

A bill for an act

1.1 relating to elections; updating certain ballot and voting system requirements;  
1.2 amending Minnesota Statutes 2008, sections 103C.305, subdivision 3; 203B.125;  
1.3 204B.18; 204B.28, subdivision 2; 204C.08; 204C.13, subdivisions 2, 3,  
1.4 5; 204C.19, subdivision 2; 204C.20, subdivisions 1, 2; 204C.21; 204C.22,  
1.5 subdivisions 3, 4, 6, 7, 10; 204C.24, subdivision 1; 204C.25; 204C.26; 204C.27;  
1.6 204C.28, subdivision 3; 204D.03, subdivision 3; 204D.05, subdivision 3;  
1.7 204D.07; 204D.08; 204D.09, subdivision 2; 204D.10, subdivisions 1, 3;  
1.8 204D.11, subdivision 1; 204D.12; 204D.13; 204D.16; 204D.165; 204D.25,  
1.9 subdivision 1; 205.17, subdivisions 1, 3, 4, 5; 205A.08, subdivisions 1, 3, 4;  
1.10 206.56, subdivision 3; 206.83; 206.84, subdivision 3; 206.86, subdivision 6;  
1.11 206.90, subdivisions 9, 10; 208.04; 447.32, subdivision 4; proposing coding  
1.12 for new law in Minnesota Statutes, chapters 204C; 204D; 205; repealing  
1.13 Minnesota Statutes 2008, sections 204B.36; 204B.37; 204B.38; 204B.39;  
1.14 204B.42; 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05,  
1.15 subdivisions 1, 2; 204D.11, subdivisions 2, 3, 4, 5, 6; 204D.14, subdivisions 1, 3;  
1.16 204D.15, subdivisions 1, 3; 205.17, subdivision 2; 206.56, subdivision 5; 206.61,  
1.17 subdivisions 1, 3, 4, 5; 206.62; 206.84, subdivisions 1, 6, 7; 206.86, subdivisions  
1.18 1, 2, 3, 4, 5; 206.90, subdivisions 3, 5, 6, 7, 8.

1.19  
1.20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.21 Section 1. Minnesota Statutes 2008, section 103C.305, subdivision 3, is amended to  
1.22 read:

1.23 Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of  
1.24 candidates shall be placed on the "~~canary~~ state general election ballot" described in section  
1.25 204D.11, subdivision 3. The office title printed on the ballot must be either "Soil and  
1.26 Water Conservation District Supervisor" or "Conservation District Supervisor," based  
1.27 upon the district from which the supervisor is to be elected.

1.28 Sec. 2. Minnesota Statutes 2008, section 203B.125, is amended to read:

1.29 **203B.125 SECRETARY OF STATE TO MAKE RULES.**

2.1 The secretary of state shall adopt rules establishing methods and procedures for  
2.2 issuing ~~ballot cards~~ ballots and related absentee forms to be used as provided in section  
2.3 203B.08, subdivision 1a, and for the reconciliation of voters and ~~ballot cards~~ ballots  
2.4 before tabulation under section 203B.12.

2.5 Sec. 3. Minnesota Statutes 2008, section 204B.18, is amended to read:

2.6 **204B.18 POLLING PLACES; EQUIPMENT.**

2.7 Subdivision 1. **Booths; voting stations.** Each polling place must contain a number  
2.8 of voting booths or voting stations in proportion to the number of individuals eligible  
2.9 to vote in the precinct. Each booth or station must be at least six feet high, three feet  
2.10 deep and two feet wide with a shelf at least two feet long and one foot wide placed at a  
2.11 convenient height for writing. The booth or station shall permit the voter to vote privately  
2.12 and independently. Each polling place must have at least one accessible voting booth  
2.13 or other accessible voting station and beginning with federal and state elections held  
2.14 after December 31, 2005, and county, municipal, and school district elections held after  
2.15 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help  
2.16 America Vote Act, Public Law 107-252. All booths or stations must be constructed so that  
2.17 a voter is free from observation while marking ballots. During the hours of voting, the  
2.18 booths or stations must have instructions, a pencil, and other supplies needed to mark the  
2.19 ballots. Information needed to enable voters to mark ballots quickly and correctly must  
2.20 be posted in each voting booth. A chair must be provided for elderly voters and voters  
2.21 with disabilities to use while voting or waiting to vote. Stable flat writing surfaces must  
2.22 also be made available to voters who are completing election-related forms. All ballot  
2.23 boxes, voting booths, voting stations, and election judges must be in open public view  
2.24 in the polling place.

2.25 Subd. 2. **Ballot boxes.** Each polling place shall be provided with one ballot box  
2.26 ~~for each kind of ballot to be cast at the election. The boxes shall be substantially the same~~  
2.27 ~~color as the ballots to be deposited in them.~~ Each box shall be of sufficient size and shall  
2.28 have a sufficient opening to receive and contain all the ballots likely to be deposited in  
2.29 it. ~~When buff or goldenrod ballot boxes are required, a separate box must be provided~~  
2.30 ~~for each school district for which ballots are to be cast at that polling place. The number~~  
2.31 ~~and name of the school district must appear conspicuously on the top of each buff or~~  
2.32 ~~goldenrod ballot box.~~

2.33 Sec. 4. Minnesota Statutes 2008, section 204B.28, subdivision 2, is amended to read:

3.1 Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as  
3.2 otherwise provided for absentee ballots in section 204B.35, subdivision 4, the county  
3.3 auditor shall complete the preparation of the election materials for which the auditor is  
3.4 responsible at least four days before every state primary and state general election. At any  
3.5 time after all election materials are available from the county auditor but not later than  
3.6 four days before the election each municipal clerk shall secure from the county auditor:

3.7 ~~(a)~~ (1) the forms that are required for the conduct of the election;

3.8 ~~(b)~~ (2) any printed voter instruction materials furnished by the secretary of state;

3.9 ~~(c)~~ (3) any other instructions for election officers; and

3.10 ~~(d)~~ (4) a sufficient quantity of the official ballots, registration files, envelopes for  
3.11 ballot returns, and other supplies and materials required for each precinct in order to  
3.12 comply with the provisions of the Minnesota Election Law. The county auditor may  
3.13 furnish the election supplies to the municipal clerks in the same manner as the supplies are  
3.14 furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.

3.15 (b) The official in charge of elections in each municipality where an electronic  
3.16 voting system is used shall have the voting systems put in order, set, adjusted, and made  
3.17 ready for voting when delivered to the election precincts. The official shall also provide  
3.18 each precinct with a container for transporting ballots after the polls close. The container  
3.19 must be of sturdy material to protect the ballots from all reasonably foreseeable hazards.

3.20 Sec. 5. Minnesota Statutes 2008, section 204C.08, is amended to read:

3.21 **204C.08 OPENING OF POLLING PLACES.**

3.22 Subdivision 1. Arrival; ballots. The election judges shall meet at the polling place  
3.23 at least one hour before the time for opening the polls. Before the polls open, the election  
3.24 judges shall compare the ballots used with the sample ballots, electronic ballot displays,  
3.25 and audio ballot reader furnished to see that the names, numbers, and letters on both agree  
3.26 and shall certify to that fact on forms provided for that purpose. The certification must  
3.27 be filed with the election returns.

3.28 Subd. 1a. Display of flag. Upon their arrival at the polling place on the day of  
3.29 election, the election judges shall cause the national flag to be displayed on a suitable  
3.30 staff at the entrance to the polling place. The flag shall be displayed continuously during  
3.31 the hours of voting and the election judges shall attest to that fact by signing the flag  
3.32 certification statement on the precinct summary statement. The election judges shall  
3.33 receive no compensation for any time during which they intentionally fail to display  
3.34 the flag as required by this subdivision.

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

4.6 "VOTER'S BILL OF RIGHTS

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

4.8 (1) You have the right to be absent from work for the purpose of voting during the  
4.9 morning of election day.

4.10 (2) If you are in line at your polling place any time between 7:00 a.m. and 8:00  
4.11 p.m., you have the right to vote.

4.12 (3) If you can provide the required proof of residence, you have the right to register  
4.13 to vote and to vote on election day.

4.14 (4) If you are unable to sign your name, you have the right to orally confirm your  
4.15 identity with an election judge and to direct another person to sign your name for you.

4.16 (5) You have the right to request special assistance when voting.

4.17 (6) If you need assistance, you may be accompanied into the voting booth by a  
4.18 person of your choice, except by an agent of your employer or union or a candidate.

4.19 (7) You have the right to bring your minor children into the polling place and into  
4.20 the voting booth with you.

4.21 (8) If you have been convicted of a felony but your felony sentence has expired (been  
4.22 completed) or you have been discharged from your sentence, you have the right to vote.

4.23 (9) If you are under a guardianship, you have the right to vote, unless the court  
4.24 order revokes your right to vote.

4.25 (10) You have the right to vote without anyone in the polling place trying to  
4.26 influence your vote.

4.27 (11) If you make a mistake or spoil your ballot before it is submitted, you have the  
4.28 right to receive a replacement ballot and vote.

4.29 (12) You have the right to file a written complaint at your polling place if you are  
4.30 dissatisfied with the way an election is being run.

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

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

4.34 Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled  
4.35 to begin, the election judges shall post any official voter instruction posters furnished to  
4.36 them in a conspicuous location or locations in the polling place.

5.1 Subd. 2a. **Sample ballots.** ~~At least two sample ballot ballots~~ must be posted in a  
5.2 conspicuous location in the polling place and must remain open to inspection by the voters  
5.3 throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices,  
5.4 candidates, and rotation sequence on the ballots used in that polling place. The sample  
5.5 ballots may be either in full or reduced size.

5.6 Subd. 3. **Locking of ballot boxes box.** Immediately before the time when voting  
5.7 is scheduled to begin, one of the election judges shall open the ballot ~~boxes~~ box in the  
5.8 presence of the individuals assembled at the polling place, ~~turn the boxes upside down to~~  
5.9 demonstrate that it is empty ~~them~~, lock ~~them~~ it, and deliver the key to another election  
5.10 judge. The ~~boxes~~ box shall not be reopened except to count the ballots after the hours  
5.11 for voting have ended and all voting has been concluded. The ~~boxes~~ box shall be kept  
5.12 in public view at all times during voting hours. After locking the ballot ~~boxes~~ box, the  
5.13 election judges shall proclaim that voting may begin, and shall post outside the polling  
5.14 place conspicuous written or printed notices of the time when voting is scheduled to end.

5.15 Subd. 4. **Ballot boxes, box boxcar seals.** The governing body of a municipality or  
5.16 school district by resolution may direct the municipal or school district clerk to furnish  
5.17 a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a  
5.18 numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap  
5.19 so that the other end may be inserted and securely locked in the seal. No two ~~metal~~  
5.20 shall bear the same number.

5.21 Sec. 6. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

5.22 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the  
5.23 proper method of marking ~~and folding~~ the ballots, of using the electronic ballot marker,  
5.24 including assistive voting technology, of the option to insert the ballot into the electronic  
5.25 ballot marker to examine the votes before inserting it into the ballot counter, of inserting  
5.26 the ballot into automatic tabulating equipment that examines and counts votes, and, during  
5.27 a primary ~~election~~, the effect of attempting to vote in more than one party's primary. Except  
5.28 as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied  
5.29 voting booth and mark the ballots without undue delay. The voter may take sample ballots  
5.30 into the booth to assist in voting. The election judges may adopt and enforce reasonable  
5.31 rules governing the amount of time a voter may spend in the voting booth marking ballots.

5.32 Sec. 7. Minnesota Statutes 2008, section 204C.13, subdivision 3, is amended to read:

5.33 Subd. 3. **Marking ballots.** The voter shall mark each ballot in the following manner:

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6.1 (a) ~~A mark (X) shall be placed in the square~~ The voter shall fill in the oval or connect  
6.2 the arrow opposite the printed name of each candidate for whom the individual desires to  
6.3 vote, and in the square before the ~~"YES"~~ "Yes" or ~~"NO"~~ "No" if the individual desires  
6.4 to vote for or against a question.

6.5 (b) The voter may write in other names on the lines provided under the printed  
6.6 names of the candidates, except that no names shall be written in on primary ballots.

6.7 (c) At a state primary an individual may vote for candidates of only one major  
6.8 political party on the partisan primary ballot. If a partisan primary ballot contains votes  
6.9 for the candidates of more than one major political party, the ballot is totally defective and  
6.10 no vote on the partisan section of the ballot shall be counted.

6.11 (d) An individual who spoils a ballot may return it to the election judges and receive  
6.12 another.

6.13 Sec. 8. Minnesota Statutes 2008, section 204C.13, subdivision 5, is amended to read:

6.14 Subd. 5. **Deposit of ballots in ballot boxes box.** The voter shall then withdraw  
6.15 from the voting booth with the ballots and ~~hand them to the election judge in charge of~~  
6.16 ~~the ballot boxes. That election judge shall~~ immediately deposit each ballot in the proper  
6.17 ballot box. Ballots that have not been initialed by the election judges as provided in  
6.18 section 204C.09, shall not be deposited in the ballot box.

6.19 Sec. 9. **[204C.185] DUTIES OF ELECTION JUDGES.**

6.20 Subdivision 1. **Damaged or defective ballots.** If a ballot is damaged or defective so  
6.21 that it cannot be counted properly by the automatic tabulating equipment, a true duplicate  
6.22 copy must be made of the damaged ballot in the presence of two judges not of the same  
6.23 major political party and must be substituted for the damaged ballot. Likewise, a duplicate  
6.24 ballot must be made of a defective ballot which may not include the votes for the offices  
6.25 for which it is defective. Duplicate ballots must be clearly labeled "duplicate," indicate the  
6.26 precinct in which the corresponding damaged or defective ballot was cast, bear a serial  
6.27 number which must be recorded on the damaged or defective ballot, and be counted  
6.28 in lieu of the damaged or defective ballot.

6.29 Subd. 2. **Rejected ballots.** Whenever a ballot created by an electronic ballot marker  
6.30 certified by the secretary of state is rejected by an optical scan voting system, two election  
6.31 judges who are members of different major political parties shall transcribe the votes on  
6.32 the ballot rejected by the optical scan voting system using the procedures in subdivision 1.

6.33 Sec. 10. Minnesota Statutes 2008, section 204C.19, subdivision 2, is amended to read:

7.1 Subd. 2. **Ballots; order of counting.** ~~Except as otherwise provided in this~~  
7.2 ~~subdivision, the ballot boxes shall be opened;~~ The votes must be counted, and the total  
7.3 declared ~~one box at a time in the following order: the white box, the pink box, the canary~~  
7.4 ~~box, the light green box, the blue box, the buff box, the goldenrod box, the gray box, and~~  
7.5 ~~then the other kinds of ballots voted at the election. If enough election judges are available~~  
7.6 ~~to provide counting teams of four or more election judges for each box, more than one~~  
7.7 ~~box may be opened and counted at the same time~~ in the order the offices are listed on the  
7.8 ballot. The election judges on each counting team shall be evenly divided between the  
7.9 major political parties. The numbers entered on the summary sheet shall not be considered  
7.10 final until all the ballots ~~in all the boxes~~ have been counted ~~and corrections have been~~  
7.11 ~~made if ballots have been deposited in the wrong boxes.~~

7.12 Sec. 11. Minnesota Statutes 2008, section 204C.20, subdivision 1, is amended to read:

7.13 Subdivision 1. **Determination of proper number.** The election judges shall  
7.14 determine the number of ballots to be counted by adding the number of return envelopes  
7.15 from accepted absentee ballots to the number of signed voter's certificates, or to the number  
7.16 of names entered in the election register. ~~The election judges shall then remove all the~~  
7.17 ~~ballots from the box. Without considering how the ballots are marked, the election judges~~  
7.18 ~~shall ascertain that each ballot is separate and shall count them to determine whether the~~  
7.19 ~~number of ballots in the box corresponds with the number of ballots to be counted.~~

7.20 Sec. 12. Minnesota Statutes 2008, section 204C.20, subdivision 2, is amended to read:

7.21 Subd. 2. **Excess ballots.** ~~If two or more ballots are found folded together like a~~  
7.22 ~~single ballot, the election judges shall lay them aside until all the ballots in the box have~~  
7.23 ~~been counted. If it is evident from the number of ballots to be counted that the ballots~~  
7.24 ~~folded together were cast by one voter, the election judges shall preserve but not count~~  
7.25 ~~them.~~ If the number of ballots in ~~one~~ the ballot box exceeds the number to be counted, the  
7.26 election judges shall examine all the ballots in the box to ascertain that all are properly  
7.27 marked with the initials of the election judges. If any ballots are not properly marked with  
7.28 the initials of the election judges, the election judges shall preserve but not count them;  
7.29 however, if the number of ballots does not exceed the number to be counted, the absence  
7.30 of either or both sets of initials of the election judges does not, by itself, disqualify the  
7.31 vote from being counted and must not be the basis of a challenge in a recount. If there is  
7.32 still an excess of properly marked ballots, the election judges shall replace them in the  
7.33 box, and one election judge, without looking, shall withdraw from the box a number

8.1 of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be  
8.2 preserved as provided in subdivision 4.

8.3 Sec. 13. [204C.205] COUNTING BALLOTS.

8.4 In precincts in which automatic tabulating equipment is located in the polling place,  
8.5 as soon as the polls are closed the election judges shall secure the voting systems against  
8.6 further voting. A tabulation of ballots must be obtained from the automatic tabulating  
8.7 equipment after all damaged or defective ballots have been replaced. The tabulation,  
8.8 together with the returns of write-in and absentee votes and the precinct summary  
8.9 statements prepared in accordance with section 204C.24, constitute the official return of  
8.10 each precinct. Upon completion of the count, the returns are open to the public.

8.11 Sec. 14. [204C.206] COUNTING BALLOTS CENTRALLY.

8.12 Subdivision 1. At the voting location. In precincts in which automatic tabulating  
8.13 equipment is located in a central location, as soon as the polls are closed the election  
8.14 judges shall secure the voting systems against further voting. They shall then open the  
8.15 ballot box and count the number of ballots that have been cast to determine that the  
8.16 number of ballots does not exceed the number of voters shown on the election register.  
8.17 If there is an excess, the judges shall seal the ballots in a ballot container and transport  
8.18 the container to the county auditor or municipal clerk who shall process the ballots in the  
8.19 same manner as required in section 204C.20, subdivision 2, then enter the ballots into the  
8.20 ballot counter. The total numbers of voters must be entered on the forms provided.

8.21 Subd. 2. Transportation of ballots. The judges shall place all voted ballots,  
8.22 defective ballots, and damaged ballots in the container provided for transporting them  
8.23 to the counting center. The container must be sealed and delivered immediately to the  
8.24 counting center by two judges who are not of the same major political party. The judges  
8.25 shall also deliver to the counting center, in a suitable container, the unused ballots, and the  
8.26 spoiled ballot envelope.

8.27 Subd. 3. Counting centers open; security. Proceedings at the counting center are  
8.28 open to the public. They are under the direction of the official in charge of elections in  
8.29 each municipality and must be under the observation of at least two election judges who  
8.30 are not of the same major political party. Only persons employed and authorized for the  
8.31 purpose may touch any ballot, ballot container, or statement of absentee ballot results.

8.32 Subd. 4. Preliminary tabulation. When the ballots arrive at a counting center  
8.33 where votes are counted by automatic tabulating equipment that is programmed to  
8.34 tabulate the votes from multiple precincts, the ballots must be given to the counting center



9.1 election judges and counted by the automatic tabulating equipment. The results of this  
9.2 preliminary tabulation may be made available to the public if the tabulation is clearly  
9.3 identified as unofficial.

9.4 After any preliminary tabulation has been made, any ballots that could not be read  
9.5 by the tabulator, or would not go through the tabulator, must be returned to the counting  
9.6 center election judges who shall prepare replacements, if necessary, as provided in section  
9.7 204C.185.

9.8 Subd. 5. **Final tabulation.** A final tabulation of ballots must be obtained from the  
9.9 automatic tabulating equipment after all damaged or defective ballots have been replaced.  
9.10 The final tabulation, together with the returns of write-in and absentee votes and the  
9.11 precinct summary statements prepared in accordance with section 204C.24, constitute  
9.12 the official return of each precinct. Upon completion of the count the returns are open  
9.13 to the public.

9.14 Sec. 15. Minnesota Statutes 2008, section 204C.21, is amended to read:

9.15 **204C.21 HAND COUNTING BALLOTS; PILING SYSTEM.**

9.16 Subdivision 1. **General.** Ballots that are counted by hand shall be counted as  
9.17 prescribed by this section.

9.18 Subd. 1a. **Method.** The election judges shall remove all the ballots from the box.  
9.19 Without considering how the ballots are marked, the election judges shall ascertain that  
9.20 each ballot is separate and shall count them to determine whether the number of ballots in  
9.21 the box corresponds with the number of ballots to be counted. If two or more ballots are  
9.22 found folded together like a single ballot, the election judges shall lay them aside until  
9.23 all the ballots in the box have been counted. If it is evident from the number of ballots  
9.24 to be counted that the ballots folded together were cast by one voter, the election judges  
9.25 shall preserve but not count them. The election judges shall take all the ballots ~~of the same~~  
9.26 ~~kind~~ and count the votes cast for each office or question, beginning with the first office  
9.27 or question on the ballot. They shall make one pile of the ballots for each candidate  
9.28 who received votes for that office, or one pile for the "Yes" votes and one pile for the  
9.29 "No" votes on a question. They shall make a pile of totally defective ballots and a pile of  
9.30 totally blank ballots. They shall make a pile of ballots that are not totally defective but are  
9.31 defective with respect to the office or question being counted and a pile of ballots that  
9.32 are not totally blank but are blank with respect to the office or question being counted.  
9.33 After the separation into piles, the election judges shall examine each pile and remove and  
9.34 place in the proper pile any ballots that are found in the wrong pile. The election judges  
9.35 shall count the totally blank and totally defective ballots and set them aside until the

10.1 counting is over for that ballot. The election judges ~~may~~ must pile ballots crosswise in  
10.2 groups of 25 in the same pile to facilitate counting. When their counts agree, the election  
10.3 judges shall announce the number of ballots in each pile, and shall write the number in the  
10.4 proper place on the summary statements.

10.5 The election judges shall then return all the counted ballots, and all the partially  
10.6 defective or partially blank ballots, to the original pile to be separated and counted in the  
10.7 same manner for the next office or question.

10.8 Subd. 2. **More than one candidate to be elected; piling.** Where more than one  
10.9 candidate is to be elected to an office, the votes for that office shall be counted and  
10.10 canvassed in the manner provided in subdivision ~~+~~ 1a as far as practicable.

10.11 Subd. 2a. **Defective ballots.** A ballot that is defective to the extent that the election  
10.12 judges are unable to determine the voter's intent shall be marked on the back "Defective"  
10.13 if it is totally defective or "Defective as to .....,," naming the office or question if it is  
10.14 defective only in part.

10.15 Subd. 3. **Primary.** At a primary the election judges shall first separate the ~~partisan~~  
10.16 ballots by major political party and then count the votes for each office as provided in  
10.17 subdivision ~~+~~ 1a. The nonpartisan races on the primary ballots shall be counted ~~separately~~  
10.18 after the partisan races on the primary ballots have been counted.

10.19 Sec. 16. Minnesota Statutes 2008, section 204C.22, subdivision 3, is amended to read:

10.20 Subd. 3. **Votes for too many candidates.** If a voter ~~places a mark (X)~~ fills in the  
10.21 oval or completes the arrow beside the names of more candidates for an office than are to  
10.22 be elected or nominated, the ballot is defective with respect only to that office. No vote  
10.23 shall be counted for any candidate for that office, but the rest of the ballot shall be counted  
10.24 if possible. At a primary, if a voter has not indicated a party preference and ~~places a mark~~  
10.25 ~~(X)~~ fills in the oval or completes the arrow beside the names of candidates of more than  
10.26 one party on the partisan section of the ballot, that section of the ballot is totally defective  
10.27 and no votes on it for partisan offices shall be counted. If a voter has indicated a party  
10.28 preference at a primary, only votes cast for candidates of that party shall be counted.

10.29 Sec. 17. Minnesota Statutes 2008, section 204C.22, subdivision 4, is amended to read:

10.30 Subd. 4. **Name written in proper place.** If a voter has written the name of an  
10.31 individual in the proper place on a general or special election ballot a vote shall be counted  
10.32 for that individual whether or not the voter ~~makes a mark (X) in the square~~ fills in the oval  
10.33 or completes the arrow opposite the blank.

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11.1 Sec. 18. Minnesota Statutes 2008, section 204C.22, subdivision 6, is amended to read:

11.2 Subd. 6. **Mark out of place.** If a mark (~~X~~) is made out of its proper place, but so  
11.3 near a name or space as to indicate clearly the voter's intent, the vote shall be counted.

11.4 Sec. 19. Minnesota Statutes 2008, section 204C.22, subdivision 7, is amended to read:

11.5 Subd. 7. **All written names or marks counted up to limit.** If a number of  
11.6 individuals are to be elected to the same office, the election judges shall count all names  
11.7 written in and all printed names with (~~X~~) ~~marks in squares~~ fills in the oval or completes the  
11.8 arrow opposite them, not exceeding the whole number to be elected. When fewer names  
11.9 than the number to be elected ~~are marked with an (X)~~ have ovals filled in or completed  
11.10 arrows or written in, only the marked or written in names shall be counted. When more  
11.11 names than the number to be elected are marked or written in, the ballot is defective with  
11.12 respect to that office and no vote shall be counted for that office.

11.13 Sec. 20. Minnesota Statutes 2008, section 204C.22, subdivision 10, is amended to read:

11.14 Subd. 10. **Different marks.** If a voter uniformly uses a mark ~~other than (X)~~ which  
11.15 clearly indicates an intent to mark a name or to mark yes or no on a question, and the  
11.16 voter does not use (~~X~~) the more standard mark anywhere else on the ballot, a vote shall  
11.17 be counted for each candidate or response to a question marked. If a voter uses two or  
11.18 more distinct marks, such as (X) and some other mark, a vote shall be counted for each  
11.19 candidate or response to a question marked, unless the ballot is marked by distinguishing  
11.20 characteristics that make the entire ballot defective as provided in subdivision 13.

11.21 Sec. 21. Minnesota Statutes 2008, section 204C.24, subdivision 1, is amended to read:

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

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

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

11.31 (c) the number of individuals who voted at the election in the precinct;

11.32 (d) the number of voters registering on election day in that precinct; and

12.1 (e) the signatures of the election judges who counted the ballots certifying that all of  
12.2 the ballots cast were properly ~~filed, checked, and~~ counted; and that the numbers entered  
12.3 by the election judges on the summary statements correctly show the number of votes cast  
12.4 for each candidate and for and against each question.

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

12.7 Sec. 22. Minnesota Statutes 2008, section 204C.25, is amended to read:

12.8 **204C.25 DISPOSITION OF BALLOTS.**

12.9 After the count and the summary statements have been completed, in the presence  
12.10 of all the election judges, the counted, defective, and blank ballots shall be placed in  
12.11 envelopes ~~marked or printed to distinguish the color of the ballots contained,~~ and the  
12.12 envelopes shall be sealed. The election judges shall sign each envelope over the sealed  
12.13 part so that the envelope cannot be opened without disturbing the continuity of the  
12.14 signatures. The number ~~and kind~~ of ballots in each envelope, the name of the town or  
12.15 city, and the name of the precinct shall be plainly written upon the envelopes. The number  
12.16 and name of the district must be plainly written on envelopes containing school district  
12.17 ballots. The spoiled ballots shall be placed in separate envelopes, sealed, and returned  
12.18 with the unused ballots to the county auditor or municipal or school district clerk from  
12.19 whom they were received.

12.20 Sec. 23. Minnesota Statutes 2008, section 204C.26, is amended to read:

12.21 **204C.26 SUMMARY STATEMENTS AND ENVELOPES FOR BALLOT**  
12.22 **RETURNS; ELECTION OFFICIALS TO FURNISH.**

12.23 Subdivision 1. **Summary statements.** For state elections in jurisdictions in which  
12.24 the ballots are counted by hand, ~~each official responsible for printing ballots~~ the county  
12.25 auditor shall furnish three or more blank summary statement forms for the returns of  
12.26 those ballots for each precinct. At least two copies of the summary statement must be  
12.27 prepared for elections not held on the same day as the state elections. The blank summary  
12.28 statement forms shall be furnished by the same official, at the same time, and in the same  
12.29 manner as the ballots. ~~The county auditor shall furnish blank summary statement forms~~  
12.30 ~~containing separate space for the summary statement of the returns of the white ballot and~~  
12.31 ~~the summary statement of the returns for the state pink ballot.~~

12.32 Subd. 2. **Summary statements; contents.** The blank summary statement forms  
12.33 furnished to each precinct shall identify the precinct, ward number if any, city, school  
12.34 district if applicable, or town, date, and kind of election and, under appropriate headings

13.1 ~~identifying each color ballot~~, shall contain spaces for the election judges to enter the  
13.2 information required by section 204C.24, subdivision 1.

13.3 Each blank summary statement form shall also contain a certificate to be signed by  
13.4 the election judges stating that the national flag was displayed on a suitable staff during  
13.5 voting hours; that all of the ballots cast were properly ~~pled, checked, and~~ counted; and  
13.6 that the numbers entered by the election judges on the summary statements correctly show  
13.7 the number of votes cast for each candidate and for and against each question.

13.8 Subd. 3. **Secretary of state.** On or before July 1 of each even-numbered year, the  
13.9 secretary of state shall prescribe the form for summary statements of election returns  
13.10 and the methods by which returns for the state primary and state general election shall  
13.11 be recorded by precinct, county, and state election officials. Each county auditor and  
13.12 municipal or school district clerk required to furnish summary statements shall prepare  
13.13 them in the manner prescribed by the secretary of state. The summary statement of  
13.14 the primary returns shall be in the same form as the summary statement of the general  
13.15 election returns except that a separate part of the summary statement shall be provided for  
13.16 the partisan aces on the primary ballot and a separate part for the nonpartisan aces on  
13.17 the primary ballot.

13.18 Subd. 4. **Envelopes for counted ballots.** Each official responsible for printing  
13.19 ballots shall also furnish envelopes to contain those ballots after they have been counted.  
13.20 The envelopes shall be made of heavy paper, ~~printed or marked to distinguish the color of~~  
13.21 ~~the ballots to be contained in them.~~ They shall be of convenient size to hold the ballots  
13.22 and shall be furnished at the same time and in the same manner as the ballots.

13.23 Sec. 24. Minnesota Statutes 2008, section 204C.27, is amended to read:

13.24 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

13.25 One or more of the election judges in each precinct shall deliver two sets of summary  
13.26 statements; all spoiled ~~white, pink, canary, and gray~~ ballots; and the envelopes containing  
13.27 the ~~white, pink, canary, and gray~~ voted ballots either directly to the municipal clerk for  
13.28 transmittal to the county auditor's office or directly to the county auditor's office as soon as  
13.29 possible after the vote counting is completed but no later than 24 hours after the end of the  
13.30 hours for voting. One or more election judges shall deliver the remaining set of summary  
13.31 statements and returns, all unused and spoiled ~~municipal and school district ballots, the~~  
13.32 ~~envelopes containing municipal and school district~~ ballots, and all other things furnished  
13.33 by the municipal or school district clerk, to the municipal or school district clerk's office  
13.34 within 24 hours after the end of the hours for voting. The municipal or school district clerk

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14.1 shall return all polling place rosters and completed voter registration cards to the county  
14.2 auditor within 48 hours after the end of the hours for voting.

14.3 Sec. 25. Minnesota Statutes 2008, section 204C.28, subdivision 3, is amended to read:

14.4 Subd. 3. **School district returns and materials.** At a school district election held in  
14.5 conjunction with a state election, the county auditor or municipal clerk shall deliver the  
14.6 summary statements of the school district election returns, ~~all unused and spoiled school~~  
14.7 ~~district ballots, and the envelope containing the school district ballots~~ from each precinct  
14.8 to the clerk of the appropriate school district within 48 hours after the polls close.

14.9 Sec. 26. Minnesota Statutes 2008, section 204D.03, subdivision 3, is amended to read:

14.10 Subd. 3. **Exception; certain partisan candidates.** ~~(a) If no more than one~~  
14.11 ~~candidate files for nomination by a major political party for a partisan office, the candidate~~  
14.12 ~~who filed must be declared the nominee upon the close of filing. If every candidate for a~~  
14.13 ~~partisan office has been declared the nominee upon the close of filing, the office must be~~  
14.14 ~~omitted from the state primary ballot. If all offices, both partisan and nonpartisan, have~~  
14.15 ~~been omitted from the state primary ballot in a municipality or county, the governing body~~  
14.16 ~~of the municipality or county may decide that the state primary will not be conducted in~~  
14.17 ~~that municipality or county.~~

14.18 ~~(b)~~ Within 15 days after the close of filing, each municipal clerk or county auditor  
14.19 whose governing body has decided not to conduct the state primary in accordance with  
14.20 section 204D.08, subdivision 4, shall post notice that the offices have been so omitted and  
14.21 the state primary canceled and shall send a copy of the notice to the secretary of state.

14.22 Sec. 27. **[204D.045] BALLOTS; FORM.**

14.23 Subdivision 1. **Type.** All ballots must be printed with black ink on white paper of  
14.24 sufficient thickness to prevent the printing from being discernible from the back, except  
14.25 that marks not to be read by the automatic tabulating equipment may be printed in another  
14.26 color ink. All ballots must be printed in easily readable type with suitable lines dividing  
14.27 candidates, offices, instructions, and other matter printed on ballots.

14.28 Subd. 2. **Titles.** On the top of all ballots must be printed the words "Official  
14.29 Ballot," the date of the election, and lines for the initials of at least two election judges.  
14.30 The instructions must read:

14.31 "To vote, completely fill in the oval(s) next to your choice(s) like this:" with the picture  
14.32 of a completed oval; or "To vote, complete the arrow(s) pointing to your choice(s) like  
14.33 this:" with the picture of a completed arrow. Additional instructions must include the

15.1 following statement: "If you make a mistake, ask for a new ballot." Directly underneath  
15.2 the official title of each office must be printed the words "Vote for one" or "Vote for up  
15.3 to ..." (any greater number to be elected).

15.4 Subd. 3. **Candidates and offices.** The name of each candidate must be printed at a  
15.5 right angle to the length of the ballot. The name of each candidate must be printed in upper  
15.6 and lower case letters. Candidates' names may be set in as large type as the length of the  
15.7 majority of names on the ballot permits. The remaining candidates' names may be set in  
15.8 smaller sizes of type as the length of each name requires, in order to fit the available space  
15.9 on the ballot. At a general election, the name of the political party or the political principle  
15.10 of each candidate for partisan office must be printed below the name of the candidate. The  
15.11 name of a political party or a political principle must be printed in capital and lowercase  
15.12 letters of the same type. At a general election, blank lines containing the words "write-in,  
15.13 if any" must be printed below the name of the last candidate for each office, or below the  
15.14 title of the office if no candidate has filed for that office, so that a voter may write in the  
15.15 names of individuals whose names are not on the ballot. One blank line must be printed  
15.16 for each officer of that kind to be elected. At a primary, no blank lines may be provided for  
15.17 writing in the names of individuals whose names do not appear on the primary ballot.

15.18 In a column, and on a line with the names of the candidates and the blank lines, there  
15.19 must be placed ovals or arrows, each oval or arrow to be of the same size, located as close  
15.20 as possible to the name of the candidate or the words yes or no, in which the voter may  
15.21 designate a vote by completely filling in the oval or connecting the arrow.

15.22 Subd. 4. **Question; form of ballot.** When a question is to be submitted to a vote, a  
15.23 concise statement of the nature of the question must be printed on the ballot. The words,  
15.24 "Yes" and "No" must be printed, with an oval or arrow next to each word so that the voter  
15.25 may indicate either a negative or affirmative vote.

15.26 Subd. 5. **Judicial candidates.** The official ballot must contain the names of all  
15.27 candidates for each judicial office and must state the number of those candidates for  
15.28 whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the  
15.29 district court must be numbered.

15.30 The words "Supreme Court," "Court of Appeals," and "(number) District Court" must be  
15.31 printed above the respective judicial office groups on the ballot. The title of each judicial  
15.32 office must be printed on the official primary and general election ballot as follows:

15.33 (a) In the case of the Supreme Court:

15.34 "Chief Justice";

15.35 "Associate Justice (number)";

16.1 (b) In the case of the Court of Appeals:

16.2 "Judge (number)"; or

16.3 (c) In the case of the District Court:

16.4 "Judge (number)."

16.5 Subd. 6. **Designation of incumbent; judicial offices.** If a chief justice, associate  
16.6 justice, or judge is a candidate to succeed again, the word "Incumbent" must be printed  
16.7 after or below that judge's name as a candidate.

16.8 Sec. 28. **[204D.046] NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE**  
16.9 **WORDS.**

16.10 When the similarity of surnames of two or more candidates for the same office at the  
16.11 same election may cause confusion to voters, up to three additional words may be printed  
16.12 on the ballot after each surname to indicate the candidate's occupation, office, residence,  
16.13 or any combination of them if the candidate furnishes the identifying words to the filing  
16.14 officer by the last day for withdrawal of candidacy.

16.15 Sec. 29. **[204D.047] SUBSTITUTE BALLOTS.**

16.16 If a sufficient number of official ballots are not delivered or if the official ballots  
16.17 are stolen or destroyed and a sufficient number of official ballots cannot be procured, the  
16.18 official in charge of preparing the official ballots shall prepare substitute ballots in the  
16.19 form prescribed by this section. The substitute ballots must be prepared in the same form  
16.20 as official ballots as far as practicable. The word "Substitute" must be printed in brackets  
16.21 immediately above the words "Official Ballot." When the substitute ballots are delivered  
16.22 to the municipal clerks or election judges they must be accompanied by an initialed  
16.23 affidavit of the officer preparing them. The affidavit must state that the substitute ballots  
16.24 have been prepared and furnished in the manner prescribed by this section and must state  
16.25 the reason why sufficient official ballots were not ready for delivery. The election judges  
16.26 shall include this affidavit with the election returns from that precinct.

16.27 Sec. 30. **[204D.048] PAPER COLOR FOR SAMPLE BALLOTS; PENALTY.**

16.28 No sample ballot may be printed on white paper except when appearing in a  
16.29 newspaper as news matter. A violation of this section is a misdemeanor.

16.30 Sec. 31. Minnesota Statutes 2008, section 204D.05, subdivision 3, is amended to read:



17.1 Subd. 3. **County auditor to prepare.** The county auditor of each county shall  
17.2 prepare the state ~~partisan~~ primary ballot and ~~the state and county nonpartisan primary~~  
17.3 ~~ballot~~ provide all sample ballots, precinct summary statements, printed forms, and other  
17.4 necessary supplies.

17.5 Sec. 32. Minnesota Statutes 2008, section 204D.07, is amended to read:

17.6 **204D.07 PLACING NAMES ON BALLOTS.**

17.7 Subdivision 1. **Duties of county auditor.** Except as provided in subdivisions 2 and  
17.8 3, the county auditor shall list in the appropriate place on the ~~appropriate~~ state primary  
17.9 ballot the name of each candidate who has properly filed an affidavit of candidacy with  
17.10 the auditor and of each candidate certified by the secretary of state pursuant to section  
17.11 204D.06.

17.12 Subd. 2. **Exception; petition candidates.** The name of a candidate nominated by  
17.13 petition shall not be placed on ~~any~~ the state primary ballot.

17.14 Subd. 3. **Exception; certain nonpartisan candidate.** If not more than twice the  
17.15 number of individuals to be elected to a nonpartisan office file for the nomination, their  
17.16 names and the name of the office shall be omitted from the state ~~and county nonpartisan~~  
17.17 primary ballot and the candidates who filed shall be the nominees.

17.18 Sec. 33. Minnesota Statutes 2008, section 204D.08, is amended to read:

17.19 **204D.08 STATE PRIMARY BALLOTS.**

17.20 Subdivision 1. **Form.** Except as provided in this section, state primary ballots ~~shall~~  
17.21 must be printed in the same manner as state general election ballots as far as practicable.  
17.22 A sufficient number ~~shall~~ must be printed for each precinct and ward in the state.

17.23 The secretary of state shall adopt rules for the format and preparation of the state  
17.24 primary ballot.

17.25 Subd. 1a. **Heading; voter instructions; partisan and nonpartisan sections.** The  
17.26 state primary ballot must be headed by the words "State Primary Ballot." If a primary  
17.27 ballot contains both a partisan and a nonpartisan section, the instructions to voters must  
17.28 include a statement that reads substantially as follows: "This ballot contains a partisan and  
17.29 a nonpartisan section. On the partisan section, you are only allowed to vote for candidates  
17.30 of one political party." If only partisan races are listed on the ballot, above the party  
17.31 names, the following statement must be printed. "You are only allowed to vote for the  
17.32 candidates of one political party in a primary." If a primary ballot contains political party  
17.33 columns on both sides of the ballot, the instructions to voters must include a statement  
17.34 that reads substantially as follows: "Additional political parties are printed on the other

18.1 side of this ballot. Vote for one political party only." At the bottom of each political party  
18.2 column on the primary ballot, the ballot must contain a statement that reads substantially  
18.3 as follows: "Continue voting in the nonpartisan section."

18.4 Subd. 2. **Blank lines prohibited.** At a primary ~~election~~, no blank lines shall  
18.5 be provided for writing in the names of individuals whose names do not appear on the  
18.6 primary ballot.

18.7 Subd. 3. ~~Rotation~~ **Alternation of names.** On state primary ballots the name of each  
18.8 candidate for nomination to a partisan or nonpartisan office shall be ~~rotated~~ alternated  
18.9 with the names of the other candidates for nomination to that office in various precincts  
18.10 so that the name of each candidate appears substantially an equal number of times at the  
18.11 top, at the bottom, and at each intermediate place in that group of candidates. However,  
18.12 the arrangement of candidates' names must be the same on all ballots used in the same  
18.13 precinct. If the number of names to be alternated exceeds the number of precincts, the  
18.14 county auditor shall determine by lot the alternation of names. If the number of candidates  
18.15 for an office is equal to or less than the number to be elected, no ~~rotation~~ alternation  
18.16 of candidate names is required and the official preparing the ballot shall determine the  
18.17 position of the candidates by lot.

18.18 Subd. 4. **State ~~partisan~~ primary ballot; party columns.** ~~The state partisan primary~~  
18.19 ~~ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be~~  
18.20 ~~printed on white paper.~~ There must be at least three vertical columns on the ballot and  
18.21 each major political party shall have a separate column headed by the words ".....  
18.22 Party," giving the party name. ~~Above the party names, the following statement shall be~~  
18.23 ~~printed.~~ More than one column may be used for the same office or party.

18.24 ~~"Minnesota Election Law permits you to vote for the candidates of only one political~~  
18.25 ~~party in a state partisan primary election."~~

18.26 If there are only two major political parties to be listed on the ballot, one party must  
18.27 occupy the left-hand column, the other party must occupy the right-hand column, and the  
18.28 center column must contain the following statement:

18.29 "Do not vote for candidates of more than one party."

18.30 The names of the candidates seeking the nomination of each major political party  
18.31 shall be listed in that party's column. If only one individual files an affidavit of candidacy  
18.32 seeking the nomination of a major political party for an office, the name of that individual  
18.33 shall be placed on the state ~~partisan~~ primary ballot at the appropriate location in that  
18.34 party's column.

18.35 ~~In each column, the candidates for senator in Congress shall be listed first, candidates~~  
18.36 ~~for representative in Congress second, candidates for state senator third, candidates for~~

19.1 ~~state representative fourth and then candidates for state office in the order specified by~~  
19.2 ~~the secretary of state.~~

19.3 If no more than one candidate files for nomination by a major political party for a  
19.4 partisan office, the candidate who filed must be declared the nominee upon the close of  
19.5 filing. If every candidate for a partisan office has been declared the nominee upon the  
19.6 close of filing, the office must be omitted from the state primary ballot. If all offices, both  
19.7 partisan and nonpartisan, have been omitted from the state primary ballot in a municipality  
19.8 or county, the governing body of the municipality or county may decide that the state  
19.9 primary will not be conducted in that municipality or county.

19.10 The party columns shall be substantially the same in width, type, and appearance.  
19.11 The columns shall be separated by a ~~12-point~~ solid line.

19.12 Subd. 5. **Party columns; arrangement.** The names of candidates for nomination of  
19.13 the major political party that received the smallest average vote at the last state general  
19.14 election must be placed in the first column on the left side of the ballot. The names of  
19.15 candidates for nomination of the major political party that received the next smallest  
19.16 average vote at the last state general election must be placed in the second column, and  
19.17 so on. The average vote shall be computed in the manner provided in section 204D.13,  
19.18 subdivision 2.

19.19 Subd. 6. ~~State and county Nonpartisan primary ballot section.~~ ~~The state and~~  
19.20 ~~county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary~~  
19.21 ~~Ballot." It shall be printed on canary paper. The names of candidates for nomination to the~~  
19.22 ~~Supreme Court, Court of Appeals, district court, and all county offices shall be placed~~  
19.23 ~~on this ballot.~~

19.24 No candidate whose name is placed on the ~~state and county nonpartisan primary~~  
19.25 ~~ballot section~~ shall be designated or identified as the candidate of any political party or  
19.26 in any other manner except as expressly provided by law.

19.27 Sec. 34. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

19.28 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county  
19.29 auditor shall prepare a sample state partisan primary ballot ~~and a sample state and county~~  
19.30 ~~nonpartisan primary ballot~~ for public inspection. The names of all of the candidates to  
19.31 be voted for in the county shall be placed on the sample ballots, with the names of the  
19.32 candidates for each office arranged alphabetically according to the surname. Only one  
19.33 sample state partisan primary ballot ~~and one sample state and county nonpartisan ballot~~  
19.34 shall be prepared for any county. The county auditor shall post the sample ballots in a

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20.1 conspicuous place in the auditor's office and shall cause them to be published at least one  
20.2 week before the state primary in at least one newspaper of general circulation in the county.

20.3 Sec. 35. Minnesota Statutes 2008, section 204D.10, subdivision 1, is amended to read:

20.4 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a  
20.5 major political party for a partisan office on the state ~~partisan~~ primary ballot who receives  
20.6 the highest number of votes shall be the nominee of that political party for that office,  
20.7 except as otherwise provided in subdivision 2.

20.8 Sec. 36. Minnesota Statutes 2008, section 204D.10, subdivision 3, is amended to read:

20.9 Subd. 3. **Nonpartisan offices; nominees.** The candidates for each nonpartisan  
20.10 office on the state ~~and county nonpartisan~~ primary ballot receiving the highest and the  
20.11 next highest number of votes shall be the nominees for that office. When more than one  
20.12 individual is to be elected to the same nonpartisan office, the number of nominees shall  
20.13 be equal to twice the number of individuals to be elected, and that number of candidates  
20.14 receiving the highest number of votes shall be the nominees for that office.

20.15 Sec. 37. Minnesota Statutes 2008, section 204D.11, subdivision 1, is amended to read:

20.16 Subdivision 1. ~~**White Ballot; rules.** The names of the candidates for all partisan~~  
20.17 ~~offices voted on at the state general election shall be placed on a single ballot printed on~~  
20.18 ~~white paper which shall be known as the "white ballot." This~~ The state general election  
20.19 ballot shall be prepared by the county auditor subject to the rules of the secretary of state.  
20.20 The secretary of state shall adopt rules for preparation and time of delivery of the ~~white~~  
20.21 ballot.

20.22 Sec. 38. Minnesota Statutes 2008, section 204D.12, is amended to read:

20.23 **204D.12 NAMES PLACED ON GENERAL ELECTION BALLOTS.**

20.24 Without payment of an additional fee, the county auditor shall place on the  
20.25 appropriate state general election ballot the name of every candidate:

20.26 (a) whose nomination at the state primary has been certified by the appropriate  
20.27 canvassing board;

20.28 (b) who has been nominated by petition, including candidates certified by the  
20.29 secretary of state; and

20.30 (c) who was nominated and whose name was omitted from the state ~~nonpartisan~~  
20.31 primary ballot pursuant to section 204D.03, subdivision 3, or 204D.07, subdivision 3.

20.32 Only the names of duly nominated candidates may be placed on a ballot.

21.1 Sec. 39. Minnesota Statutes 2008, section 204D.13, is amended to read:

21.2 **204D.13 ~~WHITE STATE GENERAL ELECTION BALLOT; PARTISAN~~**  
21.3 **OFFICES; CANDIDATES.**

21.4 Subdivision 1. **Ballot headings.** The state general election ballot must be headed  
21.5 with the words "State General Election Ballot."

21.6 **Subd. 1a. Order of offices.** The candidates ~~for partisan offices~~ shall be placed on the  
21.7 ~~white state general election ballot~~ in the following order: ~~senator in Congress shall be first;~~  
21.8 ~~representative in Congress, second; state senator, third; and state representative, fourth.~~

21.9 ~~The candidates for state offices shall follow in the order specified by the secretary of state~~  
21.10 federal offices; state legislative offices; constitutional offices; proposed constitutional  
21.11 amendments; county offices and questions; municipal offices and questions; school  
21.12 district offices and questions; special district offices and questions; and judicial offices.

21.13 Candidates for president and vice president and governor and lieutenant governor shall  
21.14 appear so that a single vote may be cast for both offices.

21.15 **Subd. 2. Order of political parties.** The first name printed for each partisan office  
21.16 on the ~~white~~ ballot shall be that of the candidate of the major political party that received  
21.17 the smallest average number of votes at the last state general election. The succeeding  
21.18 names shall be those of the candidates of the other major political parties that received  
21.19 a succeeding higher average number of votes respectively. For the purposes of this  
21.20 subdivision, the average number of votes of a major political party shall be computed by  
21.21 dividing the total number of votes counted for all of the party's candidates for statewide  
21.22 office at the state general election by the number of those candidates at the election.

21.23 **Subd. 3. Nominees by petition; placement on ballot.** The names of candidates  
21.24 nominated by petition for a partisan office voted on at the state general election shall be  
21.25 placed on the ~~white~~ ballot after the names of the candidates for that office who were  
21.26 nominated at the state primary. Prior to the state primary, the secretary of state shall  
21.27 determine by lot the order of candidates nominated by petition. The drawing of lots must  
21.28 be by political party or principle. The political party or political principle of the candidate  
21.29 as stated on the petition shall be placed after the name of a candidate nominated by  
21.30 petition. The word "nonpartisan" shall not be used to designate any partisan candidate  
21.31 whose name is placed on the white ballot by nominating petition.

21.32 **Subd. 4. Order of nonpartisan candidates.** The names of candidates for  
21.33 nonpartisan offices must be alternated in the manner provided for alternation of names of  
21.34 partisan candidates on state primary ballots by section 204D.08, subdivision 4. Judicial  
21.35 offices for a specific court for which there is only one candidate filed must appear after  
21.36 all other judicial offices for that same court on the ballot.

22.1 Subd. 5. Constitutional amendments. The secretary of state shall provide an  
22.2 appropriate title for each question. The title must be approved by the attorney general and  
22.3 consist of not more than one printed line above the question to which it refers. Just below  
22.4 the title, a conspicuous notice must be printed stating that a voter's failure to vote on a  
22.5 constitutional amendment has the effect of a negative vote.

22.6 Subd. 6. Additional pages. When it would not be possible to place all offices on a  
22.7 single ballot, the judicial offices may be placed instead on a separate ballot. This ballot  
22.8 must be prepared by the county auditor in the manner provided in the rules of the secretary  
22.9 of state and must be headed with the words: "Judicial General Election Ballot."

22.10 Sec. 40. **[204D.135] FEDERAL-ONLY BALLOT.**

22.11 (a) The names of all candidates for the offices of president and vice president of  
22.12 the United States and senator and representative in Congress must be placed on a ballot  
22.13 printed on white paper which must be known as the "federal-only ballot."

22.14 (b) This ballot must be prepared by the county auditor in the same manner as the  
22.15 state general election ballot and is subject to the rules adopted by the secretary of state.  
22.16 This ballot must be prepared and furnished in accordance with the federal Uniformed and  
22.17 Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

22.18 (c) The federal-only ballot must be headed with the words "State General Election  
22.19 Ballot."

22.20 (d) The federal-only ballot must be the only ballot sent to citizens of the United  
22.21 States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

22.22 Sec. 41. Minnesota Statutes 2008, section 204D.16, is amended to read:

22.23 **204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;**  
22.24 **PUBLICATION.**

22.25 Two weeks before the state general election the county auditor shall prepare sample  
22.26 copies of ~~the white and canary~~ ballots with the names of the candidates in the federal,  
22.27 state, and county races to be voted on in the county and shall post copies ~~of these sample~~  
22.28 ~~ballots and a sample of the pink ballot~~ in the auditor's office for public inspection. No  
22.29 earlier than 15 days and no later than two days before the state general election the county  
22.30 auditor shall cause the sample ~~white and canary~~ ballots to be published in at least one  
22.31 newspaper of general circulation in the county.

22.32 Sec. 42. Minnesota Statutes 2008, section 204D.165, is amended to read:

22.33 **204D.165 SAMPLE BALLOTS TO SCHOOLS.**

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23.1 Notwithstanding any contrary provisions in section 204D.09 or 204D.16, the county  
23.2 auditor, two weeks before the applicable primary or general election, shall provide one  
23.3 copy of the sample ~~partisan primary, nonpartisan primary, canary, white, or pink~~ general  
23.4 election ballot to a school district upon request. The school district may have the sample  
23.5 ballots reproduced at its expense for classroom educational purposes and for educational  
23.6 activities authorized under section 204B.27, subdivision 7.

23.7 Sec. 43. Minnesota Statutes 2008, section 204D.25, subdivision 1, is amended to read:

23.8 Subdivision 1. **Form.** Except as provided in subdivision 2, the county auditor  
23.9 shall prepare separate ballots for a special primary and special election as required by  
23.10 sections 204D.17 to 204D.27. The ballots shall be headed "Special Primary Ballot" or  
23.11 "Special Election Ballot" as the case may be, followed by the date of the special primary  
23.12 or special election. Immediately below the title of each office to be filled shall be printed  
23.13 the words "~~To fill~~ Vacancy in term expiring ....., " with the date of expiration of the  
23.14 term and any other information that is necessary to distinguish the office from any other  
23.15 office to be voted upon at the same election. For a special primary or special election, the  
23.16 instructions to voters may use the singular form of the word when referring to candidates  
23.17 and offices when only one office is to be filled at the special election. Otherwise the form  
23.18 of the ballots shall comply as far as practicable with the laws relating to ballots for state  
23.19 primaries and state general elections. The county auditor shall post a sample of each ballot  
23.20 in the auditor's office as soon as prepared and not later than four days before the special  
23.21 primary or special election. Publication of the sample ballot for a special primary or  
23.22 special election is not required.

23.23 Sec. 44. Minnesota Statutes 2008, section 205.17, subdivision 1, is amended to read:

23.24 Subdivision 1. ~~Second, third, and fourth class~~ **Cities; towns.** In all statutory  
23.25 and home rule charter cities ~~of the second, third, and fourth class,~~ and in all towns, for  
23.26 the municipal general election not held in conjunction with a state election, the municipal  
23.27 clerk shall have printed on ~~light green paper~~ the an official ballot containing the names of  
23.28 all candidates for municipal offices. The ballot shall be printed in quantities of 25, 50,  
23.29 or 100, shall be headed "City or Town Election Ballot," shall state the name of the city  
23.30 or town and the date of the election, and shall conform in other respects to the ~~white~~  
23.31 ballot used at the state general election. The names shall be arranged on city ballots in  
23.32 the manner provided for the state elections. On town ballots names of the candidates for  
23.33 each office shall be arranged either:

23.34 (1) alphabetically according to the candidates' surnames; or

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24.1 (2) in the manner provided for state elections if the town electors chose at the town's  
24.2 annual meeting to arrange the names in that way for at least two consecutive years.

24.3 Sec. 45. Minnesota Statutes 2008, section 205.17, subdivision 3, is amended to read:

24.4 Subd. 3. **Primary ballots.** The municipal primary ballot in cities ~~of the second,~~  
24.5 ~~third, and fourth class and towns and the nonpartisan primary ballot in cities of the first~~  
24.6 ~~class shall conform as far as practicable with the municipal general election ballot except~~  
24.7 ~~that it shall be printed on light green paper.~~ No blank spaces shall be provided for writing  
24.8 in the names of candidates. ~~The partisan primary ballot in cities of the first class shall~~  
24.9 ~~conform as far as practicable with the state partisan primary ballot.~~

24.10 Sec. 46. Minnesota Statutes 2008, section 205.17, subdivision 4, is amended to read:

24.11 Subd. 4. **Blue ballots; City/township questions.** All questions relating to the  
24.12 adoption of a city charter or charter amendments, a proposition for the issuance of bonds,  
24.13 and all other questions relating to city or town affairs submitted at an election to the voters  
24.14 of the municipality shall be printed on one separate blue a ballot ~~and shall be prepared,~~  
24.15 ~~printed, and distributed under the direction of the municipal clerk at the same time and in~~  
24.16 ~~the same manner as other municipal ballots. The ballots, when voted, shall be deposited in~~  
24.17 ~~a separate blue ballot box provided by the local authorities for each voting precinct. The~~  
24.18 ~~ballots shall be canvassed, counted, and returned in the same manner as other municipal~~  
24.19 ~~ballots.~~ The returns shall provide appropriate blank spaces for the counting, canvassing,  
24.20 and returning of the results of the questions ~~submitted on the blue ballot.~~

24.21 Sec. 47. Minnesota Statutes 2008, section 205.17, subdivision 5, is amended to read:

24.22 Subd. 5. **Statutory cities; vacancies.** In statutory cities, the names of candidates to  
24.23 fill vacancies at a special election held as provided in section 412.02, subdivision 2a, shall  
24.24 be placed on the municipal primary and general election ballots. The names of candidates  
24.25 to fill a vacancy in the office of council member in a statutory city shall be listed under the  
24.26 separate heading "~~Special election for council member to fill~~ Vacancy in term expiring  
24.27 ....., " with the date of expiration of the term and any other information necessary to  
24.28 distinguish the office. Under the heading for the office of mayor in a special election shall  
24.29 be the words "~~To fill~~ Vacancy in term expiring ....."

24.30 Sec. 48. [205.171] BALLOTS.



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25.1 In townships exempt from the requirement to use a voting system accessible for  
25.2 disabled voters under section 206.57, subdivision 5, ballots must be prepared in the same  
25.3 manner as state primary and state general election ballots, to the extent practicable.

25.4 Sec. 49. Minnesota Statutes 2008, section 205A.08, subdivision 1, is amended to read:

25.5 Subdivision 1. **Buff General election ballot.** The names of all candidates for offices  
25.6 to be voted on at a school district general election must be placed on a ~~single ballot printed~~  
25.7 ~~on buff paper and known as the "buff ballot."~~

25.8 Sec. 50. Minnesota Statutes 2008, section 205A.08, subdivision 3, is amended to read:

25.9 Subd. 3. **Vacancies.** The names of candidates to fill vacancies at a school district  
25.10 special election held in conjunction with the primary or general election must be placed  
25.11 on the school district primary and general election ballots. The names of candidates to  
25.12 fill a vacancy in the office of school board member in a school district must be listed  
25.13 under the separate heading "~~Special election for school board member to fill~~ Vacancy in  
25.14 term expiring ....., " with the date of expiration of the term and any other information  
25.15 necessary to distinguish the office.

25.16 Sec. 51. Minnesota Statutes 2008, section 205A.08, subdivision 4, is amended to read:

25.17 Subd. 4. ~~Goldenrod ballots; Questions.~~ All questions relating to a proposition for  
25.18 the issuance of bonds, and all other questions relating to school district affairs submitted at  
25.19 an election to the voters of the school district, shall be printed on ~~one separate goldenrod~~  
25.20 a ballot and shall be prepared, printed, and distributed under the direction of the school  
25.21 district clerk at the same time and in the same manner as other school district ballots.  
25.22 ~~The ballots, when voted, shall be deposited in a separate goldenrod ballot box provided~~  
25.23 ~~by the local authorities for each voting precinct. The ballots shall be canvassed, counted,~~  
25.24 ~~and returned in the same manner as other school district ballots.~~ The returns shall provide  
25.25 appropriate blank spaces for the counting, canvassing, and return of the results of the  
25.26 questions ~~submitted on the goldenrod ballot.~~

25.27 Sec. 52. Minnesota Statutes 2008, section 206.56, subdivision 3, is amended to read:

25.28 Subd. 3. **Ballot.** "Ballot" includes paper ballots, ballot cards designed to be counted  
25.29 by hand, ballots marked so that votes may be counted by automatic tabulating equipment,  
25.30 and the paper ballot marked by an electronic marking device.

26.1 Sec. 53. Minnesota Statutes 2008, section 206.83, is amended to read:

26.2 **206.83 TESTING OF VOTING SYSTEMS.**

26.3 Within 14 days before election day, the official in charge of elections shall have the  
26.4 voting system tested to ascertain that the system will correctly mark ballots using all  
26.5 methods supported by the system, including through assistive technology, and count the  
26.6 votes cast for all candidates and on all questions. Public notice of the time and place of the  
26.7 test must be given at least two days in advance by publication once in official newspapers.  
26.8 The test must be observed by at least two election judges, who are not of the same major  
26.9 political party, and must be open to representatives of the political parties, candidates, the  
26.10 press, and the public. The test must be conducted by (1) processing a preaudited group  
26.11 of ballots ~~punched or~~ marked to record a predetermined number of valid votes for each  
26.12 candidate and on each question, and must include for each office one or more ~~ballot cards~~  
26.13 ballots which have votes in excess of the number allowed by law in order to test the ability  
26.14 of the voting system tabulator and electronic ballot marker to reject those votes; and (2)  
26.15 processing an additional test deck of ballots marked using the electronic ballot marker  
26.16 for the precinct, including ballots marked using the electronic ballot display, audio ballot  
26.17 reader, and any assistive voting technology used with the electronic ballot marker. If any  
26.18 error is detected, the cause must be ascertained and corrected and an errorless count must  
26.19 be made before the voting system may be used in the election. After the completion of the  
26.20 test, the programs used and ~~ballot cards~~ ballots must be sealed, retained, and disposed of  
26.21 as provided for ~~paper~~ other ballots.

26.22 Sec. 54. Minnesota Statutes 2008, section 206.84, subdivision 3, is amended to read:

26.23 Subd. 3. **Ballots.** ~~The ballot information must be in the same order provided for~~  
26.24 ~~paper ballots, except that the information may be in vertical or horizontal rows, or on a~~  
26.25 ~~number of separate pages.~~ The secretary of state shall provide by rule for standard ballot  
26.26 formats for electronic voting systems. Electronic ballot displays and audio ballot readers  
26.27 shall be in the order provided for on the optical scan ballot. Electronic ballot displays may  
26.28 employ zooms or other devices as assistive voting technology. Audio ballot readers may  
26.29 employ rewinds or audio cues as assistive voting technology.

26.30 ~~Ballot cards~~ Ballots may contain special printed marks as required for proper  
26.31 positioning and reading of the ballots by electronic vote counting equipment. ~~Ballot cards~~  
26.32 Ballots must contain an identification of the precinct for which they have been prepared  
26.33 which can be read visually and which can be tabulated by the automatic tabulating  
26.34 equipment.

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27.1 Sec. 55. Minnesota Statutes 2008, section 206.86, subdivision 6, is amended to read:

27.2 Subd. 6. **Final tabulation Requirements.** ~~A final tabulation of ballots must be~~  
27.3 ~~obtained from the automatic tabulating equipment after all damaged or defective cards~~  
27.4 ~~have been replaced. The final tabulation, together with the returns of write-in and absentee~~  
27.5 ~~votes and the precinct summary statements prepared in accordance with section 204C.24,~~  
27.6 ~~constitute the official return of each precinct. Upon completion of the count the returns~~  
27.7 ~~are open to the public.~~ The automatic tabulating equipment must be programmed to  
27.8 provide a complete recapitulation of all ballots processed. It may be programmed to  
27.9 provide information in addition to that required in the official return of each precinct, if the  
27.10 officials in charge of elections deem that advisable in order to provide election statistics to  
27.11 evaluate the performance of the electronic voting system or other aspects of the election.

27.12 Sec. 56. Minnesota Statutes 2008, section 206.90, subdivision 9, is amended to read:

27.13 Subd. 9. **Spoiled ballot cards ballots.** Automatic tabulating equipment and  
27.14 electronic ballot markers must be capable of examining a ballot ~~card~~ for defects and  
27.15 returning it to the voter before it is counted and deposited into the ballot box and must be  
27.16 programmed to return as a spoiled ballot a ballot ~~card~~ with votes for an office or question  
27.17 which exceed the number which the voter is entitled to cast and at a primary a ballot ~~card~~  
27.18 with votes for candidates of more than one party.

27.19 Sec. 57. Minnesota Statutes 2008, section 206.90, subdivision 10, is amended to read:

27.20 Subd. 10. **Counting write-in votes.** In precincts using optical scan voting systems,  
27.21 the judges shall count the write-in votes and enter the number of those votes on forms  
27.22 provided for the purpose. ~~When the write-in votes are recorded on a medium that cannot~~  
27.23 ~~be examined for write-in votes by the automatic tabulating equipment or the automatic~~  
27.24 ~~tabulating equipment does not reject, with respect to write-in votes, all votes for an office~~  
27.25 ~~or question when the number of votes cast on it exceeds the number which the voter is~~  
27.26 ~~entitled to count, all ballot envelopes or other medium on which write-in votes have been~~  
27.27 ~~recorded must be serially numbered, starting with the number one and the same number~~  
27.28 ~~must be placed on the ballot card of the voter. The judges shall compare the write-in votes~~  
27.29 ~~with the votes cast on the ballot card. If the total number of votes for any office exceeds~~  
27.30 ~~the number allowed by law, a notation to that effect must be entered on the back of the~~  
27.31 ~~ballot card and the card must be returned to the counting center in an envelope marked~~  
27.32 ~~"defective ballots"; however, valid votes on ballot cards containing invalid votes must~~  
27.33 ~~be counted as provided in section 206.86, subdivision 5.~~

28.1 ~~When the write-in votes are recorded on ballot cards that can be examined for~~  
28.2 ~~write-in votes by the automatic tabulating equipment and the automatic tabulating~~  
28.3 ~~equipment rejects all votes for an office or question when the number of votes cast on it~~  
28.4 ~~exceeds the number which the voter is entitled to cast, the judges shall examine the ballot~~  
28.5 ~~cards with write-in votes and count the valid write-in votes.~~

28.6 Sec. 58. Minnesota Statutes 2008, section 208.04, is amended to read:

28.7 **208.04 PREPARATION OF BALLOTS.**

28.8 Subdivision 1. **Form of presidential ballots.** When presidential electors and  
28.9 alternates are to be voted for, a vote cast for the party candidates for president and vice  
28.10 president shall be deemed a vote for that party's electors and alternates as filed with the  
28.11 secretary of state. The secretary of state shall certify the names of all duly nominated  
28.12 presidential and vice presidential candidates to the county auditors of the counties of  
28.13 the state. Each county auditor, subject to the rules of the secretary of state, shall cause  
28.14 the names of the candidates of each major political party and the candidates nominated  
28.15 by petition to be printed in ~~capital~~ upper and lowercase letters, set in type of the same  
28.16 size and style as for candidates on the state ~~white~~ ballot, before the party designation.  
28.17 ~~To the left of, and on the same line with the names of the candidates for president and~~  
28.18 ~~vice president, near the margin, shall be placed a square or box, in which the voters may~~  
28.19 ~~indicate their choice by marking an "X."~~

28.20 The form for the presidential ballot and the relative position of the several candidates  
28.21 shall be determined by the rules applicable to other state officers. ~~The state ballot, with~~  
28.22 ~~the required heading, shall be printed on the same piece of paper and shall be below the~~  
28.23 ~~presidential ballot with a blank space between one inch in width.~~

28.24 Subd. 2. **Applicable rules.** The rules for preparation, ~~state contribution to the cost~~  
28.25 ~~of printing, and delivery~~ of presidential ballots are the same as the rules for white state  
28.26 general election ballots under section 204D.11, subdivision 1.

28.27 Sec. 59. Minnesota Statutes 2008, section 447.32, subdivision 4, is amended to read:

28.28 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a  
28.29 candidate for the hospital board shall file an affidavit of candidacy for the election either  
28.30 as member at large or as a member representing the city or town where the candidate  
28.31 resides. The affidavit of candidacy must be filed with the city or town clerk not more than  
28.32 70 days nor less than 56 days before the first Tuesday after the first Monday in November  
28.33 of the year in which the general election is held. The city or town clerk must forward the  
28.34 affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk

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29.1 of the most populous city or town immediately after the last day of the filing period. A  
29.2 candidate may withdraw from the election by filing an affidavit of withdrawal with the  
29.3 clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits  
29.4 of candidacy.

29.5 Voting must be by secret ballot. The clerk shall prepare, at the expense of the  
29.6 district, necessary ballots for the election of officers. Ballots must be printed ~~on tan paper~~  
29.7 and prepared as provided in the rules of the secretary of state. In hospital district elections  
29.8 not held in conjunction with other elections, ballots shall be prepared in the same manner  
29.9 as state primary and state general election ballots, to the extent practicable. The ballots  
29.10 must be marked and initialed by at least two judges as official ballots and used exclusively  
29.11 at the election. Any proposition to be voted on may be printed on the ballot provided for  
29.12 the election of officers. The hospital board may also authorize the use of voting systems  
29.13 subject to chapter 206. Enough election judges may be appointed to receive the votes at  
29.14 each polling place. The election judges shall act as clerks of election, count the ballots  
29.15 cast, and submit them to the board for canvass.

29.16 After canvassing the election, the board shall issue a certificate of election to the  
29.17 candidate who received the largest number of votes cast for each office. The clerk shall  
29.18 deliver the certificate to the person entitled to it in person or by certified mail. Each person  
29.19 certified shall file an acceptance and oath of office in writing with the clerk within 30  
29.20 days after the date of delivery or mailing of the certificate. The board may fill any office  
29.21 as provided in subdivision 1 if the person elected fails to qualify within 30 days, but  
29.22 qualification is effective if made before the board acts to fill the vacancy.

29.23 Sec. 60. **REPEALER.**

29.24 Minnesota Statutes 2008, sections 204B.36; 204B.37; 204B.38; 204B.39; 204B.42;  
29.25 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05, subdivisions 1 and  
29.26 2; 204D.11, subdivisions 2, 3, 4, 5, and 6; 204D.14, subdivisions 1 and 3; 204D.15,  
29.27 subdivisions 1 and 3; 205.17, subdivision 2; 206.56, subdivision 5; 206.61, subdivisions 1,  
29.28 3, 4, and 5; 206.62; 206.84, subdivisions 1, 6, and 7; 206.86, subdivisions 1, 2, 3, 4, and 5;  
29.29 and 206.90, subdivisions 3, 5, 6, 7, and 8, are repealed.

**204B.36 BALLOTS; FORM.**

Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color. When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade. All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate a vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Subd. 3. **Question; form of ballot.** When a question is to be submitted to a vote, a concise statement of the nature of the question shall be printed on the ballot. The words, "YES" and "NO" shall be printed to the left of this statement, with a square to the left of each word so that the voter may indicate by a mark (X) either a negative or affirmative vote. The ballot shall include instructions directing the voter to put an (X) in the square before the word "YES" if the voter desires to vote for the question, or to put an (X) before the word "NO" if the voter desires to vote against the question.

Subd. 4. **Judicial candidates.** The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

- (a) In the case of the Supreme Court:  
"Chief justice";  
"Associate justice (number)";
- (b) In the case of the Court of Appeals:  
"Judge (number)"; or
- (c) In the case of the district court:  
"Judge (number)."

Subd. 5. **Designation of incumbent; judicial offices.** If a chief justice, associate justice, or judge is a candidate to succeed again, the word "incumbent" shall be printed after that judge's name as a candidate.

**204B.37 BACK OF BALLOT.**

On the back of all ballots shall be printed the words "Official Ballot", the date of the election and lines for the initials of at least two election judges. The words shall be printed so that they will be visible when the ballot is properly folded for deposit in the ballot box.

**204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

When the similarity of surnames of two or more candidates for the same office at the same election may cause confusion to voters, up to three additional words may be printed on the ballot

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after each surname to indicate the candidate's occupation, office, residence or any combination of them if the candidate furnishes the identifying words to the filing officer by the last day for withdrawal of candidacy.

### **204B.39 SUBSTITUTE BALLOTS.**

If a sufficient number of official ballots are not delivered or if the official ballots are stolen or destroyed and a sufficient number of official ballots cannot be procured, the official in charge of preparing the official ballots shall prepare substitute ballots in the form prescribed by this section. The substitute ballots shall be prepared in the same form as official ballots as far as practicable. The word "Substitute" shall be printed in brackets immediately above the words "Official Ballot." When the substitute ballots are delivered to the municipal clerks or election judges they shall be accompanied by an initialed affidavit of the officer preparing them. The affidavit shall state that the substitute ballots have been prepared and furnished in the manner prescribed by this section and shall state the reason why sufficient official ballots were not ready for delivery. The election judges shall include this affidavit with the election returns from that precinct.

### **204B.42 PAPER COLOR FOR SAMPLE BALLOTS; PENALTY.**

No sample ballot shall be printed on paper of the same color as any official ballots except when printed in black ink on white paper and appearing in a newspaper as news matter. A violation of this section is a misdemeanor.

### **204C.13 RECEIVING AND MARKING BALLOTS.**

Subd. 4. **Folding ballots.** After marking the ballots, the voter shall fold each of them separately to conceal the face and all marks on it, and to expose only the initials of the election judges on the back of the ballot.

### **204C.20 BALLOTS; NUMBER TO BE COUNTED.**

Subd. 3. **Ballots in wrong box.** If the election judges find in a ballot box any ballots that are not the kind properly belonging in it, they shall lay those ballots aside. If the number of ballots found in any box equals or exceeds the number of ballots to be counted, the ballots which should have been placed in that box, but which are found in another box, shall not be counted. If the number of ballots found in a box is less than the number of ballots to be counted, and a number of ballots equal to or less than the deficiency and properly belonging in that box are found in another box, the latter ballots shall be counted. If the number of ballots found in another box exceeds the deficiency, the excess ballots shall be placed in the proper ballot box and, without looking, an election judge shall withdraw a number of ballots equal to the deficiency and the withdrawn ballots shall then be counted.

### **204C.23 DEFECTIVE BALLOTS.**

A ballot that is defective to the extent that the election judges are unable to determine the voter's intent shall be marked on the back "Defective" if it is totally defective or "Defective as to ....., " naming the office or question if it is defective only in part.

### **204D.05 STATE PRIMARY BALLOTS; PARTISAN AND NONPARTISAN; OFFICIAL IN CHARGE.**

Subdivision 1. **State partisan primary ballot.** The state partisan primary ballot shall contain the names of the candidates seeking the nomination of each major political party for the partisan offices filled at the state general election.

Subd. 2. **State and county nonpartisan primary ballot.** The state and county nonpartisan primary ballot shall contain the names of the candidates seeking nomination for the nonpartisan offices filled at the state general election.

### **204D.11 STATE GENERAL ELECTION BALLOTS; CANDIDATES; OFFICIAL IN CHARGE; RULES; REIMBURSEMENT.**

Subd. 2. **Pink ballots.** Amendments to the state Constitution shall be placed on a ballot printed on pink paper which shall be known as the "pink ballot." The pink ballot shall be prepared by the county auditor, in the manner provided in the rules of the secretary of state.

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Subd. 3. **Canary ballot.** All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot printed on canary paper which shall be known as the "canary ballot." The canary ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.

Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot printed on white paper which shall be known as the "special federal white ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the white ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal white ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Subd. 5. **Ballot headings.** The white, pink, and special federal white ballot shall be headed with the words "State General Election Ballot." The canary ballot shall be headed with the words "County and Judicial Nonpartisan General Election Ballot."

Subd. 6. **Gray ballot.** When the canary ballot would be longer than 30 inches or when it would not be possible to place all offices on a single ballot card, the judicial offices that should be placed on the canary ballot may be placed instead on a separate gray ballot. The gray ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.

The gray ballot must be headed with the words: "Judicial Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray ballots.

### **204D.14 CANARY BALLOTS; NONPARTISAN OFFICES.**

Subdivision 1. **Rotation of names.** The names of candidates for nonpartisan offices on the canary ballot shall be rotated in the manner provided for rotation of names on state partisan primary ballots by section 204D.08, subdivision 3.

Subd. 3. **Uncontested judicial offices.** Judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court on the canary ballot.

### **204D.15 PINK BALLOT; FORM; DISTRIBUTION; SAMPLE BALLOT.**

Subdivision 1. **Titles for constitutional amendments.** The secretary of state shall provide an appropriate title for each question printed on the pink ballot. The title shall be approved by the attorney general, and shall consist of not more than one printed line above the question to which it refers. At the top of the ballot just below the heading, a conspicuous notice shall be printed stating that a voter's failure to vote on a constitutional amendment has the effect of a negative vote.

Subd. 3. **Sample pink ballot.** Four weeks before the state general election the secretary of state shall file sample copies of the pink ballot in the Secretary of State's Office for public inspection. Three weeks before the state general election the secretary of state shall mail sample copies of the pink ballot to each county auditor. Each auditor shall post the sample ballot in a conspicuous place in the auditor's office.

### **205.17 BALLOTS.**

Subd. 2. **First class cities.** In all cities of the first class, for the municipal general election, the city clerk shall have printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "City Partisan General Ballot." The nonpartisan ballot shall be printed on light green paper and shall be headed "City Nonpartisan General Ballot." Both ballots shall state the name of the city and the date of the election and conform in all other respects to the white ballot used at the state general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state general elections.



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On the partisan ballot the names of the candidates for mayor shall be placed first. The order of the names of the candidates shall be in the manner prescribed for state general elections in section 204D.13.

### **206.56 DEFINITIONS.**

Subd. 5. **Ballot card.** "Ballot card" means a ballot which is marked so that votes may be counted by automatic tabulating equipment.

### **206.61 BALLOTS.**

Subdivision 1. **Official responsible for providing ballots.** The official charged with providing paper ballots when they are used shall provide all ballot cards, sample ballots, precinct summary statements, and other necessary supplies needed for electronic voting systems, except as otherwise provided by this section.

At general elections and primaries the county auditor of each county in which an electronic voting system is used shall provide all ballot cards and other necessary printed forms and supplies needed for the electronic voting system, including all forms needed for voting on candidates and questions, the ballots for which are required by the election laws to be provided by the state when paper ballots are used.

Subd. 3. **Candidates' names.** Candidates' names may be set in as large type as the length of the majority of names on the ballot permits. The remaining candidates' names may be set in smaller sizes of type as the length of each name requires, in order to fit the available space on the ballot card.

Subd. 4. **Order of candidates.** On the "State Partisan Primary Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees or names of candidates for election shall be the same as required for paper ballots. More than one column or row may be used for the same office or party. Electronic ballot display and audio ballot readers must conform to the candidate order on the optical scan ballot used in the precinct.

Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation of names of candidates must be observed as far as practicable by changing the order of the names on an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names must be the same on all voting systems used in the same precinct. If the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot card, the manner of alternation of candidate names on the paper ballot must be as prescribed for optical scan ballots in this subdivision.

### **206.62 SAMPLE BALLOTS.**

The officials who prepare ballot cards shall provide each polling place with at least two sample ballots which are facsimiles of the card to be voted on in that precinct. The sample ballots may be either in full or reduced size. The sample ballots must be posted prominently in the polling place and must remain open to inspection by the voters throughout election day.

### **206.84 METHODS OF USING ELECTRONIC VOTING SYSTEMS.**

Subdivision 1. **Instruction of judges, voters.** The officials in charge of elections shall determine procedures to instruct election judges and voters in the use of electronic voting system manual marking devices and the electronic ballot marker, including assistive voting technology.

Subd. 6. **Duties of official in charge.** The official in charge of elections in each municipality where an electronic voting system is used shall have the voting systems put in order, set, adjusted, and made ready for voting when delivered to the election precincts. The official shall also provide each precinct with a container for transporting ballot cards to the counting location after the polls close. The container shall be of sturdy material to protect the ballots from all reasonably foreseeable hazards including auto collisions. The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open the election judges shall compare the ballot cards used with the sample ballots, electronic ballot

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displays, and audio ballot reader furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for the purpose. The certification must be filed with the election returns.

Subd. 7. **Spoiled ballot cards.** A voter who spoils a ballot card or makes an error may return it to the election judges and obtain another. Except as otherwise provided in sections 206.55 to 206.90, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapters 204C and 204D.

### **206.86 COUNTING ELECTRONIC VOTING SYSTEM RESULTS.**

Subdivision 1. **At the voting location.** In precincts where an electronic voting system is used, as soon as the polls are closed the election judges shall secure the voting systems against further voting. They shall then open the ballot box and count the number of ballot cards or envelopes containing ballot cards that have been cast to determine that the number of ballot cards does not exceed the number of voters shown on the election register or registration file. If there is an excess, the judges shall seal the ballots in a ballot container and transport the container to the county auditor or municipal clerk who shall process the ballots in the same manner as paper ballots are processed in section 204C.20, subdivision 2, then enter the ballots into the ballot counter. The total number of voters must be entered on the forms provided. The judges shall next count the write-in votes and enter the number of those votes on forms provided for the purpose.

Subd. 2. **Transportation of ballot cards.** The judges shall place all voted ballot cards, defective ballots, and damaged ballots in the container provided for transporting them to the counting center. The container must be sealed and delivered immediately to the counting center by two judges who are not of the same major political party. The judges shall also deliver to the counting center in a suitable container the unused ballot cards, the spoiled ballot envelope, and the ballot envelopes issued to the voters and deposited during the day in the ballot box.

Subd. 3. **Counting centers open; security.** Proceedings at the counting center are open to the public. They are under the direction of the official in charge of elections in each municipality where an electronic voting system is used and must be under the observation of at least two election judges who are not of the same major political party. Only persons employed and authorized for the purpose may touch any ballot card, ballot container, or statement of absentee ballot results.

Subd. 4. **Preliminary tabulation.** When the ballot cards arrive at a counting center where votes are counted by a multiple use computer, they must be given to the counting center election judges. For purposes of this subdivision a multiple use computer is automatic tabulating equipment which can perform functions other than counting votes. If the election judges at the precinct have determined that any ballot cards are not defective by reason of improper write-in votes, those ballot cards may be counted by the automatic tabulating equipment before inspection by the counting center election judges. The results of this preliminary tabulation may be made available to the public if the tabulation is clearly identified as unofficial.

After any preliminary tabulation has been made, the ballot cards must be returned to the counting center election judges who shall examine them for physical defects and prepare replacements, if necessary, as provided in subdivision 5.

Subd. 5. **Damaged, defective ballot cards.** If a ballot card is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate copy must be made of the damaged ballot card in the presence of two judges not of the same major political party and must be substituted for the damaged ballot card. Likewise, a duplicate ballot card must be made of a defective ballot card which may not include the votes for the offices for which it is defective. Duplicate ballot cards must be clearly labeled "duplicate," indicate the precinct in which the corresponding damaged or defective ballot was cast, bear a serial number which must be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot card. If a ballot card is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot card must be tallied at the counting center by two judges not of the same major political party and the totals for all these ballot cards must be added to the totals for the respective precincts.

### **206.90 OPTICAL SCAN VOTING SYSTEMS.**

Subd. 3. **Availability of paper ballots.** At a state or county election where an optical scan voting system will be in use, the county auditor may provide ballot cards meeting the requirements of this section in lieu of paper ballots otherwise required to be prepared by the county auditor. In

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an election jurisdiction where an optical scan voting system has been adopted, the election official may provide paper ballots prepared in the same format used for the voting system.

Subd. 5. **Instruction of judges, voters.** In instructing judges and voters under section 206.84, subdivision 1, officials in charge of election precincts using optical scan voting systems shall include instruction on the proper mark for recording votes on ballot cards marked with a pencil or other writing instrument and the insertion by the voter of the ballot card into automatic tabulating equipment that examines and counts votes as the ballot card is deposited into the ballot box.

Officials shall include instruction on the insertion by the voter of the ballot card into an electronic ballot marker that can examine votes before the ballot card is deposited into the ballot box.

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Subd. 7. **Voting booths.** In precincts where an optical scan voting system is used, the number of voting booths must be sufficient to provide for the number of voters expected. Information needed to enable voters to mark ballot cards quickly and correctly must be posted in each voting booth.

Subd. 8. **Duties of election officials.** The official in charge of elections in each municipality where an optical scan voting system is used shall have the electronic ballot marker that examines and marks votes on ballot cards and the automatic tabulating equipment that examines and counts votes as ballot cards are deposited into ballot boxes put in order, set, adjusted, and made ready for voting when delivered to the election precincts. Whenever a ballot card created by an electronic ballot marker certified by the secretary of state is rejected by an optical scan voting system, two election judges who are members of different major political parties shall transcribe the votes on the ballot rejected by the optical scan voting system pursuant to the procedures set forth in section 206.86, subdivision 5.