Absentee Voting

Minn. Stat., ch. 203B; Minn. Rules, ch. 8210

Absentee voting allows a voter who is unable to appear at his or her polling place on election day to vote early, either in-person or by mail. A voter may vote absentee only if he or she will be absent from the polling place for one of the permissible reasons provided in statute.

What are the requirements for voting absentee?

State law permits a voter to vote absentee if any of the following circumstances exist:

(1) the voter reasonably expects to be absent from his or her precinct on election day;
(2) the voter is ill, including being subject to isolation or quarantine;
(3) the voter is disabled;
(4) the voter will be celebrating a religious holiday on election day, or the voter's religious discipline otherwise prevents appearance at the polls; or
(5) the voter plans to serve as an election judge in another precinct.

Anyone in an affected area may vote absentee if the governor has declared a state of emergency and further declared that the emergency has made it difficult for voters to go to their polling place on election day.

Members of the military, their families, and permanent U.S. citizens living abroad may also vote absentee following special procedures established in law. See "UOCAVA/Absentee Voting" below.

How is an absentee ballot cast?

An absentee ballot may be cast either in person or by mail.

Voters who wish to submit an absentee ballot **in person** may do so during the 30 days prior to the election at their county auditor's office and any additional locations designated by the county auditor. At least one voting booth for absentee voting and one AutoMARK voting machine designed for voters with disabilities must be provided in each polling place. In addition to normal business hours, the county auditor's office is required to be open for absentee voting purposes on the Saturday prior to election day and until 5 p.m. on the day before the election.

Some cities and townships also provide facilities for in-person absentee voting.

Voters may also request an absentee ballot **by mail,** by submitting an absentee ballot application to their county auditor or municipal clerk's office. An absentee ballot application may be submitted at any time prior to an election, up until the day prior to the election. An absentee ballot is mailed to the voter at least 30 days prior to the election, or "promptly" mailed if the voter submitted the application within 30 days of the election.

An individual who requests an absentee ballot by mail but is not registered to vote is sent a voter registration application along with the absentee ballot.

The procedure for absentee voting is the same regardless of whether the absentee ballot is submitted in person or by mail:

- A standard absentee voter is provided a ballot that is identical to the ballot the voter would receive in the polling place on election day. Instructions for filling out the ballot are provided with the absentee ballot materials.

- When the voter has finished marking the ballot, the voter seals the absentee ballot in an opaque "secrecy envelope." The secrecy envelope is then sealed inside a "return envelope," which is preprinted with postage for standard first-class mailing to the appropriate county auditor or municipal clerk.

- The back of the outer return envelope contains a **certificate of eligibility** to vote by absentee ballot. The certificate provides a space for the voter to sign and swear that he or she met all eligibility requirements to vote by absentee ballot.

- The certificate of eligibility also contains a space for a **witness's signature**. To qualify as a witness, a person must be either registered to vote in Minnesota, or a notary public or other individual authorized to administer oaths. By signing the certificate, the witness attests that the absentee voter:

  (1) displayed the absentee ballot unmarked;
  (2) completed the ballot in the witness's presence without revealing how the ballot was marked, or if the voter was unable, that another individual marked the ballot at the voter's direction; and
  (3) provided a permissible proof of residence for registration purposes, if the voter was not previously registered to vote at that address in Minnesota.

What is the deadline for submission of an absentee ballot?

A voter may return an absentee ballot in person to the appropriate county auditor or municipal clerk by 5:00 p.m. on the day before election day.

An absentee ballot that is mailed by a private express delivery service or delivered by a voter's designated agent must be physically present in the appropriate county auditor or municipal clerk's office by 3:00 p.m. on election day.

A ballot mailed through the U.S. Postal Service must be received by the county auditor or municipal clerk by the last mail delivery on election day.

How are absentee ballots opened and counted?

After receipt and initial administrative processing by the county auditor or municipal clerk, absentee ballots are sorted and delivered by courier to each precinct on election day. Absentee ballots are processed and counted in the same polling place where the absentee voter is required

to vote if voting in person on election day. Some counties use an Absentee Ballot Board to determine whether an absentee ballot is accepted or rejected.

What is the standard for accepting or rejecting an absentee ballot?

At least two election judges of different major political parties are required to participate in the opening and accepting or rejecting an absentee ballot. Statute requires that an absentee ballot application be accepted if a majority of the election judges processing the ballots are satisfied that:

  (1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;
  (2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot, except that if a person other than the voter applied for the absentee ballot under applicable Minnesota Rules, the signature is not required to match;
  (3) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; and
  (4) the voter has not already voted at that election, either in person or by absentee ballot.

If one of these requirements is not present, the absentee ballot must be rejected. The law specifies that there is no permissible reason for rejecting an absentee ballot beyond a failure to meet one of the above four requirements. The absentee ballot envelope includes a space for the election judge to indicate the reason for rejecting a ballot.

If the election judges receive proof that an absentee voter has died before 7:00 a.m. on election day, the absentee ballot may not be counted and is returned, unopened, with any absentee ballots that are otherwise rejected for failure to comply with the provisions above.

What if a voter who submitted an absentee ballot appears at the polling place on election day?

Existing law permits, by implication, a voter to override his or her absentee ballot by appearing in his or her polling place on election day and casting a ballot. A voter may only override his or her absentee ballot, however, up until the time that absentee ballot is opened and accepted by the election judges in the precinct. Once an absentee ballot has been accepted and inserted into the voting machine (or sorted into a pile prior to insertion into the voting machine), there is no way to retrieve the ballot. The law requires the election judges to make a notation on the polling place roster indicating that an absentee ballot has been accepted for that voter; if the voter later appears to cast a ballot in person, the voter must be turned away.

If a voter appears at the polling place and the voter's ballot has not yet been formally accepted by the election judges in the precinct, the voter signs the roster and casts a ballot in the same manner as all other voters. When the absentee ballots are processed, the law requires the election judges to reject the absentee ballot, because one of the four mandated conditions for accepting an

absentee ballot does not apply; by voting in the polling place, the voter has already voted at the election.

What is an absentee ballot board?

State law permits a county or municipality to establish an absentee ballot board to accept and reject absentee ballots prior to election day. Absentee ballot boards are composed of election judges appointed in the same manner as election judges who are appointed to serve on election day.

An absentee ballot board is permitted to accept or reject absentee ballots during the 30 days prior to an election. In the event a ballot is rejected at least five days prior to the election, the law requires that a replacement ballot be mailed to the voter in place of the rejected ballot.

What is the procedure for absentee voting by nursing home residents and hospital patients?

If an otherwise eligible voter is a temporary or permanent resident of a health care facility, or a patient in a hospital that is located within the municipality where the voter maintains his or her residence, the law requires that two election judges of different major political parties hand deliver absentee ballots to the voter. The ballots must be delivered, completed, and returned to the appropriate clerk or the county auditor on the same day. The judges may only deliver absentee ballots to eligible voters who have formally requested them. Ballots are delivered during the 20 days immediately preceding an election.

On election day, two election judges of different major political parties are required to deliver absentee ballots to eligible voters who suddenly became residents or patients of a health care facility on the day prior to the election. A voter in this situation may request an absentee ballot by telephone, or by providing an absentee ballot application to an election judge who is in the facility to deliver ballots to other voters who have requested them. When delivering absentee ballots, the election judges are required to have extra blank applications on hand for this purpose. A request by phone must be made by 5:00 p.m. on the day before the election.

Can a voter request to automatically receive an absentee ballot before each election?

A voter who reasonably expects to meet one of the criteria for absentee voting on an ongoing basis may apply for **"ongoing absentee"** status with the county auditor or municipal clerk. An ongoing absentee voter is automatically provided an absentee ballot application prior to each election. The voter is still required to complete and submit the application before an absentee ballot is provided.

A voter's "ongoing absentee" status ends when (1) the voter requests in writing that this status be removed; (2) the voter dies; (3) an ongoing absentee ballot is returned as undeliverable; (4) the voter becomes ineligible to vote; or (5) the voter's registration becomes inactive.

A voter who expects to permanently be unable to appear at a polling place because of an illness or disability may apply for **"permanent absentee"** voter status. Like an "ongoing absentee" voter, a permanent absentee voter is automatically provided an absentee ballot application prior to each election. Current statute does not specify a procedure for termination of permanent absentee status.

How does agent delivery of an absentee ballot work?

Any absentee voter is permitted to designate an agent to deliver a sealed absentee ballot to the county auditor or municipal clerk in person. A designated agent may only deliver the absentee ballots of three voters in any one election. The ballots must be delivered by 3:00 p.m. on election day.

Some absentee voters are also permitted to designate an agent to pick up absentee ballots from the county auditor or municipal clerk, deliver them to the voter, and return them to the appropriate official. Voters who would have difficulty getting to the polls for health reasons, including those who are disabled or residents or patients in a health care facility, voters who reside in an assisted living facility, participate in certain residential programs for adults, or reside in a shelter for battered women are eligible to use these delivery procedures.

An agent who is designated to bring an absentee ballot to a voter must have a preexisting relationship with the voter, and may not be a candidate at the election. An agent may only deliver ballots to three voters in any election. In addition to the standard absentee ballot forms, the voter is required to complete an affidavit requesting that the designated agent be provided ballots, and later that the absentee ballots were delivered by the agent in the sealed transmittal envelope as required by law.

Agent delivery of ballots to a voter may occur during the seven days preceding an election, up until 2:00 p.m. on election day. All ballots returned by an agent to an election official must be received by 3:00 p.m. on election day.

Are there special procedures to facilitate absentee voting by members of the military and other Minnesotans who are overseas on election day?

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is a federal law that requires states to permit certain groups of United States citizens to vote by absentee ballot in elections for federal office. In addition, states are allowed to expand that right to include state and local elections as well.

Which voters may use these procedures?

In Minnesota, members of the military, and their spouses and dependents, as well as others who are temporarily outside of the United States who are otherwise eligible to vote in Minnesota may vote by absentee ballot for all appropriate federal, state, and local offices.

Individuals who live permanently outside of the United States, but maintained residence in Minnesota for at least 20 days prior to leaving the country, are permitted to vote by absentee ballot in Minnesota for federal offices only.

How are UOCAVA absentee ballots requested?

UOCAVA absentee voters must complete an application and submit it to the appropriate county auditor for processing. A UOCAVA absentee ballot application may be submitted by mail, fax, or e-mail. If submitted by email, the voter must scan a copy of the application with the voter's signature and attach it to the email.

A spouse, parent, sibling, or child (if over 18) can submit an absentee ballot application on behalf of a UOCAVA voter.

A request for UOCAVA ballots can be submitted at any time, and remains valid for any elections held through the next two general election cycles.

How are UOCAVA ballots sent to a voter and how are they returned?

At the request of the absentee voter, a UOCAVA ballot can be sent by mail, fax, or as an e-mail attachment. Ballots are sent 30 days prior to election day, or upon receipt of an application if it arrives within 30 days of the election.

Regardless of the method of receiving a ballot, it must be returned in hard-copy by mail. A UOCAVA absentee voter is not required to have a witness sign the return envelope.

The same deadlines apply for receipt of a completed absentee ballot as apply to standard absentee voters. In order for a UOCAVA absentee ballot to be opened and counted, it must be received before the closing of the polls on election day.

Who decides whether a UOCAVA absentee ballot is accepted or rejected?

State law requires each county to establish an absentee ballot board to review UOCAVA ballots. The board is required to accept or reject ballots that are received. If a ballot is rejected at least five days before the election, the voter must be provided with a replacement ballot and materials.

A UOCAVA absentee ballot must be accepted if:

> (1) the voter's name on the return envelope appears in substantially the same form as the on the application record;
> (2) the voter has signed the required oath;
> (3) the voter's identification number (passport, driver's license or ID, or last four digits of social security number) match the number submitted on the application, if the voter has one of those documents; and
> (4) the voter has not previously voted at the election, either in person or by absentee.

If a voter's identification number does not match as required in (3), the election judges must make a reasonable effort to satisfy themselves that the ballots were returned by the same person to whom they were transmitted.

If more than one set of ballots is received from a UOCAVA voter before the close of the polls on election day, the set bearing the latest date are counted.

Are UOCAVA absentee ballots the same as other absentee ballots?

An absentee ballot sent to a member of the military or any other voter who is temporarily overseas is the same ballot, with the same offices, as would be received by a voter voting absentee or in person on election day in the voter's precinct.

If the voter is living permanently outside of the United States, the absentee ballot is printed in the same format as other ballots in Minnesota, but the only offices appearing on the ballot are federal offices.

In addition to officially printed and transmitted state ballots, a UOCAVA voter may choose to instead submit a **Federal Write-In Absentee Ballot**. A copy of this ballot is included below. A federal write-in absentee ballot does not contain the names of any candidates; the voter is permitted to write in either the names of the candidates he or she wishes to vote for, or for federal offices, the name of the political party whose candidates the voter wishes to vote for.

In order to vote for state or local offices on a federal write-in absentee ballot, the voter must write in the name of a candidate; writing in only the name of a political party for these offices will not count as a vote.

A federal write-in absentee ballot contains a separate certification statement and instructions, all of which (along with the ballot, and an application form to request a UOCAVA ballot) may be downloaded from the Internet, printed, and returned to the appropriate county auditor.

How many UOCAVA voters are there?

According to statistics compiled by the secretary of state, at the 2008 general election:

- 15,863 ballots were issued to overseas voters (390 ballots were returned as undeliverable; 65 ballots were spoiled or lost)

- 12,116 ballots were returned by overseas voters (11,309 were accepted; 731 were rejected)

- 634 overseas voters used the Federal Write-In Absentee Ballot

Standard Preregistered Absentee Ballot Return Envelope

INSERT BALLOT SECRECY ENVELOPE AND SEAL

TO BE COMPLETED BY VOTER

2-6

PRINT)

MN

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE   DATE

TO BE COMPLETED BY WITNESS

I certify that the voter
- showed me the blank ballots before voting;
- marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)

MN

SIGNATURE OF WITNESS   DATE

TITLE OF WITNESS (IF AN OFFICIAL)

FOR OFFICE USE ONLY

☐ ACCEPTED

☐ REJECTED_____
                        Reason

REGISTERED   REVISED 20008 SYNERGY GRAPHICS   PRER8

Space for voter's name, address, and signature. In some cases, a preregistered voter's name may be preprinted with a barcode label.

Witness certification and signature block. If the voter was not previously registered to vote, the witness may also be required to verify that the voter displayed proper proof of residence. Other information may also appear on the envelope depending on the voter's particular circumstances and type of ballot enclosed. The requirements of the witness and the voter are always preprinted on the envelope that is mailed to the voter; the contents of the envelope may be different than the basic version appearing here.

Space for election judge to indicate whether absentee ballot is accepted or rejected (and the reason, if rejected).

Federal Write-In Absentee Ballot

OFFICIAL FEDERAL WRITE-IN ABSENTEE BALLOT

PRESIDENT/VICE PRESIDENT

U.S. SENATOR*

U.S. REPRESENTATIVE/DELEGATE/RESIDENT COMMISSIONER****

*   Legal residents of the District of Columbia may vote only for President/Vice President and Delegate.

** Legal residents of American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands may vote only for Delegate or Resident Commissioner to the Congress.

For federal office, a voter may write in the name of a candidate or the name of a political party.

ADDENDUM

Some states allow the Federal Write-In Absentee Ballot to be used by military and overseas civilian voters in elections other than general elections or for offices other than Federal offices. Consult your state section in the *Voting Assistance Guide* to determine your state's policy. *If you are eligible to use this ballot to vote for offices/candidates other than those listed above,* please indicate in the spaces provided below, the office for which you wish to vote (for example: Governor, Attorney General, Mayor, State Senator, etc.), and the name and/or party affiliation of the candidate for whom you wish to vote.

| OFFICE | CANDIDATE NAME or PARTY AFFILIATION |

In Minnesota, a voter must write in the name of a candidate in order for a vote to be counted for state or local office.

Standard Form 186A (Rev. 10-2005)   (Use reverse side for additional space)