

2016

School District 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. Minnesota Statutes and Rules are available at www.revisor.leg.state.mn.us.

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.

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.

The detailed version of the 2016 Election Calendar is available at the OSS Election Calendars webpage found at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-calendars/.

April:

- **4-8-2016: First day to conduct a special election for a question** - following a March township election if held wholly or partially within the school district. [M.S. 205A.05, subd. 1](#)
- **4-15-2016: Last day for school board to adopt resolution to hold primary** – no later than April 15th of any year. [M.S. 205A.03, subd. 1](#)

May:

- **5-17-2016:** Last day to hold special election for school board member vacancy – No later than 12 weeks prior to the date of the next regularly scheduled primary election. [M.S. 123B.095, subd. 1\(1\)](#)
- **5-17-2016 to 5-31-2016: Candidate filing (schools with a primary)** – not more than 84 days nor less than 70 days before the primary election. [M.S. 205A.06, subd. 1a](#)

June:

- **6-2-2016: Withdrawal period ends (schools with a primary)** – until 5:00 p.m. two days after filing closes. [M.S. 204B.12, subd. 1; 205A.06, subd. 5](#)
- **6-14-2016 through 01-03-2017: School Districts cannot hold a standalone special election for a question** – Not during the 56 days before and through the 56 days after a regularly scheduled primary and general election conducted wholly or partially within the school district. [M.S. 205A.05, subd. 1](#)
- **6-24-2016: Absentee voting available for State Primary Election** – during the 46 days before the election. [M.S. 203B.05, subd. 2; 203B.085; 204B.35](#)

July:

- **7-19-2016: Voter pre-registration closes** – at 5:00 p.m. for paper applications and 11:59 p.m. for online registrations. 21 days before the primary. [M.S. 201.061, subd. 1](#)

August:

- **8-02-2016 to 8-16-2016: Filing period for schools without a primary** – opens 98 days before and closes 84 days before the first Tuesday after the first Monday in November. [M.S. 205A.06, 1a](#)
- **8-09-2016: State Primary Election Day** – second Tuesday in August. No school board shall conduct a meeting and no elementary or secondary school events shall take place from 6:00 to 8:00 p.m. [M.S. 204C.03; 204D.03; 205A.03, subd. 2](#)

- **8-12-2016: Canvass primary results** – on the third day after the primary. A canvass may be conducted on the second day *if* the county auditor of each county in which the school district is located agrees to it; having enough time to make available accurate and complete voting statistics. [M.S. 205A.03, subd. 4](#)
- **8-18-2016: Withdrawal period ends for schools without a primary** – until 5:00 p.m. two days after the filing closes. [M.S. 204B.12, subd. 1](#); [205A.06, subd. 5](#)

September:

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

October:

- **10-18-2016: Voter pre-registration closes for November General Election** – at 5:00 p.m. for paper applications and 11:59 p.m. for online registrations. 21 days before the general election. [M.S. 201.061, subd. 1](#)

November:

- **11-8-2016: November State General Election Day** – the first Tuesday after the first Monday in November. [M.S. 205A.04](#)
- **11-11-2016 to 11-18-2016: Canvass the results of the November General Election** – between the third and 10th day following the November general election. [M.S. 204C.33, subd. 1](#); [205A.10, subd. 3](#)

January:

- **1-02-2017: Terms begin for Officers elected at the November General Election** – first Monday in January. [M.S. 123B.09](#)
- **1-04-2017: First day for school district to hold a special election for a question after the state general election** – not within 56 days following the state general election. [M.S. 205A.05, subd. 1](#)

February:

- **2-12-2017: Last day for school district to hold a special election for a question before the March Township elections** – if a township is having an election within the district's boundaries – not within 30 days before a regularly scheduled March Township election. [M.S. 205A.05, subd. 1](#)

March:

- **3-8-2017: First day for school district to hold a special election for a school board member vacancy** – No sooner than 120 days following the regularly scheduled general election. [M.S. 123B.095, subd. 1\(3\)](#)
- **3-14-2017: March township elections.** [M.S. 205.075, subd. 1](#)

1.0 INTRODUCTION

This guide is for school district clerks and their staff who administer school district 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). If you are using an interactive electronic edition of this guide, you may simply click on the citations to retrieve current statute or rule. In all matters, the law and rule are the final authority.

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

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

- County Auditors Election Guide
- City Clerk Election Guide
- Township Clerk Election Guide
- Election Judge Guide
- Voting Equipment Testing Guide
- Absentee Voting Administration Guide
- Mail Election Guide
- Recount Election Guide
- Campaign Manual

These guides, training materials, and other publications are updated periodically. Current editions are available at the OSS Election Guide webpage found at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

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

2.0 SCHOOL DISTRICT RESPONSIBILITIES

School boards are responsible for the conduct of all school district elections. The school district clerk, or the clerk's designee, is the election administrator for the district and subject to election training and certification requirements. If school elections coincide with other elections (as on municipal Election Days), the counties and municipalities will administer the voting process in the coinciding precincts. [M.S. 203B.05](#); [204B.16](#); [205A.10](#); [205A.11](#); [M.R. 8240.2800](#)

When school elections coincide with the state elections, many election administration duties will be performed by local township and city clerks and the county auditor. Duties the district and the clerk would perform are limited to:

- giving school district related notices;
- school district candidate filing;
- school district candidate and committee financial reporting;
- school district ballot items preparation; and
- canvassing and certifying school district results. [M.S. 205A.03](#); [205A.06](#); [205A.07](#); [205A.08](#); [205A.10](#); [211A.01](#); [211A.02](#); [M.R. 8250](#)

If the school district election will occur alone (likely in odd years or for special elections), the school district is responsible for administering all of the election duties. In addition to the duties listed above, the list would include:

- administering absentee voting, including special outreach to health care facilities;
- hiring election judges;
- equipping and operating the polling place(s) and its voting equipment; and
- gathering the election returns. [M.S. 203B.05](#); [203B.11](#); [204B.16](#); [205A.10 subd. 2](#); [205A.10, subd. 3](#); [205A.11](#)

School boards, municipal and county officials can always choose to divide their duties as long as the parties agree and the tasks are performed. Examples include notices, absentee voting, or operating voting equipment. [M.S. 201.021](#); [203B.05](#); [204B.21](#); [204B.40](#); [205](#)

School districts may transition their school elections to the odd or even-numbered year by resolution or ordinance with an orderly transition plan. [M.S. 205A.04, subd. 3](#)

A school board may, by resolution no later than April 15th of any year, decide to choose nominees for school board by a primary. If school candidates are to be nominated by primary, a primary must be held if there are more than two candidates for a specified school board position or twice as many candidates as there are at-large school board positions available. The primary would be held on the second Tuesday in August. The candidate filing period would open not more than 84 days before and close at 5 p.m. 70 days before the primary. [M.S. 205A.03, subd. 1](#)

2.1 LIST OF ELECTION ACTIVITIES BY MONTH

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

3.0 ELECTION ADMINISTRATOR TRAINING AND CERTIFICATION

School district clerks, or their designees, who serve as the local election administrators must be trained and certified before they may administer elections:

- initial certification;
 - initial certification requires successful completion of five hours of training and 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; and
- certification maintenance;
 - to maintain certification to administer elections, school district clerks need to complete four hours of election training during the election cycle following their initial certification and every two years thereafter; training may be provided by county auditors or by the OSS;
- emergency training;
 - a school district clerk who has taken office less than six months before an election may administer that election after completing two hours of emergency training given by the home county auditor or by the OSS. [M.R. 8240.0100, subp. 2; 8240.2800](#)

School district clerk election training addresses the following:

- candidate filings;
- campaign practices;
- campaign finance;
- election calendar;
- ballot preparation;
- election judge duties;
- notice requirements;
- voting systems;
- mail elections;
- absentee voting;
- local procedures; and
- post-election activities [M.R. 8240.2800, 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 election judge training may be counted toward a clerk's initial certification or biennial certification maintenance requirement. The auditor of the county in which your school district's administrative offices are located will issue your election administrator certificate and maintain a record of related training. [M.S. 204B.25; M.R. 8240.2800; 8240.2800, subp. 6; 8240.2800, subp. 7](#)

4.0 PRECINCTS

“Precincts” are the basic geographical areas for organizing and administering elections. Precinct boundaries are established by cities and townships following requirements in state statutes. Each city and township contains at least one precinct. To change precinct boundaries, the municipal governing body must adopt the changes at least 90 days before the next election. If a municipality changes the boundary of an election precinct, or if an annexation affecting a precinct boundary occurs, the county auditor must notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change. Counties establish precincts in unorganized territories. [M.S. 204B.14](#)

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](#)

4.1 COMBINED POLLING PLACES

School boards must use the precincts created by cities and townships. When no other election is being held in one or more precincts, school districts have wide discretion to combine the polling places that would have normally served those precincts. If the school district has board member districts, combined poll locations cannot cross board member district lines. [M.S. 205A.11](#)

4.1.1 NOTICE OF COMBINED POLLING PLACES FOR SPECIAL ELECTIONS

If combined polling places are being used for a school district special election not held on a March town election, August primary, or November general election date, and not a mail election, the clerk is responsible to send a notice to voters about the combined polling place(s). The notice includes the date of the election, the hours of voting and the location of the voter’s polling place and are sent by non-forwardable mail to affected households with at least one registered voter. Returned notices are immediately forwarded to the county auditor. [M.S. 205A.11, subd. 2a](#)

4.1.2 SIZE OF COMBINED PRECINCTS

Currently there are no statutes or rules that limit the number of registered voters assigned to a precinct or a combination of precincts, it is suggested that a school districts consider the “expected” voter turnout for each election based on the items that will be placed on the ballot. It is suggested to cities and towns to keep an individual precinct size to 1,500-2,000 registered voters for an expected 80 percent turnout.

5.0 POLLING PLACES

5.1 DESIGNATION

If the school district election coincides with another election in a precinct, as they will for the state general elections in even numbered years, the city or township is responsible for designating and operating that precinct's polling place. [M.S. 205A.11, subd. 1](#)

If the school district is holding a standalone election it will use the city and township polling places unless the board acts to establish one or more combined polling places. In all cases polling places must be:

- fully accessible (see section 5.4);
- large enough to accommodate the election activities;
- free of other non-election activities;
- smoking free;
- liquor free and not next to a liquor service area; and
- located within the precinct except:
 - metropolitan area schools may locate a polling place outside the precinct if within one mile of the precinct boundary or it is part of a combined polling place (see section 5.3 below);
 - non-metropolitan schools may locate polling places up to five miles outside the precinct boundary. [M.S. 144.414; 204B.16](#)

The polling place designation for standalone elections remains in effect until the school board makes a new designation. Changes cannot be made less than 90 days before the next election nor any time between the state primary and general elections. Be sure to immediately notify the county auditor of a polling place change. [M.S. 204B.16](#)

Every time a polling place is changed, all affected households with at least one registered voter affected by the change must receive notice of the changed location by non-forwardable mail at least 25 days before the election. There are multiple ways to accomplish this: [M.S. 204B.16, subd. 1a](#)

- Households: The clerk may purchase household address labels from the OSS to use in combination with their own notification to send to all affected households with at least one registered voter.
- Individual Registered Voters: The clerk may purchase labels of registered voters and their address from the OSS to use in combination with their own notification to send to all affected voters.

When school districts fall within multiple counties, it is easier to purchase the labels from the OSS. However, when a school district falls within one county, the county auditor may provide the information to the school district. [M.S. 201.091, subd. 5](#)

5.1.1 Voter Information Labels

- Order forms to order PDF copies of voter information labels can be found at the OSS Voter Information Requests webpage located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/.
- All PDF mailing label reports are formatted to be printed on AVERY 5960 label sheets, three labels across and 30 on a page.

5.2 EMERGENCY DESIGNATION

The only exception to guidelines in 5.1 above is when an emergency renders the original polling place unusable, the election judges can move the polling place (with permission of the administering clerk or county auditor) to another nearby location. [M.S. 204B.16, subd. 3](#)

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

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

5.3 COMBINED POLLING PLACE

By passing a resolution, a school board may combine the polling places serving precincts in which only the district's election is taking place that day. The designation criteria above apply. In giving notice, the clerk should be clear that the combination applies only to school district elections. An assistive voting device must be available at each polling place.

In school districts that have been organized into separate board member election districts, a combined polling place for a school general election cannot include more than one board member election district.

When using a combined polling place for a levy or bond referendum, the clerk must notify the county auditor (or auditors) within 30 days of establishing a combined polling place and send a special notice to households of registered voters in the affected precincts. The notice should specify the reason for the election, the date, the voting hours, and the voting location. It must be sent by non-forwardable mail at least 14 days before the election. The district must mail the notice for every referendum that uses a combined polling place except when the referendum is held by mail, or is held on a uniform Election Day and uses a previously established polling place. [M.S. 205A.11](#)

If a combined polling place has become unavailable for use in the 90 days prior to an election, the school board may pass a resolution designating a new polling place. The school board must notify the county auditor within 30 days after such a polling place has been established. The school board must also send the notice required by [M.S. 204B.16 subd.1a](#) to voters notifying them of the change. [M.S. 205A.11 subd. 3](#)

Note: PVCs cannot be sent to meet any of the above notification requirements because they do not list combined school district polling places. School districts should order labels from the OSS using the Voter Registration List Request Form for election administrators available at the OSS Voter Information Request webpage found at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/.

5.4 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 ramp or elevator bypasses;
- entrances/doorways a minimum of 32 inches wide;
- walkways and hallways at least 36 inches wide;
- hallways free of protrusions overhanging the floor;
- handrails on all stairs;
- signs directing voters around obstructed entrances or stairs to accessible routes;
- signs outlining the assistance available to voters; and
- one or more wheelchair accessible voting booth(s) or station(s) with writing surfaces 34 inches high. [M.S. 204B.16](#)

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.

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

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

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

5.5 POLLING PLACE MATERIALS AND EQUIPMENT

School district clerks are responsible for ensuring that all necessary supplies are delivered to the polling place when the school is administering its own election. This includes ballots, ballot box 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](#); [205A.10](#)

5.6 ELECTION SUPPLIES AND COSTS

The clerk is responsible for providing all the supplies for conducting a school district election. An example polling place supply list is provided in Appendix 2, although specific needs may vary. Generally, the cost of these supplies is borne by the school district. Costs may be prorated, however, for elections that involve other jurisdictions such as county, city, township, soil and water district, or a hospital district. Local units of government can agree on any method of cost sharing that is mutually agreeable or use methods described in the OSS Cost Allocation Procedures found at the OSS Election Administrator Forms webpage located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-administrator-forms/ . [M.S. 204B.32](#)

6.0 ELECTION JUDGES

6.1 ELECTION JUDGE QUALIFICATIONS

People may be an election judge if they are:

- eligible to vote in the State of Minnesota;
- able to read, write and speak English;
- appointed by the school board; and
- trained and are currently certified as an election judge. [M.S. 204B.19](#); [204B.25](#); [205A.10](#)

Individuals applying to be election judges need to declare their party affiliation, if they are affiliated with a major political party.

An exception to the requirement that all election judges be trained and certified is provided for precincts in which less than 100 people voted at the last state general election. In these precincts, having only 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, sub. 3](#)

An election judge cannot be:

- a spouse; parent, including stepparent; child, including stepchild; or sibling, including stepsibling; of any election judge serving in the same precinct or of any candidate at that election;
- domiciled, either permanently or temporarily, with any candidate on the ballot at that election; or
- a candidate at that election.

Individuals who are related to each other (spouse; parent, including stepparent; child, including stepchild; sibling, including stepsibling) may serve as election judges in the same precinct, provided that they serve on separate shifts that do not run concurrently. [M.S. 204B.19](#)

6.2 Student Election Judge Trainees

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

To serve as trainee election judges students must:

- be a United States citizen
- at least 16 years of age;
- serve in the county where or adjacent to they reside;
- be in good academic standing; and
- have permission from their school and parents. [M.S. 204B.19, subd. 6](#); [M.R. 8240.1655, subp. 3](#)

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

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

6.3 APPOINTING ELECTION JUDGES

6.3.1 Appointment by School Board

The school clerk recommends election judges to be appointed for the upcoming election (including healthcare and absentee ballot boards if applicable), and then the school board makes appointments at least 25 days before elections held solely for school district offices or questions. The school board may pass a resolution authorizing additional election judges within 25 days before the election, if they deem necessary. Also, the board may evaluate applicants to determine if they are capable of carrying out the duties.

The school clerk may contact municipalities within their school district to obtain names of previously trained election judges who may be interested in serving for the school election. The appointments must be made at least 25 days before the election. [M.S. 204B.21, subd. 2](#); [205A.10, subd. 2](#)

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

Note: In 1988, the U.S. Immigration and Naturalization Service exempted jurisdictions that hire election judges from the Form I-9 employment verification procedures.

6.3.2 Party Balance

The usual party balance requirement does not apply for elections held solely for school district offices or questions. [M.S. 204B.21, subd. 1](#); [204B.21, subd. 2](#); [205A.10, subd. 2](#)

6.3.3 Required Number of Election Judges

For all elections, excluding the state general, a minimum of three election judges shall be appointed for each precinct.

In the state general election, a minimum of four election judges shall be appointed for each precinct, except 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.

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

6.3.4 Head Judge

When the school board appoints the election judges, they designate one of the judges as head judge. 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 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 school 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. A prospective judge must give his or her employer at least 20 days written notice and a certificate from the school district 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 his or her 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 school district for election judges is \$5 per hour for the same eight hours of service as an election judge (8 hours X \$5=\$40), the school district 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 school for election judge service. An employer may restrict the number of persons serving to no more than 20 percent from any single work site. [M.S. 204B.195](#)

6.7 ELECTION JUDGE TRAINING

All election judges must successfully complete training. Student election judge trainees (16 – 17 year olds) complete the same training as all other election judges. County auditors are responsible for training election judges or delegating the responsibility to city or township clerks. School district clerks are encouraged to attend election judge training as well. [M.S. 204B.25](#); [M.R. 8240.0100](#); [8240.1300](#); [8240.1600](#); [8240.2000](#)

Time spent attending election judge training may be counted toward a school clerk's initial election administrator certification, or biennial certification maintenance requirement. School district clerks and their designees are strongly encouraged to take advantage of this training. [M.R. 8240.2800, subd. 7](#)

If the school district has a health care facility within its border, special outreach to that facility is required for absentee voting in school district elections. The election judges assigned to healthcare facility absentee voting must complete an additional one hour of training. More information regarding health care facility voting can be found in the Absentee Voting Administration Guide found at the OSS Election Guides website located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/. [M.S. 203B.11](#); [M.R. 8240.1400](#); [8240.1800](#)

In addition to election judge training, head election judges must complete an additional hour of training by the county auditor or their designee.

6.8 ABSENTEE BALLOT BOARD ELECTION JUDGE TRAINING

In order to serve as an election judge on an absentee ballot board, individuals must be appointed as provided in [M.S. 204B.19 to 204B.22](#) and trained on the handling and processing of absentee ballots. It is recommended that this be at least a one-hour training that covers all aspects of the handling and processing of absentee ballots. Because a school district deputy clerk cannot serve on the ballot board, trained election judges must be appointed to school district [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 the candidate filing period. The school district 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 (5:00 p.m.) for filing on the last day for filing. The clerk must post a similar notice 10 days before filing opens. [M.S. 205A.06, subd. 2](#)

7.2 ELECTION NOTICE TO COUNTY AUDITORS

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

The notice should include the date of the election, the offices to be voted on, and the title and language for each ballot question. At this time, it is a good idea to indicate to the county auditor how rosters should be printed for the upcoming election. (For example, one per precinct in alpha order or two or more precincts combined.) 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.

At least 74 days written notice must be given to the county auditor by the school clerk if a special election is cancelled. [M.S. 205A.05, subd. 3](#); [205A.07, subd. 3](#)

7.3 ELECTION NOTICE TO COMMISSIONER OF EDUCATION

An election notice similar to the written notice described in 7.2 above also must be filed with the commissioner of education. This notice is provided to the commissioner of education at least 74 days before school elections under [M.S. 123B.62](#), [123B.63](#), [126C.17](#), [126C.69](#) or [475.58](#). [M.S. 205A.07, subd. 3a](#)

When available, a written notice containing the certified vote totals for each ballot question must be provided to the commissioner of education.

If any of the above elections would be cancelled, the appropriate notification must also be given to the commissioner of education. [M.S. 205A.07, subd. 3a](#)

7.4 ELECTRONIC VOTING SYSTEM NOTICE REQUIREMENTS

7.4.1 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. **Note:** A PAT must be performed, even if hand counting is taking place, for the assistive voting device that is required to be used. [M.S. 206.83](#)

7.4.2 Notice to OSS of Use of New Equipment

A school board may provide for the use of an electronic voting system in the district in one or more polling places or combined polling places in the district for an election not held in conjunction with a statewide election. The system must have been approved by the OSS according to [M.S. 206.57](#). If use of an electronic voting system is adopted in this manner, notice must be given to the OSS within 30 days from the date of the adoption that electronic voting equipment will be used and the date of its first use. [M.S. 205A.12](#)

7.5 PUBLIC NOTICE OF ELECTION

The school district clerk must give two weeks published notice and give ten days posted notice before a school district primary, general, or special election.

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 addition to publishing, the clerk must post the notice in the administrative offices of the school district for public inspection. [M.S. 205A.07, subd. 1](#)

7.6 LEVY REFERENDUM MAILED NOTICE

The school board must prepare and deliver to each property taxpayer a notice of a levy referendum and the proposed revenue increase. Mail the notice by first class mail at least 15 days, but no more than 30 days, before the day of the referendum. Those persons shown as the property owner on the records of the county auditor (or in any county where tax statements are mailed by the county treasurer, on the record of the county treasurer) must be sent the notice. Note: Contact the county auditor for property owner labels. These are **not** registered voter labels.

The notice must include the following statement:

PASSAGE OF THIS REFERENDUM WILL RESULT IN AN INCREASE IN YOUR PROPERTY TAXES.

In cases of renewing existing levies, the notice may include the following statement:

PASSAGE OF THIS REFERENDUM EXTENDS AN EXISTING OPERATING REFERENDUM AT THE SAME AMOUNT PER PUPIL AS IN THE PREVIOUS YEAR.

Note that the above statements are similar, but different from the notice placed on the ballot (see “Bond and Levy Referendums”). The mailed notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. [M.S. 126C.17, subd. 9\(b\)](#)

7.7 NOTICE OF MAIL BALLOTING PROCEDURES

In a county, municipality, or school district where a mail election will occur, notice of the election and the special mail procedure must be given at least 10 weeks prior to the election. [M.S. 204B.45](#); [204B.46](#)

7.8 COMBINED POLLING PLACE NOTICE

The district may need to mail voters a combined polling place notice at least 14 days before the election for a levy or bond referendum. Please refer to Combined Polling Places in section 5.3 of this guide. [M.S. 205A.11](#)

7.9 SAMPLE BALLOT POSTING

For every school district primary, general or special election, the clerk must post a sample ballot in the administrative offices of the school district for public inspection at least four days before the election. The sample ballot must also be posted in each polling place on Election Day. Note: Providing an electronic sample ballot files 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. 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. [M.S. 205A.06](#); [367.033](#)

Candidates must file during a two week filing period. In school districts nominating candidates at a school primary, an affidavit of candidacy for school office voted on in November must be filed during a two week filing period that opens not more than 84 days before (May 17, 2016) the primary and closes not less than 70 days (May 31, 2016) before the primary. In all other schools, affidavits of candidacy must be filed during a two-week time period that opens not more than 98 days (August 2, 2016) before the general and closes not less than 84 days (August 16, 2016) before the general. [M.S. 205A.03, subd. 1](#); [205A.06, 1a](#)

If a candidate will be absent from the state during the entire filing period, the candidate may file an affidavit and any filing fee 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. 205A.06](#)

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. 205A.06, subd. 2](#)

8.2 CANDIDATE ELIGIBILITY

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

- eligible to vote;
- will be 21 years old on assuming office;
- will have been a resident of the election district (school district and specific election district, if any) for 30 days before the election; and
- is not registered as a convicted sex offender;
 - a sex offender who has been convicted of an offense for which registration is required under [M.S. 243.166](#) is ineligible to become a candidate. [M.S. 204B.06, subd. 1](#); [205A.06, subd. 1b](#)

8.3 FILING PROCESS

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

- a candidate for office must file an affidavit of candidacy with the clerk;
 - 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 school district with the school district clerk;
 - this candidates name is placed on the ballot after the proper filing fee is received;
- at the time of filing, a \$2 filing fee must be paid or a petition may be filed in place of the filing fee;
 - candidate filings are not complete unless accompanied by the filing fee or petition in place of the filing fee;
 - filing fees are nonrefundable once accepted by the filing officer;
 - a petition in place of the filing fee 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;
- any individual who has an issue with the names placed on a ballot or with the candidate filing process may file an errors and omissions petition in accordance with [M.S. 204B.44](#), [M.S. 204B.10](#); [204B.11, subd. 2](#); [205A.06, subd. 1](#), [205A.06, subd. 3](#); [205A.06; subd. 4](#)

Contact your auditor with regards to receiving information on candidate name pronunciation and transmission of this information to the county auditor. **Reminder:** Candidates cannot file with professional titles such as Dr. or Professor, etc. If it is determined that the candidate name provided in the affidavit of candidacy should not appear on the ballot because it gives the candidate an advantage over an opponent, including words descriptive of the candidate's occupation, qualification, principles or opinions then the candidate should be notified that their name will appear on the ballot in a different form than what was provided in the affidavit of candidacy. [M.S. 204B.35](#)

Candidate names are allowed to be printed in upper and lower case on ballots. Therefore, it is **imperative** that a filing officer verify the spelling and the upper and lower case lettering of a candidate's name. It is suggested that the filing officer make a copy of the affidavit of candidacy and then go over the exact capitalization with the candidate, underlining the exact letters that should be capitalized.

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, 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. School district candidates have until 5:00 p.m. two days after the close of filing to withdraw. [M.S. 205A.06, subd. 5](#)

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

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](#);
- a candidate determined to be ineligible through [M.S. 204B.44](#); 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 PRIMARIES

A school board may, by resolution, decide to choose nominees for school board by a primary. Otherwise, candidates will stand for election on the general election date. If school candidates are to be nominated by a primary, a primary must be held when there are more than two candidates for a specified school board position or twice as many candidates as there are at-large school board positions available. The primary would be held on the second Tuesday in August. The candidate filing period would open not more than 84 days before and close at 5:00 p.m. 70 days before the primary. The clerk shall give notice of the primary in the same manner as for the general election. [M.S. 205A.03](#)

8.5 CAMPAIGN PRACTICE AND FINANCIAL REPORTING (CAMPAIGN MANUAL)

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

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

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

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

8.6 CAMPAIGN COMPLAINTS

Complaints of campaign finance or practice violations [M.S. 211A](#) or [211B](#) are heard by the Office of Administrative Hearings (OAH). To initiate a complaint, a completed form must be filed with the OAH; the matter is then subject to review and possible hearing. Additional information and the appropriate forms are available at <http://mn.gov/oah/self-help/administrative-law-overview/fair-campaign.jsp>.

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

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

- provide report forms to candidates or committees (the forms are printed by the OSS and distributed through the auditors and are available at the OSS Campaign Finance Filings webpage located at www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/).
- receive financial reports from candidates and committees (They may be filed electronically);
- notify a candidate or committee of the failure to file a report on the date it is due;
- file a complaint with the OAH of any candidates or committees who appear to have collected or spent more than \$750 but did not file Campaign Financial Reports and/or a Certification of Filing form;
- hold financial reports available for public inspection;
- collect Certification of Filing forms from all candidates and committees within seven days after the election, form available at the OSS Campaign Finance Filings webpage located at www.sos.state.mn.us/election-administration-campaigns/campaigning/campaign-finance-filings/; and
- issue Certificates of Election only to winning candidates who have filed Certification of Filing forms. [M.S. 13.60; 211A.02; 211A.05; 211B.32](#)
- **reminder:** An officer who issues a certificate of election to a candidate who has not certified that all reports required by [M.S. 211A.02](#) have been filed is guilty of a misdemeanor. [M.S. 211A.05, subd. 1](#)

9.0 BALLOT QUESTIONS

9.1 WHAT ARE “BALLOT QUESTIONS?”

The school board may decide to hold a referendum on certain questions that the state statutes authorize the voters to decide. These questions are generally limited to:

- District dissolution and attachment.
- District consolidation.
- Levy increase or decrease.
- Creation of election districts.
- Bond issuance. [M.S. 123A.46](#); [123A.48](#); [126C.17](#); [205A.12](#); [475.59](#)

The school board will provide notice to the county of the referendum and the county (home county for districts located in multiple counties) will then notify the Office of the Secretary of State by initializing an election in SVRS. OSS activates the initialized election in SVRS.

9.2 RESTRICTIONS

A school board may hold a referendum on a ballot question coincident with another election such as a general election, or the board may submit it as a special election. If submitted as a special election, restrictions apply:

- A question special election may not be held during the 56 days before and the 56 days after a regularly scheduled primary or general election conducted wholly or partially within the school district (other than March Township elections);
- Not on the date of a regularly scheduled town election or annual meeting conducted wholly or partially within the school district;
- Not during the 30 days before or the 30 days after a regularly scheduled town election in March conducted wholly or partially within the school district;
- a levy referendum must be held by mail if not held on the November uniform Election Day (unless exempted by the Commissioner of Education);
- only one levy referendum to approve an increase may be held in a calendar year;
- revenue approved by the voters must be received at least once before it is subject to a referendum on its revocation or reduction for subsequent years;
- only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year or for years thereafter. [M.S. 126C.17](#); [205A.05](#)

9.3 BOND AND LEVY REFERENDUMS

A bond referendum determines if the jurisdiction should be authorized to sell bonds to be repaid by property taxes to obtain the funds to finance a project, such as a new building. For all bond or levy referendums that will have the effect of raising property taxes, the ballot must include the notice:

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

A levy referendum is a referendum held to determine if the jurisdiction should be authorized to levy additional property taxes to fund general operational expenses. Levy referendum ballots may also require notice of the maximum amount of the increased levy as a percentage of market value

and the amount that will be raised by the new referendum tax rate in the first year it is to be levied. [M.S. 275.61](#)

In cases of renewing existing levies, the notice may be modified to read:

BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE VOTING TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS SCHEDULED TO EXPIRE.

A levy referendum question must abbreviate the terms “per resident marginal cost pupil unit” as “per pupil”. [M.S. 126C.17, subd. 9](#)

9.4 SCHOOL BOARD ELECTION DISTRICTS

With a favorable vote in a referendum in a previous election, school boards may divide school districts into sub election districts from which candidates would seek election to the school board. The proposal to create districts may be submitted for vote by a board resolution or by a petition. The petition would need to be signed by at least 50 electors of the school district or be signed by a number of voters equal to at least 10 percent of those who voted in the last regular school board election, whichever is larger. [M.S. 205A.12](#)

The board has wide discretion in designing election districts. Each board position may be paired with one district, or there may be two or three member districts, or there may be a combination of districts and at large positions. The districts would need to be as equal in population as possible, compact, and contiguous (i.e., not “gerrymandered”). Boundaries would be subject to revision every 10 years following the national census. [M.S. 205A.12](#)

If approved by the voters, the board must specify the election districts from which vacancies shall be filled as they occur until such time as each board member represents an election district. Once fully implemented, candidates would need to file for office by the district that corresponds to their residence or file for an at large position. The board may modify the districts by resolution at a later time, or dissolve them if the school district enters a consolidation or a cooperation and combination agreement. [M.S. 205A.12](#)

9.5 DISSOLUTION AND CONSOLIDATION ELECTIONS

The steps leading to and then for scheduling and conducting a school district dissolution or consolidation election are found in [M.S. 123A.46](#) for dissolution and [M.S. 123A.48](#) for consolidation.

9.6 ADVISORY ELECTIONS

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

10.0 BALLOT PREPARATION

10.1 PRINTING ARRANGEMENTS

Contact the county election official to confirm the specifics of responsibilities for printing ballots for the school district. During the state election years, the county auditor will instruct on how ballot preparation will be coordinated with the school district. For other elections, the school clerk may have to work directly with the ballot printer.

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. [M.S. 203B.081](#); [204B.35](#)

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

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

When determining ballot quantities, also consider:

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

A major decision to resolve well in advance is whether to use an electronic voting system to tabulate vote counts or to count optical scan paper ballots by hand. Even when normally using an electronic voting system for state elections, it may be more convenient and cost-effective to hand count the ballots for low turnout elections. Even with hand counting, ballots must be in optical scan format to accommodate use of the assistive voting devices.

10.2 BALLOT LAYOUT

By May 1st of state election years, the OSS will distribute examples of the ballots to county auditors. These example ballots are available at the OSS Example Ballots webpage located at www.sos.state.mn.us/election-administration-campaigns/election-administration/example-ballots/. The county auditor distributes copies of the example ballots to the clerks in school districts 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 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](#)

10.3 PROOFING TIPS

- Check ballot header language for accuracy.
- Check that 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 candidate capitalization of name.
- Check these items for both the front and back sides of the ballots.

11.0 MAIL ELECTIONS

If a school district holds a levy referendum at a time other than the first Tuesday after the first Monday in November, Minnesota Statutes require the district to hold it by mail. An exception to this voting by mail requirement can be granted by the commissioner of the Department of Education when a school district is in statutory operating debt. In addition, Minnesota statutes permit mail elections for special election on question(s). No offices may be voted on at a mail election.

The school board must make the decision to hold the election by mail more than 10 weeks before the election date. The clerk must develop a plan for the mailing and for processing the voted ballots and give at least 74 days' notice to the county auditor prior to the election. The clerk posts the mail procedures (in addition to giving public notice of the normal election notices) beginning six weeks before the election. The mailing of the ballots to all registered voters begins no earlier than 46 days 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 after the initial mailing was sent but before the voter registration cutoff, 20 days before election day, for the election. The mailing must be first class, "return service requested", and include first class postage on the return envelope.

Voters must return the ballots by 8:00 p.m. on election night. The clerk or auditor's office must be open as a polling place for walk-in voters and as a drop-off point for voted ballots. The auditor or clerk must appoint a ballot board 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 Election Guide. [M.S. 126C.17, subd. 9](#); [204B.46](#); [M.R. 8210.3000](#)

Note: Mail balloting is not an option for the school district's regular general election if held in odd-numbered years.

12.0 OPTICAL SCAN AND ASSISTIVE VOTING SYSTEMS

12.1 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.

12.1.1 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](#)

12.1.2 Assistive Voting Device

Every precinct must have at least one assistive voting device. Assistive voting devices allow voters with disabilities to mark their ballot independently and privately but does not count the ballot.

[M.S. 206.57](#)

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

12.1.3 Pictures of Tabulation Voting Equipment



M100



Accu-Vote



DS200



VerityScan



ImageCast Evolution

12.1.4 Pictures of Assistive Voting Devices



AutoMARK



ImageCast Evolution



Verity Touch Writer

12.2 PROGRAMMING AND BALLOT LAYOUT

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

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](#)

12.3 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.R. 8220.1550](#)

13.0 ABSENTEE VOTING

13.1 PREPARING TO ADMINISTER ABSENTEE VOTING

In general, the county auditor administers absentee voting for county, state and federal elections, and school district clerks administer absentee voting for school district elections not held on the same day as a state election. By mutual agreement, others (e.g., county auditor) may administer absentee ballot on behalf of the school district for school district elections. [M.S. 203B.05](#)

It should be noted that there are no provisions in current law for another organization, other than the county auditor, to provide absentee voting on behalf of a school district. Questions not addressed in current statutes/rules such as whether the contracted organization is required to provide absentee voting on the Saturday before the election are to be answered by the school district's legal counsel.

13.1.1 Administering Absentee Voting

Voters must never be required to apply or go to more than one location in order to cast an absentee ballot. For example, if both a municipality (city or town) and school district were conducting an election on the same day, the municipal clerk would administer absentee ballots for the school district residents who reside in the municipality and the school clerk would administer absentee balloting elsewhere. [M.S. 203B.05](#); [204C.13](#)

State Elections

The county auditor administers absentee voting for county, state and federal elections, and for UOCAVA voters at all elections. They may also designate the job of administering regular absentees to a full-time city clerk. A full-time clerk must accept the delegation. If the auditor has not designated, a full-time clerk may give the auditor notice that the municipality will administer regular absentee voting. However, in either case, a municipality may only be designated to administer regular absentee voting if they have the technical capacity to access SVRS and must receive training from the OSS. [M.S. 203B.05, subd. 1](#); [203B.22](#)

Counties must establish an absentee ballot board for processing returned UOCAVA ballots. Also, counties and designated municipalities must establish an absentee ballot board for processing returned regular absentee ballots.

Special Elections and School District Elections

When a school district election is held on a different date than a state election or municipal election, the school district is responsible for administering absentee voting for its election, except UOCAVA absentee ballots which are administered by the county auditor. However, if the school district asks the county, and the county agrees, the county may administer all of the absentee voting for the school district.

School clerks administering absentee voting for a school district special election will not have access to the Statewide Voter Registration System.

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

13.1.2 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 process for military and overseas voters (UOCAVA - Uniformed and Overseas Citizens Absentee Voting Act) found under [M.S. 203B.16](#) to [M.S. 203B.27](#).

13.1.3 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.

13.1.4 What If My Ballots Are Not Available Yet?

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

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

Clerks administering absentee voting during the 46 days 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.

Details of the administration of absentee voting are outlined in the Absentee Voting Administration Guide found at the OSS Election Guides webpage located at www.sos.state.mn.us/election-administration-campaigns/election-administration/election-guides/.

14.0 COURT REMEDY FOR ERRORS AND OMISSIONS

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

The petitioner must state the problem and the proposed solution in the petition. In matters concerning election for state or federal office the petition must be filed with the Minnesota Supreme Court. In matters concerning election for county, municipal, or school district office the petition must be filed with 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](#)

15.0 ELECTION DAY

15.1 VOTING HOURS – POSTPONEMENT

For state primaries and general elections, polling places must be open from 7:00 a.m. to 8:00 p.m.

For school elections, the minimum voting hours for schools in the metropolitan area are from 10:00 a.m. to 8:00 p.m. For school 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.

For standalone school elections, the board may change the hours by resolution before the deadline for giving notice of the election. If the number of voters equal to 20 percent of the votes cast at the last school district election petition at least 30 days before the election, the hours must be at least 10:00 a.m. to 8:00 p.m. The clerk must give 10 days' published and posted notice when the hours change and notify the county auditors.

Voters waiting in line at 8:00 p.m. are allowed to register and/or vote. Those who arrive after 8:00 p.m. cannot vote.

Local school district 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. 200.02, subd 24; 205A.055; 205A.09; 204C.05](#)

15.2 ACTIVITY IN OR NEAR THE POLLING PLACE

15.2.1 Authorized Persons in the Polling Place During Voting

The polling place will be administered by the head election judge and the other election judges on Election Day. No public official, including the clerk may assume the duties of an election judge simply because they hold elected or appointed office. All election judges must be eligible to serve, trained, and appointed according to the law. Each official on duty in the polling place must wear an identification badge that shows their 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](#)

15.2.2 Media Access

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

- Approach within six feet of a 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](#)

15.2.3 Prohibited Polling Place Activities

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

- Disorderly persons.
- Intoxicated persons and/or liquor.
- Persons who are campaigning and/or campaign materials including literature or buttons.
- Smoking.
- Linger. [M.S. 204B.06; 211B.11](#)

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 campaign buttons cannot be worn in the polling place and campaign signs cannot be displayed within 100 ft of the building or on public property if the polling place is on public property. Voters, however, may take sample ballots from the newspapers or campaign flyers into the voting booth for personal use but they should take care not to display these materials outside of the voting booth. [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.

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.

15.3 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 school district. Election judges use the precinct finder or precinct map to determine if persons are registering in the correct precinct. Judges who register voters cannot 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 appropriate county auditor within two days following each election. [M.S. 201.081](#); [204C.27](#)

15.4 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 Voter’s 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. [M.S. 204C.07](#); [204C.12](#)

15.5 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](#)

15.6 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 results tapes, prepare the summary of results, secure and turn in election materials. Unless appointed as an election judge, no individual will touch election materials during this process, including the clerk. [M.S.204C.19, subs.1](#); [204C.19, subd. 2](#); [204C.07](#)

15.7 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 signatures of judge's oath);
- The number of voting booths (count all voting stations except 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) or the number of voter receipts;
 - 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](#)

16.0 AFTER THE ELECTION

16.1 RECEIVING MATERIALS

On election night at least one election judge from each precinct must deliver the following sealed items to the clerk 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](#)

The school district clerk must remain in their office on the night of the election until all returns have been delivered to the clerk's office. The clerk must prepare a record of all materials delivered to their office on the night of the election. This record must be prepared in the presence of the election judge who delivered the materials to the clerk's office. The record must include all materials delivered, the time of the 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 clerk'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 school 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](#)

16.2 CANVASS OF THE RETURNS

The school district board serves as a canvassing board for school district elections. The board must meet to canvass the returns and declare the results on the second or third day after the primary, and between the third and tenth day after the general election. The canvass may only be held on the second day after a primary if the county auditor agrees to review primary voting statistics within a time that permits the canvass to be conducted on that day. For a recount of a levy or bond special election, a special canvassing board is required. See "Recounts" below. [M.S. 205A.03, subd.4; 205A.10](#)

The steps to canvass the results are:

1. the clerk prepares a canvass report (abstract) to accumulate results from multiple precincts (report may be available from the OSS Election Reporting System);
2. the canvassing board takes the oath of office and publicly canvasses the election returns by reviewing the abstract and write-in reports;

- a. the board may ask to examine summary statements before it declares the results;
 - b. when satisfied that the abstract reports are correct, the board signs the abstracts and they become the official results;
 - c. in the case of a tie vote, the canvassing board determines the winner by lot; and
3. errors by election judges in counting may be corrected by following specific procedures as prescribed by law. [M.S. 204C.38](#); [204C.39](#); [205A.10](#)

Alternately, for standalone hand counted elections, the clerk can provide the canvassing board with the summary statements from the election judges to examine and declare results.

16.3 RECOUNTS

16.3.1 Publicly Funded Recounts

There are no automatic recounts for local, school district office races. There are provisions for a publicly funded recount:

More than 50,000 total votes cast for the office: A losing school district candidate may request a recount, at the expense of the school district, 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 candidates 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 school district, 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 candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

Less than 400 total votes cast for the office: If the total numbers of votes cast for that election was fewer than 400, a losing candidate may request a recount of the votes cast, at the expense of school district, 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](#)

16.3.2 Discretionary Recounts

A losing candidate for a school district office may request a recount at the candidate's own expense when the vote difference is greater than the differences mentioned in 16.3.1. The requesting candidate files with the clerk a bond, cash or surety in an amount set by the district for the payment of the recount expenses. The requesting candidate may provide the clerk 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 district. And, if a result of the vote counting is different

than the result of the vote counting reported on election night is of a margin greater than the standard for acceptable performance of the voting systems, the cost of the recount is also then paid by the district. [M.S. 204C.36, subd. 2](#)

16.3.3 Ballot Question Recounts

A written request for a recount on a question may be filed by any person eligible to vote on the ballot question and is filed with the school district 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 canvassing board for a recount of a question under [M.S. 126C.17, subd. 9](#) or [M.S. 475.59](#) shall consist of one school board member, the clerk of the school board, the county auditor, the court administrator and the mayor or chair of the town board of the largest municipality. [M.S. 205A.10, subd. 5](#)

The clerk is responsible for conducting the recount on behalf of the school district. The recount will be conducted at the district's expense if the difference between votes for and against the ballot question is at or less than what is discussed in 16.3.1. 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 district for payment of recount expenses at the time when the written request and petition is submitted. [M.S. 204C.36, subd. 3](#)

16.4 CONTEST OF ELECTION

A "contest of election" means to challenge the result of an election in district court, usually seeking a specific correction. Any voter or candidate may contest the election of a candidate or ballot question election that they were eligible to vote in. An election may be contested over an irregularity in the conduct of an election or 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. 205A.10, subd. 3; 209](#)

16.4.1 Security and Storage of Election Items for a Contest

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

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

16.5 CERTIFYING RESULTS

The school district clerk shall certify the results of the school election to the county auditor. [M.S. 205A.10, subd. 3](#)

16.6 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, file a complaint before the Minnesota Office of Administrative Hearings. [M.S. 211A.05, subd. 2](#)

A clerk is required to place an electronic copy of the filed campaign finance form on the school district's website immediately but no later than 30 days from receipt and leave it on the site for four years. The website's address is to be shared with the Campaign Finance and Public Administration board. [M.S. 211A.02, subd. 6](#)

16.7 CERTIFICATE OF ELECTION

After the time for recounts and contesting election results has passed (and after any contests have been resolved), and after confirming that all required campaign financial reports due from the successful candidate are on file, the clerk shall issue a certificate of election to the successful candidate. A clerk or auditor who issues a certificate of election to a candidate who has not certified that all campaign finance reports have been filed is guilty of a misdemeanor. [M.S. 205.185](#); [211A.02](#); [211A.05](#)

16.8 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. School district officials typically take and subscribe their oath of office with their clerk but may do so with anyone eligible to administer oaths (e.g., office holders and notaries). [M.S. 358.05](#); [358.10](#); [358.11](#); [359.04](#); [Constitution of the State of Minnesota](#)

16.9 RECORD RETENTION

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

17.0 VACANCIES IN ELECTIVE OFFICES

17.1 OCCURRENCES

Vacancies in elective offices can occur due to the incumbent's death, resignation, becoming ineligible, or moving out of the elective district. Occasionally, someone who has been elected to an office will decline or refuse to serve, and this is considered a vacancy as well. A resignation creates a vacancy when the letter of resignation is received and accepted by the officer, body, or board authorized to receive it. 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](#)

A school board member vacancy occurs when a member dies, resigns, ceases to be a resident of the district or is unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district. It also occurs if a school board removes, for proper cause, any member or officer of the board by a concurrent vote of at least four members at a meeting where the charged member has been notified of the time, place and reason. The charged member has an opportunity to be heard in defense against the removal. A member who is removed due to illness or absence is able to resume duties after the board has declared by resolution that such person is a member again. [M.S. 123B.09, subds. 3, 4 & 9](#)

17.2 FILLING VACANCIES

A school board member vacancy is to be filled as directed by [M.S. 123B.095](#) unless it is due to an illness or absence of a member.

If less than one year of the member's term remains, a vacancy may be filled by board appointment at a regular or special meeting as per [M.S. 123B.095, subd. 3](#). Before making the appointment, the board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given. The board notifies the other public officials of the appointment.

If more than one year of the member's term remains, the vacancy is to be filled by special election as outlined in [M.S. 123B.095, subds. 1 and 2](#). The school board calls for the special election by resolution and holds the special election according to the earliest of the following time schedules:

- Not less than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the date of the next regularly scheduled primary election;
- Concurrently with the next regularly scheduled primary election and general election; or
- No sooner than 120 days following the next regularly scheduled general election.

The new board member filling a vacant seat will take office immediately upon completing any qualification activities (i.e., taking oath of office, etc.) [M.S. 123B.09](#); [123B.095](#)

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 the whole (as in cross-party voting in a primary) or defective 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 board: A special board of election judges, created at the option of the governing body to handle some or all processing of absentee ballots.

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

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 (sometimes incorrectly termed "poll watcher"): 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 Voter's 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-over" 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](#)

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

Health care facility (HCF): A hospital, residential treatment center, or nursing home.

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

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](#)

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.

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.

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

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 school district clerks, election judges and individuals serving on the absentee ballot board prior to the state primary. Training will address election laws and procedures; duties of school district clerk and duties of election judges; and related subjects. [M.S. 204B.25](#); [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 program, the Secretary meets with election officials to present information about new laws and rules, and to discuss proposals for laws and for amendments to rules. The OSS also collaborates with other programs and conferences offered for election officials by their own associations. [M.S. 204B.27](#)

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

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

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

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

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

MINNESOTA CAMPAIGN MANUAL – A digest of the laws in [M.S. 211B](#). It also includes financial reporting requirements from [M.S. 211A](#) and references other Minnesota Election Laws.

MINNESOTA MAIL ELECTIONS GUIDE – Provides mail election and mail balloting procedure summary and references to Minnesota Election Laws.

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

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

MINNESOTA VOTING EQUIPMENT TESTING GUIDE – Contains procedures for creating test decks, conducting pre-testing and public accuracy tests when using electronic voting equipment.

APPENDIX 2

EXAMPLE POLLING PLACE SUPPLY LIST

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

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

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Voting Machine Repair _____

County Sheriff / Local Police _____

Fire Department _____

Emergency Medical Services _____