

2022

Township Clerk Elections Guide



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ABBREVIATED ELECTION ADMINISTRATION CALENDAR

This abbreviated calendar lists important deadlines related to a state election year. Each listing includes citations to Minnesota Statutes or Minnesota Rules. Full text of the Minnesota Election Statutes and Rules can be found at the [Minnesota Office of the Revisor of Statutes](https://www.revisor.mn.gov) (<https://www.revisor.mn.gov>). This calendar is not intended to provide legal advice and should not be used as a substitute for legal guidance. Readers should consult with an attorney for advice concerning specific situations.

When a statutory reference is to a certain number of days before an election or other event, start counting from the day before the event. When determining the days after the event, start counting from the day after the event. If the last day falls on a weekend or legal holiday, that day is usually omitted. For example, if a deadline falls on a Sunday, that day is omitted and Monday becomes the day of the deadline.

The complete detailed version of the 2022 Election Calendar is available at the Office of the Minnesota Secretary of State [Election Calendars](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/>).

JUNE

- **6-24-22: Absentee voting available for State Primary Election** – during the 46 days before the election. [M.S. 203B.05, subd. 2](#); [203B.085](#); [204B.35](#)

JULY

- **7-19-22: Voter pre-registration closes** – at 5:00 p.m. 21 days before the primary. [M.S. 201.061, subd. 1](#)

AUGUST

- **8-2 to 8-16-22: Filing period for Towns with November Elections** – opens 98 days before and closes 84 days before the 1st Tuesday after the 1st Monday in November. Same filing period for Hospital District offices with town clerk. Town office must be open from 1:00 p.m. to 5:00 p.m. on the last day of filing. [M.S. 205.13, subd. 1a](#); [447.32, subd. 4](#)
- **8-6 & 8-8-22: Clerk's office open for absentee voting (if applicable)** – from 10:00 a.m. to 3:00 p.m. on the Saturday before the state primary and until 5:00 pm on the day before the primary. [M.S. 203B.085](#)
- **8-9-22: State Primary Day** – 2nd Tuesday in August. [M.S. 205.065, subd. 1](#); [204D.03](#)
- **8-18-22: Withdrawal period ends (Towns with November Elections)** – until 5:00 p.m. two days after filing closes. [M.S. 204B.12, subd. 1](#); [205.13, subd. 1a](#)

SEPTEMBER

- **9-23-22: Absentee ballots available for State General Election** – at least 46 days before the general election. [M.S. 203B.05](#); [203B.085](#); [204B.35](#)

OCTOBER

- **10-18-22: Voter pre-registration closes for State General Elections** – at 5:00 p.m. 21 days before the general election. [M.S. 201.061, subd. 1](#)

NOVEMBER

- **11-5 & 11-7-22: Clerk's office open for absentee voting (If applicable)** – from 10:00 a.m. to 3:00 p.m. on the Saturday before the November general election and until 5:00 p.m. on the day before the election. [M.S. 203B.085](#)

- **11-8-22: State General Election Day** – the 1st Tuesday after the 1st Monday in November. [M.S. 204D.03](#); [205.065, subd. 1](#)
- **11-11 to 11-18-22: Canvass the results of November Township Election** – between the 3rd and 10th day following the November general election. [204C.33, subd. 1](#); [205.185, subd. 3](#)

DECEMBER

- **12-20-22: Last day to publish notice of town officers to be elected at March elections (towns with March elections)** – at least two weeks before the first day to file. [M.S. 205.13, subd. 2](#)

JANUARY

- **1-2-23: Terms begin for town officers elected at November general election** – 1st Monday in January following the year of election. [M.S. 367.03](#)
- **1-2-23: Last day to change precinct boundary prior to 2023 March Township election (Towns with March Elections)** – at least 10 weeks before the date or the next election. [M.S. 204B.14, subd. 4](#)
- **1-3 to 1-17-23: Candidate filing period (Towns with March Elections)** – opens 70 days before March Township election and closes 56 days before the March Township Election. Clerk’s office must remain open for filing 1:00 to 5:00 p.m. on the last day. [M.S. 205.13, subd. 1a](#)
- **1-19-23: Withdrawal period ends (Towns with March Elections)** – candidates may withdraw until 5:00 p.m. two days after filing closes. [M.S. 205.13, subd. 6](#)

FEBRUARY

- **2-10-23: Absentee voting available for March Township Election** – during the 30 days before the March Township Election. [M.S. 203B.05, subd. 2](#); [203B.085](#); [204B.35](#)
- **2-21-23: Voter pre-registration closes for March Township Elections** – at 5:00 p.m. 21 days before the primary. [M.S. 201.061, subd. 1](#)

MARCH

- **3-11-23: Clerk’s office open for absentee voting (if applicable)** – 10:00 a.m. to 12:00 p.m. on the Saturday before the March Township Election. [M.S. 203B.085](#)
- **3-14-23: MARCH TOWNSHIP ELECTION DAY (Towns with March Elections)** – 2nd Tuesday in March. [M.S. 205.075, subd. 1](#)
- **3-16-23: Canvass March election results** – within two days of election. [M.S. 205.185, subd. 3](#)
- **3-21-23: Bad weather alternate for March Township Election and annual town meeting** – 3rd Tuesday in March. [M.S. 365.51, subd. 1](#)
- **After contest period: Terms begin for town officers elected at March Township elections** – newly elected town officers to file oath of office within 10 days of receiving certificate of election. Certificate cannot be given until the time period of contest is over. Clerk is not able to provide certificate of election without the candidate providing a certification that all required campaign reports have been filed. [M.S. 367.25, subd. 1](#)

LIST OF ELECTION ACTIVITIES BY MONTH

JANUARY

- November elected town officials take office.
- Confirm the town's contact information with all the county auditors that fall within your town's boundaries.
- Confirm town's election schedule: annual March, odd or even year general elections?
- If November elections, confirm offices that are scheduled to be on that year's general ballot.
- Inform county auditors as to potential special elections, vacancies, change in election schedules, mail balloting, etc.
- Confirm health care facility outreach locations and contacts.
- Review election supplies for March town elections and absentee voting.

FEBRUARY

- Absentee voting for March town elections begins. Auditor is responsible to send UOCAVA ballots.
- Master lists are received from auditor's office for March town elections AB administration.

MARCH

- Possibility of town meeting restrictions on statewide caucus date.
- March town elections, canvass, and certificates of election.
- March elected town officials take office.
- Make note of election supplies on hand and contact auditors to replenish supplies if needed.
- Review HR policies regarding hiring and appointment of election judges.
- Possibility of presidential nomination primary in presidential election years.

APRIL

- Many election year materials, guides, calendars are updated for the year's election cycle and placed on OSS web pages.
- "Primary possible" candidate filing notices.

MAY

- Even years, many OSS election year paper materials are delivered to auditor's office for distribution to local jurisdictions.
- Even years, political party election judge lists are shared with municipalities.

JUNE

- Absentee voting for primary elections begins. UOCAVA ballots are distributed by 46 days by county auditors.
- Review emergency plans for election day and send any changes/updates to county elections office.

JULY

- Primary AB voting continues.
- Election judge training conducted by auditor or delegated municipal clerk.
- If November elections, prepare candidate packets.
- If November elections, candidate filings.

AUGUST

- Primary elections. Canvass meetings. Notices of nomination.
- If November elections, “late” candidate filing period.
- Campaign financial reporting.
- Begin preparing general election ballots. In odd years, counties might not assist with ballot ordering activities.

SEPTEMBER

- Review previous years’ election items and determine if retention period is over.
- AB voting for general elections begins. UOCAVA ballots are delivered by 46 days by county auditors.

OCTOBER

- AB voting for general elections continues.

NOVEMBER

- State General Election.
- If November elections, canvass meetings, certificates of election.

DECEMBER

- If March elections, prepare candidate packets.
- If March elections, Notice of filings and filing period begins.
- Polling place designation resolution/ordinances due by December 31st.

1.0 INTRODUCTION

This guide is designed to aid township clerks and their staff who administer township elections. Please use this guide with the Office of the Minnesota Secretary of State (OSS) publication “Minnesota Election Laws”. Citations in this guide refer to the Minnesota election laws (M.S. citations) or rules (M.R. citations). Full text of the Minnesota election laws and rules can be found at the [Minnesota Office of the Revisor of Statutes](https://www.revisor.mn.gov) (<https://www.revisor.mn.gov>). If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule.

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

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

- County Auditor’s Election Guide
- Election Judge Guide
- City Clerk Election Guide
- School District Clerk Elections Guide
- Voting Equipment Testing Guide
- Absentee Voting Administration Guide
- Mail Election Guide
- Recount Guide
- Post Election Review Guide
- Campaign Manual
- Presidential Nomination Primary Election Administration Guide

These guides, training materials and other publications are updated periodically. Current editions are available at the Office of the Minnesota Secretary of State [Election Guides](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

Please contact the OSS at 651/215-1440 or elections.dept@state.mn.us if you have comments on how this publication could better support the needs of township clerks.

2.0 ELECTION ADMINISTRATOR TRAINING & CERTIFICATION

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

- training may be provided by county auditor or by the OSS;
- initial certification;
 - initial certification requires successful completion of five hours of training;
 - initial certification is good for the election cycle in which it is earned and through the following election cycle;
 - each election cycle begins on January 1 of an even-numbered year and ends on December 31 of an odd-numbered year;
- annual certification maintenance;
 - to maintain certification to administer elections, township clerks need to complete four hours of election training during the election cycle following their initial certification and every two years thereafter;
- “train the trainer” training;
 - if the clerk will be training election judges, in addition to the initial training or maintenance training, the clerk must complete a “train the trainer” course, conducted or approved by the OSS, before each state primary election; and
- emergency training;
 - a clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training conducted by the home county auditor or the OSS. [M.R. 8240.0100, subp. 2](#); [8240.1100](#); [8240.2700](#)

Township clerk election training addresses the following:

- | | |
|---|--|
| <ul style="list-style-type: none">• candidate filings;• campaign practices;• campaign finance;• election calendar;• ballot preparation;• election judge recruitment and duties;• notice requirements; | <ul style="list-style-type: none">• voting systems;• mail elections;• absentee voting;• security practices; and• post election duties. M.R. 8240.2700, subp. 5 |
|---|--|

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

The county elections office maintains the certification documents and status of the clerks of their local jurisdictions.

3.0 TOWNSHIP OPTIONS

3.1 ORGANIZATION OF THE BOARD

When a township was established, Minnesota statutes provided for an elected three member board of supervisors with staggered three year terms and elected clerk and treasurer offices with staggered two-year terms. Under this “regular plan” annual elections are held on the second Tuesday in March. Most townships follow this pattern but additional options are provided for in Minnesota state law. [M.S. 205.075](#); [367.30](#)

The question of adopting a given option for town board organization must be voted on at the town election. The board may submit the question, or residents may petition for an option to be placed on the ballot. A petition requires signatures of township electors equal to 15 percent of those voting in the last town election. [M.S. 367.31](#)

There are four optional plans for organization of the town board:

- Option A: a five-member board.
- Option B: appointed clerk and/or treasurer.
- Option C: appointed town administrator.
- Option D: combined clerk and treasurer. [M.S. 367.30](#)

For complete information regarding township options, the text of the ballot question, and phase in or abandonment of an option, please refer to [M.S. 367.30](#) through [367.36](#). [M.S. 367.30](#); [367.36](#)

3.2 ELECTION DATE & LENGTH OF TERMS

Townships may hold their general elections in either March or November. The second Tuesday in March has been the traditional township annual meeting and Election Day. Statutes permit townships to move their elections to the first Tuesday after the first Monday in November, every other year, even or odd, with four or six-year overlapping terms. A town that has adopted the November date for the town elections using four-year terms may also adopt a resolution establishing six-year terms for supervisors. Changeover to the uniform Election Day may be proposed by the board or by a resolution submitted at the annual meeting. The ordinance or resolution must include a plan for lengthening or shortening the terms and staggering the terms, and it must be passed by the voters at the next town general election.

A township that has moved their township elections to November, after having conducted at least two elections on that date in November, can adopt a resolution to move township elections back to the second Tuesday in March. The resolution must be adopted by a unanimous vote of town supervisors and include a plan to shorten or lengthen terms. This resolution to return to March becomes effective after being passed by the voters at the next town general election. [M.S. 205.075, subd. 1](#); [205.075, subd. 2](#); [367.03](#)

4.0 PRECINCTS

4.1 WHAT ARE ELECTION PRECINCTS?

“Precincts” are the basic geographical units for organizing and administering elections. Precinct boundaries are partially designed by the town board and partially the result of various requirements in state statutes. At a minimum, each township must be at least one precinct, and additional precincts are necessary if the township is divided by a county, congressional, or legislative boundary. Within these broad requirements, towns may create as many or as few precincts as suits the community. Precincts are not tied to population size; however, precincts sized much beyond 2,000 to 2,500 registered voters can become difficult to manage. [M.S. 204B.14](#)

4.2 PRECINCT BOUNDARY CHANGES

The town board may make precinct boundary changes at any time except:

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

Precinct lines must not cross city, ward, county, county commissioner, legislative, or congressional district boundaries. When municipalities are further subdivided into two or more precincts, the boundary between two precincts must follow “visible, clearly recognizable physical features” or the jurisdictional boundaries. Examples of recognizable physical features include streets, rivers, and railway rights-of-way. Precinct boundaries may also follow school district boundaries that are lacking a recognizable physical feature. If necessary, two precincts may be formed which share a boundary that is not located on a recognizable physical feature, as long as the boundary of the two precincts combined is entirely located on recognizable physical features or jurisdictional boundaries. In this case, ***it is no longer required*** that the names of those two precincts shall reflect their adjoining relationship (e.g. 1A, 1B). [M.S. 204B.14, subd. 6](#)

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

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

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

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

4.3 MAPS & DATA

The map information sent to the OSS is used to update the statewide database of precinct and election district boundaries. The precinct map data is used by a variety of state agencies and is available to the public for download, find links at the OSS [Shapefiles](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/data-maps/shapefiles/>).

A variety of maps are available for download and most are formatted to print on 8 ½ x 11-sized paper. These maps can be found on pages in the [Data & Maps](#) section of the Office of the Minnesota Secretary of State's website (<http://www.sos.state.mn.us/election-administration-campaigns/data-maps/>).

Printed maps are also available from OSS for the cost of production. Information on costs and a downloadable order form are found at the [Ordering Maps](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/data-maps/ordering-maps/>). [M.S. 204B.146](#)

5.0 POLLING PLACES

5.1 DESIGNATION

The governing body (town board of supervisors) must designate, by ordinance or resolution, a polling place for every precinct. Changes cannot be made less than 90 days before the next election, including school district elections or referenda, nor anytime between the state primary and general elections. When there is a change in polling place location, the governing body making the change must notify households with at least one registered voter that are affected by the change by non-forwardable mail at least 25 days before the election (see 5.4 below). The polling place designation remains in effect until the governing body makes a new designation. The county auditor needs to be notified of polling place changes when they are made so county staff can update the polling place in SVRS and work with the township to appropriately notify voters. [M.S. 204B.16 subd. 1a](#); [204B.16, subd. 3](#)

All polling places must be:

- fully accessible (see 5.5 below);
- large enough to accommodate the election activities;
- free of other, non-election, activities;
- smoke free;
- liquor free and not next to a liquor service area; and
- located within the precinct except:
 - towns in the metro area may locate a polling place outside the precinct if it is within one mile of the precinct boundary or it is part of a combined polling place (see 5.3).
 - towns outside of the metro area may locate polling places up to five miles outside the precinct boundary. [M.S. 144.414](#); [200.02, subd. 24](#); [204B.16, subd. 1](#); [473.121](#)

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

5.2 EMERGENCY DESIGNATION

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

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

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

5.3 COMBINED POLLING PLACE

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

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

- two contiguous precincts in the same township;
- up to four contiguous municipalities located outside the metro area and in the same county, Congressional District and Legislative District;
- noncontiguous precincts located in one or more counties subject to approval by both of the governing bodies of each municipality and the secretary of state; and
- mail election precincts, in which case the designation by the municipality or the auditor of only one centrally-located polling place is required. Please see the Mail Voting Guide found at the OSS [Election Guides](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/) webpage (www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/). [M.S. 204B.45](#); [204B.14](#)

Note: The metropolitan area is defined as Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright counties.

One precinct-count voting system and one memory unit may be used to count ballots for combined precincts. A separate summary statement must be produced for each precinct being counted by the precinct count voting system and the voted ballots must be separated and sealed by precinct. [M.R. 8230.4365](#)

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

5.4 VOTER NOTIFICATION

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

There are multiple ways to provide the required voter notification:

- The clerk may request that the county auditor mail a Postal Verification Card (PVC) to all households with at least one registered voter in the affected precincts (auditors, be sure to enter the new polling place information into SVRS before entering the PVC request).
- The clerk may request that the county auditor mail a PVC to all the voters in the affected precincts (auditors, be sure to enter the new polling place information into SVRS before entering the PVC request).
- The clerk may purchase household address labels from the OSS to send their own notification to all affected households with at least one registered voter.
- The clerk may purchase voter labels from the OSS to send their own notification to all affected voters.

Ordering information is found at the Office of the Minnesota Secretary of State's [Registered Voter List Requests](http://www.sos.state.mn.us/election-administration-campaigns/campaigning/registered-voter-list-requests/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/campaigning/registered-voter-list-requests/>).

5.5 POLLING PLACE ACCESSIBILITY

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

Minimum requirements include:

- paved parking with extra wide spaces reserved for disabled persons;
- curb cuts or temporary ramps;
- paved main routes free of stairs or with ramps or elevator bypasses;
- entrances/doorways a minimum of 32 inches wide;
- walkways and hallways at least 36 inches wide;
- hallways free of protrusions overhanging the floor;
- handrails on all stairs;
- signs directing voters around obstructed entrances or stairs to accessible routes;
- signs outlining the assistance available to voters; and
- 1 or more wheelchair accessible voting booths or stations with stable, flat writing surface 34 inches high. [M.S. 204B.16](#)

For federal, state, county, city and school district elections the voting method used in each polling place must include an assistive voting device. An assistive voting device is also required for townships with more than 500 registered voters holding standalone township elections. A township is required to use an assistive voting device at its general town election if voters at the previous year's annual town meeting decided to use it. This device is accessible for individuals with disabilities, including non-visual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. [M.S. 206.57, subds. 5 & 5a](#)

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

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

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

Municipalities should visit polling locations periodically to verify that polling locations are still accessible. The OSS Polling Place Accessibility Diagnostic Tool posted on the [Election Guides](#) webpage

(<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>) provides instructions on how polling place inspections should be performed.

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

5.6 POLLING PLACE MATERIALS

Township clerks are responsible for ensuring that all necessary supplies are delivered to the polling place for use on Election Day. This includes ballots, ballot boxes, voting equipment such as precinct optical scan ballot counter, assistive voting device, rosters, posters, flags, and boxes, envelopes and seals to secure ballots and other election materials. A more extensive example supply list is included in the Appendix 2 of this guide.

[M.S. 204B.28](#)

5.7 RECOMMENDATIONS FOR POLLING PLACES DURING A PANDEMIC

5.7.1 Polling Place Guidelines in a pandemic

General Best Practices for a pandemic:

All election judges should:

- Practice social distancing as much as possible by staying at least six feet away from each other and voters
- Frequently wash and sanitize their hands, following CDC handwashing guidelines
- Wear cloth face coverings, covering their nose and mouth
- Frequently disinfect surfaces that election judges and voters come in contact with, using CDC and EPA approved disinfectants.
- In election judge training, promote certain behavioral norms, such as social distancing, cleaning, disinfection, and hand hygiene. Include instructions to wipe down door knobs, push plates, and other non-election specific surfaces
- Provide detailed guidance and templates to show election judges where to set up polling place equipment
- Election judges should clean equipment within full view of voters to maintain public confidence
- Ensure that any changes to operations do not limit accessibility to voters with disabilities

5.7.2 Station & Scenario-Specific Guidelines during a Pandemic:

- The greeter judge may need to help manage lines outside of the polling place
- Prepare the greeter judge to set expectations for voters in regards to wait times, social distancing guidelines, and available safety items
- When able, registration judges should only examine proof of residence materials visually, without physically touching the voter's documents
- If using pollbooks, encourage election judges to use and frequently sanitize the stylus
- Create a 'neutral zone' for passing materials. Voters and election judges can pass voter receipts and documents back and forth by placing them on a table, and then backing away as the other person approaches to retrieve them
- When election judges assist a voter with marking their ballot, they should attempt to social distance while maintaining voter privacy. They can view the ballot together in larger print on the assistive voting device, or work with the voter from across a table that is away from the main traffic of voters.
- The use of hand sanitizer is encouraged, but check that your hands are dry before handling ballots. Hand sanitizer can wet and damage ballots, which could possibly render them unreadable

5.7.3 Polling Place Layout & Sanitation during a Pandemic:

- Hand sanitizer should be available at the entrance and exit of the polling place room
- Disposable face coverings for voters who arrived unequipped but are willing to wear one should be made available near the entrance
- Post “Health and Safety” polling place poster
- Spacious, well-ventilated rooms make for the safest polling locations. If possible, have windows and doors open to increase outdoor air flow in the polling place
- Disinfect surfaces between use, especially voting booths, assistive voting devices, tables, and pens. The best method to disinfect surfaces depends on the surface and the disinfectant used, and may require gloves
- Use tape to mark spots on the floor for voters to stand in line, and at stations, which are at least six feet apart
- Clearly mark points of entry and exit to prevent bottlenecks, and provide signage or physical markers to ensure voters move in one direction through the polling place
- Ensure that distancing is maintained outside of the facility as well if voters are queuing up outside
- To encourage social distancing, put two tables between the voters and the check-in and ballot judges. This creates a wider space between the election judge and voter which prevents voters from unintentionally stepping too close to the judge.
- Spread voting booths as far apart as possible
- On common contact surfaces, such as voting booths, overflow tables, and assistive voting devices place a laminated sheet of paper with text similar to: “This surface has been sanitized and is ready for use, please flip this sheet over when you leave.” Once flipped over, the other side says: “This surface needs to be sanitized before use.” This is to help election judges track what needs to be sanitized and when
- Ask voters to discard used pens into a clearly marked bin, and sanitize them before next use
- Cut “I Voted” stickers and spread them out on a table for voters to pick up on their own
- Consider putting a wipe-able cover on touch screen electronics, or regularly changed plastic wrap

5.7.4 Increased Use of Curbside Voting during a Pandemic:

- It is expected during times of a pandemic, that voters will be hesitant to enter a polling place building.
- **With the increased use of curbside voting in 2020, it is expected that voters will continue to request this type of voting on a larger scale than pre-pandemic.**
- Curbside voting is available to voters, for any reason, who do not wish to enter the polling place building.

- Local election officials should plan for an increase in the use of curbside voting by:
 - Assigning an increased amount of elections judges affiliated with different major political parties to provide curbside voting in teams of two to multiple voters throughout voting hours.
 - Finding and designating a location for multiple voters to wait near the polling place entrance for curbside voting.
 - Placing signs at curbside voting spots with the phone number to reach election judges in the polling place building.
 - Instructing the greeter judge to continually watch for voters in curbside voting locations and notifying election judges.
 - Instructing election judges to double check curbside voting locations before officially closing the polls.

6.0 ELECTION JUDGES

6.1 ELECTION JUDGE QUALIFICATIONS

An election judge must be:

- eligible to vote in the State of Minnesota;
- able to read, write and speak English;
- appointed by the appointing authority (county, city, township, or school board); and
- trained and currently certified as an election judge.
- Individuals applying to be election judges need to declare their party affiliation if they are affiliated with a major political party. [M.S. 204B.19, subd. 2](#); [204B.21](#); [204B.25](#)

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

An election judge cannot be:

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

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

6.2 STUDENT ELECTION JUDGE TRAINEES

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

To serve as trainee election judges students must be:

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

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

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

6.3 APPOINTING ELECTION JUDGES

6.3.1 County Lists

Each major political party will furnish electronic lists of potential election judges to the Secretary of State's office by May 1 of even-numbered years. The OSS will in turn furnish the list to the auditor's office by May 15. County auditors must promptly forward the lists to city and town clerks. [M.S. 204B.21](#)

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

6.3.2 Appointment by Town Board

The clerk recommends election judges to be appointed for the upcoming election (including healthcare and absentee ballot boards if applicable), and then the town board makes the appointments at least 25 days before the election. The town board may pass a resolution authorizing additional election judges within 25 days before the election, if they deem necessary. If there aren't enough people on the list, the town board may appoint other people who meet the qualifications. The town board may evaluate applicants to determine if they are capable of carrying out the duties. [M.S. 204B.21, subd. 2](#)

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

Note: In 1998, the U.S. Immigration and Naturalization Services exempted jurisdictions that hire election judges from the Form I-9 employment verification procedures.

6.3.3 Party Balance

At least two election judges in each precinct must serve with a different major political party designation. The remaining election judges in a precinct can serve without an affiliation to a major political party. No more than half the judges in a precinct may belong to the same major political party. The major parties of Minnesota are Grassroots-Legalize Cannabis, Legal Marijuana Now, Republican and DFL.

Township elections held not in conjunction with a statewide election are exempt to this requirement. [M.S. 204B.21, subd. 2](#); [205.07, subd. 4](#); [204B.19, subd. 5](#)

6.3.4 Required Number of Election Judges

A minimum of four election judges shall be appointed for each precinct in the state general election, provided that a minimum of three election judges shall be appointed for each precinct with fewer than 500 registered voters as of 14 weeks before the state primary. In all other elections, a minimum of three election judges shall be appointed for each precinct.

In a combined polling place, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authority may appoint election judges for any precinct in addition to the number required, including additional election judges to count ballots after voting has ended.

An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. [M.S. 204B.22](#)

6.3.5 Head Judge

When the town board appoints the election judges, they designate one of the judges as head judge. The designated head judge must serve for all of Election Day and be present in the polling place unless another election judge has been designated by the head judge to perform the functions of the head election judge during any absence. That is why it is a suggested “best practice” to have an alternate or co-head judge, that has received the extra hour of training, in each poll location.

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

6.4 VACANCIES

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

6.5 COMPENSATION

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

6.6 TIME OFF FROM WORK

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

Note: Federal employers might not be required to provide time off from work. Federal employees are encouraged to discuss election judge service with a supervisor and/or human resources department to clarify the organization's policies regarding election judge service.

A March 2022 US Presidential Executive Order #14109 contains information about federal employees and possible administrative leave to serve as non-partisan poll workers. Information about this executive order can be found at: <https://www.opm.gov/news/releases/2022/03/release-opm-announces-paid-time-off-for-federal-employees-to-vote/>

6.7 ELECTION JUDGE TRAINING

6.7.1 Certification & Administration

All election judges must successfully complete training. Student election judge trainees (16-17 year olds) complete the same training as the other election judges. County auditors are responsible for training election judges or delegating the responsibility to township clerks. If the clerk will be conducting election judge training, the clerk or a designee must attend an adult education training conducted or approved by the OSS. [M.S. 204B.25](#); [M.R. 8240.1100](#); [8240.1655](#)

Working through the county auditors, the OSS will provide copies of the Election Judge Guide, Election Judge DVD, customizable slide presentation, and other training materials to townships. Current editions of guides and training materials are available at the [Election Judge Training](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-judge-training/>).

Clerks must arrange to have at least one Election Judge Guide available in each polling place on Election Day. The training authority, whether auditor or clerk, must develop a training plan that outlines the staff and resources assigned to training, the dates, topics to be covered, and materials to be used. The plan must be kept available for public inspection. [M.R. 8240.2000](#); [8240.2400](#)

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

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

The training includes the following phases:

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

6.7.2 Election Judge Training Plan and Course Content

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

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

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

- Use of equipment (tabulator, assistive voting device, electronic rosters)
- How to find answers in training materials;
- Opening polls
- Election judge duties
- Closing the polls
- New laws, rules, forms & procedures
- Major problems noted at prior elections
- Head judge responsibilities. [M.S. 204B.25](#); [M.R. 8240.1600](#)

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

6.7.3 Head Election Judge Training

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

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

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

If the township has a health care facility (HCF), special outreach to that facility is required by any full-time clerk responsible for absentee balloting in that election. See the Absentee Voting Administration Guide available at the OSS [Election Guides](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

HCFs located in a particular area can be looked up at www.health.state.mn.us. In order to be certified as a HCF absentee election judge, in addition to the basic election judge training, an individual must complete another hour of training every two years.

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

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

6.7.5 Absentee Ballot Board Election Judge Training

In order to serve as an election judge on an absentee ballot board, individuals must be appointed as provided in [M.S. 204B.19 to 204B.22](#) and trained on the handling and processing of absentee ballots. It is recommended that this be at least a one-hour training that covers all aspects of the handling and processing of absentee ballots. An individual does not need to attend a basic election judge training course to serve on an absentee ballot board. [M.S. 203B.121](#)

7.0 GIVING NOTICE

7.1 CANDIDATE FILING PERIOD NOTICE

Clerks must publish a notice of filing dates at least two weeks before the first day to file affidavits of candidacy. The township shall publish a notice in the official newspaper stating the first and last dates on which affidavits may be filed in the clerk's office and the closing time for filing on the last day for filing.

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

The clerk must post a similar notice 10 days before filing opens. The notice must list separately any office(s) where candidates can file affidavits to fill unexpired term of a vacancy at a special election. The notice must state the opening date, the closing time on the last day of the filing period, and where candidates may file affidavits of candidacy. [M.S. 205.13, subds. 1a & 2](#)

7.2 ELECTION NOTICE TO COUNTY AUDITOR

Before every municipal election, the town clerk must give the auditor at least 74 days written notice. The notice should include the date of the election, the offices to be voted on and the title and language for each ballot question. With this information, auditors can appropriately set up the election and polling place rosters in SVRS. They also are then able to provide accurate information to the public, coordinate absentee voting, and begin ballot layout. [M.S. 205.16, subd. 4](#)

At least 74 days written notice must be given to the county auditor by the clerk if a special election is cancelled under [M.S. 205.10, subd. 6](#). [M.S. 205.16, subd. 4](#)

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

7.3 ELECTRONIC VOTING SYSTEM NOTICE REQUIREMENT

7.3.1 Notice of Public Accuracy Test (PAT)

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

7.3.2 Notice to OSS of Use of New Equipment

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

7.3.3 Notice to Public of New Voting System

The governing body of a municipality must provide information to the public regarding the use of a new voting system at least 60 days prior to the election. A demonstration voting system must be provided in a public place for the six weeks immediately prior to the first election at which the new voting system will be used. [M.S. 206.58](#)

7.3.4 Notice to Secretary of State of Change in Plan

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

7.4 PUBLIC NOTICE OF ELECTION

In the metropolitan area (as defined in [M.S. 200.02, subd. 24](#)) township clerks must publish notice of the election two weeks in advance, and have the option of also posting notice.

All notices of election must include:

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

In non-metropolitan areas the township board may act to dispense with publication of the notice of election. If the township board acts not to publish the notice of election, the clerk must post a notice of township election at least 10 days prior to the election and have a copy available for public inspection in their office. [M.S. 205.16, subd. 1](#)

If the election is to be held in March, the notice of election may be combined with the notice of annual meeting. The notice must include the bad weather alternate date. [M.S. 365.51, subd. 2](#)

7.5 NOTICE OF MAIL BALLOTING PROCEDURES

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

7.6 SAMPLE BALLOT

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

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

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

8.0 CANDIDATE FILING

8.1 FILING PERIOD

Candidate filing is the process through which candidates have their names placed on the ballot. Town clerks are the filing officers for the township offices, meaning the clerk, or designated deputy, administer candidate filing. If a town clerk has not appointed a deputy, the town treasurer shall perform the candidate filing duties when the clerk is absent. Arrangements may be made with the county auditor to receive township filings instead. [M.S. 205.13, subd. 1](#); [367.033](#)

Candidates must file during a two week filing period. While one person may generally only hold one elected office at the same time, Minnesota law provides a rare, specific exception allowing the same person to serve on their town board and school board at the same time. In towns holding their elections in March of any year or for special elections not held in conjunction with another election, the filing period opens 70 days before and closes 56 days before Election Day. In all other towns, affidavits of candidacy must be filed during a two-week period that opens not more than 98 days (August 2, 2022) before the general and closes not less than 84 days (August 16, 2022) before the general. The clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period. [M.S. 205.13](#)

Note: The clerk is also responsible for accepting hospital district filings which are filed which are now filed not more than 98 days (August 2, 2022) nor less than 84 days (August 16, 2022) before the first Tuesday after the first Monday in November of the year in which the general election is held. [M.S. 447.32, subd. 4](#)

If a candidate will be absent from the state during the filing period, the candidate may file an affidavit, and filing fee or required petition during the seven days immediately before the candidate leaves the state. The candidate must state in writing the reason for being unable to file during the normal filing period. [M.S. 205.13, subd. 1a](#); [205.13, subd. 1b](#)

The clerk must publish a notice of filing dates, location, and closing time at least two weeks before filing opens and must post a similar notice 10 days before filing opens. [M.S. 205.13, subd. 2](#)

8.2 CANDIDATE ELIGIBILITY

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

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

8.3 FILING PROCESS

A candidate for a township office must file an affidavit of candidacy with the town clerk, unless arrangements have been made with the county auditor. The steps for candidate filing are as follows:

- a candidate for an office to be voted for at the township election must file an affidavit of candidacy with the town clerk;
- affidavits must be signed, notarized, and delivered in person or otherwise to the clerk during the candidate filing period;
 - in most cases, affidavits are completed, signed and signed by the authorized filing officer at the time of filing;

- however, some are completed before arriving. If so, affidavits must be signed, notarized and delivered in person or otherwise to the clerk during the filing period;
- absent candidates may follow the process listed in section 8.1 above;
- alternatively, five or more voters can “draft” a candidate by filing an application on behalf of an eligible voter in the municipality with the clerk;
 - this candidate’s name is placed on the ballot after the proper filing fee is received;
- a candidate filing for town supervisor, when more than one seat is to be filled at an election, must designate which specific seat they are seeking when filing;
- the proper filing fee must be paid or a petition in place of a filing fee must be filed at the time of filing;
 - candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;
- filing fees for township offices are \$2;
- the candidate may file in place of the filing fee a petition by eligible voters having either 500 or a number equal to 5% of the total number of persons who voted in the last general election when the office was on the ballot (whichever is less);
- affidavits of candidacy must be numbered in the order they are received by the filing officer;
- when the similarity of both the first and last names of two or more candidates for the same office and election may cause confusion, candidates may provide up to three additional words to be printed to distinguish between the two; and
- any individual who has an issue with the names placed on a ballot or with the candidate filing process may file an error and omissions petition in accordance with M.S. 204B.44. [M.S. 204B.10; 204B.11, subd. 2\(d\); 205.13, subd. 1; 205.13, subd. 3; 205.13, subd. 4](#)

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

A copy of the affidavit of candidacy form is available at the OSS [Become a Candidate](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/>).

8.3.1 Withdrawal

A candidate may withdraw from participation in the election by filing an affidavit of withdrawal with the filing officer. The affidavit shall request that the official withdraw the candidate’s name from the ballot. The candidate’s filing fee is non-refundable. Also, a candidate may stop campaigning, but their name will remain on the ballot if they fail to submit an affidavit of withdrawal during the withdrawal period. Township candidates have until 5:00 p.m. two days after the close of filing to withdraw. [M.S. 205.13, subd. 6](#)

A copy of the Affidavit of Withdrawal is available at the OSS [Candidate Withdrawal](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/candidate-withdrawal/>).

8.3.2 Non-partisan Vacancy in Nomination

A non-partisan vacancy in nomination exists when:

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

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

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

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

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

8.4 CAMPAIGN PRACTICE & FINANCIAL REPORTING (CAMPAIGN MANUAL)

As candidates file, the clerk must give them a copy of the Minnesota Campaign Manual, available the OSS [Election Guide](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>). This Manual explains campaign financial reporting requirements, found in [M.S. 211A](#), and campaign practices requirements, found in [M.S. 211B](#), that apply to municipal candidates. [M.S. 211B.14](#)

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

- give a copy of the Minnesota Campaign Manual, the financial reporting form, and the Certificate of Filing form to each candidate at the time of filing;
- receive financial reports from candidates and committees according to campaign finance report filing schedule, described in the Minnesota Campaign Manual; with the clerk's permission, these forms may be filed electronically;
 - the campaign report filing schedule is triggered after a committee or candidate files an initial campaign finance report, due within 14 days after they receive contributions or make expenditures in excess of \$750;
- collect Certification of Filing forms from all candidates and committees within seven days after the election;
- have financial reports available for public inspection;
- post the financial reports on web site for four years if a web site is maintained as soon as received, but not later than 30 days after receipt;
- provide the Campaign Finance and Public Disclosure Board with the link to the financial reports section of their web site;
- if a candidate or committee has an initial report, but fails to file a subsequent campaign finance report when due, notify the candidate or committee of the failure; if no reply is received within 10 days after notification is mailed, file a complaint before the Minnesota Office of Administrative Hearings; and
- must issue Certificates of Election only to winning candidates who have filed Certification of Filing forms. [M.S. 13.601, subd.1; 211A.02; 211A.05; 211B.14](#)

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

8.5 CAMPAIGN COMPLAINTS

Complaints of campaign finance or practice violations ([M.S. 211A](#) or [211B](#)) are heard by the Office of Administrative Hearings (OAH). To initiate a complaint, a completed form must be filed with the OAH; the matter is then subject to review and possible hearing. For further information on complaints and penalties, see the OAH's [Fair Campaign Practices](https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp) webpage (<https://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>). [M.S. 211B.32](#)

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

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

- provide report forms to candidates or committees. The forms are printed by the OSS and distributed through the auditors and are available at the OSS [Campaign Filing Packet](http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/>)
- receive financial reports from candidates and committees (They may be filed electronically);
- notify a candidate or committee that has filed an initial report of the failure to file a subsequent report on the date it is due;
- file a complaint with the OAH of any candidates or committees who appear to have collected or spent more than \$750 but did not file Campaign Financial Reports and/or a Certification of Filing form;
- hold financial reports available for public inspection;
- collect Certification of Filing forms from all candidates and committees within seven days after the election, available at the OSS [Campaign Filing Packet](http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/become-a-candidate/campaign-filing-packet/>); and
- issue Certificates of Election only to winning candidates who have filed Certification of Filing forms. [M.S. 13.60; 211A.02; 211A.05; 211B.32](#)

9.0 BALLOT QUESTIONS

9.1 WHAT ARE BALLOT QUESTIONS?

The town board may decide to place certain questions on the ballot that the voters are authorized or required under the law to vote on. Such questions generally are limited to:

- Changing the township election date from March to November.
- Allowing Sunday liquor sales.
- Separating from a statutory city.
- Dissolving the town.
- Reversing a subordinate service district.
- Changing options for organizing the town board.
- Issuance of bonds.
- Other subjects as authorized by state statute. [M.S. 205.075](#); [340A.416](#); [365.51](#); [340A.504](#); [365A.06](#); [365.44](#); [367.30](#); [367.36](#); [475.58](#)

9.2 PETITIONS

Special elections may be held in a township on a question on which the voters are authorized by law to pass judgment. In these cases, a special election may be ordered by a township board on its own motion or upon receipt of a petition signed by a number of voters equal to 20 percent of the voters at the last township general election if the question has not been submitted to voters within the previous six months. Specific directions for all petitions used in elections are provided in [Minnesota Rule 8205](#). This rule addresses petition form, circulation, signing, filing and verification. [M.S. 205.10](#); [M.R. 8205](#)

9.3 ADVISORY ELECTIONS

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

9.4 BOND & LEVY REFERENDUM BALLOT NOTICES

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

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

For all bond or levy referendums that will have the effect of raising property taxes, the ballot must include the notice:

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

10.0 BALLOT PREPARATION

10.1 PRINTING ARRANGEMENTS

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

The official administering the election must identify a ballot printer as early as possible and begin working with the printer well before filing closes. Immediately after the filing period closes and the withdrawal period has passed, the official administering the election needs to finalize the ballot preparation. The ballots must be prepared in time to have a supply for every precinct available to cover absentee voting at least 46 days before an election, with the exception of March Town elections, which must be available at least 30 days before. [M.S. 203B.081](#); [204B.35](#)

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

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

When determining ballot quantities, also consider:

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

A major decision to resolve well in advance is whether to use an electronic voting system or traditional hand counted ballots. Even when normally using an electronic voting system for state elections, it may be more convenient and cost-effective to hand count the ballots for low turnout elections. Even with hand counting, ballots must be in optical scan format to accommodate use of an assistive voting device. The only exception is townships with fewer than 500 registered voters as of June 1st. These towns are not required to use optical scan ballots or an assistive voting device when a town election is not held in conjunction with any federal, state, county or school district election.

10.2 BALLOT LAYOUT

By May 1 of state election years, the OSS will distribute examples of the ballots to auditors and on the [Example Ballots](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/example-ballots/>). The county auditor distributes copies of the example ballots to the clerks in municipalities holding elections that year. [M.R. 8250.1810, subp. 18](#); [M.S. 204D.09, subp. 1](#)

10.2.1 Optical Scan Ballot Layout

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

10.2.2 Paper Ballot Layout

When no optical scan system or an assistive voting device is being used for a township election, the ballots must be prepared like the state general election ballot. [M.S. 205.17, subd. 1](#)

10.3 PROOFING TIPS

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

10.4 COURT REMEDY FOR ERRORS & OMISSIONS

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

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

11.0 OPTICAL SCAN & ASSISTIVE VOTING SYSTEMS

11.1 WHAT ARE VOTING SYSTEMS?

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

11.1.1 Optical Scan

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

Optical scan systems are available in two configurations:

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

The following are certified precinct optical scan voting systems in the State of Minnesota:



M100



Accu-Vote



DS200



VerityScan



ImageCast Evolution

11.1.2 Assistive Voting Device

Every precinct must have at least one assistive voting device. An assistive voting device allows voters with disabilities to mark their ballot independently and privately but does not count the ballot. Towns with fewer than 500 registered voters, holding standalone township elections, are not required to have an assistive voting device in each precinct. Voters at the annual town meeting can decide to use an assistive voting device for the following town elections. Exempt towns would also be required to use an assistive voting device if it is determined that the cost to use the assistive voting device does not exceed \$150. [M.S. 206.57](#)

Local jurisdictions must make assistive voting device purchased with HAVA funds available to other jurisdictions holding stand-alone elections. The jurisdictions providing the equipment cannot charge the jurisdiction using the equipment a rental fee, but may require reimbursement for any actual direct cost that results from the equipment's use and prorated indirect cost of maintaining and storing the equipment. Reimbursements for any cost paid for with HAVA funds must be deposited in the county's HAVA account. [M.S. 204B.18, subd. 1](#)

The following are certified assistive voting devices in the State of Minnesota:



AutoMARK



ImageCase Evolution



Verity TouchWrite



OmniBallot

11.2 STATE COOPERATIVE PURCHASING VENTURE (CPV)

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

For a nominal fee, local governmental subdivisions may join the CPV program and make purchases at state prices without the necessity of doing a competitive procurement. For more general information about the state CPV program, visit the MN Dept. of Administration's [CPV](http://www.mmd.admin.state.mn.us/coop.htm) webpage at <http://www.mmd.admin.state.mn.us/coop.htm>.

If you have questions regarding the 2020 voting equipment state contract, you may contact Elizabeth at 651/201-3122 or elizabeth.randa@state.mn.us and note that it is related to Contract Release #V-55(5). State contract prices are "ceilings." Purchasing entities are encouraged to ask for deeper discounts especially if ordering a large quantity. The state did not negotiate voting equipment *licensing* terms. So it is suggested that purchasing entities review all license terms and negotiate them as needed.

11.3 PROGRAMMING & BALLOT LAYOUT

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

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

Note: ERS is not available for March Town elections.

11.4 TESTING

State statutes and rules require jurisdictions to complete two rounds of testing of optical scan equipment and assistive voting equipment and programming prior to Election Day. Contact the county election official to confirm the specific responsibilities in the testing process. Preliminary testing is extensive and should be performed as soon as possible. The second round of testing is a Public Accuracy Test which occurs within 14 days of the election. Each jurisdiction that operates electronic voting equipment, even if only an assistive

voting device is employed, must hold a PAT, giving at least 48 hour published and posted notice of the time and place of the test. At least two election judges from different parties must be on hand to witness the test. If the jurisdiction has three or fewer precincts, all precincts must be tested. If more precincts exist, test at least three including one from each congressional, legislative, county commissioner, school district and ward. The public is welcome to watch the test. See the Voting Equipment Testing Guide for more details on conducting testing. [M.S. 206.83](#); [M.R. 8220.1550](#)

12.0 ABSENTEE VOTING

Some absentee voting information is provided in this guide. More details regarding absentee voting can be found in the Absentee Voting Administration Guide available at the OSS [Election Guides](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

12.1 PREPARING TO ADMINISTER ABSENTEE VOTING

12.1.1 Administering Absentee Voting

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

In-person absentee voting locations must be open during the entire absentee voting period. Additional in-person absentee voting locations that only provide for “direct balloting” (the alternate procedure described in [M.S. 203B.081, subd. 3](#)) during the seven days preceding an election, are only required to be open for the seven days preceding election day. [M.S. 203B.081, subs. 1 & 3; AG Opinion, January 2, 2020.](#)

State Elections

The county auditor administers absentee voting for county, state and federal elections, and for UOCAVA voters.

A town may be designated by the county auditor or may give notice that they are going to administer absentee voting for town residents. See Absentee Voting Administration Guide for details.

Counties must establish ballot boards for processing returned UOCAVA, regular absentees and mail ballots.

Special Elections & Municipal Elections

When a town election is held on a different day than a state election, the township is responsible for administering absentee voting for its election, except for UOCAVA absentee ballots which are administered by the county auditor. However, if the town asks the county, and the county agrees, the county may administer all absentee voting for the township.

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

12.1.2 Process Overview

There are two separate absentee voting processes:

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

Clerks administering absentee voting during the absentee voting period before Election Day are subject to the same polling place prohibitions that election judges will enforce on Election Day. During absentee voting the place of business is the voter’s polling place.

Please review the Absentee Voting Administration Guide for details regarding absentee voting administration. This guide is available at the OSS [Election Guides](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

How Many Absentee Voters Should Be Anticipated?

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

What If My Ballots Are Not Available Yet?

Ballots must be available for absentee voters at least 46 days before the election and 30 days before the March Town elections. If the vendor preparing your ballots is late in providing them, absentee voting must still begin as scheduled. You must accommodate absentee voters at least 46 days before the election (30 days before March Town elections), under emergency procedures, using substitute ballots. This situation is like running out of printed ballots at the polling place on Election Day. [M.S. 204B.35, subd. 4 ; 204B.39](#)

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

12.2 ABSENTEE BALLOT BOARDS

The governing body of any county or municipality must authorize an absentee ballot board by ordinance or resolution to process regular absentee ballots. All counties must also establish a UOCAVA absentee ballot board to immediately process UOCAVA absentee ballots. Absentee ballot boards must consist of a sufficient number of election judges or deputy city clerks trained in the handling and processing of absentee ballots. Deputies serving on a regular absentee board do not need to declare a major party and are not required to be Minnesota residents.

Details regarding ballot board administration can be found in the Absentee Voting Administration Guide found at the OSS [Elections Guides](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/) webpage (www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/).

13.0 ELECTION DAY

13.1 VOTING HOURS – POSTPONEMENT

For state primaries and general elections, polling places must be open from 7:00 a.m. to 8:00 p.m. Townships with fewer than 500 people, according to the most recent census figures, may adopt a later starting time. The later starting time must be approved at the annual town meeting and cannot be later than 10:00 a.m. [M.S. 204C.05](#)

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

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

Local municipal elections not held in conjunction with a state or federal election may be postponed for inclement weather. When one or more local jurisdictions are holding elections in conjunction with one another, the jurisdiction with the largest local geographic area has the authority, after consulting with other auditors and clerks, to postpone the election. A decision to postpone must apply to every precinct in the jurisdiction and must be made no later than 6:00 p.m. on the day before the election. A postponed election must be rescheduled for the next following Tuesday. An election that is postponed due to weather may be postponed again. [M.S. 204C.05](#); [205.07, subd. 1a](#); [205.105](#); [205.175](#)

13.2 BAD WEATHER

If bad weather occurs on the day of the annual meeting and election in March, the board may postpone the meeting and election until the third Tuesday in March. If bad weather occurs on the third Tuesday, the board may further postpone to another date within 30 days. Once the election has begun, however, it must be concluded on the same day and may not be postponed. New public notice must be given for rescheduled meetings and elections. No alternate bad weather date is provided for township elections held in conjunction with November elections. [M.S. 365.51, subd. 1](#)

13.3 ACTIVITY IN OR NEAR THE POLLING PLACE

13.3.1 Authorized Persons in the Polling place during Voting

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

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

- Persons helping a voter who is disabled or unable to read English.
- Persons who are vouching for a voter's residence.
- Observers with written authorization from the OSS, the county auditor, or the clerk for the purpose of observing election procedures.
- Peace officers, if the election judges request their presence to keep order.
- Children when accompanying voters.
- Challengers authorized to observe in the polling place.

- Teachers, elementary and high school students if participating in a mock election that has been authorized by the secretary of state.
- The news media.
- Persons making a written complaint. [M.S. 204C.06](#)

13.3.2 Media Access

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

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

13.3.3 Prohibited Polling Place Activities

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

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

Statutes provide the following restrictions:

People may not gather or linger in the polling place or within 100 feet of the building in which the polling place is located. One exception is an individual conducting an exit poll. Exit polls cannot be conducted within the polling place, but may be conducted anywhere outside of the room being used as the polling place. An individual conducting an exit poll may only approach voters as they leave the polling place after having voted to ask them to take an anonymous written questionnaire. Furthermore, campaigning is also not allowed in the polling place, within 100 feet of the building where the polling place is located or on public property if the polling place is on public property. This prohibition on campaigning means that “ballot-related” campaign items cannot be worn in the polling place and campaign signs cannot be displayed within 100 feet of the building or on public property if the polling place is on public property. Campaign materials that list the name of a candidate, party or question that is on the ballot for that election is prohibited.

Voters, however, may take sample ballots from the newspapers or campaign flyers into the voting booth for personal use but they should take care not to display these materials outside of the voting booth. These prohibitions also limit where meetings and other activities can be held in polling place sites with multiple rooms. [M.S. 204C.06; 204C.13, subd. 2; 211B.11](#)

See the Election Judge Guide for additional information regarding prohibited conduct in the polling place. The Election Judge Guide can be found at the OSS [Election Guides](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

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

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

13.3.4 Election Materials & Equipment Security

Election judges represent the first line of defense for the physical and cyber security of Minnesota's elections. All election judges must keep a watchful eye on all voting equipment, removable memory devices, ballots & supplies throughout the Election Day. Individuals observed inspecting, assessing or attempting to access or connect a device to voting equipment input/output data ports should be addressed by the head judge (and additional election judges if needed), with the incident communicated to the local election official immediately.

Further, it is good practice to view/inspect the seals and any port plugs on voting equipment & ballot storage containers throughout the day, with concerns again being reported immediately.

Voter reports to election judges of observation of any of the above, or of e-mail, text, social media, phone or other communications attempting to disrupt or influence the elections process should similarly be reported.

A sergeant-at-arms or a peace officer may be requested to arrest or remove from the polling place any individual who, despite a warning to desist, engages in disorderly conduct, to include attempting to tamper with voting equipment.

A sergeant-at-arms or a peace officer shall not otherwise interfere in any manner with voters. The sergeant-at-arms or peace officer cannot remain in or within 50 feet of the entrance of the polling place once peace has been restored.

Note the details of all security concerns & how they were addressed on incident log. [M.S. 204C.06, subds. 5 & 6](#)

13.4 ELECTION JUDGE NEUTRALITY IN THE POLLING PLACE

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

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

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

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

13.4.1 Election Judge Code of Conduct

- Always remain courteous and professional.
- Do not bully or harass local election officials, head judges, other election judges, challengers, media, election administration representatives, voters, or voter assistants.
- Follow all instructions and complete all assignments given to you by the head judge.
- Keep the head judge informed of all concerns and document details on incident logs.
- Refrain from partisan comments or discussions.
- Do not discuss the decisions and/or actions of political leaders.

- Refrain from personal opinions of current election administration laws, rules, procedures and/or tasks.
- Except to verify “party balance,” do not disclose or use for any other purpose the party affiliation or unaffiliated status of other election judges.
- Avoid any action that may influence how a person votes.
- Respect a voter’s right to use the lawful assistance of any eligible person of their choice.
- Provide respectful assistance to persons with language and/or disability challenges.
- Respect the secret ballot and the privacy of voters.
 - Do not give advice, scrutinize ballots, or reveal how people voted.
 - Never disclose personal information about voters found on the polling place roster (for example, a voter’s birth date).
 - Conceal or hide a “challenge” status notation of voters from the view of other voters. [M.S. 204B.19, subd. 5](#); [204B.21, subd. 3](#); [204B.24](#); [204C.10\(e\)](#); [204C.15, subd. 1](#)

13.5 ELECTION DAY VOTER REGISTRATION

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

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

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

13.6 CHALLENGERS

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

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

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

Partisan elections. At an election to fill partisan offices, the chair of an authorized committee of each major political party may appoint by written certificate voters from that political party to act as challengers of

voters at the polling place for each precinct. Only one challenger from each major political party for each precinct is allowed to remain in the polling place at one time.

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

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

Challengers must be residents of the state of Minnesota and prove their residency by presenting one of the proofs of residency listed in [M.S. 201.061, subd. 3](#), accepted for election day registration.

Challengers do not need to prove residence in the precinct where they are appointed on Election Day. [M.S. 204C.07](#); [204C.12](#)

13.7 EMERGENCIES

Nothing must interfere with the right of voters to vote free of undue delay or inconvenience. Should emergencies occur, auditors, clerks and election judges have wide discretion to resolve the problem. Polling places may be moved, additional judges enlisted, and materials or supplies (including ballots and voter registration applications) photocopied, if necessary. If a precinct ballot counter should break down, the emergency voting slot in its ballot box should be opened immediately. [M.S. 204B.16, subd. 7](#); [204B.25, subd. 1](#); [204B.30](#)

13.8 PUBLIC COUNTING

After all voters in line at 8:00 p.m. have voted, the polling place is open to the public, including members of the media and candidates, until votes are counted and results are declared. Election judges will count the ballots/run the results tapes, prepare the summary of results (including write-in totals), secure and turn in election materials. Unless appointed as an election judge, no individual will touch election materials during this process, including the clerk. [M.S.204C.19, subs. 1 & 2](#); [204C.07](#)

13.9 SUMMARY STATEMENTS

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

Each copy of the summary statements must include the following:

- Total ballots delivered to your precinct as adjusted by the actual count (from any adjustments noted on the incident log);
- The number of election judges (count number of judge's oath signatures);
- The number of voting booths (count number of all voting stations—do not include assistive voting device);
- The number of unofficial ballots made, if any;
- The number of spoiled ballots;

- The number of duplicate ballots made, if any;
- The number of unused ballots at the end of the day;
- The number of absentee ballots delivered;
- The number of absentee ballots rejected;
- The number of persons registered to vote at 7am on Election Day;
 - This number is listed in the back of the pre-registered roster.
- The number of persons who registered to vote at the polling place on Election Day;
 - This is the number of voter signatures on the election day registration roster (or the number of EDR voter registration applications).
 - The number of signatures on the rosters (pre-registered roster plus the election day registration roster);
 - This is the number of voter signatures on both rosters.
 - Do not count “AB” notations printed, written, or stamped on the registered roster.
- The number of accepted absentees;
- The total number of voters that voted at the polling place on Election Day. [M.S. 204C.24](#)

14.0 AFTER THE ELECTION

14.1 RECEIVING MATERIALS

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

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

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

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

- remaining summary statements and returns;
- all unused and spoiled municipal ballots;
- completed voter registration applications;
- voter rosters; and
- voting systems.

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

14.2 CANVASS OF THE RETURNS

The town board serves as the canvassing board for township elections. The board must meet to canvass the returns and declare the results within three to 10 days after a November township election and within two days after an election held on another date. [M.S. 205.185, subd. 3](#)

The steps to canvass the results are:

- the clerk prepares a canvass report to accumulate results from multiple precincts;
- this report may be available from the state Election Reporting System for towns with November elections;
- the canvass board takes the oath of office and publicly canvasses the election returns by reviewing the abstract and write-in reports;
- the board may ask to examine summary statements before it declares the results;
- when satisfied that the abstract reports are correct, the board signs the abstracts and they become the official results;
- in the case of a tie vote, the canvassing board determines the winner by lot;
- errors by election judges in counting may be corrected by following specific procedures as prescribed by law. [M.S. 204C.38](#); [204C.39](#); [205.185](#)

14.3 RECOUNTS

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

[Minnesota Rules Chapter 8235](#) provides a complete discussion of the procedures for conducting a recount. See also the Minnesota Recount Guide found at the OSS [Election Guides](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>) for more information on general procedures.

14.3.1 Publicly Funded Municipal Recounts

There are not automatic recounts for local, town office races. There are provisions for a publicly funded recount:

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

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

Less than 400 total votes cast for the office: If the total votes cast for that election was fewer than 400, a losing candidate may request a recount of the votes cast, at the expense of the township if the difference between the votes cast for that candidate and for a winning candidate is less than 10 votes. In cases of offices where two or more seats are being filled from among all the candidates for the office, the 10 vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected. [M.S. 204C.36, subd. 1](#)

14.3.2 Discretionary Municipal Recounts

A losing candidate for a township office may request a recount at the candidate's own expense when the vote difference is greater than the differences mentioned in 14.3.1. The requesting candidate files with the township clerk a bond, cash or surety in an amount set by the township for the payment of the recount expenses. The requesting candidate may provide the township with a list of up to three precincts that are to be recounted first and may waive the balance of the precincts after these precincts have been counted. If a list is provided, the expected costs of the three or less precincts must be determined. If the winner of the race is changed by the optional recount, the costs of the recount are then paid by the township. And, if a result of the vote counting is different than the result of the vote counting reported on election night by a margin greater than the standard for acceptable performance of the voting systems, the cost of the recount is also then paid by the township. [M.S. 204C.36, subd. 2](#)

14.3.3 Ballot Question Recounts

A written request for a recount on a question must be filed by any person eligible to vote on the ballot question and is filed with the township clerk. It must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. A recount on a ballot question may be requested within five days after a primary election canvass, and within seven days following the canvass of a general election.

The clerk is responsible for conducting the recount on behalf of the township. The recount will be conducted at the town's expense if the difference between votes for and against the ballot question is at or less than what is listed in 14.3.1. If the difference between votes for and against the ballot question is greater, the person requesting the recount shall also file with the clerk a bond, cash or surety in an amount set by the town for payment of recount expenses at the time when the written request and petition is submitted. [M.S. 204C.36, subd. 3](#)

14.4 CONTEST OF ELECTION

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

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

If an election is contested, the clerk cannot issue a certificate of election until the contest has been determined by the court. The clerk takes no other action except as directed by the court. [M.S. 205.185, subd. 3\(b\); 209](#)

14.4.1 Security and Storage of Election Items for a Contest

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

Secured and sealed in ballot boxes and precinct supply boxes

- All ballots cast and counted in original sealed envelopes. M.S. 204C.27; 204C.28; 209.05; M.R. 8235.0400; 8235.0600
- All precinct summary statements. M.S. 204C.27; 204C.28
- All defective ballots not counted in original sealed envelopes. M.S. 204C.23; 204C.25; 204C.27; 204C.28
- All spoiled and unused ballots. M.S. 204C.27, 204C.28
- All electronic voting systems and counting programs.
- All polling place rosters and completed election day registration applications. M.S. 204C.27
- All county auditor records of materials delivered to them after completion of voting. M.S. 204C.28
- All county canvassing board reports. M.S. 204C.33
- All records of access to ballots. M.S. 204C.28
- All lists submitted by residential facilities and educational institutions pursuant to M.S. 135A.17 & 201.061, subd. 3

- All election day challenges to voters pursuant to M.S. 204C.12.
- All precinct incident logs. M.S. 204C.27; 204C.28
- All absentee ballot applications. M.S. 203B.06
- All absentee and mail ballot return envelopes. M.S. 203B.08; 203B.12
- Any voting machine tape reports recording the votes cast on Election Day in each precinct. M.S. 204C

Other materials that have varying retention schedules

- Pre-election accuracy test results, including copies of any machine tapes generated as part of the process, or copies of any other similar documented means of verification. M.S. 206.83
- All voter registration applications. M.S. 201.081
- All records of notices of late, incomplete and deficient registrations. M.S. 201.061, M.R. 8200.2900; 8200.3100; 8200.3110
- All records of notices of ineligibility for registration. M.S. 201.061, subd. 7
- All reports of deceased voters, name changes, felony convictions, guardianships and commitments. M.S. 201.13 through 201.155
- All records of notices of challenge removal. M.R. 8200.3550
- All records of notices of application removal. M.R. 8200.3700
- All challenges to voter registration submitted pursuant to M.S. 201.195.
- Copies of post-election machine audits, including machine tapes generated as part of the process, or copies of any other similar documented means of verification. M.S. 206.89

During a contest period it is suggested:

- Communicating with all county staff about the importance of preserving and/or protecting any election items.
- Search all offices and premises under the auditor’s jurisdiction and authority, including computer networks, to ensure that all documents, materials and election items are preserved and protected.
- Except when conducting official or court ordered tasks, the ballots remain under lock and key at all times. No less than two official elections staff enter the room at any time. A room-access log, including the time, date and purpose, shall be kept. No “visual guards” posted pursuant to M.S. 209.05 may enter the ballot storage room at any time.
- A copy of the county’s security policy should be posted on the ballot storage room.

14.5 CERTIFYING RESULTS

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

14.6 CAMPAIGN FINANCE REPORTING

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

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

14.7 CERTIFICATE OF ELECTION

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

Note: The candidate with the second-highest number of votes does not receive a certificate of election if the winner declines the office or resigns. That situation is handled as a vacancy as described in the next section. [M.S. 205.185](#); [211A.02](#); [211A.05](#)

14.8 OATH OF OFFICE

Every person elected or appointed to any public office shall take and subscribe an oath or affirmation to support the U.S. Constitution and the Constitution of Minnesota, and to discharge faithfully the duties of their office to the best of their judgment and ability. This requirement applies to every official commissioner or member of a public board or body before transacting any of the business or exercising any privilege of such office. Unless otherwise specified in law, town officials take and subscribe their oath of office with their town clerk or recorder. [M.S. 358.05](#); [359.04](#); [358.11](#); [Constitution of the State of Minnesota](#)

14.9 RECORD RETENTION

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

Note: The county auditor is responsible for ballot retention when federal or state offices and township offices are part of a combined optical scan ballot.

14.10 POST ELECTION REVIEW

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

15.0 VACANCIES IN ELECTIVE OFFICES

15.1 OCCURENCES

Vacancies in elective offices can occur due to the incumbent's ineligibility or due to relocation out of the elective district. Occasionally, someone who has been elected to an office will decline or refuse to serve, and this is considered a vacancy as well. A resignation creates a vacancy when the letter of resignation is received and accepted by the officer, body, or board authorized to receive it. Preparations for the special election may begin immediately after the written resignation is received by the official(s) authorized under [M.S. 351.01](#) to receive it. [M.S. 351.01, subd. 2](#); [351.02](#); [351.055](#)

15.2 FILLING VACANCIES

The town board shall fill the vacancy by appointment of an individual who is eligible to hold the office. The person appointed shall hold office until the next annual township election, when a successor shall be elected for the unexpired term. Filings for that position are taken during the usual filing period, and voters elect the permanent replacement at the election. There is an exception if when a vacancy occurs there is more than one year remaining in the term and on or after the 14th day before the first day to file an affidavit of candidacy for the town election. The elected person takes office as soon as the seven-day contest period is over and serves out the remainder of the term. [M.S. 367.03, subd. 6](#)

Note: A special election may also be called if the town board or appointment committee fails to fill a vacancy of an elected town office by appointment. [M.S. 367.03, subd. 6](#)

If a special election is being held to fill a vacancy, candidates must file their affidavit of candidacy for the specific office with the vacancy to fill the unexpired portion of the term. When filling a vacancy by special election, regular laws, including election related deadlines, must be followed as far as practicable ([M.S. 204D.18](#), [205.02](#)). Also, the precincts, polling places, and election judges are the same as the last general election, unless they are changed according to law. [M.S. 204D.24](#)

16.0 OTHER ELECTIONS

16.1 MAIL BALLOTING & MAIL ELECTIONS

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

A Mail Voting Guide (for mail balloting and mail elections) is available at the OSS [Election Guides](#) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/>).

16.2.1 Mail Balloting

Minnesota Statutes permit mail balloting for the following:

- Towns of any size not located in a metropolitan county as defined by [M.S. 473.121](#),
- Cities with fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county as defined by [M.S. 473.121](#),
- Any precinct having fewer than 100 registered voters (June 1 voter registration number),
- Unorganized territories if provided for by the county board.

Mail ballots can be used at any municipal, county or state election. The governing body of a municipality, or county board for unorganized territories, must authorize mail balloting no later than 90 days prior to the first election at which mail balloting will be used. The resolution must specify at which elections (municipal, county and/or state) mail balloting will be used. The county auditor (all auditors if municipality is located within multiple counties) must give approval before mail ballot procedures can be used for elections.

If conducting balloting by mail, the Notice of Special Mail Election Procedures must be given at least 10 weeks prior to the election. The clerk will need to develop a plan for the mailing and for processing the voted ballots. The Office of the County Auditor or municipal clerk is the only polling place.

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

The auditor or clerk must appoint a ballot board, as done for processing regular absentee ballots, to process returned ballots. The ballot board must mark returned ballots “accepted” or “rejected” within 5 days they are received, and within 3 days if they are received 14 or fewer days before the Election Day. [M.S. 204B.45](#); [M.R. 8210.3000](#)

16.2.2 Mail Election Questions

A county, municipality or school district submitting questions to the voters at a special election may conduct the election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election under this provision. The county auditor must be given a 74-day notice and a notice must be posted at least six weeks prior to the election. Ballots are mailed no more than 46 or later than 14 days prior to the election. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to voters who registered to vote after the initial mailing was sent but before the voter registration cutoff (20 days before Election Day) for the election.

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

16.2 TOWNSHIP SPECIAL ELECTIONS

A special election is any election that is not regularly scheduled. It may be on an authorized ballot question or to fill a vacant office. These elections generally begin with a board resolution, are conducted in the same manner as regular township elections and would follow procedures described in this guide, unless the particular law authorizing the election has special instructions. The governing body for a town may on its own motion cancel a special election held under [M.S. 205.10, subd. 1](#), but not less than 46 days before the election. Notice must be provided at least 46 days before the election if a town special is cancelled in this manner. [M.S. 205.10](#); [205.16, subd. 4](#)

16.3 STATE ELECTIONS

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

16.3.1 State Primary Election

Held on the second Tuesday in August (August 9, 2022) to select political party and nonpartisan candidates for elective offices to be filled at the general election. [M.S. 204D.03](#)

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

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

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

Major political parties on the Primary Election ballot in 2022: Democratic-Farmer-Labor, Grassroots-Legalize Cannabis, Legal Marijuana Now, and Republican. [M.S. 200.02](#)

No write-in candidates are permitted on a primary election ballot. Voters may vote in only one party's primary column on the ballot; voters may not "cross-party voting" between the parties' columns and candidates. [M.S. 204B.36](#); [204D.08](#)

Nonpartisan (judicial, local, and school) offices appear on the primary election ballot only when more than twice the number of persons to be elected file for the nomination. [M.S. 204D.07](#)

16.3.2 State General Election

Held on first Tuesday after the first Monday in November (November 8, 2022) to elect all elective state and county officers, judges of the state supreme, appeals, and district courts, members of the legislature, senators and representatives in congress, and presidential electors. Proposed amendments to the

Minnesota Constitution may be on the ballot as well as elective offices for soil and water conservation districts and hospital districts. For specific dates and notices see the 2022 Elections Calendar on the OSS [Election Calendars](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/>). [M.S. 204D.03](#), [204D.13](#); [204D.15](#); [447.32](#)

16.3.3 Summary Statements and Returns

For state elections, each official responsible for printing ballots must furnish three or more blank summary statement forms for the returns of those ballots for each precinct. Blank summary statement forms are furnished at the same time and in the same manner as the ballots. After election judges complete the canvass of the returns, they deliver at least three copies of the summary statement to the clerk. [M.S. 204C.24](#); [204C.26](#); [204C.28](#)

16.3.4 Canvassing

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

16.4 SCHOOL DISTRICT SPECIAL ELECTIONS

School district special elections must be held on one of five uniform election dates in a given year. The uninformed special election dates do not include the March town election date. This means that school districts are no longer able to place a special election for a question or a candidate on the March Town election ballot.

It is *possible* that overlapping jurisdictions may hold special elections on the same day (one of the uniform special election dates). For example, town and school district holding concurrent special elections. However, there is a very low chance of a town having a special election on another date other than their March or November general date.

The uniform election dates are as follows:

- Second Tuesday in February
- Second Tuesday in April
- Second Tuesday in May
- Second Tuesday in August
- First Tuesday after the first Monday in November

When two jurisdictions hold concurrent special elections, voters must not be required to go to more than one location in order to cast an absentee ballot. So, if concurrent special elections occur, absentee voting will be administered by the jurisdiction ranked highest in the election hierarchy.

Note: Election Hierarchy Top to Bottom: Federal/State, County, Municipal, School District.

For example, if a county and a town are conducting an election on the same day, the auditor administers absentee voting for the other jurisdictions whose residents also reside in the county. If a town and a school are conducting an election on the same day, the town clerk will administer absentee voting for the school district's residents who also reside in the town. The school district would administer absentees for all other voters.

The township may bill the school district for a fair share of conducting the election. The OSS has developed a Cost Allocation Procedure for election expenses that can be used as the basis for billing election costs. This document is available at the OSS [Election Administrator Forms](http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/) webpage (<http://www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/>).

GLOSSARY

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

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

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

Ballot, Spoiled: A ballot returned to an election judge due to an error made by the voter. The voter can exchange this for a new blank ballot.

Ballot, Defective: A ballot is defective if the voter overvoted, voter’s intent cannot be determined during counting, or if the voter has written their name, ID number, signature on the ballot. A ballot may be defective in whole (as in cross-party voting in a primary) or as to a single office or ballot question (as in voting for too many candidates for one office).

Ballot, Duplicate: A ballot created by an election judge team to replace a ballot that cannot be scanned by a ballot counter.

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

Ballot counter: Electronic optical scan device that counts paper ballots.

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

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

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

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

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

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

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

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

Health care facility: A hospital, residential treatment center, or nursing home licensed under [M.S. 144A.02](#) or [M.S. 144.50](#). [M.S. 203B.01, subd.4](#)

Mail Balloting: A method of voting that a qualified jurisdiction has chosen to be used for its regularly scheduled elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vouching: An Election Day procedure that permits an individual to register to vote and to cast a ballot if another authorized individual swears an oath that the individual resides in that precinct. Election Day voter vouchers within a polling place are limited to 8 voters they may vouch for, however, that limitation does not apply to employees of residential facilities vouching for residents of those facilities.

Vouching, Registered Voter in the Precinct: A registered voter in the precinct or a voter who registers on Election Day in the precinct who can attest to a new registrant’s residence allowing them to register in the same precinct on Election Day. A voter may vouch for a maximum of 8 persons. Vouched for voters cannot vouch for new voters on Election Day.

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

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

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

APPENDIX 1

ELECTION RESOURCES

COUNTY AUDITOR

County auditors are required to train township clerks and election judges prior to the state primary. Training will address election laws and procedures; duties of township clerks and duties of election judges; and related subjects. [M.S. 204B.28](#)

SECRETARY OF STATE

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

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

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

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

MINNESOTA COUNTY AUDITOR ELECTION GUIDE – Provides county election calendar, procedure summary and references to Minnesota election laws and rules.

MINNESOTA ABSENTEE VOTING ADMINISTRATION GUIDE – Provides absentee voting calendar, procedure summary and references to Minnesota absentee election laws and rules.

MINNESOTA CITY CLERK ELECTION GUIDE – Provides city election calendar, procedure summary and references to Minnesota election laws.

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

MINNESOTA SCHOOL DISTRICT CLERK ELECTION GUIDE – Provides school board election calendar, procedure summary and references to Minnesota election laws.

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

MINNESOTA MAIL VOTING GUIDE – Provides Mail Election and Mail Balloting procedure summary and references to Minnesota Election Laws.

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

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

MINNESOTA VOTING EQUIPMENT TESTING GUIDE – Provides procedural information for voting equipment testing.

PRESIDENTIAL NOMINATION PRIMARY ELECTION ADMINISTRATION GUIDE – Provides procedural summary and references to Minnesota election laws for the presidential nomination primary.

APPENDIX 2

EXAMPLE POLLING PLACE SUPPLY LIST

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

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

IMPORTANT PHONE NUMBERS

County Auditor's Office _____

Voting Machine Repair _____

County Sheriff / Local Police _____

Fire Department _____

Emergency Medical Services _____