

# U.S. ELECTION ASSISTANCE COMMISSION



## *2010 Election Administration & Voting Survey*

### **Minnesota**

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

| Information Supplied By                  |   |
|--|---|
| <b>Name</b>                              | Gary Poser                              |
| <b>Title</b>                             | Director of Elections                   |
| <b>Office/Agency Name</b>                | Minnesota Secretary of State            |
| <b>Address 1</b>                         | 180 State Office Bldg                   |
| <b>Address 2</b>                         | 100 Rev. Dr. Martin Luther King Jr Blvd |
| <b>City</b>                              | St. Paul                                |
| <b>State</b>                             | MN                                      |
| <b>Zip Code</b>                          | 55155                                   |
| <b>Email Address</b>                     | gary.poser@state.mn.us                  |
| <b>Telephone (area Code and number)</b>  | 651-556-0612                            |
| <b>Fax Number (area code and number)</b> | 651-296-9073                            |

## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

☒ **No Change Since 2008** ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (a) below this line.]

*M.R. 8220.0250 Subp. 21. Overvote. "Overvote" means a condition of a voted ballot in which more votes have been cast for an issue or office than the number of votes that the voter is lawfully entitled to cast.*

[End definition (a) above this line.]

**b. Under-vote**

☒ **No Change Since 2008** ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (b) below this line.]

*M.R. 8220.0250 Subp. 33. Undervote. "Undervote" means a condition of a voted ballot in which fewer votes have been cast for an issue or office than permitted by law.*

[End definition (b) above this line.]

**c. Blank ballot**

☒ **No Change Since 2008** ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (c) below this line.]

*A ballot cast by a voter that is totally blank, with no vote cast for any race.*

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☒ **No Change Since 2008** ☐ **Changed Since 2008**

**2008 Response:**

[Begin definition (d) below this line.]

*M.S. 206.84 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.*

*M.S. 204C.13 Subd. 3. d) An individual who spoils a ballot may return it to the election judges and receive another.*

**8230.1050 BALLOTS FOUND IN VOTING STATIONS.**

*Any ballot found in a voting station must be marked "found in voting station." The ballot must be placed in the spoiled ballot envelope. In no case may that ballot be placed with the properly cast ballots. A note of the occurrence must be made in the remarks section of the precinct incident report.*

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

|       X   No Change Since 2008            Changed Since 2008

**2008 Response:**

[Begin definition (e) below this line.]

*Not used in Minnesota – exempt from HAVA requirement as EDR state.*

[End definition (e) above this line.]

**f. Absentee**

|       X   No Change Since 2008            Changed Since 2008

**2008 Response:**

[Begin definition (f) below this line.]

*M.S. Chapter 203B.02 A ballot cast by an eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness, including isolation or quarantine; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct; eligible emergency declared by governor that the emergency makes it difficult for voters to go to the polling place on election day.*

*An eligible voter who is either in the military, or is a spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the U.S. may vote by absentee ballot.*

*A U.S. citizen living permanently outside the U.S. who is eligible under federal law to vote in federal elections in Minnesota may vote by absentee ballot.*

[End definition (f) above this line.]

**g. Early voting**

|        X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (g) below this line.]

*Not applicable in Minnesota*

[End definition (g) above this line.]

**h. Active Voter**

|        X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (h) below this line.]

*The voter record of an individual who completed a voter registration application which has been input into the statewide registration system. An “active” voter record is printed on the polling place rosters and public information lists. An “active” record may be “challenged” in which case the election judge must ask the challenged individual sufficient questions to test that individual’s residence and right to vote. An “active” record may be an “incomplete registration” of a 1<sup>st</sup> time voter in the state who registered by mail and the county auditor is unable to verify the number provided on the application and for which the roster challenge notes the voter must “Show ID” before being allowed to vote. (Chapter 201; 204C.12)*

[End definition (h) above this line.]

**i. Inactive Voter**

|        X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin definition (i) below this line.]

*M.S. 201.171 "Inactive" registrants must register before voting in any election.*

*A voter record may be made "Inactive" if:*

*a. after the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years. (M.S. 201.171)*

*b. If a notice mailed at least 60 days after the return of the first nonforwardable mailing is also returned by the postal service, the county auditor shall*

*change the registrant's status to "inactive" in the statewide registration system. (M.S. 201.12)*

*c. If a voter makes a written request for removal of the voter's record (M.S. 201.13 Sub. 4)*

*Inactive also includes any found duplicate records, with one of the records remaining "active" and the duplicate made inactive.*

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

**X No Change Since 2008      \_\_\_\_\_ Changed Since 2008**

**2008 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

**\_\_\_\_\_ No Change Since 2008      X Changed Since 2008**

## 2008 Response:

[Begin response to above question (A2) below this line.]

~~NCOA legislation allowing use of USPS NCOA data to automatically update registered voter's addresses, notify them and allow a 21 day reversal period. Is effective upon certification by Secy of State that statewide registration system has been tested to be accurate and properly prepares required notices. Certification will not be made prior to Nov. 2008 general election. Absentee legislation requiring absentee application to contain Date of Birth, ID # and oath. Absentee ballots processed centrally, not at polling place, voter with accepted absentee ballot may no longer vote at poll prior to absentee being counted. (M.S. 201.12; M.S. 201.13 203B Laws 201008)~~

~~Use of NCOA records for assistance with Election Day Registration (EDR) input will be available on Nov. 5, 2008. When an EDR is searched and the record is selected to be updated, the update screen will display any available NCOA address applicable to that voter record. If the NCOA address matches the address on the EDR application form, the county auditor will be able to click a button to place the NCOA address in the update's address input fields and not have to manually input the address. This feature will be available for all future voter registration application input, not just EDR. FWAB serves as a FPCA and voter registration.~~

~~State Primary moved to 2nd Tuesday in August to accommodate MOVE Act requirements.~~

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B1) below this line.]

*Top-Down*

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above clarification question to B1 below this line.]

*Not applicable*

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☐ **No Change Since 2008**      ☒ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B2) below this line.]

*M.S. 201.171 After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and change the status of those registrants to "inactive". Although not counted in an election, late or rejected absentee or mail ballots must be considered a vote for the purpose of continuing registration under this section, but is not considered voting history for the purpose of public information lists available under section 201.091, subdivision 4.*



*M.S. 201.171 “Inactive” registrants must register by completing a voter registration application before voting in any election.*

| An FPCA or FWAB submitted by UOCAVA voters that are eligible to be registered (i.e. not permanently/indefinitely overseas) is used to register the individual in the statewide registration system. Voter history is posted to UOCAVA voters if they are also an active registered voter, so a UOCAVA voter would not be made “inactive” if they’ve voted during the preceding four years.

[End response to above question (B2) above this line.]

**B3. Please describe your state’s process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

| **X** No Change Since 2008      \_\_\_\_\_ Changed Since 2008

**2008 Response:**

[Begin response to above question (B3) below this line.]

*What is your definition of “removed”? No records are ever deleted. For Minnesota, making them inactive does remove them from the “rolls” as far as being on the polling place rosters or public information lists.*

*As a non-NVRA state, MN changes voters from active to inactive as noted in answer B2.*

[End response to above question (B3) above this line.]

**B4. Can your state’s voter registration database (or equivalent) share information electronically with your state’s drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

| \_\_\_\_\_ No Change Since 2008      **X** Changed Since 2008

**2008 Response:**

[Begin response to above question (B4) below this line.]

*Yes. Information is shared electronically between VR and Driver’s License on a nightly basis.*

- *VR data of the day’s activity is sent to Driver Vehicle Services (DVS). DVS compares with DL data and returns a file to OSS containing exact matches and potential*

*matches. Exact matches are updated as verified, potential matches are queued for review by county auditors to determine if a match.*

- *Records of individuals completing a DL application who also indicate they wish to be registered to vote are forwarded by DVS to OSS and queued to counties for their review and processing.*

*Unverified records containing a SSN are forwarded through DVS to SSA. Returned matches are updated as verified, unmatched records are queued for county auditor review.*

*Court information is shared electronically on a daily basis. Court events are compared to voter database and returned matches are queued for review by county auditors to add or removed challenges to the voter record. ~~process is being worked on, but is currently still a manual paper process.~~*

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

     No Change Since 2008        X   Changed Since 2008

**2008 Response:**

[Begin response to above question (B5) below this line.]

*Currently only used to challenge an active voter record, or to make inactive. Please see response to A2 for future use of NCOA. OSS compares NCOA data with voter database monthly. If NCOA indicates a move within the state, the voter's address is updated and notice given allowing a 21-day reversal period. If NCOA indicates a move out of the state, the voter record is flagged to be inactivated following a notice and 21-day period for voter to reply to retain registration status.*

*If any nonforwardable mailing from an election official is returned as undeliverable but with no forwarding address, a challenge is applied to the voter record. Upon return of a second mailing at least 60 days after the return of the first mailing, the registrant's status is made inactive.*

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

  X   No Change Since 2008           Changed Since 2008

**2008 Response:**

[Begin response to above question (B6) below this line.]

*To be eligible to vote if convicted of a felony, the individual's sentence must have expired (been completed) or have been discharged from their sentence. Voting rights are automatically restored upon the expiration of the sentence. They simply register and vote.*

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

|   X   **No Change Since 2008**             **Changed Since 2008**

**2008 Response:**

[Begin response to above question (B7) below this line.]

*Voter registration application form is available online. Information can be input into the form online, but it must be printed, signed and returned by the individual to county auditor or secretary of state.*

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

       No Change Since 2008        **X**   Changed Since 2008

**2008 Response:**

[Begin response to above question (a) below this line.]

*Votes cast at polling places for 85 of 87 are counted at the precincts, 2 counties are counted centrally. Absentee ballots for all counties are counted centrally either by county or municipal ballot boards.*

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

  **X**   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (b) below this line.]

*All votes counted at central counting centers are tallied and reported by precinct.*

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

  **X**   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (c) below this line.]

*All votes are reported as a single result for the precinct.*

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

☐ No Change Since 2008

☒ Changed Since 2008

**2008 Response:**

[Begin response to above question (d) below this line.]

All UOCAVA ballots are counted ~~with the precinct ballots~~ centrally by precinct, either by county or municipality ballot board, and reported in the single results for the precinct.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

☒ No Change Since 2008

☐ Changed Since 2008

**2008 Response:**

[Begin response to above question (C2) below this line.]

A reason is required to vote absentee.

**203B.02 GENERAL ELIGIBILITY REQUIREMENTS.**

Subdivision 1. Unable to go to polling place. (a) Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness, including isolation or quarantine under sections [144.419](#) to [144.4196](#) or United States Code, title 42, sections 264 to 272; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct may vote by absentee ballot as provided in sections [203B.04](#) to [203B.15](#).

(b) If the governor has declared an emergency and filed the declaration with the secretary of state under section [12.31](#), and the declaration states that the emergency has made it difficult for voters to go to the polling place on election day, any voter in a precinct covered by the declaration may vote by absentee ballot as provided in sections [203B.04](#) to [203B.15](#).

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

☒ No Change Since 2008

☐ Changed Since 2008

**2008 Response:**

[Begin response to above question (C3) below this line.]

*MN does not provide early voting, only absentee voting with a reason.*

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

| **X** **No Change Since 2008**      \_\_\_\_\_ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C4) below this line.]

*Yes.*

**204B.45 MAIL BALLOTING.**

*Subdivision 1. Authorization. A municipality having fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county as defined by section [473.121](#) may provide balloting by mail at any municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk.*

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

| **X** **No Change Since 2008**      \_\_\_\_\_ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C5) below this line.]

*None.*

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C6) below this line.]

*Not applicable.*

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any.**

☐ **No Change Since 2008**      ☒ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (C7) below this line.]

*A post election review of voting systems will take place for specific precincts after every state general election. At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the post election review of the state general election. Absentee ballots counted centrally by a ballot board are considered one precinct eligible to be selected for the purpose of the post election review. The county auditor must notify the OSS when these selections have been made. The votes cast for President or Governor; United States Senator and United States Representative must be reviewed for the precincts selected by lot by the county canvassing board. The county auditor is the post election review official unless the auditor designates the municipal clerk as the review official within 24 hours after the canvass of the state general election. The post election review official may conduct post election review of the votes cast for additional offices.*

*Number of precincts to be selected:*

- *The county canvassing board of a county with fewer than 50,000 registered voters must conduct a review of a total of at least two precincts.*
- *The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of at least three precincts.*
- *The county canvassing board of a county with more than 100,000 registered voters must conduct a review of at least four precincts or 3% of total number of precincts in the county, whichever is greater.*
- *One precinct selected in each county must have had more than 150 votes cast at the general election.*
- *The county auditor must notify the OSS of the precincts that have been chosen for review, the time and place of the review as soon as the decision is made.*

- *If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the OSS may require counties to select additional precincts by lot.*

*The review is a comparison of a hand tally of the voted ballots cast by eligible voters in the precinct with the reported results certified by the county canvassing board. The comparison of the results from the voting system and the hand count must be accurate to within one-half of one percent or two votes in a precinct where 400 or fewer voters cast ballots. This does not include votes marked outside the vote targets on the ballot or votes marked by an unreadable manual marking device. The review of additional precincts is required if one of the reviewed precincts reveals a difference greater than one-half of one percent, or greater than two votes in a precinct where 400 or fewer voters cast ballots.*

([M.S. 206.89](#))

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

|   X   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (C8) below this line.]

**204B.25 TRAINING FOR ELECTION JUDGES.**

*Subdivision 1. **Duties of county auditor.** Each county auditor shall provide training for all election judges who are appointed to serve at any election to be held in the county. The county auditor shall also provide a procedure for emergency training of election judges elected to fill vacancies. The county auditor may delegate to a municipal election official the duty to provide training of election judges in that municipality or school district.*

*Subd. 2. **Rules of secretary of state.** The secretary of state shall adopt rules establishing programs for the training of county auditors, local election officials, and election judges by county auditors as required by this section.*

*Subd. 3. **Trained election judges; number required.** Each election precinct in which less than 100 individuals voted at the last state general election shall have at least two election judges who are members of different major political parties who have received training as required in this section. In every other election precinct, no individual may serve as an election judge who has not received training as required by subdivision 1.*

*Subd. 4. **Training for local election officials.** At least once every two years, the county auditor shall conduct training sessions for the municipal and school district clerks in the county. The training sessions must be conducted in the manner provided by the secretary of state. No local election official may administer an election without receiving training from the county auditor.*

**History:** [1981 c 29 art 4 s 25](#); [1987 c 266 art 1 s 28](#); [1999 c 250 art 1 s 86,87](#)

*Minnesota Rules Chapter 8240 (selected parts)*



### **8240.1300 ELECTION JUDGE BASIC TRAINING REQUIREMENT.**

*Subpart 1. **Election judge basic training course.** To serve as an election judge, a person must successfully complete a basic training course that meets the requirements of part [8240.1600](#).*

*Subp. 2. **Certification of training.** A training authority must issue a certification of election judge basic training to a person who successfully completes a basic training course.*

*Subp. 3. **Maintaining certification.** A person must successfully complete the basic training course once every 24 months to remain qualified to serve as an election judge.*

*Subp. 4. **Timing.** The basic training course must be conducted not more than 60 days before the state primary election or fewer than three days before the state general election.*

*Subp. 5. **Training between primary and general elections.** An election judge who successfully completes the training required by parts [8240.0100](#) to [8240.2500](#) for a state primary election is not required to complete additional training for the succeeding general election.*

### **8240.1600 ELECTION JUDGE BASIC TRAINING COURSE.**

*Subpart 1. **Length.** The election judge basic training course must be at least two hours long.*

*Subp. 2. **Materials.** The training authority shall provide examples of all forms which election judges must complete in the course of their duties; with examples of forms of identification acceptable for purposes of election day registration, including any forms of student identification issued by educational institutions in the area; and with the materials contemplated in the training plan. Additional materials may be provided by the training authority as the authority considers useful.*

*Subp. 3. **Use of equipment.** An electronic voting system or specimen paper ballot and ballot box must be used at each training session to familiarize each election judge with the voting procedures for the method of voting employed in the precinct where the judge will serve.*

*Subp. 4. **Course content.** A basic training course must include necessary information and skill development in the following areas:*

*A. how to use the training materials to find answers to questions arising in the polling place on election day;*

*B. preparations on election day before polls open;*

*C. judges' duties during voting hours:*

- (1) election day voter registration;*
- (2) persons allowed in polling place;*
- (3) challenge process;*
- (4) voting process;*
- (5) spoiled ballots;*
- (6) assistance to disabled voters; and*
- (7) absentee ballots;*

*D. basic election judges' duties after polls close;*

*E. new laws, rules, forms, and procedures;*

*F. major problems at prior elections; and*

*G. how to follow instructions from the head election judge.*

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

☐ No Change Since 2008      ☒ Changed Since 2008

**2008 Response:**

[Begin response to above question (D1) below this line.]

*Captured on precinct summary statements by office. Results transferred electronically by 60 of 87 counties to the state contain overvote and undervote data.*

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

☒ No Change Since 2008      ☐ Changed Since 2008

**2008 Response:**

[Begin response to above question (a) below this line.]

*None for pre-registrants who are not 1<sup>st</sup> time voters in the state registering by mail.*

*1<sup>st</sup> time voters in the state registering by mail if county auditor unable to verify using DL/SSN number must show one of the same proofs used for EDRs either to the county auditor prior to election day, or to an election judge in the polling place before being allowed to vote.*

*Election Day Registrants have multiple methods of documentation they can provide to prove residence.*

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

☒ No Change Since 2008      ☐ Changed Since 2008

**2008 Response:**

[Begin response to above question (b) below this line.]

*None for pre-registered voters, unless challenged as unverified 1<sup>st</sup> time voter in Minnesota who registered by mail.*

*Election Day Registrants have multiple methods of documentation they can provide to prove residence.*

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

       No Change Since 2008        **X**   Changed Since 2008

**2008 Response:**

[Begin response to above question (c) below this line.]

~~*None for pre-registered voters. The absentee application contains a MN Driver's License or state ID #, or the last 4 digits of the voter's social security number, or indication they have none of these numbers. The back of the absentee return envelope contains space for the same number. If the identification number on the envelope does not match that on the application, the election judges must compare the signature on both to determine that the ballots were returned by the same person to whom they were transmitted.*~~

*Election Day Registrants have multiple methods of documentation they can provide to prove residence.*

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  **X**   No Change Since 2008             Changed Since 2008

**2008 Response:**

[Begin response to above question (d) below this line.]

*The FPCA to obtain a ballot contains passport #, MN Driver's License or state ID #, or the last 4 digits of the voter's social security number or oath attesting to truthfulness of application. The back of the UOCAVA return envelope contains space for same number as was placed on the FPCA or oath attesting to truthfulness of contents of certificate. Election judges examine FPCA and certificate on returned ballot envelope. If the identification number on the envelope does not match that on the application, election judges must make reasonable effort to satisfy themselves through other information that the ballots were returned by the same person to whom the ballots were transmitted.*

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

**X** No Change Since 2008      \_\_\_\_\_ Changed Since 2008

**2008 Response:**

[Begin response to above question (e) below this line.]

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

**X** No Change Since 2008      \_\_\_\_\_ Changed Since 2008

**2008 Response:**

[Begin response to above question (D3) below this line.]

**204C.06 CONDUCT IN AND NEAR POLLING PLACES.**

*Subd. 8. Access for news media. A news media representative may enter a polling place during voting hours only to observe the voting process. A media representative must present photo identification to the head election judge upon arrival at the polling place, along with either a recognized media credential or written statement from a local election official attesting to the media representative's credentials. A media representative must not:*

- (1) approach within six feet of a voter;*
- (2) converse with a voter while in the polling place;*
- (3) make a list of persons voting or not voting; or*
- (4) interfere with the voting process.*

**204C.07 CHALLENGERS.**

*Subdivision 1. Partisan elections. At an election to fill partisan offices, the chair of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of voters at the polling place for each precinct. Only one challenger from each major political party for each precinct*

*shall be allowed to remain in the polling place at one time.*

*Subd. 2. **Nonpartisan elections.** At an election to fill nonpartisan offices, each nonpartisan candidate may appoint by written certificate voters to act as challengers of voters at the polling place for each precinct. Only one challenger for each candidate shall be allowed to remain in the polling place for each precinct at one time.*

*Subd. 3. **Elections on a question.** At an election where a question is to be voted upon, the mayor of a city, or the school board of a school district, or the board of supervisors of a town, upon receiving a written petition signed by at least 25 eligible voters, shall appoint by written certificate one voter for each precinct in the municipality, or school district if applicable, to act as a challenger of voters in the polling place for that precinct.*

*Subd. 3a. **Residence requirement.** A challenger must be a resident of this state.*

*Subd. 4. **Restrictions on conduct.** An election judge may not be appointed as a challenger. The election judges shall permit challengers appointed pursuant to this section to be present in the polling place during the hours of voting and to remain there until the votes are counted and the results declared. No challenger shall handle or inspect registration cards, files, or lists. Challengers shall not prepare in any manner any list of individuals who have or have not voted. They shall not attempt to influence voting in any manner. They shall not converse with a voter except to determine, in the presence of an election judge, whether the voter is eligible to vote in the precinct.*

*Subd. 5. **Prohibited challenges.** Challengers and the political parties that appointed them must not compile lists of voters to challenge on the basis of mail sent by a political party that was returned as undeliverable or if receipt by the intended recipient was not acknowledged in the case of registered mail. This subdivision applies to any local, state, or national affiliate of a political party that has appointed challengers, as well as any subcontractors, vendors, or other individuals acting as agents on behalf of a political party.*

*A violation of this subdivision is a gross misdemeanor.*

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

### 2008 Response:

[Begin response to above question (E1) below this line.]

*No changes.*

[End response to above question (E1) above this line.]

**E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.**

**Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:**

- **Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)**
- **Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)**
- **Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))**

**Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).**

**This question was not asked in 2008. Please provide your answer below.**

[Begin response to above question (E2) below this line.]

*Security and integrity (Sect. 577, 578) Minnesota takes a variety of steps to protect the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots.*

Information from applications is entered into a secure database to which only trained election officials have access. Information about who has applied for an absentee ballot is private until after the polls close on election day. Some data on registered voters is available, but only for purposes related to elections, politics and law enforcement. A voter's day and month of birth and any identification numbers are considered private data and are never included on any lists made available to the public. (M.S. 203B.04, subd. 1; 203B.12, subd. 7; 201.091, subd. 9).

Minnesota has included a variety of safeguards in the online tool developed for voters to check on the status of their absentee ballot. In addition to using a secure website and having the data in the underlying database encrypted in a variety of ways, the tool requires users to provide their name, date of birth and an identification number to help ensure that only voters themselves can access the status of their ballots.

Minnesota ensures the privacy and security of voter's ballots by requiring that all voters vote on paper ballots which are not returned electronically.

Designating means of electronic communication (Sect. 577) Minnesota has contracted with the Overseas Vote Foundation to electronically deliver applications to UOCAVA voters via web service located at <https://minnesota.overseasvotefoundation.org/overseas/home.htm>. Absentee applications input into the statewide registration system provide a checkbox for ballots to be transmitted via mail or email. Counties may make use of an automated email feature within the statewide registration system to have the system generate an email with attached instructions and ballot which emailed to the county and may be forwarded by the county to the voter.

Establishing a ballot tracking mechanism (Sect. 580). All domestic and UOCAVA absentee applications for state and federal elections must be documented in the statewide registration system, including the status of sent, received, accepted, rejected and replacement ballots. The state has created a web site for all absentee voters to view the status of their ballot at <https://mnvotes.sos.state.mn.us/AbsenteeBallotStatus.aspx>.

Describe plans to capture data of number of applications and blank ballots transmitted to UOCAVA voters via mail and electronic means: Data on the number of applicants generating applications through the MN Military and Overseas voter service will be obtainable through OVF. The statewide registration system is currently programmed to report the number of UOCAVA ballots transmitted by precinct via mail and email.

Describe plans to capture data related to the number of applications and completed ballots returned via mail and email. Data on the number of applications returned via mail and email is not being captured. Minnesota does not allow return of voted ballots by electronic means, therefore data on the number of completed UOCAVA ballots returned by mail will equal the entire number of completed UOCAVA ballots returned and is tracked in the statewide registration system.

[End response to above question (E2) above this line.]



**E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

☒ **No Change Since 2008**      ☐ **Changed Since 2008**

**2008 Response:**

[Begin response to above question (E3) below this line.]

[End response to above question (E3) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.