begin ballot layout. [M.S. 205.16, subd. 4; 205A.07, subd. 3](#)

At least 74 days' written notice must be given to the county auditor by the city clerk of any special election cancelled. [M.S. 205.16, subd. 4; M.S. 205A.05, subd. 3](#)

For mail elections, additional notice of the mail procedures must begin at least six weeks before the election. Please refer to the Mail Voting Guide available at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. [M.S. 204B.45, subd. 2](#)

6.3 ELECTRONIC VOTING SYSTEM NOTICE REQUIREMENTS

6.3.1 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](#)

6.3.2 Notice to OSS of Use of New Equipment

When using new voting equipment, the clerk must submit a plan for the use of this equipment to the OSS more than 60 days before the first election where the municipality will use the new equipment. This plan must include information regarding the acquisition of sufficient facilities, computer time, and professional services. The plan must be signed and notarized before it is submitted to the OSS. The OSS shall review each plan for sufficiency. Within 20 days of receiving the plan, the OSS shall notify each reporting authority of the sufficiency or insufficiency of its plan. [M.S. 206.58; 206.80; 206.82](#)

6.3.3 Notice to Public of New Voting System

The governing body of a municipality must provide information to the public regarding the use of a new voting system at least 60 days prior to the election. A demonstration voting system must be

provided in a public place for the six weeks immediately prior to the first election at which the new voting system will be used. [M.S. 206.58](#)

6.3.4 Notice to Secretary of State of Change in Plan

The clerk or auditor must notify the OSS of any changes to the plan on file prior to May 1st of each year following general election year. [M.S. 206.82](#)

6.4 NOTICE OF MAIL ELECTION PROCEDURES

In a city where a mail election under M.S. Chapter [204B](#) for mail ballot precincts will occur, notice of the election and procedures must be given at least 10 weeks prior to the election. When a mail election will occur, notice of the election and procedures must be given at least six weeks prior to that election. Please refer to the Mail Elections Guide available at the OSS Election Guide website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. [M.S. 204B.45](#); [204B.46](#)

6.5 PUBLIC NOTICE OF ELECTION

In every city, except for those of the fourth class, the clerk must publish notice of the election two weeks before Election Day and again one week before Election Day. The clerk may also give 10 days' posted notice. [M.S. 205.16, subd. 1](#)

Cities of the fourth class not located within a metropolitan county, as defined in [M.S. 471.121](#), are not required to provide published notice of the election but must provide posted notice 10 days before Election Day. [M.S. 205.16, subd. 1](#)

All notices of election must include:

- the election date;
- voting hours;
- all polling place locations; and
- a list of all offices and questions on the ballot. [M.S. 205.16, subd. 1](#)

6.6 NOTICE OF NO PRIMARY

If there are no partisan or nonpartisan offices for which nominees must be selected, the city council may decide whether a state primary will be held. If the city council decides that there will not be a primary, within 15 days of the close of filing, the clerk must post a notice of the primary cancellation, and must also notify the OSS. [M.S. 204D.03](#); [204D.07](#)

6.7 SAMPLE BALLOT

For every municipal election, the clerk must publish a sample ballot at least two weeks before the city election, post the sample ballot at least four days before the election, and post a sample ballot on Election Day in each polling place. [M.S. 205.16, subds. 2 & 3](#)

Fourth class cities not located within a metropolitan county, as defined in [M.S. 473.121](#), are not required to publish the sample city ballot. [M.S. 205.16, subd. 2](#)

Note: Providing an electronic sample ballot file to the OSS is optional for elections not held in conjunction with state elections. [M.S. 205A.07, subd. 2](#)

7.0 CANDIDATE FILING

7.1 FILING PERIOD

Candidate filing is the process through which candidates have their names placed on the ballot. City clerks are the filing officers for the city offices, meaning the clerk, or a designated deputy, administers candidate filing. [M.S. 205.13, subd. 1](#)

Candidates must file during a two week filing period. In cities nominating candidates at a municipal primary, an affidavit of candidacy for a city office voted on in November must be filed during a two-week period that opens not more than 84 days (May 17, 2016) before the primary and closes not less than 70 days (May 31, 2016) before the primary. In all other cities, affidavits of candidacy must be filed during a two-week period that opens not more than 98 days (August 2, 2016) before the general and closes not less than 84 days (August 16, 2016) before the general. Hospital district office candidates file with the city or township clerk during the same “late filing” time period. [M.S. 447.32, subd. 4](#)

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. 205.13, subd. 1a](#)

If a candidate will be absent from the state during the filing period, the candidate may file an affidavit, and filing fee or required petition 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. In cities of the first class (and other cities which permit the use of a nominating petition under city charter), a nominating petition for an absent candidate may be signed during the 14 days immediately before the affidavit is filed. [M.S. 205.13, subd. 1a; 205.13, subd. 1b](#)

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. The municipal clerk’s office must be open from 1 p.m. to 5 p.m. on the last day of filing. [M.S. 205.13, subd. 2](#)

7.2 CANDIDATE ELIGIBILITY

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

- eligible to vote;
- will be 21 years old on assuming office; and
- will have been a resident of the city for 30 days before the general election. [M.S. 204B.06, subd. 1](#)

Also, mayor or city council member elected or appointed after August 1, 2010 may not be a full-time permanent employee of the city. [M.S. 410.191, 412.02, subd. 1a](#)

Note: Charter cities may have additional requirements.

7.3 FILING PROCESS

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

- a candidate for an office to be voted for at the city general election must file an affidavit of candidacy with the city clerk;
- affidavits must be signed, notarized and delivered in person or otherwise to the clerk during the candidate filing period;
 - in most cases, affidavits are completed, signed and signed by the authorized filing officer at the time of filing;
 - however, some are completed before arriving. If so, affidavits must be signed, notarized and delivered in person or otherwise to the clerk during the filing period;
- absent candidates may follow the process listed in section 7.1 above;
- alternatively, five or more voters can “draft” a candidate by filing an application on behalf of an eligible voter in the city with the city clerk;
 - this candidate’s name is placed on the ballot after the proper filing fee is received;
- the proper filing fee must be paid or a petition in place of a filing fee must be filed at the time of filing;
- candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;
 - filing fees are nonrefundable once accepted by the filing officer;
 - filing fees are \$20 in first class cities, \$5 in second or third class cities, and \$2 in fourth class cities; charter cities may have different filing fee requirements;
- the candidate may file in place of the filing fee a petition 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);
- affidavits of candidacy must be numbered in the order they are received by the filing officer;
- when the similarity of both the first and last names of two 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;
- the name placed on the ballot is the candidate’s true name or the name by which the candidate is commonly and generally known in the community;
- confirm the capitalization of a candidate’s name;
- 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](#); and
- Charter cities may have additional requirements. [M.S. 204B.10; 204B.11, subd. 2\(d\); 205.13, subd. 1; 205.13, subd. 3; 205.13, subd. 4](#)

Because candidate names will now appear on ballots with upper and lower case lettering, it is important to make sure that the candidate has listed exactly how the **name should be spelled and capitalized**. It is suggested to make a copy of the affidavit and go over the spelling and capitalization of the name with the candidate, underlining the exact letters that should be capitalized, before the candidate leaves.

7.3.1 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. 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. City candidates have until 5:00 p.m. two days after the close of filing to withdraw.

A copy of the affidavit of withdrawal form is available at the OSS Candidate Withdrawal website located at www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/candidate-withdrawal/. [M.S. 205.13, subd. 6](#)

7.3.2 Non-partisan Vacancy in Nomination

A non-partisan vacancy in nomination exists when:

- a candidate for any non-partisan office, for which one or two candidates filed, withdraws as provided in [M.S. 204B.12, subd. 1](#); or
- a candidate for any nonjudicial nonpartisan office, for which only one or two candidates filed or who was nominated at a primary, dies on or before the 79th day before the date of the general election.

A non-partisan vacancy in nomination may be filled by:

- filing an affidavit of candidacy and paying a filing fee, or
- by filing an affidavit of candidacy and filing a petition in place of a filing fee, in the manner provided in [M.S. 204B.06](#), [204B.09](#) and [204B.11](#).

All documents and fees required must be filed within five days after the non-partisan vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If the non-partisan vacancy in nomination resulted from a withdrawal during the withdrawal period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal period to fill the vacancy, there are more than two candidates, the candidates' names must appear on the primary ballot. In all other cases, the candidates' names must appear on the general election ballot. [M.S. 204B.131](#)

7.4 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/election-administration-campaigns/campaigning/. 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:

- 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;
- 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;

- 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;
- charter cities may have additional campaign finance requirements;
- collect Certification of Filing forms from all candidates and committees within seven days after the election;
- have financial reports available for public inspection;
- post the financial reports on web site for four years if a web site is maintained as soon as received, but not later than 30 days after receipt;
- provide the Campaign Finance and Public Disclosure Board with the link to the financial reports section of their web site;
- if a candidate or committee has filed an initial report, but fails to file a subsequent campaign finance report when due, 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; and
- 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.

7.5 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 <https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>.

In addition to receiving financial reports required under [M.S. 211.02](#), clerks also have to notify a candidate or committee that 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](#):

- provide report forms to candidates or committees (the forms are printed by the OSS and distributed through the auditors and are available at the OSS Campaign Finance Filings website located at www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/).
- receive financial reports from candidates and committees (They may be filed electronically);
- notify a candidate or committee that has filed an initial report of the failure to file a subsequent report on the date it is due;
- 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;
- hold financial reports available for public inspection;

- collect Certification of Filing forms from all candidates and committees within seven days after the election, form available at the OSS Campaign Finance Filings website located at www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/; and
- 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](#)

7.6 STATEMENT OF ECONOMIC INTEREST

Candidates in a metropolitan governmental unit, as defined in [M.S. 10A.01, subd. 24](#), are required to file a statement of economic interest within 14 days of filing an affidavit of candidacy or a petition to appear on the ballot. A supplemental statement of economic interest must be filed on April 15 of each year after this initial filing if the individual remains in office and the information on a previously filed statement has changed. Any city clerk collecting statements of economic interest must maintain them as public data. [M.S. 10A.01](#); [10A.09](#)

8.0 BALLOT PREPARATION

8.1 BALLOT PRINTING ARRANGEMENTS

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

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 all elections. [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:

- referring to turnout statistics of previous similar elections;
- 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 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 assistive voting devices.

8.2 BALLOT LAYOUT

By May 1 of state election years, the OSS will distribute examples of the ballots to county auditors. These example ballots are available at the OSS Example Ballots web page located at www.sos.state.mn.us/election-administration-campaigns/election-administration/example-ballots/. The county auditor distributes copies of the example ballots to the clerks in municipalities holding elections that year. [M.R. 8250.1810, subp. 18](#); [M.S. 204D.09, subd. 1](#)

8.2.1 Optical Scan Ballot Layout

Ballots must be prepared by the county auditor 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](#)

8.3 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 capitalization of candidate names.
- Check these items for both the front and back sides of the ballots.

Note: If it is determined that the candidate name provided on the affidavit of candidacy should not appear on the ballot because it gives the candidate an advantage over an opponent, including words descriptive of the candidate's occupation, qualifications, opinions or principles, then the candidate should be notified that their name will appear on the ballot in a different form than was provided in the affidavit of candidacy. [M.S. 204B.06](#); [204B.35 subd. 2](#)

8.4 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 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 state 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](#)

9.0 BALLOT QUESTIONS

9.1 WHAT ARE BALLOT QUESTIONS?

The city may decide to place certain questions on the ballot that the voters are authorized or required under the law to vote on. Some of the more common questions include:

- Adoption or amendment of a city charter.
- Changing options for organizing governing body.
- Liquor licensing or Sunday liquor sales.
- Issuance of city bonds.
- Other subjects authorized by the city charter. [M.S. 275.60](#); [340A.416](#); [416](#); [340A.504, subd 3\(c\)](#)

9.2 PETITIONS

Special elections may be held in a city on a question on which the voters are authorized by law to pass judgment. In these cases, a special election may be ordered by a city council by its own motion or upon receipt of a petition signed by a number of voters equal to 20 percent of the voters at the last city general election. A question is carried only with a majority in its favor required by law or charter. The same question must not have been submitted to voters within the previous six months. Specific directions for all petitions used in elections are provided in [M.R. 8205](#). This rule addresses petition form, circulation, signing, filing and verification. [M.S. 205.10](#); [M.R. 8205](#)

9.3 ADVISORY ELECTIONS

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

A specific exception is provided for cities when the council has sole authority to decide whether the city should join a special district or similar independent governmental body having taxing powers within the city. In these cases, the council has authority to submit to the voters at a regular or special election the question of whether the municipality should join such a body. The results of the election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision to join or withdraw from the special district or similar independent body. [M.S. 412.221, subd. 33](#)

An additional specific exception is a special election held by a city to authorize a city charter. [M.S. 205.10 subd 1](#)

9.4 BOND AND LEVY REFERENDUMS

A bond referendum is 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. 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](#)

10.0 VOTING SYSTEMS

10.1 WHAT ARE VOTING SYSTEMS?

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

10.1.1 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:

- "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.
- "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](#)

10.1.2 Assistive Voting Device

Every precinct must have at least one assistive voting device. The assistive voting device allows voters with disabilities to mark their ballot independently and privately but does not count the ballot. Local jurisdictions must make assistive voting devices 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. [M.S. 204B.18, subd. 1](#)

10.1.3 Pictures of voting system equipment certified for use in Minnesota polling locations:



M100 tabulator



Accu-Vote tabulator



DS200 tabulator



VerityScan tabulator



ImageCast Evolution tabulator



AutoMARK AVD



ImageCast Evolution AVD



Verity Touch Writer AVD

10.2 STATE COOPERATIVE PURCHASING VENTURE (CPV)

The Minnesota Department of Administration, working with the OSS, may enter into purchasing agreements with certified vendors of optical scan voting systems to provide low prices and easy purchasing of precinct ballot counters.

For a nominal fee, local governmental subdivisions may join the CPV program and make purchases at state prices without the necessity of doing a competitive procurement. For more information about the state CPV program, contact the Department of Administration at (651) 296-2600. Ask for details about Contract Release V-18(5). Jurisdictions may contact the vendors directly to make their purchases.

Jurisdictions may enter into maintenance agreements to have a vendor provide service to the voting systems. Under this type of maintenance agreement, the vendor regularly services and repairs the voting systems. The level of service varies depending on the terms of the maintenance agreement.

10.3 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. Share candidate name pronunciation instructions with the auditor to enter into ERS for ballot vendors.

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](#)

10.4 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, even if only an assistive voting device is employed, 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 Voting Equipment Testing Guide for more details on conducting testing found at the OSS Elections Guide website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. [M.S. 206.83](#); [M.R. 8220.1550](#)

11.0 ABSENTEE VOTING

Some absentee voting information is provided in this guide in Section 11.0. More details regarding absentee voting can be found in the Absentee Voting Administration Guide. This guide can be found at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

11.1 PREPARING TO ADMINISTER ABSENTEE VOTING

11.1.1 Administering Absentee Voting

Voters must not be required to go to more than one location in order to cast an absentee ballot. For example, if a county and a municipality are conducting an election on the same day, the auditor administers absentee voting for the municipality whose residents also reside in the county. There are other scenarios where the county may designate this responsibility or where it is the responsibility of the municipality to administer absentee voting, but the county auditor is always responsible for administering absentee voting for military and overseas (UOCAVA) voters.

State Elections

The county auditor administers absentee voting for county, state and federal elections, and for UOCAVA voters for all elections. An auditor may designate the task of administering regular absentee to a full-time municipal clerk. If the auditor has not designated, a full-time clerk may give the auditor notice that the municipality will administer regular absentee voting. A clerk of a city that is located in more than one county may only administer absentee voting if the clerk has been designated by each of the county auditor or has provided notice to each of the county auditors that the city will administer absentee voting.

When the designation or notice is given, it must specify whether the clerk will be responsible for the administration of a ballot board. A municipality may only be designated to administer regular absentee voting if they have the technical capacity to access the state voter registration system (SVRS) and must first receiving training from or approved by the OSS.

If the designation specifies that the clerk will be responsible for the administration of a ballot board the governing body of the municipality must establish an absentee ballot board by ordinance or resolution for processing returned regular absentee ballots. Absentee ballot boards must consist of a sufficient number of election judges, or deputy city clerks trained in the handling and counting of absentee ballots. In order to serve as an election judge on a ballot board, individuals must be appointed as provided in [M.S. 204B.19 to 204B.22](#) and trained on the handling and processing of absentee ballots. It is recommended that this be an additional one hour training course that covers all aspects of absentee ballot administration. [M.S. 203B.121](#)

Special Elections and Municipal Elections

When a city election is held on a different day other than a state/county election, the city is responsible for administering absentee voting for its election, with the exception of UOCAVA absentees, which are always administered by the county auditor. If the city asks the county, and if the county agrees, the county may administer all absentee voting for the city.

The city, or the county if agreed, must establish an absentee ballot board by ordinance or resolution for processing returned regular absentee ballots. The county must also establish a UOCAVA AB Board.

When administering absentee voting, the clerk must conduct AB outreach to health care facilities located in the city. 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 website located at www.health.state.mn.us. [M.S. 203B.01, subd. 4](#)

HCF outreach is conducted during the 20 days preceding the election and consists of organizing teams of election judges to travel to the HCF, collect applications, issue ballots, assist voters and return voted ballots. More information on HCF outreach can be found in the Absentee Voting Administration Guide found at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

Clerks administering absentee voting 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.

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.

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](#)

For more information regarding absentee ballot boards and health care facility voting, please review the Absentee Voting Administration Guide found at the OSS Election Guide website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

11.2 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 an assisted living facility governed by M.S. 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 the OSS Vote-Early-In-Person website (found at the bottom of the screen) located at www.sos.state.mn.us/elections-voting/other-ways-to-vote/vote-early-in-person/. To cut down on back and forth trips, you may fax or e-mail the application to the voter, and the voter may return it by fax or as an attachment to an e-mail. 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](#)

11.3 SPECIAL CATEGORIES OF ABSENTEE VOTING

11.3.1 Military Voters & 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. These ballots are handled by the county auditor. Many of the ballots are sent by e-mail to the voters.

11.3.2 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. or, if they have never resided in the U.S., the last residence of a parent. 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](#)

11.3.3 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 8:00 p.m. on 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.

11.3.4 Safe At Home

Safe at Home (SAH) 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 a permanent absentee voter. Before every election, the OSS reviews participants and their voting precinct to determine who is eligible to cast a ballot in the election. The OSS will contact the appropriate county auditor to request the necessary number of absentee ballots for SAH voters. The OSS mails the ballot and AB 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.

12.0 ELECTION DAY

12.1 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 municipal elections, the minimum voting hours for cities in the metropolitan area are from 10:00 a.m. to 8:00 p.m. For municipal elections outside the metropolitan area, minimum hours are from 5:00 p.m. to 8:00 p.m. The “metropolitan area” for elections is defined as the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright. [M.S. 205.175, subd. 1](#)

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

Local municipal 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. 204C.05; 205.07, subd. 1a; 205.105; 205.175](#)

12.2 ACTIVITY IN OR NEAR THE POLLING PLACE

12.2.1 Authorized Persons in the Polling Place 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 judge 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 name and role in the election process, such as head judge, election judge, or election judge trainee. The name and role 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.
- Teachers, elementary and high school students if participating in a mock election that has been authorized by the secretary of state.
- The news media.
- Persons making a written complaint. [M.S. 204C.06](#)

12.2.2 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:

- Stay at least six feet from voters.
- Not converse with voters or interfere with the voting process.
- Not make a list of those voting or not voting. [M.S. 204C.06, subd. 8](#)

12.2.3 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.
- Linger. [M.S. 204B.06](#)

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. The Election Judge Guide can be found at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/

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.

12.3 ELECTION JUDGE NEUTRALITY IN THE POLLING PLACE

Even though many judges are affiliated with major parties and often have strong political opinions about candidates and ballot questions, once a judge steps into the polling place and takes the oath, they are to remain neutral while serving in the role of election judge. Voters have the right to vote in a polling place, free of any influence.

This can be difficult when there is a controversial question on a ballot; especially a constitutional amendment. Many people will ask election judges, what does this “mean?” Or, what effect does this or that action have on the outcome of the election?

There should be nothing for election judges to explain orally about any question. The instruction wording is printed on the ballot above all questions. The instructions above a constitutional amendment are very clear and are explicitly laid out in law.

It is suggested that when election judges are asked about ballot questions, to refer the voter to the instructions. If needed, the election judge may read the instructions out loud. No further explanation is needed.

12.4 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](#); [M.R. 8200.5300](#)

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 city. Election judges use the precinct finder or precinct map supplied by the clerk to determine if persons are registering in the correct precinct. [M.R. 8200.5300](#)

The clerk must return the polling place roster(s) and completed VRAs to the county auditor within 48 hours following the end of voting. [M.S. 204C.07](#); [201.018](#)

12.5 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 (see [M.S. 201.061, subd. 3](#) for list) 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. [M.S. 204C.07](#); [204C.12](#)

The challenger cannot speak to voters. Furthermore, the challenger cannot:

- handle or inspect any of the voting materials
- make lists of who has or has not voted
- compile lists of voters to challenge on the basis of mail sent by a political party that was returned undeliverable, 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.

12.6 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](#)

12.7 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. Please make sure to notify those present that the results are only for the poll place itself (do not include absentee ballot totals) and are “unofficial.” 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, subd.1](#); [204C.19, subd. 2](#); [204C.07](#)

12.8 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. All present election judges must complete the three copies of the summary statement and seal each in individually signed envelopes. The first copy must remain attached to the “zeros” 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 voting booths
 - All stations set up to provide a space for a voter with a ballot;
- The number of election judges
 - Count number of signatures of judge’s oath;
- 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 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. Do not count the names listed on the non-registered AB supplemental report.
- The total number of voters that voted at the polling place on Election Day. [M.S. 204C.24](#)

Example of a Summary Statement

Precinct Summary Statement State General Election November 8, 2016

Municipality _____

Ward _____ Precinct _____ Check if AB

County _____

Number of Election Judges who worked in this precinct * _____

Number of Voting Booths in this precinct * _____

Registration Statistics

Number of persons registered at 7 a.m. *1. _____

Number of new registrants on election day *2. _____

Ballots delivered to the precinct

Ballots delivered as certified by the clerk 3. _____

Ballot count adjustments from incident log (+/-) 4. _____

Number of unofficial ballots made 5. _____

Number of absentee ballots delivered 6. _____

Total number of ballots delivered to precinct (3+4+5+6 = A) A

Ballots not in the ballot box

Number of spoiled ballots *7. _____

Number of originals for which duplicates made *8. _____

Number of rejected absentees *9. _____

Number of unused ballots 10. _____

Total number ballots not in the ballot box (7+8+9+10 = B) B

Ballots cast in the ballot box

Number of signatures on roster (preregistered + EDR) *11. _____

Number of accepted regular, military and overseas absentee & mail ballots *12. _____

Number of accepted federal only absentee ballots *13. _____

Number of accepted presidential only absentee ballots *14. _____

Total number of ballots in the ballot box (= persons voting) (11+12+13+14 = C) C

Ballots returned to Auditor/Clerk

Ballots returned from the precinct (B + C = D) D

Difference for auditor/clerk notation on delivery record (A - D = E) E

* are entered into ERS stats

13.0 AFTER THE ELECTION

13.1 RECEIVING MATERIALS

On election night at least one election judge from each precinct must deliver the following items to the county auditor or the city 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:

- two sets of summary statements; and
- all voted, duplicated and spoiled ballots. [M.S. 204C.27](#)

Every auditor (or city clerk) must remain in their office on the night of the election until all returns have been delivered. The auditor (or city clerk) 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 who delivered the materials to the auditor's office (or clerk's office).

The record must include all materials delivered, the time of 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. [M.S. 204C.28, subd. 1](#)

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

- remaining summary statements and returns;
- all unused and defective municipal ballots;
- completed voter registration applications;
- voter rosters (both EDR and pre-registered); and
- voting systems.

The city 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](#)

13.2 CANVASSING OF THE RETURNS

The city council serves as the canvassing board for city elections. The council must meet to canvass the returns and declare the results on the second or third day after a primary and within three to 10 days after a general election. The canvass may only be held on the second day after a primary if the county auditor agrees to review primary voting statistics within a time that permits the canvass to be conducted on that day. [M.S. 205.185, subd. 3](#); [205.065, subd. 5](#)

The steps to canvass the results are:

- the clerk prepares a canvassing report (abstract) to accumulate results from multiple precincts; this report may be available from the state Election Reporting System (ERS);
- the canvass board publicly canvasses the election returns by reviewing the abstract and write-in reports
- the board may ask to examine summary statements before it declares the results;

- when satisfied that the abstract reports are correct, the board signs the abstracts and they become the official results;
- in the case of a tie vote, the canvassing board determines the winner by lot;
- errors by election judges in counting may be corrected by following specific procedures as prescribed by law. [M.S. 204C.38](#); [204C.39](#); [205.185](#)

13.3 RECOUNTS

Minnesota election law authorizes administrative recounts after the canvassing board certifies the results. Rather than seeking a court order, the election administrator, on behalf of the canvassing board, may conduct a manual recount. A recount is limited in scope; the sole issue a recount may resolve is whether the election judges arrived at the correct vote total. Original ballots that have been duplicated are not within the scope of a recount and must not be examined except as provided by a court in an election contest. Rejected absentee envelopes may not be opened or subject to further review except in an election contest pursuant to [Chapter 209](#). [M.S. 203B.121, subd. 2](#); [204C.35, subd. 3](#)

[Minnesota Rules Chapter 8235](#) provides a complete discussion of the procedures for conducting a recount. See the Minnesota Recount Guide for more information on general procedures.

13.3.1 Publicly Funded Municipal Recounts

There are no automatic recounts for local, municipal office races. There are provisions for a publically funded recount:

Written Request: Candidates for city offices who wish a recount or those who would like a recount of a ballot question shall file a written request with the city clerk. All requests shall be filed during the time for notice of contest as per [M.S. 209.021, subd. 1](#): Within five days after the canvass of primary results and within seven days after the canvass of a general election's results. [M.S. 204C.36, subd. 1](#)

More than 50,000 total votes cast for the office: If the total number of votes cast for that election was more than 50,000, a losing municipal candidate may request a recount, at the expense of the city, of the votes cast if the difference between the votes cast for that candidate and for the winning candidate is less than one-quarter of one percent of the total votes counted for that office. In the case of offices where two or more seats are being filled from among all the candidates for the office, the one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

Between 400 and 50,000 total votes cast for the office: If the total number of votes cast for that election was between 400 and 50,000, a losing candidate may request a recount of the votes cast, at the expense of the city, if the difference between the votes cast for that candidate and for a winning candidate is less than one-half of one percent. If two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

Less than 400 total votes cast for the office: If the total numbers of votes cast for that election was fewer than 400, a losing candidate may request a recount of the votes cast, at the expense of the city, if the difference between the votes cast for that candidate and for a winning candidate is less than 10 votes. In cases of offices where two or more seats are being filled from among all the

candidates for the office, the 10 vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

13.3.2 Discretionary Municipal Recounts

A losing candidate for a city office may request a recount at the candidate's own expense when the vote difference is greater than the differences mentioned in 13.3.1. The requesting candidate files with the city clerk a bond, cash or surety in an amount set by the city for the payment of the recount expenses. The requesting candidate may provide the city clerk with a list of up to three precincts that are to be recounted first and may waive the balance of the precincts after the precincts have been counted. If a list is provided, the expected costs of the three or less precincts must be determined. If the winner of the race is changed by the optional recount, the costs of the recount are then paid by the city. And, if a result of the vote counting is different from the result of the vote counting reported on election night by a margin greater than the standard for acceptable performance of the voting systems, the cost of the recount is also then paid by the city. [M.S. 204C.36, subd. 2](#)

13.3.3 Ballot Question Recounts

A written request for a recount on a question must be:

- filed by any person eligible to vote on the ballot question
- filed with the city 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 city. The recount will be conducted at the city's expense if the difference between votes for and against the ballot questions is at or less than what is listed in 13.3.1. 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 city for payment of recount expenses at the time when the written request and petition is submitted. [M.S. 204C.36, subd. 3](#)

13.4 CONTEST OF ELECTION

A "contest of election" means to challenge the result of an election in district court, usually seeking a specific correction. A voter or candidate may contest the election of a candidate or ballot question in which they were eligible to vote. An election may be contested over an irregularity in the conduct of an election, 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. 205.185, subd. 3\(b\); 209](#)

13.4.1 Security and Storage of Election Items for a Contest

There are numerous statutes and rules regarding the retention and safeguarding of election materials:

<p>Secured and sealed in ballot boxes and precinct supply boxes</p>	<ul style="list-style-type: none"> • All ballots cast and counted in original sealed envelopes. M.S. 204C.27; 204C.28; 209.05; M.R. 8235.0400; 8235.0600 • All precinct summary statements. M.S. 204C.27; 204C.28 • All defective ballots not counted in original sealed envelopes. M.S. 204C.23; 204C.25; 204C.27; 204C.28 • All spoiled and unused ballots. M.S. 204C.27, 204C.28 • All electronic voting systems and counting programs. • All polling place rosters and completed election day registration applications. M.S. 204C.27 • All records of materials delivered to them after completion of voting. M.S. 204C.28 • All canvassing board reports. M.S. 204C.33 • All records of access to ballots. M.S. 204C.28 • All lists submitted by residential facilities and educational institutions pursuant to M.S. 135A.17 & 201.061, subd. 3 • All election day challenges to voters pursuant to M.S. 204C.12. • All precinct incident logs. M.S. 204C.27; 204C.28 • All absentee ballot applications. M.S. 203B.06 • All absentee and mail ballot return envelopes. M.S. 203B.08; 203B.12 • Any voting machine tape reports recording the votes cast on Election Day in each precinct. M.S. 204C
<p>Other materials that have varying retention schedules</p>	<ul style="list-style-type: none"> • Pre-election accuracy test results, including copies of any machine tapes generated as part of the process, or copies of any other similar documented means of verification. M.S. 206.83 • All voter registration applications. M.S. 201.081 • All records of notices of late, incomplete and deficient registrations. M.S. 201.061, M.R. 8200.2900; 8200.3100; 8200.3110 • All records of notices of ineligibility for registration. M.S. 201.061, subd. 7 • All reports of deceased voters, name changes, felony convictions, guardianships and commitments. M.S. 201.13 through 201.155 • All records of notices of challenge removal. M.R. 8200.3550 • All records of notices of application removal. M.R. 8200.3700 • All challenges to voter registration submitted pursuant to M.S. 201.195. • Copies of post-election machine audits, including machine tapes generated as part of the process, or copies of any other similar documented means of verification. M.S. 206.89
<p>During a contest period it is suggested:</p>	<ul style="list-style-type: none"> • Communicating with all staff about the importance of preserving and/or protecting any election items. • Search all offices and premises under the clerk’s jurisdiction and authority, including computer networks, to ensure that all documents, materials and election items are preserved and protected. • Except when conducting official or court ordered tasks, the ballots remain under lock and key at all times. No less than two official elections staff enter the room at any time. A room-access log, including the time, date and purpose, shall be kept. No “visual guards” posted pursuant to M.S. 209.05 may enter the ballot storage room at any time. • A copy of the security policy should be posted on the ballot storage room.

13.5 CERTIFYING RESULTS

The clerk must certify the results of the city election to the county auditor. If a question on the ballot involves intoxicating beverages or a change in the form of city government, the clerk must promptly notify the county auditor and certify to the OSS the form of the question and votes for and against the proposition. [M.S. 204C.40](#); [205.185](#); [340A.416](#)

13.6 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 7 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, the clerk must file a complaint with the Minnesota Office of Administrative Hearings. [M.S. 211A.05, subd. 2](#)

13.7 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](#)

13.8 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. Unless otherwise specified in law, city officials take and subscribe their oath of office with their city clerk or recorder. [M.S. 358.05](#); [359.04](#); [358.11](#); [Constitution of the State of Minnesota](#)

13.9 RECORD RETENTION

The clerk is responsible for custody of the ballots and returns in city 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. These abstract are permanently retained because they contain the original signatures of the canvassing board. [M.S. 138.163](#); [204B.40](#)

13.10 POST ELECTION REVIEW

For the state general election, the county canvass board will select the precincts by lot for a post election review. Details can be found in the Post Election Review Guide, available at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. The county auditor is the post election review official unless the auditor designates the city clerk as the review official within 24 hours after the county canvass of the state general election. [M.S. 206.89](#)

14.0 VACANCIES IN ELECTIVE OFFICES

14.1 OCCURRENCES

Vacancies in elective offices 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, or upon the effective date specified in that letter. Preparations for a special election, if needed, 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](#)

14.2 FILLING VACANCIES

For charter cities, refer to your city charter for how vacancies are filled for your city.

For statutory cities, a vacancy in an elected city office shall be filled by council appointment of an individual who is eligible to hold the office until a special election is held or the remainder of the term expires. In the case of a vacancy arising from a mayor's or council member's inability or refusal to serve, the appointee serves until the mayor or council member is able to resume their duties or until the term expires. [M.S. 412.02, subd. 2a](#); [412.02, subd. 2b](#)

A special election shall be held at or before the next regular city election if more than two years remain in the unexpired term and the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election. [M.S. 412.02, subd. 2a](#)

If less than two years remain in the unexpired term, or the vacancy occurs on, or after the first day to file affidavits of candidacy for the regular city elections, a special election may be held, or a person appointed by the city council may serve the remainder of the unexpired term. [M.S. 412.02, subd. 2a](#)

The city council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

If a special election is being held to fill a vacancy, candidates must file their affidavit of candidacy for the specific office with the vacancy to fill the unexpired portion of the term. [M.S. 412.02, subd. 2a](#)

When filling a vacancy by special election, regular laws, including election related deadlines, must be followed as far as practicable. [M.S. 204D.18](#), [205.02](#)

Also, the precincts, polling places, and election judges are the same as the last general election, unless they are changed according to law. [M.S. 204D.24](#)

15.0 OTHER ELECTIONS

15.1 UNIFORM LOCAL ELECTION DAY

Cities must hold their officer elections in the fall of either even or odd numbered years (but not both) at local option. The general elections occur on the first Tuesday after the first Monday in November. Cities have the option to hold a primary election; if held, it must be on the second Tuesday in August, and the election calendar is essentially the same as for state elections. If a city wishes to choose nominees for municipal offices by a primary, the city council must adopt a resolution or ordinance by April 15th in the year when the municipal general election is held. The resolution or ordinance is effective for all municipal elections until it is revoked. The clerk must provide notice of the adoption of the resolution or ordinance within 30 days after adoption. [M.S. 205.065](#); [205.13](#); [205.16](#)

Timeline for municipalities without a primary:

- Notice of Filing published 15 weeks before election—municipal clerk’s office is open from 1-5:00 p.m. on last day of filing;
- filing opens 12 weeks before and closes 10 weeks before;
- candidate withdrawal closes at 5:00 p.m., two days following the close of filing;
- clerk notifies auditor of election details at least 74 days before an election;
- Notice of Election is published two weeks before; and
- the governing body canvasses between three and 10 days after the election.

Metropolitan area cities minimum voting hours are from 10:00 a.m. to 8:00 p.m. In non-metro areas, minimum hours are from 5:00 p.m. to 8:00 p.m. [M.S. 205.16](#); [205.175](#); [205A.09](#)

15.2 MAIL BALLOTING AND MAIL ELECTIONS

Minnesota Statutes provide procedures for the conducting of an election by mail, where the only polling place is the office of the clerk or auditor. [M.S. 204B.45](#) allows certain municipalities or counties to use special mail balloting procedures for precincts for all of their elections. [M.S. 204B.46](#) allows a special election for question(s) to be conducted as a mail election for precincts which would normally vote at a regular polling place in other elections.

A Mail Voting Guide (for mail balloting and mail elections) is available at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

15.2.1 Mail Balloting

Minnesota Statutes permit mail balloting for the following:

- Towns of any size located outside the seven-county metro area,
- Cities with fewer than 400 registered voters located outside the seven-county metro area (June 1 voter registration number),
- Any precinct having fewer than 100 registered voters (June 1 voter registration number),
- Unorganized territories if provided for by the county board.

Mail balloting can be used at any municipal, county or state election. The governing body of a municipality, or county board for unorganized territories, must authorize mail balloting no later than 90 days prior to the first election at which mail balloting will be used. The resolution must specify at which elections (municipal, county and/or state) mail balloting will be used.

If conducting balloting by mail, the Notice of Special Mail Election procedures must be given at least 10 weeks prior to the election. The clerk will need to develop a plan for the mailing and for processing the voted ballots. The Office of the County Auditor or municipal clerk is the only polling place. Excluding a mail special election for a question, the county auditor (all auditors if municipality is located within multiple counties) must give approval before mail ballot procedures can be used for elections.

Ballots are mailed no more than 46 days nor later than 14 days before a regularly scheduled election, and not more than 30 days nor later than 14 days prior to any other election day. If needed, the county auditor or clerk does a second mailing no later than 14 days before the election to voters who registered to vote after the initial mailing but before the voter registration cutoff.

The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned mail ballots. One board may be created to process both AB and MB ballots. The ballot board must mark returned ballots “accepted” or “rejected” within five days they are received, and within three days if they are received 14 or fewer days before the Election Day. [M.S. 204B.45](#); [M.R. 8210.3000](#)

15.2.2 Mail Election Questions

A county, municipality, or school district submitting questions to the voters at a special election may conduct the election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election under this provision. The county auditor must be given a 74-day notice and a notice must be posted at least six weeks prior to the election. Ballots are mailed no more than 46 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 to vote after the initial mailing was sent but before the voter registration cutoff (20 days before Election Day) for the election.

The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned mail election ballots. One board may be created to process both ABs and MBs. The ballot board must mark returned ballots “accepted” or “rejected” within five days after they are received, and within three days if they are received 14 or fewer days before Election Day. More detailed information regarding mail balloting is available in the Mail Elections Guide. [M.S. 204B.46](#); [M.R. 8210.3000](#)

15.3 CITY SPECIAL ELECTIONS

Provisions are made in Minnesota Statutes for cities to hold special elections in certain instances. In general, these elections begin with a council resolution, are conducted in the same manner as regular city elections and would follow procedures described in this guide, unless the law authorizing the election has specific instructions otherwise. The governing body of a city may on its own motion cancel a special election held under [M.S. 205.10, subd. 1](#), but not less than 46 days before the election. Notice must be provided at least 46 days before the election if a city special is cancelled in this manner. Charter cities should refer to your city charter for special election details. [M.S. 205.10](#); [205.16, subd. 4](#)

15.4 STATE ELECTIONS

Clerks share responsibility for administering state elections with county auditors and the OSS. State elections are held every even-numbered year.

15.4.1 State Primary

Held on the 2nd Tuesday in August (August 9, 2016) to select political party and nonpartisan candidates for elective offices to be filled at the general election. [M.S. 204D.03](#)

If there are no partisan or nonpartisan offices for which nominees must be selected, the city council may decide whether a state primary will be held. If the city council decides that there will not be a primary, within 15 days of the close of filing, the clerk must post a notice of the primary cancellation, and must also notify the OSS. [M.S. 204D.03](#); [204D.07](#)

At least 15 weeks before the state primary, the OSS notifies each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with OSS. Within 10 days after notification by the OSS, each county auditor must notify each city clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and city clerks must promptly post a copy of that notice in their offices. [M.S. 204B.33](#)

Notice of election must be posted in the clerk's office 15 days before the election stating: officers to be nominated; location of each polling place; and hours for voting. The notice may also be published. [M.S. 204B.34](#)

No write-in candidates are permitted on a primary ballot. Voters may vote in only one party's primary column on the ballot; voters may not "cross-party vote" between the parties' columns and candidates. [M.S. 204B.36](#)

Nonpartisan (judicial, local, and school) offices appear on the primary ballot only when more than twice the number of persons to be elected file for the nomination. Municipalities and schools must, by resolution or ordinance, elect to choose nominees for municipal or school office by primary. [M.S. 204D.07](#); [205.065](#); [205A.03](#)

15.4.2 State General Election

Held on 1st Tuesday after the first Monday in November (November 8, 2016) to elect all elective state and county officers, judges of the state supreme, appeals, and district courts, members of the legislature, senators and representatives in congress, and presidential electors. Proposed amendments to the Minnesota Constitution may be on the ballot as well as elective offices for soil and water conservation districts and hospital districts. For specific dates and notices see the 2016 Elections Calendar on the OSS Election Calendar website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/. [M.S. 103C.305](#); [204D.03](#); [204D.13](#); [204D.15](#); [447.32](#)

15.4.3 Summary Statements For Returns

For state elections, each official responsible for printing ballots must furnish three or more blank summary statement forms for the returns of those ballots for each precinct. Blank summary statement forms are furnished at the same time and in the same manner as the ballots. After election judges complete the returns, they deliver at least three copies of the summary statement to the clerk. In first, second and third Class cities the clerk must remain in the clerk's office to receive delivery of the summary statements and other election materials from the election judges or until 24 hours have elapsed since the polls were closed, whichever occurs first. [M.S. 204C.24](#); [204C.26](#); [204C.28](#)

15.4.4 Canvassing

Results of state elections are declared by the appropriate county canvassing boards and the state canvassing board. [M.S. 204C.32](#); [204C.33](#)

15.5 SCHOOL DISTRICT ELECTIONS

School districts are required to conduct their board elections in November of either even or odd numbered years. If a school district is holding an election at the same time as a city election or a state primary or state general election, the city clerks in the school district will in effect be conducting the election for the school district. The school district will still take the candidate filings for school board office, prepare and supply a school district optical scan ballot, and canvass the results of the election. The city, however, is responsible for all other facets of the election including election judges, and polling locations. If the election is not held with the state election, but is held in conjunction with a city election, the city is also responsible for optical scan ballot preparation, and absentee ballots. [M.S. 205A.04](#); [205A.06](#)

A school board may, by resolution, decide to choose nominees for school board by a primary. If school candidates are to be nominated by primary, a primary must be held when there are more than two candidates for a specified school board position or more than twice as many candidates as there are at-large school board positions available. The primary would be held on the first Tuesday in August. The candidate filing period would open 84 days before and close 70 days before the primary. [M.S. 205A.03, subd. 1](#)

The city may bill the school district for a fair share of conducting the election. The OSS has developed a Cost Allocation Procedure for election expenses that can be used as the basis for billing election costs. A copy of the Cost Allocation Procedures is available at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/.

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.

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 whole (as in cross-party voting in a primary) or as to a single office or ballot question (as in voting for too many candidates for one office).

Ballot, 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 counter: Electronic optical scan device that counts paper 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 and complete an Oath of Challenge to Voter's Eligibility form to challenge a voter's eligibility.

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

City, first class: A city with more than 100,000 inhabitants. [M.S. 410.01](#)

City, second class: A city with between 20,000 and 100,000 inhabitants. [M.S. 410.01](#)

City, third class: A city with between 10,000 and 20,000 inhabitants. [M.S. 410.01](#)

City, fourth class: A city with less than 10,000 inhabitants. [M.S. 410.01](#)

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.

Coterminous: Two precincts having the same border or covering the same area.

Cross-party voting: Voting for candidates of more than one party when candidates compete for party nomination in a partisan primary. "Cross-party" voting is not allowed in a partisan primary.

DOH: Department of Health. Also known as the Minnesota Department of Health or MDH.

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. [M.S. 200.02, subd. 2](#)

Governing body: The board of commissioners of a county, the elected council of a city, the board of supervisors of a township, or the school board of a school district. [M.S. 200.02, subd. 10](#)

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: A hospital, residential treatment center, or nursing home licensed under Minnesota Statutes [144A.02](#) or [144.50](#). The Minnesota Department of Health has lists of licensed facilities.

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

Mail balloting: A method of voting that a qualified jurisdiction has chosen to be used for its regularly scheduled elections. [M.S. 204B.45](#)

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. [M.S. 204B.46](#)

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

Metro Towns: Towns located in the “metropolitan area” as defined above.

Municipality: Any city or township. [M.S. 200.02, subd. 9](#)

Non-partisan: Offices that do not have party designation.

Partisan: Offices 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. [M.S. 200.02, subd. 3](#)

Primary: An election at which voters choose the nominees for the offices to be filled at a general election. A primary can be either partisan or non-partisan, based on the office. [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 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.

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

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 vouching for eight voters. 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 8 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.

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.

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 municipal clerks, election judges and individuals serving on the absentee ballot board (unless delegated) prior to the state primary. Training will address election laws and procedures; duties of municipal clerks and duties of election judges; and related subjects. [M.S. 204B.25](#); [204B.28](#)

SECRETARY OF STATE

The OSS supports county auditors' training programs 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's 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 in hardcopy or electronic form:

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 municipal 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.

MINNESOTA CITY CLERK ELECTIONS GUIDE - Provides city election procedure summary and references to Minnesota election laws.

MINNESOTA TOWNSHIP CLERK ELECTIONS GUIDE - Provides township election procedure summary and references to Minnesota election laws.

MINNESOTA SCHOOL DISTRICT CLERK ELECTIONS GUIDE - Provides school board election procedure summary and references to Minnesota election laws.

MINNESOTA CAMPAIGN MANUAL – Summarizes campaign financial reporting and fair campaign practices references to Minnesota election laws.

MINNESOTA ABSENTEE VOTING ADMINISTRATION GUIDE – Provides Absentee voting procedures summary and references to Minnesota Election Laws.

MINNESOTA MAIL ELECTIONS GUIDE – Provides Mail Election and Mail balloting procedures summary and references to Minnesota Election Laws.

MINNESOTA ELECTION 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 VOTING 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
- Assistive voting device
- Bag of rubber bands & paper clips
- Ballot counter & power cord
- Ballots
- Ballot marking pens
- Ballot marker boxes/strings
- Ballot receipts for registered voter
- Blank cardboard pieces for signs
- Certificate of registered voter for curbside voting
- Clipboard
- Deceased voter forms
- Demonstration ballot
- Duplicated ballot envelope
- Duty cards
- Election Judge Manual(s) – add phone numbers on the back
- Election day registration applications
- Extension cords
- Flag(s) & stand
- HAVA Election Complaint Form
- State Election Law Complaint Forms
- Highlighter
- “I Voted” stickers
- Identification Badges
- Incident logs
- Key(s) to polling place; ballot box
- Letter opener
- Magic marker
- Magnifying lens
- Masking tape
- Oath of election judge form
- Oath of challenge to voter’s eligibility form
- Official certification sheet
- Opening/closing the polls checklist
- Payroll/timesheet records for election judges
- Poll closing sign for last voter in line at 8 p.m.
- Polling place posters and signs
- Precinct finder
- Precinct list of persons vouched for Form
- Precinct map
- Precinct rosters
- Results tape envelope
- Rubber fingers
- Sample ballots
- Scissors
- Secrecy cover for ballots
- Security seals for ballot transfer case
- Spoiled ballot envelope
- Voter registration tally sheet
- Voter registration bags
- Oath of Vouching to Voter’s Eligibility
- Precinct List of Person’s Vouched for Form
- Non-registered AB voter supplemental report(s)
- Voter receipts (may be different receipts to identify different school districts within same precinct)
- Write-in tally sheets/summary statements
- Greeter’s Lists

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Voting Machine Repair _____

County Sheriff / Local Police _____

Fire Department _____

Emergency Medical Services _____