

# Election Statute Navigator: Minnesota

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/minnesota/covid/#tracker>.

## *Voter Registration*

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§§ 8200.5100; 201.061(3)**
- Voters (other than above) register prior to Election Day
  - Voters can register any time except during the 20 days immediately preceding any regularly scheduled election in person, by mail, or electronically **§ 201.061(1)**
- Online registration available **§ 201.061(1)(a)(2)**
- Registration via mail available **§ 201.061(1)(a)(1), (1a)**
- In-Person registration available
  - Prior to Election Day: county auditor of that county or Secretary of State's Office **§ 201.061(1)(a)(1)**
  - County auditor designates a number of public buildings where people can obtain, complete, and deposit registration applications to the county auditor or designee **§ 8200.2100**
  - Election Day: anyone not registered to vote in the precinct in which they reside may register at the polling place of the precinct in which they reside **§ 8200.5100(1)**
- Preregistration allowed **§ 201.071(1)**
- Residency requirement
  - Voter must have resided in MN for 20 days immediately preceding the election **§ 204C.10(a)**
  - If registering on Election Day, individual must provide proof of residence in the precinct **§ 8200.5100(1)-(3)**
  - Voter must provide their municipality and county of residence in the registration application prior to Election Day **§ 201.071(1)**
- Prior conviction eligibility



- When a conviction of a crime is discharged, such discharge shall restore the person to all civil rights and to full citizenship with full right to vote and hold office **§ 609.165(1)**
- County auditor must mail a notice indicating person's name, address, precinct, and polling place to any registered voter whose civil rights have been restored after a felony conviction **§ 8200.3550**
- State court administrator must report on individuals who have been convicted of a felony and secretary of state must determine if that person is registered to vote **§ 201.145(3)**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote
  - County auditor must mail a notice indicating person's name, address, precinct, and polling place to any registered voter who has been removed from under a guardianship of the person under which the person did not retain the right to vote or who has been restored to capacity by the court after being ineligible to vote –
    - **§ 8200.3550**
  - State court administrator must report on individuals who are under a guardianship in which a court order revokes the ward's right to vote or where court found individual is legally incompetent to vote, and secretary of state must determine if person is registered to vote **§ 201.145(2)**
- Voter list maintenance guidelines **§ 201.081; 201.091**
- Minnesota is exempt from [the National Voter Registration Act of 1993 \(NVRA\)](#)'s provisional ballot requirements.

### *State Absentee, Early, and Mail Voting*

- Early voting allowed **§ 203B.081; 203B.085**
  - In-person absentee voting begins 46 days before the election and ends at 5 p.m. the day before the election at elections offices or any other location designated by the county auditor
- In-Person early voting only **§ 203B.081**
- No-excuse absentee voting **§ 203B.02(1)**
- Online absentee ballot application available **§ 203B.04(1)(a)**
- Absentee ballot application is verified **§ 203B.06**
  - Information and eligibility of the voter is checked against the voter registration



- Permanent absentee voting options **§ 203B.04(5)**
- Removal from permanent absentee list **§ 203B.04(5)(b)**
  - Ends upon voter’s written request, voter’s death, return of absentee ballot as undeliverable, or change in voter’s status to “challenged” or “inactive” in statewide voter registration system
- Absentee ballot verification details **§ 203B.07, 203B.121**
  - Certificate of eligibility to vote absentee is printed on the back of the return envelope, with space for voter’s MN driver’s license number, state ID number, last 4 digits of SSN, or to indicate that voter doesn’t have one of these numbers, and a statement to be signed and sworn by voter indicating they meet all of the requirements to vote by absentee and space for statement signed by person who is registered to vote in MN or by notary public or other individual authorized to administer oaths
  - Election judges of different political parties examine absentee ballots, and if info provided on ballot envelope doesn’t match info on application or voter record, judges compare signature provided by applicant to determine whether ballots were returned by same person to whom they were transmitted
- State allows voters to correct signature discrepancies **§ 203B.121(2)**
  - If ballot is rejected more than 5 days before Election Day, a replacement ballot is mailed, but if rejected within 5 days, election officials must contact voter via phone or email to provide options for voting a replacement ballot
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 203B.08**
  - Voter may designate an agent to deliver in person the sealed absentee ballot return envelope to county auditor or municipal clerk or to deposit return envelope in mail, but agent may not deliver or mail return envelopes of more than 3 voters in any election
- Deadline by which election official must receive absentee/mailed ballots **§ 203B.08**
  - Absentee/mailed ballots must be received by Election Day before polls close or 3 p.m. on Election Day for hand-delivered ballots
- State is required to provide secrecy sleeve for absentee/mail ballot **§ 203B.07**
- Absentee/Mail ballot processing and counting procedures **§ 203B.121**
  - Ballots are verified upon receipt, and after the close of business on the seventh day before the election, verified ballots can be opened and deposited in a ballot box to be counted after the polls close on Election Day



- Absentee ballots are reported separately from precinct totals **§ 203B.121**
  - In state and primary general elections, absentee vote totals are added to returns for appropriate precinct
  - For other elections, vote totals may be added to precinct or reported separately
- Spoiling/Replacement/Correction ballot restrictions
  - Auditor or clerk must promptly provide a replacement ballot to a voter who requests one because their ballot was lost, spoiled, or never received **§ 8210.2600(1)**
  - Auditor or clerk must send a replacement ballot to a voter whose absentee ballot is rejected more than 5 days before an election, along with an explanation of why the ballot was rejected **§ 8210.2600(2)**
  - Voters are sent written notice of absentee ballot rejection and may receive a replacement ballot and return envelope if envelope has been rejected at least 5 days before election **§ 203B.121(2)**
  - When voter registration application is processed on a voter record where a ballot has been previously mailed, the original mail ballot record must be marked “Spoiled” and the voter must be notified that the original mail ballot cannot be counted **§ 8210.3000(7a)**
  - For mail balloting, to correct a mistake, completely cross out the name of the candidate accidentally marked and then mark ballot for preferred candidate **§ 8215.0500(3)**
- Other:
  - Absentee ballots can be rejected if voter did not sign certification on envelope **§ 203B.121(2)**
  - State provides return postage and return envelopes are preaddressed to the auditor or clerk **§ 203B.07**

### *In-Person Voter ID*

- No document required to vote **§ 8200.5500** (last 4 digits of SSN accepted)
- Exceptions to Voter ID Requirements:
  - Persons who are voting by absentee ballot or otherwise than in person are exempt from above ID requirements **§ 8200.3200**
- Other:



- Voters must sign a polling place roster or voter signature certificate which states that the individual is at least 18 years old, a citizen of the US, has resided in MN for 20 days immediately preceding election, maintains residence at address shown, isn't under guardianship in which court order revokes right to vote, hasn't been found to be legally incompetent to vote or has the right to vote because their felony sentence expired or was completed or discharged, is registered and hasn't already voted in the election **§ 204C.10(a)**
- For election day registration, voter must prove residence by providing driver's license or MN ID card, any document approved by secretary of state as proper ID, ID card from MN postsecondary educational institution, current student fee statement with student's valid address with picture ID, an oath from voter who is registered to vote in precinct or employee employed by and working in residential facility in precinct and vouching for resident in facility, or tribal ID **§ 201.061(3)**

## *Provisional Voting*

- Minnesota is exempt from [HAVA](#)'s provisional ballot requirements.

## *Polling Place*

- Polling Place availability and requirements
  - Governing body of each municipality and county with precinct in unorganized territory must designate a polling place for each election precinct by Dec. 31 of each year **§ 204B.16**
  - Polling place equipment requirements **§ 204B.18**
  - For absentee ballot voters, voters can vote in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before the election **§ 203B.081(1)**
- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 211B.11(1)**
- Rules governing poll observers
  - no one except an election official or an individual who is waiting to register or to vote or an individual who is conducting exit polling shall stand within 100 ft of the polling place building **§ 204C.06(1)**
  - Major political party representative may observe all procedures for the central count voting system but may not interfere in any way **§ 8230.3450**



- Recounts may be observed by the public, the candidates, and their representatives **§ 8235.0700**
- Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures **§ 204C.06(2)**
- News media representatives may enter a polling place only to observe the voting process **§ 204C.06(8)**
- Curbside voting **§ 204C.15(2)**
  - An individual who is unable to enter a polling place where paper ballots or an electronic voting system are used may register and vote without leaving a motor vehicle with the help of 2 election judges who are members of different major political parties
- Police presence
  - Except when summoned by an election judge to restore the peace or when voting or registering to vote, no peace officer shall enter or remain in a polling place or stand within 50 ft of the entrance of the polling place **§ 204C.06(6)**

### *State Emergency Rules and How Elections are Affected*

- Secretary of State, Governor, and local election officials have authority to set rules and procedures for election emergencies
  - The secretary of state and county election officials must develop election emergency plans **§ 204B.181**
  - Governor can suspend rules and regulations and issue orders in case of emergency **§ 12.32**
- Listed triggers for Emergency Rules
  - Prevents the safe, secure, and full operation of a polling place **§ 204B.14(2)(c), 204B.175(1)**
  - Unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring **§ 205.10(3a)(b)**
- Explicit remedies in election statute
  - Local election officials can change polling place in an emergency **§ 204B.175**
  - Local election officials can combine two or more polling places in the case of an emergency **§ 204B.14(2)(c)**



- Special elections may be held on a date other than those specified if there is an emergency or disaster **§ 205.10(3a)**
- Counties can create/adopt own emergency plan **§ 204B.181**
- Other:
  - Eligible voters who on the day before an election becomes a resident or patient in a health care facility or hospital located in their municipality of residence may apply for an absentee ballot on election day **§ 203B.04(2)**

## *Counting Rules*

- Voting system requirements
  - Examination and certification of voting systems **§ 8220.0325–0700**
  - Every voter must be offered a demonstration of how to mark the ballot and use the voting system **§ 8230.0650**
  - Central count voting system procedures **§ 8230.3450–4150**
  - Precinct count voting system procedures **§ 8230.4365**
  - Electronic voting systems procedures **§ 206.80**
  - Methods of using electronic voting systems **§ 206.84**
  - Optical scan voting systems **§ 206.90**
- Counting procedures
  - Counting ballots in precinct count optical scan voting systems used in precinct counting centers **§ 8230.4370**
  - Ballot recording and counting security **§ 206.845**
  - Officials in charge of counting **§ 206.85**
  - Counting electronic voting system results **§ 206.86**
  - Mail ballot counting **§ 8210.3000(10); 8215.0500(8)**
  - Counting and challenging ballots in recounts **§ 8235.0800**

## *Contest/Protest, Recount Rules*

- Contest filing guidelines
  - Notice of contest **§ 209.021**
  - Pleadings and procedure of contests **§ 209.065**
- Challenging a candidate



- Any eligible voter, including a candidate, may contest the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the US or to a statewide, county, legislative, municipal, school, or district court office § **209.02(1)**
- Challenging a voter
  - Any voter registered within a county may challenge the eligibility or residence of any other voter registered within that county § **201.95**
- Other:
  - Recount procedures § **8235.0700**
  - Publicly funded and discretionary recounts for federal, state, and judicial races § **204C.35**

Publicly funded and discretionary recounts for county, school district, and municipal elections § **204C**

