

Michigan



M.C.L.A. 168.497



MICHIGAN COMPILED LAWS ANNOTATED
CHAPTER 168. MICHIGAN ELECTION LAW
MICHIGAN ELECTION LAW
CHAPTER XXIII. REGISTRATION OF ELECTORS

→ 168.497. Registration applications; time, acceptance, validity

Sec. 497. (1) A person who is not registered but possesses the qualifications of an elector as set forth in section 492, [FN1] may apply for registration to the clerk of the county, township, city, or village in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election. Registrations accepted between the thirtieth day preceding an election and the day of the election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the following day, are not valid for the election but are valid for subsequent regular, primary, school, or special elections that are held so that not less than 30 days intervene between the date the person registered and the date of the election.

(2) Except as otherwise provided in sections 499a to 499c, 500a to 500j, and 504, [FN2] an application for registration shall not be executed at a place other than the office of the county, township, city, or village clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, city, or village clerk does not regularly keep his or her office open daily during certain hours, the clerk shall not be required to be at his or her office for the purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. [FN3] Registrations taken after the time of closing registrations before an election need not be processed until the date immediately following that election. A registration shall not be placed in a precinct registration file until the date immediately following that election. If a person registers at a time that registrations are closed for an election, the person shall be given a notice, signed by the clerk, on a form developed by the secretary of state, informing him or her that he or she is not eligible to vote in the election and indicating the first date on which he or she is eligible to vote. Except as provided in sections 500a to 500j, the provisions of this section relating to registration shall apply.

[FN1] M.C.L.A. § 168.492.

[FN2] M.C.L.A. §§ 168.499a to 168.499c, 168.500a to 168.500j, and 168.504.

[FN3] M.C.L.A. §§ 168.504, and 168.500a to 168.500j.

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M.C.L.A. 168.509



Michigan Compiled Laws Annotated Currentness
Chapter 168. Michigan Election Law
 Michigan Election Law (Refs & Annos)
 Chapter XXIII. Registration of Electors (Refs & Annos)

→ 168.509. Repealed by P.A.2004, No. 92, § 1, Imd. Eff. April 26, 2004

HISTORICAL AND STATUTORY NOTES

2007 Electronic Pocket Part Update

The repealed section, which related to examination of voter registration records and cancellation of registrations, was derived from:

- P.A.1954, No. 116, § 509.
- P.A.1989, No. 142, § 1.
- C.L.1979, § 168.509.

Section 168.509 was repealed by P.A.2001, No. 269, Eff. March 22, 2002, which act was suspended pending the result of the Nov. 5, 2002 election on a referendum petition on that act. The referendum on P.A.2001, No. 269, was rejected by the voters at the Nov. 5, 2002, election.

For effective date provisions of P.A.2001, No. 269, see the Historical and Statutory Notes following § 168.31.

Former § 168.509:

A former § 168.509, relating to annual review of registration records, notice of suspension of registration, cancellation, and reinstatement, was repealed by P.A.1975, No. 28, § 2, Eff. July 1, 1975, and was derived from:

- P.A.1925, No. 351, Pt. 2-A, c. I, § 22.
- P.A.1929, No. 306.
- C.L.1929, § 2834.
- P.A.1939, No. 138.
- P.A.1943, No. 22.
- P.A.1945, No. 291.

- P.A.1947, No. 59.
- C.L.1948, §§ 151.22, 168.509.
- P.A.1954, No. 1116, § 509.
- P.A.1955, No. 271, § 1.
- P.A.1957, No. 98, § 1.
- P.A.1963, No. 85, § 1.
- C.L.1970, § 168.509.

M. C. L. A. 168.509, MI ST 168.509

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Minnesota



M.S.A. § 201.054



Minnesota Statutes Annotated Currentness

▣ Elections (Ch. 200-212)

▣ Chapter 201. Registration and Eligibility of Voters (Refs & Annos)

→ **201.054. Methods of registering; prohibitions; penalty**

Subdivision 1. Registration. An individual may register to vote:

- (1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1;
- (2) on the day of an election as provided in section 201.061, subdivision 3; or
- (3) when submitting an absentee ballot, by enclosing a completed registration card as provided in section 203B.04, subdivision 4.

Subd. 2. Prohibitions; penalty. No individual shall intentionally:

- (a) cause or attempt to cause the individual's name to be registered in any precinct if the individual is not eligible to vote;
- (b) cause or attempt to cause the individual's name to be registered for the purpose of voting in more than one precinct;
- (c) misrepresent the individual's identity when attempting to register to vote; or
- (d) aid, abet, counsel, or procure any other individual to violate this subdivision.

A violation of this subdivision is a felony.

CREDIT(S)

Laws 1981, c. 29, art. 2, § 6. Amended by Laws 1986, c. 444; Laws 1987, c. 361, § 3; Laws 1990, c. 585, § 4, eff. May 4, 1990; Laws 1999, c. 132, § 5.

HISTORICAL AND STATUTORY NOTES

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The 1986 amendment authorized the removal of nonsubstantive gender specific references.

The 1987 amendment redesignated subd. 1, cls. (a) to (c) as cls. (1) to (3) and added cls. (4) and (5).

The 1990 amendment, in subd. 1, deleted "in counties where preregistration is allowed" from the end of clause (1), deleted a clause (4), which required submission of a registration card received in a state income form or booklet to the secretary of state's office, and deleted a clause (5), which required that the voter registration part of a driver's

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M.S.A. § 201.054

license application be filled out.

CROSS REFERENCES

Felony, punishment when not otherwise provided, see § 609.03.

NOTES OF DECISIONS

Ballot illegally cast, effect 1

1. Ballot illegally cast, effect

Voter who cast ballot at school bond election at which he was not legally qualified to vote and who did not assert right against self-incrimination could be required to tell how he voted. *Ganske v. Independent School Dist. No. 84*, 1965, 271 Minn. 531, 136 N.W.2d 405. Elections ↻ 293(3)

Subject only to right against self-incrimination, no privilege obtains with respect to one who has voted illegally. *Ganske v. Independent School Dist. No. 84*, 1965, 271 Minn. 531, 136 N.W.2d 405. Elections ↻ 293(3)

M. S. A. § 201.054, MN ST § 201.054

Current with laws of the 2007 First Special Session

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M.S.A. § 201.061



Minnesota Statutes Annotated Currentness

▣ Elections (Ch. 200-212)

▣ Chapter 201. Registration and Eligibility of Voters (Refs & Annos)

→ **201.061. Registration on or before election day**

Subdivision 1. Prior to election day. At any time except during the 20 days immediately preceding any regularly scheduled election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten days after the applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

Subd. 1a. Incomplete registration by mail. If the county auditor determines that a voter who has submitted a voter registration application by mail has not previously voted in this state for a federal office and has also not presented a document authorized for election day registration in section 201.061, subdivision 3, to the auditor, and the county auditor is unable to verify the voter's driver's license, state identification, or last four digits of the voter's Social Security number as provided by the voter on the voter registration application, then the county auditor must notify the voter that the registration is incomplete and to complete registration by using one of the following methods:

- (1) presenting to the auditor more than 20 days before the election a document authorized for election day registration in section 201.061, subdivision 3;
- (2) registering in person before or on election day;
- (3) if voting by absentee ballot or by mail, following election day registration procedures for absentee voters as described in section 203B.04, subdivision 4; or
- (4) providing proof of residence by any of the methods authorized for election day registration in section 201.061, subdivision 3.

Subd. 2. Repealed by Laws 1990, c. 585, § 34, eff. May 4, 1990.

Subd. 3. Election day registration. (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

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- (1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) presenting any document approved by the secretary of state as proper identification;
- (3) presenting one of the following:
 - (i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or
 - (ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or
- (4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application and the information on the oath must be recorded on the records of both the voter registering on election day and the voter who is vouching for the person's residence, and entered into the statewide voter registration system by the county auditor when the voter registration application is entered into that system.

- (b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.
- (c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

- (1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

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(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Subd. 4. Registration by election judges; procedures. Registration at the polling place on election day shall be conducted by the election judges. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration cards and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration card. Registration cards completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Subd. 5. Unregistered voters; penalty. No election judge in any precinct in which registration is required may receive the vote at any election of any individual whose name is not registered in a manner specified in section 201.054, subdivision 1 or not recorded under section 203B.19. A violation of this subdivision is a felony.

Subd. 6. Precinct map. Except as otherwise provided by this subdivision, the county auditor shall provide each precinct with an accurate precinct map or precinct finder to assist the election judges in determining whether an address is located in that precinct. A county auditor may delegate this responsibility as provided in section 201.221, subdivision 4, to a municipal or school district clerk who prepares precinct maps as provided in section 204B.14, subdivision 5.

Subd. 7. Record of attempted registrations. The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

CREDIT(S)

Laws 1973, c. 676, § 4. Amended by Laws 1974, c. 583, §§ 1, 2, eff. April 12, 1974; Laws 1977, c. 395, §§ 1, 2; Laws 1978, c. 714, §§ 1, 30, eff. March 29, 1978; Laws 1981, c. 29, art. 2, § 8; Laws 1981, c. 217, § 3; Laws 1981, 2nd Sp., c. 2, § 1; Laws 1983, c. 253, § 1; Laws 1984, c. 560, § 3; Laws 1986, c. 444; Laws 1987, c. 266, art. 1, §§ 6, 7, eff. July 1, 1988; Laws 1987, c. 361, § 4; Laws 1990, c. 585, § 5, eff. May 4, 1990; Laws 1991, c. 227, § 4; Laws 1997, c. 147, § 2; Laws 2000, c. 467, § 5; Laws 2002, c. 394, § 1; Laws 2004, c. 293, art. 1, §§ 3 to 5, eff. Jan. 1, 2004; Laws 2005, c. 156, art. 6, § 15; Laws 2006, c. 242, §§ 13, 14, eff. July 1, 2006.

HISTORICAL AND STATUTORY NOTES

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2004 Legislation

Laws 2004, c. 293, art. 1, § 41, provided that article 1 was effective retroactively from January 1, 2004.

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M.S.A. § 201.061

Derivation:

St.1980, § 204A.27.
 Laws 1975, c. 5, § 88.
 St.1974, § 204.073.
 Laws 1973, c. 676, § 24.
 St.1971, §§ 201.16, 201.19, 201.20, 204.07.
 Laws 1961, Ex.Sess., c. 10, §§ 5, 6.
 Laws 1959, c. 675, art. 5, § 7.
 Laws 1959, c. 675, art. 2, §§ 16, 19, 20.
 St.1957, §§ 201.02, 201.06, 201.17, 201.18, 201.30, 201.31, 201.33, 206.04,
 206.20.
 Laws 1947, c. 418, § 1.

St.Supp.1940, §§ 601-2(1)a, 601-2(2), 601-2(2)k, 601-2(2)l, 601-2(5), 601-
 2(5)a, 601-2(5)c, 601-6(8)c, 601-6(8)s.
 Laws 1939, c. 345, pt. 6, c. 8, §§ 4, 20.
 Laws 1939, c. 345, pt. 2, c. 5, §§ 1, 2, 4.
 Laws 1939, c. 345, pt. 2, c. 2, §§ 1, 2, 12, 13.
 St.1927, §§ 386, 387, 393-7, 393-8, 420, 430.
 Laws 1927, c. 390, §§ 7, 8.
 Laws 1925, c. 390.
 Laws 1925, c. 278, § 1.
 Gen.St.1923, §§ 386, 387, 420, 430.
 Laws 1923, c. 305, §§ 7, 8.
 Gen.St.1913, §§ 456, 467.
 Rev.Laws 1905, §§ 271, 282.
 Gen.St.1894, §§ 100, 112.
 Laws 1893, c. 4, §§ 70, 95, 107.
 Laws 1891, c. 4, §§ 18, 23.
 Laws 1889, c. 3, §§ 45, 47, 70.
 Gen.St.Supp.1879-88, c. 1, § 77.
 Laws 1887, c. 4, §§ 15, 21, 22, 77.
 Laws 1878, c. 84, § 5.

The 1974 amendment added subds. 8 and 9 relating to political subdivisions not having a permanent system of registration on July 1, 1973.

The 1977 amendment in subd. 3 required that when an oath that an individual personally knows the applicant is a precinct resident is signed, the oath shall be attached to the registration card until the address is verified; and in subd. 6 required the auditor to supply maps or precinct finders to judges to assist proper registration.

Laws 1978, c. 714, § 1 substituted "an individual" for "a person" at the beginning of the first and second sentences of subd. 3, substituted "Minnesota identification card" for "nonqualification certificate" in subd. 3(1), and added the following sentences to subd. 3:

"No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

"The election judge responsible for election day registration shall attempt to keep a record of and forward to the county auditor the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section.

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"A registration deficient only because the individual who provided proof of residence was ineligible to do so shall not be considered deficient, and the name of the voter shall be added to the registration system."

Laws 1978, c. 714, § 30 in part instructed the revisor of statutes to delete "commissioner of voter registration" or "commissioner" and insert "secretary of state" or "secretary".

Laws 1981, c. 29, revised this section. Prior to revision in 1981 the text of this section read as follows:

"Subdivision 1. An eligible voter or any person who upon registration will have the qualifications of an eligible voter at the next election may register as a voter in the precinct in which he resides, at any time prior to the 20th day preceding any election by completing a registration card and submitting it to the county auditor of the county where he resides. Registration cards may be submitted to the county auditor in person or by U. S. mail addressed and postage paid. A registration card that is postmarked no later than 11:59 p. m. on the 20th day preceding any election or received on the next working day shall be deemed timely. Improperly addressed or delivered registration cards shall be forwarded within two working days from receipt by an official receiving one to the auditor of the county where the voter resides if the county can be determined.

"Subd. 2. The provisions of subdivision 1 shall not apply to any political subdivision which does not on July 1, 1973 have a permanent system of voter registration provided that the governing body of any political subdivision may by ordinance or resolution elect to come under the provisions of subdivision 1. Once having so elected, the action may not be rescinded.

"Subd. 3. An individual who on election day presents himself at the polling place for the precinct in which he resides and who is not registered but is otherwise eligible to vote may nevertheless vote upon registering. An individual may register at this time by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of his residence. An individual may prove his residence by:

"(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

"(2) Providing any document approved by the commissioner as proper identification; or

"(3) Having an individual who is registered to vote in the precinct sign an oath in the presence of the election judge that he personally knows that the applicant is a resident of the precinct. No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

"The election judge responsible for election day registration shall attempt to keep a record of and forward to the county auditor the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section.

"Forms for the card and oaths shall be available at each polling place. When an individual signs an oath that he personally knows that an applicant is a resident of the precinct the oath shall be attached to the applicant's registration card until the address of the applicant is verified by the county auditor. Forms used pursuant to this section shall be forwarded to the auditor who shall, unless the information forwarded is substantially deficient, add the name of the voter to the registration system. If the auditor finds a registration pursuant to this subdivision substantially deficient he shall give written notice to the person whose registration is found deficient. A registration deficient only because the individual who provided proof of residence was ineligible to do so shall not be considered deficient, and the name of the voter shall be added to the registration system.

"Subd. 4. Registration at the polls on election day shall be conducted by the election judges. The election judge who registers a person at the polls on election day shall not be the same judge who shall have charge of and hand to

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and receive from the voter his ballots.

"Subd. 5. In case a voter is unable to write his name, he shall be required to make a cross, which shall be certified by signing the name of the applicant by the registration clerk taking the application. If the registration card is submitted by mail the cross shall be certified by having a voter registered in the precinct of the applicant sign the name of the applicant and sign his own name and give his own address.

"Subd. 6. Each eligible voter is entitled to vote only in the one precinct in which he resides. The judges of election in any election precinct may not receive the vote at any election of any person whose name is not registered in accordance with the provisions of Laws 1973, Chapter 676. The auditor shall supply the judges in each precinct with an accurate map or precinct finder of the precinct to assist them in determining whether a newly registering voter is registering in the proper precinct.

"Subd. 7. Voters registered under Minnesota Statutes 1971 shall not be required to reregister under Laws 1973, Chapter 676.

"Subd. 8. Any political subdivision which did not on July 1, 1973 have a permanent system of voter registration shall provide prior to the date of the 1974 primary election for the transfer of names of persons who voted at the general election in 1972 and who are not permanently registered to permanent registration cards, together with such other information available from the election records as is required by Section 201.071, Subdivision 1. Such registration cards shall be alphabetized by precinct and the cards for each precinct shall be kept at the polling place on the 1974 primary and general election days. Persons whose registration cards have been so prepared and who have not changed residence shall be deemed registered by proving identity and signing the registration card.

"Subd. 9. For the general election in 1974 only, each political subdivision which did not on July 1, 1973 have a permanent system of voter registration shall provide one additional election judge in each precinct for every 400 persons voted at the general election in 1972."

Laws 1981, c. 217, § 3, which amended this section as amended by Laws 1981, c. 29, art. 2, § 8, in subd. 1 substituted "except during the 20 days immediately" for "before the 20th day", "5:00 p.m." for "11:59 p.m.", and "21st day" for "20th day", and deleted "or received on the next working day" preceding "shall be accepted", and in subd. 3 added the paragraph relating to initialing of completed registration cards.

Laws 1981, 2nd Sp., c. 2, § 1, which amended this section as amended by both Laws 1981, c. 29, art. 2, § 8 and Laws 1981, c. 217, § 3, in subd. 1 substituted "received" for "postmarked".

The 1983 amendment revised subd. 3 which previously provided:

"An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

"(1) Showing his drivers license or Minnesota identification card issued pursuant to section 171.07;

"(2) Showing any document approved by the secretary of state as proper identification; or

"(3) Having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge stating that he personally knows that the individual is a resident of the precinct. No individual who registers to vote on election day by proving residence as provided in clause (3) shall provide proof of residence for any other individual on that election day.

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"A county or municipality may require that an election judge responsible for election day registration initial each completed registration card."

The 1984 amendment in subd. 2 substituted "August 1, 1984 allow preregistration" for "July 1, 1973 have a permanent system of voter registration".

The 1986 amendment authorized the removal of nonsubstantive gender specific references.

Laws 1987, c. 266, art. 1, §§ 6, 7 in subd. 3 included school districts among the entities permitted to require initialing of completed registration cards; and in subd. 6 inserted "or school district" preceding "clerk".

Laws 1987, c. 361, § 4 in subd. 1 added the alternative methods of registering to vote, consisting of completing the voter registration part of a driver's license application or submitting in person or by mail a registration card received in a state income tax form or booklet or elsewhere to the secretary of state's office.

The 1990 amendment deleted from subd. 1 provisions permitting a voter to register by completing the voter registration part of a driver's license application, or by submitting in person or by mail a registration card received in a state income tax form or booklet or elsewhere.

Laws 1990, c. 585, § 34 repealed subd. 2 which formerly read:

"Subdivision 1 does not apply to eligible voters in any political subdivision which does not on August 1, 1984 allow preregistration unless the governing body of that political subdivision by ordinance or resolution elects to come under the provisions of subdivision 1. The decision to allow preregistration may not be rescinded."

The 1991 amendment in subd. 3 added provisions permitting individuals to show proof of residence by student identification cards or fee statements.

CROSS REFERENCES

Absentee ballots, recording applications upon acceptance, see § 203B.19.

Students, post-secondary educational institutions, certified tests to county auditor for election day registration, see § 135A.17.

ADMINISTRATIVE CODE REFERENCES

Election day registration at precinct, see Minn. Rules 8200.5100.

LIBRARY REFERENCES

Elections ↻98, 106.
Westlaw Topic No. 144.
C.J.S. Elections §§ 39, 40, 46.

RESEARCH REFERENCES

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ALR Library

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27 ALR 6th 541, Constitutionality of Requiring Presentation of Photographic Identification in Order to Vote.

NOTES OF DECISIONS

- Construction and application 2**
- Effect of registration 5**
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- Time of registration prior to election 3**
- Validity 1**

1. Validity

Laws 1923, c. 305, prohibiting a qualified voter from voting at an election unless registered, though he could not register within the 15 days immediately preceding an election, was constitutional. State v. Board of Educ. of City of Duluth, 1924, 158 Minn. 459, 197 N.W. 964. Elections ☞ 19

Reasonable requirements of registration voters are constitutional. State v. Board of Educ. of City of Duluth, 1924, 158 Minn. 459, 197 N.W. 964. Elections ☞ 19

2. Construction and application

A resident of a precinct who has the qualifications of a voter or will have the qualifications at the next election would be entitled to be registered as a voter. Op.Atty.Gen., 183-q, June 27, 1963.

3. Time of registration prior to election

Voters could not register on October 12, a legal holiday. Op.Atty.Gen., 183-R, Sept. 28, 1948.

That October 12 was a legal holiday and registrations could not be made on that day did not extend for another day the time for registration for the November 2 election. Op.Atty.Gen., 183-R, Sept. 28, 1948.

Commissioner of registration has no statutory authority to keep office open for registration on a legal holiday, such as Christopher Columbus Day, October 12. Op.Atty.Gen., 183-R, Oct. 9, 1946.

4. Good faith registration

Even though commissioner of voter registration adopted procedure not authorized by law in registering voters, voters who registered in good faith in reliance upon persons acting under the color of law should not be summarily excluded from the registration list by the commissioner, however any person wishing to challenge such registration should be allowed to follow the procedure set forth in § 201.23. Op.Atty.Gen., 183Q, Oct. 24, 1962.

5. Effect of registration

Registration did not effect the qualification of a citizen to vote but was simply a legislative requirement annexed to further the orderly conduct of an election and it also acted as a check on possible duplicate voting. Eastwood v. Donovan, 1960, 259 Minn. 43, 105 N.W.2d 686. Elections ☞ 97

Action by town voters, providing for registration of voters, prior to passage of L.1951, c. 81, which authorized registration in towns, was a nullity. Op.Atty.Gen., 434-B-20, Nov. 15, 1951.

M. S. A. § 201.061, MN ST § 201.061

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M.S.A. § 201.061

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Subd. 3. Postelection sampling. Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney and the secretary of state.

CREDIT(S)

Laws 1973, c. 676, § 10. Amended by Laws 1978, c. 714, §§ 3, 30, eff. March 29, 1978; Laws 1981, c. 29, art. 2, § 15; Laws 1986, c. 444; Laws 1987, c. 361, § 7; Laws 1990, c. 585, §§ 12, 13, eff. May 4, 1990; Laws 1997, c. 147, § 6; Laws 2004, c. 293, art. 1, § 12, eff. Jan. 1, 2004.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

2004 Legislation

Laws 2004, c. 293, art. 1, § 41, provided that article 1 was effective retroactively from January 1, 2004.

1992 Main Volume

The 1978 amendment revised this section which formerly read:

"Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections 201.091 and 201.11, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

"Subd. 2. The county auditor shall mail to the voter a notice indicating the voter's name, address, precinct and polling place. The card shall require that it be returned if not deliverable. For any card returned because not deliverable to the voter at the named address, the county auditor shall cause to be affixed to the duplicate registration card of the voter the word 'challenged.'

"No person so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges."

The 1981 amendments revised this section which formerly read:

"Subdivision 1. Upon receiving a registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter the registration card or the information contained on the card in the appropriate registration files.

"Subd. 2. The county auditor shall mail to each registrant a notice indicating the voter's name, address, precinct and polling place. The notice shall require that it be returned if not deliverable to the voter at the named address. For any notice that is returned the county auditor shall cause to be affixed to the duplicate registration card of the voter the word 'challenged.' No individual so challenged shall be permitted to vote except by complying with all provisions of law applicable to the proving of challenges.

"Subd. 3. In the case of election day registrations, the county auditor shall within ten days of the election send the

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M.S.A. § 201.121

notice prescribed in subdivision 2 to a random sampling of the election day registrants. The random sampling shall be determined in accordance with the rules of the secretary of state. The county auditor shall send the notice prescribed in subdivision 2 to all other election day registrants as soon as practicable after the election. If any notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. If, upon inquiry, the county auditor does not receive or obtain satisfactory proof of the registrant's eligibility to vote, he shall immediately notify the county attorney and the secretary of state of the irregularity."

The 1986 amendment authorized the removal of nonsubstantive gender specific references.

The 1987 amendment in subd. 1 in the first paragraph inserted "and in the central registration system", and added the second paragraph relating to the duties of the secretary of state upon receiving a completed registration card or form.

The 1990 amendment in subd. 1 inserted "voter" in the phrase "voter registration card" and substituted "statewide registration system" for "central registration system"; and in subd. 2 substituted "change the registrant's status to 'challenged' in the statewide registration system" for "affix the word 'challenged' to the voter's duplicate registration card".

LIBRARY REFERENCES

Elections ↪ 106.
Westlaw Topic No. 144.
C.J.S. Elections §§ 39, 46.

M. S. A. § 201.121, MN ST § 201.121

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MINNESOTA RULES
CHAPTER 8200
SECRETARY OF STATE
VOTER REGISTRATION
AUDITORS' DUTIES; NOTIFICATIONS
Current with amendments adopted through August 20, 2007

8200.2900 DEFICIENT REGISTRATIONS; NOTICE OF DEFICIENT REGISTRATIONS.

When a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail.

If the needed information consists of the applicant's Minnesota driver's license, Minnesota state identification card, or Social Security number, or confirmation that the applicant has not been issued a Minnesota driver's license, Minnesota state identification card, or Social Security number, the auditor shall also attempt to obtain that information through the process provided in part 8200.9310, subpart 2.

If the auditor cannot obtain the needed information, the voter registration application is deficient and shall be maintained separately for 22 months.

A new applicant whose voter registration application is deficient shall not be classified as "active" or "challenged."

If an applicant submits a voter registration application that is deficient, the county auditor shall send a notice of deficient registration to the person seeking to register.

If the auditor notifies an applicant of a deficient voter registration application, the auditor shall also notify the applicant of the dates on which a preelection registration is not permitted by *Minnesota Statutes, section 201.061, subdivision 1*, and of the procedures for election day registration.

In the notice to the applicant, the auditor shall explain that a registration received by the auditor during the period when preelection registration is not permitted by *Minnesota Statutes, section 201.061, subdivision 1*, will make the applicant registered to vote on the day after the upcoming election.

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M.S.A. § 201.121



Minnesota Statutes Annotated Currentness

▣ Elections (Ch. 200-212)

▣ Chapter 201. Registration and Eligibility of Voters (Refs & Annos)

→ **201.121. Entry of names; mailed notice**

Subdivision 1. Entry of registration information. (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met.

(b) Upon receiving a completed voter registration application, the secretary of state may electronically transmit the information on the application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the voter registration application to the county auditor.

(c) Within ten days after the county auditor has entered information from a voter registration application into the statewide registration system, the secretary of state shall compare the voter's name, date of birth, and driver's license number, state identification number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database.

(d) The secretary of state shall provide a report to the county auditor on a weekly basis that includes a list of voters whose name, date of birth, or identification number have been compared with the same information in the Department of Public Safety database and cannot be verified as provided in this subdivision. The report must list separately those voters who have submitted a voter registration application by mail and have not voted in a federal election in this state.

(e) The county auditor shall compile a list of voters for whom the county auditor and the secretary of state are unable to conclude that information on the voter registration application and the corresponding information in the Department of Public Safety database relate to the same person.

(f) The county auditor shall send a notice of incomplete registration to any voter whose name appears on the list and change the voter's status to "incomplete." A voter who receives a notice of incomplete registration from the county auditor may either provide the information required to complete the registration at least 21 days before the next election or at the polling place on election day.

Subd. 2. Notice of registration; challenges. The county auditor shall mail a notice indicating the individual's name, address, precinct and polling place to each registered voter. The notice shall indicate that it must be returned if it is not deliverable to the voter at the named address. Upon return of the notice by the postal service, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote.

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MINNESOTA RULES
CHAPTER 8200
SECRETARY OF STATE
VOTER REGISTRATION

AUDITORS' DUTIES; NOTIFICATIONS

Current with amendments adopted through August 20, 2007

8200.3110 NOTICE OF LATE REGISTRATION.

A. If an applicant submits a voter registration application that is not deficient but that is filed during the period when preelection registration is not permitted by **Minnesota Statutes, section 201.061, subdivision 1**, the auditor shall send a notice of late registration to the person seeking to register. The notice of late registration must require that it be returned if not deliverable and must explain that if the applicant chooses not to register and vote at the upcoming election, the applicant's registration will become effective on the day after the election.

B. The secretary of state shall provide a sample notice of late registration.

Statutory Authority: *MS s 14.388*

History: *29 SR 155*

Minnesota Rules, part 8200.3110, MN ADC 8200.3110

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MINNESOTA RULES
CHAPTER 8200
SECRETARY OF STATE
VOTER REGISTRATION

AUDITORS' DUTIES; NOTIFICATIONS

Current with amendments adopted through August 20, 2007

8200.3100 NOTICE OF INCOMPLETE REGISTRATION; COMPLETION OF INCOMPLETE REGISTRATIONS.

Subpart 1. Conditions requiring.

A. If an applicant submits a voter registration application that is incomplete as defined in Minnesota Statutes, section 201.061, subdivision 1a, the auditor shall send a notice of incomplete registration. The notice sent to the applicant must:

- (1) inform the applicant that the registration is incomplete;
- (2) inform the applicant that to complete the registration, the applicant must present documents or take actions prior to voting;
- (3) explain the applicant's options for completing the registration prior to 20 days before the election or at the polls on election day as set forth in Minnesota Statutes, section 201.061, subdivision 1a;
- (4) provide the list of documents that may be presented to complete the registration; and
- (5) explain the methods by which the applicant can register to vote on election day if the applicant is unable to complete the registration by any of the options described in subitem (3).

B. If an applicant submits a voter registration application that is incomplete as defined in Minnesota Statutes, section 201.121, subdivision 1, paragraph (f), the auditor shall record in the voter registration system that the registration is incomplete under that section and send the applicant a notice of incomplete registration advising the voter that the voter needs to:

- (1) provide information that completes the registration to the registration office or contact that office prior to 20 days before the election; or

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(2) provide the information to the election judges on election day for entry on the roster.

The secretary of state shall provide a sample notice of incomplete registration. The applicant must be allowed to vote only after completing the registration or after registering or updating their registration using current information for the applicant.

After an election, the auditor shall compile a list of voters who voted who were not verified by election day. The auditor shall verify the records in the manner described in part 8200.5500 for registrations received on election day.

If a voter provides the necessary information and votes without updating their registration or registering on election day to correct information listed on the roster, the county auditor shall send that person a postal verification card as if the voter had registered on election day.

If that postal verification card is returned to the county auditor, the auditor shall challenge the status on the voter record and may refer the registration to the county attorney.

Subp. 2. [Repealed, 23 SR 459]

Statutory Authority: *MS s 14.388; 201.061; 201.221*

History: *23 SR 403; 23 SR 459; 25 SR 616; 29 SR 155*

Minnesota Rules, part 8200.3100, MN ADC 8200.3100

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If an applicant submits a deficient voter registration application during the period when preelection registration is not permitted by **Minnesota Statutes, section 201.061, subdivision 1**, the auditor shall notify the applicant that the applicant must register at the polling place of the precinct in which she or he resides on election day to vote at the election.

The secretary of state shall provide a sample notice of deficient registration.

Statutory Authority: *MS s 14.388; 201.221*

History: *17 SR 1279; 23 SR 459; 25 SR 616; 29 SR 155*

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MINNESOTA RULES
CHAPTER 8200
SECRETARY OF STATE
VOTER REGISTRATION
STATEWIDE REGISTRATION SYSTEM

Current with amendments adopted through August 20, 2007

8200.9310 TREATMENT OF VOTER REGISTRATION APPLICATIONS.

Subpart 1. **Transmission of voter registration applications.** A completed voter registration application may be submitted to any state agency or county auditor. The secretary of state shall provide training to state agencies on the proper forwarding of voter registration applications. Voter registration applications submitted to the secretary of state must be forwarded to the appropriate county auditor for entry into the statewide registration system. With the approval of the appropriate county auditor, the secretary of state shall enter the registration applications into the statewide registration system for that county.

The secretary of state may electronically transmit the information on the voter registration applications to the appropriate county auditor. The county auditor shall promptly enter the information into the statewide registration system. The original applications submitted to the secretary of state must be maintained either by the secretary of state or by the appropriate county auditor. Voter registration applications must be stored in either paper, microfilm, or electronic format.

The secretary of state shall have full access to all functions of the statewide registration system.

Subp. 2. **Verification; defined; notification.**

A. Verification means:

(1) that the information provided by the applicant on the voter registration application for all of the following categories matches the information in the same categories of the database maintained by the Department of Public Safety or in the database of the Social Security Administration if the applicant has no driver's license or identification card:

(a) name;

(b) date of birth;

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(c) Minnesota driver's license or Minnesota state identification card number; or

(d) last four digits of Social Security number, if the applicant has not been issued a Minnesota driver's license or Minnesota state identification card.

If a voter has not been issued a Minnesota driver's license, a Minnesota state identification card, or a Social Security number, and the voter has so indicated on the voter's voter registration application, units (c) and (d) are inapplicable and the registration is verified; or

(2) that if after matching the information listed in subitem (1), even though the information may not be an exact match, the county auditor can still reasonably conclude that the information in the database of the Department of Public Safety, or in the database of the Social Security Administration if the applicant has no driver's license or identification card, and the information provided by the applicant on the voter registration application, relate to the same person, in which case the county auditor shall note in the statewide registration system the basis for the conclusion.

B. The secretary of state must attempt to verify information entered into the voter registration system as a result of new voter registration applications by comparing the information stored by the voter registration system with information contained in the database maintained by the Department of Public Safety. The secretary of state must provide reports on attempted verifications that show the information of record in each database and that list:

(1) voter registration applications that match the information in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card in the database of the Social Security Administration, and that are therefore verified;

(2) voter registration applications that cannot be verified with certainty against the information in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration. The report must match and contrast the information contained in the several databases; and

(3) voter registration applications with Minnesota drivers' license numbers, Minnesota identification card numbers, or if the applicant has no driver's license or identification card, the last four digits of the applicant's Social Security number that do not match the numbers of record in the Department of Public Safety database or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card,

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in the database of the Social Security Administration.

The reports prepared by the secretary of state must include a separate list of potential matches for incomplete mail-in registrations described in Minnesota Statutes, section 201.061, subdivision 1a.

C. The county auditor must review the reports provided by the secretary of state of records that have not been verified with certainty within ten days after the reports become available in the statewide voter registration system. The auditor must attempt to match the information on the voter registration application with the information in the database maintained by the Department of Public Safety or, in the case of an applicant who does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration, to permit the auditor to verify the information supplied on the voter registration application. The auditor shall attempt to obtain from the applicant any needed information by mail or, if a telephone number or an e-mail address was provided by the applicant, by telephone or e-mail. The auditor must record on the voter record in the statewide voter registration system each registration verified in this manner.

If the auditor cannot verify information for a registration, the auditor must record that the information supplied on the voter registration application could not be verified and is incomplete pursuant to **Minnesota Statutes, section 201.121, subdivision 1.**

Subp. 3. **Correction.** If a Minnesota driver's license number or Minnesota state identification card number supplied by the applicant cannot be verified because it does not exist in the Department of Public Safety database, the secretary of state or the county auditor shall correct the voter record to indicate that the number must not be used as the verification number on the voter record. In the case of an applicant who does not have a Minnesota driver's license number, Minnesota identification card number, or Social Security number that can be verified by comparison with the Department of Public Safety database, or in the database of the Social Security Administration, if the applicant has no Minnesota driver's license or Minnesota identification card, the unique voter record number generated by the statewide voter registration system must be used as the verification number for the record.

Subp. 4. [Repealed, 31 SR 350]

Subp. 5. **Updates.**

A. A voter with an active voter registration may change the information on record by submitting a voter registration application meeting all the requirements for a new voter registration application.

B. If, after matching the updated information with the information contained in the Department of Public Safety database or, in the case of an applicant who

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does not have a Minnesota driver's license or Minnesota identification card, in the database of the Social Security Administration, the accuracy of the updated information cannot be verified, the county auditor must send a notice to the voter whose information cannot be verified and request that the voter provide the information or contact the registration office.

If the discrepancy cannot be resolved, the county auditor must challenge the voter in the statewide voter registration system and may refer the matter to the county attorney. If during the verification process the Department of Public Safety provides information that indicates that the voter is ineligible to vote, the county auditor must challenge the voter in the statewide voter registration system and refer the matter to the county attorney.

Statutory Authority: *MS s 14.388; 201.022; 201.221*

History: *19 SR 593; 29 SR 155; 31 SR 350*

Minnesota Rules, part 8200.9310, MN ADC 8200.9310

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Mississippi



Miss. Code Ann. § 23-15-47

C
WEST'S ANNOTATED MISSISSIPPI CODE
TITLE 23. ELECTIONS
CHAPTER 15. MISSISSIPPI ELECTION CODE
ARTICLE 3. VOTER REGISTRATION
SUBARTICLE B. PROCEDURES FOR REGISTRATION
→ § 23-15-47. Registering by mail

(1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his county registrar at least thirty (30) days prior to any election. The postmark date of a mailed application shall be the date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application by contacting the applicant by telephone, by personal contact with the applicant, or by any other method approved by the Secretary of State. Within twenty-five (25) days of receipt of a mail-in application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his application.

(c) If the county registrar determines that the applicant is qualified and his application is legible and complete, he shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, municipal voting precinct, if any, polling place and supervisor district in which the person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration cards shall be provided by the county registrar. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the person. The assigned voter registration number shall be clearly shown on the written notification of approval. In mailing the written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD". If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application which makes it impossible for the registrar to determine the eligibility of the applicant to register;

(ii) A portion of the application which is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section-23-15-11;

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Miss. Code Ann. § 23-15-47

- (v) The registrar determines that the applicant is registered as a qualified elector of the county;
 - (vi) The county registrar is unable to verify the application pursuant to subsection (2)(b) of this section.
- (e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d)(i) through (iii) of this subsection, and it appears to the registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the registrar may write or call the applicant at the telephone number provided on the application. If the registrar is able to contact the applicant by mail or telephone, he shall attempt to ascertain the necessary information and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone or is not sufficient, the registrar shall give the applicant written notice of the rejection and provide the reason for the rejection. The registrar shall further inform the applicant that he has a right to attempt to register by appearing in person or by filing another mail-in application.
- (f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the registration book, the mail-in application shall be deemed a written request to transfer registration pursuant to Section 23-15-13. Subject to the time limits and other provisions of Section 23-15-13, the registrar or the election commissioners shall note the new residence address on his records and, if necessary, transfer the applicant to his new county precinct or municipal precinct, if any, advise the applicant of his new county precinct or municipal precinct, if any, polling place and supervisor district.
- (3) The instructions and the application form for voter registration by mail shall be in a form established by rule duly adopted by the Secretary of State.
- (4)(a) The Secretary of State shall prepare and furnish without charge the necessary forms for application for voter registration by mail to each county registrar, municipal clerk, all public schools, each private school that requests such applications, and all public libraries.
- (b) The Secretary of State shall distribute without charge sufficient forms for application for voter registration by mail to the Commissioner of Public Safety, who shall distribute such forms to each driver's license examining and renewal station in the state, and shall ensure that the forms are regularly available to the public at such stations.
- (c) Bulk quantities of forms for application for voter registration by mail shall be furnished by the Secretary of State to any person or organization. The Secretary of State shall charge a person or organization the actual cost he incurs in providing bulk quantities of forms for application for voter registration to such person or organization.
- (5) The originals of completed mail-in applications shall remain on file in the office of the county registrar in accordance with Section 23-15-113. Nothing in this section shall preclude having applications on microfilm, microfiche or as an electronic image.
- (6) If the applicant indicates on the application that he resides within the city limits of a city or town in the county of registration, the county registrar shall enter the information into the Statewide Elections Management System. The county registrar shall send municipal voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any and all mailing costs incurred by the county registrar or the clerk of the municipality in effectuating this subsection shall be paid by the governing authority of the municipality. If a review of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the municipality, the registrar shall notify the applicant of the correct county

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precinct.

(7) If the applicant indicates on the application that he has previously registered to vote in another county of this state or another state, notice to the voter's previous county of registration in this state shall be provided by the Statewide Elections Management System. If the voter's previous place of registration was in another state, notice shall be provided to the voter's previous state of residence if the Statewide Elections Management System has that capability.

(8) Any person who attempts to register to vote by mail shall be subject to the penalties for false registration provided for in Section 23-15-17.

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WEST'S ANNOTATED MISSISSIPPI CODE
TITLE 23. ELECTIONS
CHAPTER 15. MISSISSIPPI ELECTION CODE
ARTICLE 3. VOTER REGISTRATION
SUBARTICLE E. REGISTRATION RECORDS
→§ 23-15-125. Pollbooks, form; electronic pollbooks

The pollbook of each voting precinct shall designate the voting precinct for which it is to be used, and shall be ruled in appropriate columns, with printed or written headings, as follows: date of registration; voter registration number; name of electors; date of birth; and a number of blank columns for the dates of elections. All who register within thirty (30) days before any regular election shall be entered on the pollbooks immediately after such election, and not before, so that the pollbooks will show only the names of those qualified to vote at such election. When election commissioners determine that any elector is disqualified from voting, by reason of removal from the supervisors district, or other cause, that fact shall be noted on the registration book and his name shall be erased from the pollbook. Nothing in this section shall preclude the use of electronic pollbooks.

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Miss. Code Ann. § 23-15-79

West's Annotated Mississippi Code Currentness

Title 23. Elections

Chapter 15. Mississippi Election Code (Refs & Annos)

▣ Article 3. Voter Registration

▣ Subarticle C. Appeals Upon Denial of Registration

→ § 23-15-79. Date of registration

(1) Unless the application for registration was made pursuant to Section 23-15-47, the date of registration to vote shall be the date of the application for registration to vote, regardless of the date on which the county election commission, circuit court or Supreme Court, as the case may be, makes its final determination allowing the registration.

(2) In the case of an application for registration which has been made pursuant to Section 23-15-47, the date of registration to vote shall be the date the complete and legible application form is received by the county registrar.

CREDIT(S)

Laws 1986, Ch. 495, § 25; Laws 1991, Ch. 440, § 10, eff. July 1, 1992.

HISTORICAL AND STATUTORY NOTES

Laws 1991, Ch. 440, § 13 provides:

"This act shall take effect and be in force from and after July 1, 1992, provided that it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended."

On May 1, 1992, the United States Attorney General interposed no objection to the amendment of this section by Laws 1991, Ch. 440, § 10.

Derivation:

Code 1942, § 3203-505; Code 1972, § 23-5-309; Laws 1972, Ch. 490, § 505.

LIBRARY REFERENCES

Elections ↻105, 112.
WESTLAW Topic No. 144.

Miss. Code Ann. § 23-15-79, MS ST § 23-15-79

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Miss. Code Ann. § 23-15-79

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V.A.M.S. 115.135

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VERNON'S ANNOTATED MISSOURI STATUTES

TITLE IX. SUFFRAGE AND ELECTIONS

CHAPTER 115. ELECTION AUTHORITIES AND CONDUCT OF ELECTIONS

QUALIFICATIONS OF VOTERS AND REGISTRATION

→ 115.135. Persons entitled to register, when--identification required

1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered to vote in the jurisdiction of his or her residence no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election, unless the voter is an interstate former resident, an intrastate new resident or a new resident, as defined in section 115.275. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of United States citizenship, a valid Missouri drivers license or other form of personal identification at the time of registration.

3. Except as provided in federal law or federal elections and in section 115.277, no person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

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Title IX. Suffrage and Elections

▣ Chapter 115. Election Authorities and Conduct of Elections (Refs & Annos)

▣ Qualifications of Voters and Registration

→ **115.151. Registration complete, when**

1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.

2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.

3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. Voter registration agencies and the division of motor vehicle and drivers licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.

CREDIT(S)

(L.1977, H.B. No. 101, p. 207, § 7.055, eff. Jan. 1, 1978. Amended by L.1994, H.B. No. 1411, § A, eff. Jan. 1, 1995; L.1997, S.B. No. 132, § A; L.1999, H.B. No. 676, § A; L.2002, S.B. No. 675, § A.)

HISTORICAL AND STATUTORY NOTES

2007 Main Volume

1997 Legislation

The 1997 amendment modified the language of the section to make it gender neutral; designated subsec. 1; in subsec. 1, substituted "application is" for "cards are"; and added subsecs. 2 and 3.

1999 Legislation

L.1999, H.B. No. 676, § A, in subsecs. 2 and 3, substituted "115.155" for "115.159".

1997 Main Volume

The 1994 amendment inserted "who appears before the election authority" and deleted "his" preceding "deputy registration official".

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V.A.M.S. 115.151

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1997 Main Volume

Elections ↪106.
Westlaw Topic No. 144.
C.J.S. Elections §§ 39, 46.

V. A. M. S. 115.151, **MO ST 115.151**

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MONTANA CODE ANNOTATED
TITLE 13. ELECTIONS
CHAPTER 2. REGISTRATION OF ELECTORS
PART 3. CLOSE OF REGISTRATION

13-2-301. Close of regular registration -- notice -- changes

(1) The election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) broadcast a notice specifying the day regular registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or publish the notice in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration. The provisions of this subsection (1)(b) are fulfilled upon the third publication.

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An individual who submits a completed registration form to the election administrator before the deadlines provided in this section is allowed to correct a mistake on the completed registration form until 5 p.m. on the 10th day following the close of regular registration, and the qualified elector is then eligible to vote in the election at the polling place for that elector's precinct.

(5) Subject to the provisions of 13-2-304, an elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, except as otherwise provided in 13-2-304.

History: En. Sec. 35, Ch. 368, L. 1969; amd. Sec. 1, Ch. 385, L. 1971; R.C.M. 1947, 23-3016; amd. Sec. 34, Ch. 571, L. 1979; amd. Sec. 3, Ch. 446, L. 1985; amd. Sec. 2, Ch. 302, L. 1991; amd. Sec. 12, Ch. 7, L. 2001; amd. Sec. 5, Ch. 286, L. 2005; amd. Sec. 3, Ch. 586, L. 2005.

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

Compiler's Comments

2005 Amendments -- Composite Section: Chapter 286 in (1)(a) after "close" inserted "regular"; in (1)(b) at beginning substituted "broadcast" for "publish", after "day" inserted "regular", and near middle after "2-3-107 or"

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inserted "publish the notice"; inserted (3) concerning proper application postmarked on or before day regular registration is closed; in (4) after "provided in" substituted "this section" for "subsection (1)(a)", after "close of" inserted "regular", and at end substituted "election at the polling place for that elector's precinct" for "next election"; inserted (5) concerning elector who misses deadlines; and made minor changes in style. Amendment effective July 1, 2006.

Chapter 586 in (1)(b) near middle substituted "three times in the 4 weeks preceding" for "once a week for 3 weeks before" and inserted last sentence regarding third publication. Amendment effective October 1, 2005.

2001 Amendment: Chapter 7 in (1)(a) after "election" deleted "except as provided in 13-2-212(3)"; and made minor changes in style. Amendment effective October 1, 2001.

1991 Amendment: At end of (1)(a) inserted exception clause. Amendment effective April 1, 1991.

1985 Amendment: Inserted (3) allowing correction of mistakes on completed registration forms.

Cross-References

Times for holding general elections, 13-1-104.

Times for holding primary elections, 13-1-107.

Filing of nominating petitions for supervisor of conservation district, 76-15- 302.

Case Notes

Durational Residency Requirements: Durational residency requirements of 3 months in county and 1 year in state as conditions precedent to voting violate the Equal Protection Clause of the 14th amendment. The unreasonableness of the classification was established by the fact that the registration books in Tennessee were not closed until 30 days before the election, and this was ample time to complete whatever administrative tasks were necessary to ensure the purity of the ballot box. *Dunn v. Blumstein*, 405 US 330 (1971), distinguished in *Marston v. Lewis*, 410 US 679 (1973).

Objection Waived: Under 13-2-303 (now repealed), the objection that a measure created a state debt, levy, or liability, and that therefore it should have been placed upon a separate ballot, is waived if not raised before the election. *State ex rel. Graham v. Bd. of Examiners*, 125 M 419, 239 P2d 283 (1952).

Date for Holding Election: Under Ch. 122, L. 1915 (now repealed), a period of not less than 60 days was required to lapse between time an election was called and time it was held. *State ex rel. Eagye v. Bawden*, 51 M 357, 152 P 761 (1915).

Attorney General's Opinions

Applicability of General Election Laws to County Water and Sewer Districts:

The specific provisions governing water and sewer district elections in Title 7, ch. 13, part 22, prevail over the requirements of the general election laws when the two conflict; therefore, the closure of registration and notice of closure requirements of 13-2-301 do not apply insofar as the time periods conflict. Reasonable time limitations can be adopted by the Board of Directors, giving electors at least 20 days' notice prior to closing registration. 37 A.G. Op. 45 (1977).

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Collateral References

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29 C.J.S. Elections §§ 63, 65.

25 Am. Jur. 2d Elections §§ 184, 185.

MCA 13-2-301, **MT ST 13-2-301**

Current through the End of 2007 Reg. Sess. and May 2007 Special Session
Rules current through amendments of Sup. Ct. Ord. July 3, 2007

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Mont.Admin.R. 44.3.2013

ARM 44.3.2013

ADMINISTRATIVE RULES OF MONTANA
TITLE 44. SECRETARY OF STATE
CHAPTER 3. ELECTIONS
SUB-CHAPTER 20. VOTER REGISTRATION
Current through September 30,
2007

44.3.2013. NOTICE TO APPLICANT OF
STATUS OF APPLICATION FOR VOTER
REGISTRATION

(1) An election official shall confirm an elector's registration by a confirmation notice required under 13-2-207, MCA; which includes at minimum the elector's name, address, and precinct number.

(2) An election official shall provide notice by the most expedient method available to an applicant for voter registration whose voter registration is not confirmed.

(History: 13-2-109, MCA; IMP, 13-2-110, MCA; NEW, 2004 MAR p. 93, Eff. 1/16/04.)

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NEBRASKA REVISED STATUTES OF 1943
CHAPTER 32. ELECTIONS
ARTICLE 3. REGISTRATION OF VOTERS

§ 32-302. Registration of electors; office hours; deadline for registration.

The office of the election commissioner or county clerk shall remain open during the usual business days of the year for purposes of general registration and revision and for the transaction of the business of the office. Such registration and revision shall be carried on at all times during the regular business hours of the office of the election commissioner or county clerk ending at 6 p.m. on the second Friday preceding any election. The election commissioner or county clerk may, during any of the seven days immediately preceding the deadline for registration, cause his or her office to be open at times in addition to the hours during which it is required by law to be open in order for electors to register to vote.

Source: Laws 1994, LB 76, § 64.

Neb. Rev. St. § 32-302, NE ST § 32-302

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NEBRASKA REVISED STATUTES OF 1943

CHAPTER 32. ELECTIONS

ARTICLE 3. REGISTRATION OF VOTERS

§ 32-308. Registration list; verification; voter registration application; Department of Motor Vehicles; duties; registration; when; persons involved in registration; status.

(1) The Secretary of State and the Director of Motor Vehicles shall enter into an agreement to match information in the computerized statewide voter registration list with information in the data base of the Department of Motor Vehicles to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration. The Director of Motor Vehicles shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8), as such section existed on April 17, 2003, for purposes of the Election Act.

(2) The Department of Motor Vehicles, with the assistance of the Secretary of State, shall prescribe a voter registration application which may be used to register to vote or change his or her address for voting purposes at the same time an elector applies for an original or renewal motor vehicle operator's license, an original or renewal state identification card, or a replacement or duplicate thereof. The voter registration application shall contain the information required pursuant to section 32-312 and shall be designed so that it does not require the duplication of information in the application for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the voter registration application available to the county treasurer, the license examiners of the department, and any other person who issues operators' licenses or state identification cards. The application shall be completed at the office of the county treasurer or department by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(3) State agency personnel and county treasurers involved in the voter registration process pursuant to this section and section 32-309 shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 70; Laws 1997, LB 764, § 32; Laws 2003, LB 357, § 6; Laws 2005, LB 566, § 7.

Neb. Rev. St. § 32-308, NE ST § 32-308

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NE ST § 32-311.01

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NEBRASKA REVISED STATUTES OF 1943
CHAPTER 32. ELECTIONS
ARTICLE 3. REGISTRATION OF VOTERS

§ 32-311.01. Registration application; use; informational statements.

(1) The Secretary of State shall prescribe a registration application which may be used statewide to register to vote and update voter registration records. An applicant may use the application to register to vote or to update his or her voter registration record with changes in his or her personal information or other information related to his or her eligibility to vote. An applicant may submit the application in person, through a personal messenger or personal agent, or by mail. Every election commissioner or county clerk shall accept such an application for registration. If an applicant who is eligible to register to vote submits the application in person at the office of the election commissioner or county clerk, the information from the application shall be entered into the voter registration register in the presence of the applicant if possible.

(2) The application shall contain substantially all the information provided in section 32-312 and the following informational statements:

(a) An applicant who is unable to sign his or her name may affix his or her mark next to his or her name written on the signature line by some other person;

(b) If the application is submitted by mail and the applicant is registering in the state for the first time and has not previously voted within the state, the applicant must submit with the application a copy of a photo identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the applicant as they appear on the application in order to avoid additional identification requirements when voting for the first time;

(c) An applicant may deliver the application to the office of the election commissioner or county clerk in person, through a personal messenger or personal agent, or by mail;

(d) To vote at the polling place on election day, the completed application must be:

(i) Delivered by the applicant in person to the office of the election commissioner or county clerk on or before the deadline prescribed in section 32-302;

(ii) Delivered by the applicant's personal messenger or personal agent to the office of the election commissioner or county clerk on or before the third Friday before the election; or

(iii) Postmarked on or before the third Friday before the election if the application is submitted by mail; and

(e) The election commissioner or county clerk will, upon receipt of the application for registration, send an acknowledgment of registration to the applicant indicating whether the application is proper or not.

Source: Laws 1994, LB 76, § 81; Laws 1997, LB 764, § 38; Laws 2003, LB 359, § 3; R.S.1943, (2004), § 32-319; Laws 2005, LB 566, § 10.

Neb. Rev. St. § 32-311.01, **NE ST § 32-311.01**

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NEBRASKA REVISED STATUTES OF 1943
CHAPTER 32. ELECTIONS
ARTICLE 3. REGISTRATION OF VOTERS

§ 32-321. Voter registration applications; availability; mailing deadline; notice to applicant; when required; payment of postage costs.

(1) Any elector may request a voter registration application from the office of the election commissioner or county clerk. The election commissioner or county clerk shall make registration applications prescribed by the Secretary of State available and may place the applications in public places. The election commissioner or county clerk may require that all unused applications be returned to his or her office and may place reasonable limits on the amount of applications requested.

(2) If an elector mails the registration application to the election commissioner or county clerk:

(a)(i) The application shall be postmarked on or before the third Friday before the next election; or

(ii) The application shall be received not later than the second Tuesday before the next election if the postmark is unreadable; and

(b) The application shall be processed by the election office as a proper registration for the voter to be entitled to vote on the day of the next election.

(3) If the registration application arrives after the registration deadline, the application shall not be processed until after the election. Written notice shall be given to any applicant whose registration application failed to meet the registration deadline or was found to be incorrect or incomplete and shall state the specific reason for rejection. If the application is incomplete, the election commissioner or county clerk shall notify the applicant of the failure to provide the required information, including failure to provide identification if required, and provide the applicant with the opportunity to submit an identification document as described in section 32-318.01 prior to the deadline for voter registration or to complete and submit a corrected registration application in a timely manner to allow for the proper registration of the applicant prior to the next election. All postage costs related to returning registration applications to the election commissioner or county clerk shall be paid by the registrant.

Source: Laws 1994, LB 76, § 83; Laws 1997, LB 764, § 39; Laws 2005, LB 566, § 22.

Neb. Rev. St. § 32-321, NE ST § 32-321

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