

Polling Place Challengers

Minn. Stat. §§ 204C.07; 204C.12

HOUSE RESEARCH

A polling place challenger is an individual appointed to be present in a polling location to challenge the eligibility of a voter. A challenger must be formally appointed to the position and meet certain qualifications. A challenger may only challenge a voter's eligibility based on personal knowledge.

Who is authorized to appoint a challenger?

The chair of an authorized committee of each major political party may appoint a challenger to serve in each polling place for elections in which partisan races are on the ballot. The appointed challenger must be provided a written certificate of appointment by the party.

Nonpartisan candidates may also appoint a challenger to serve in a polling place by providing a written certificate of election to the appointed person.

If a ballot question is to be voted on at the election, an appropriate local official may appoint a challenger for each polling place, if a written petition is signed by at least 25 eligible voters requesting that challengers be appointed.

Only one challenger may be present in a polling place on behalf of a major political party, nonpartisan candidate, or ballot question at any time.

Are there qualifications for becoming a challenger?

To serve as a challenger, the appointed person must be a resident of Minnesota. So long as the challenger is a Minnesota resident, the challenger can serve in any precinct in the state. Challengers are required to prove residency by a form of identification that is otherwise acceptable for a voter to register to vote on election day (except vouching).

An election judge cannot simultaneously serve as a challenger.

What are challengers permitted to do? What are challengers prohibited from doing?

Properly appointed challengers are authorized to be present in a polling place during the hours for voting and may remain in the polling place until the votes from that location are counted and results declared.

A challenger may challenge the eligibility of a person if the challenger knows or reasonably believes that the person is not an eligible voter.

Challengers are NOT permitted to handle or inspect registration cards, files, or lists, and may not independently compile a list of individuals who have or have not voted. A challenger may not attempt to influence voting in any manner, and may only speak with a voter or person seeking to vote in the presence of an election judge, in order to determine whether the individual is eligible to vote in the precinct.

Challengers may not use as the basis for a challenge the fact that mail sent by the party to a voter was returned as undeliverable or, if sent by registered mail, that the mail's receipt was not acknowledged.

What happens when a challenger challenges an individual seeking to vote?

When challenging a voter, the challenger is required to complete an "Oath of Challenge to Voter's Eligibility" form. The form provides space for the challenger to indicate the grounds for the challenge and requires the challenger to swear under oath that the challenge is made based upon personal knowledge.

Upon completion of the challenge form, an election judge (not the challenger) administers the following oath to the challenged voter:

"Do you solemnly swear that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"

The election judge then must ask the voter sufficient questions to test the individual's residence and eligibility to vote. Principles for determining residence of a voter are provided in law.

If a voter's answers to the election judge's questions show an ineligibility to vote in that precinct, the voter is not permitted to cast a ballot. If a voter's answers do not show that the voter is not eligible to vote, the challenger may withdraw the challenge. If the challenge is not withdrawn, the voter must verbally repeat the oath provided on the polling place roster and be permitted to vote.

Final determination of eligibility and whether the voter is entitled to cast a ballot is made by the election judge; a challenger may not prevent a person from voting if the person has successfully completed all steps of the challenge process and the election judge is satisfied that the person is entitled to vote.

What if a challenged voter refuses to answer questions or leaves the polling place before the challenge is completed?

In order to cast a ballot, an individual whose eligibility is challenged must complete the challenge process, including answering questions from the election judge, at the time the challenge is made. If a challenged individual leaves the polling place and later returns, that individual is not permitted to vote.