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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2200

02/27/2023 Authored by Lee, K.; Vang; Greenman; Lee, F.; Xiong and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to state government; elections; requiring voting instructions and sample
1.3 ballots to be printed in languages other than English for certain designated precincts;
1.4 requiring multilingual election judges in certain precincts; requiring voting
1.5 instructions in certain languages other than English for use in in-person absentee
1.6 voting; amending Minnesota Statutes 2022, section 203B.081, subdivision 3;
1.7 proposing coding for new law in Minnesota Statutes, chapter 204B; repealing
1.8 Minnesota Statutes 2022, section 204B.27, subdivision 11.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2022, section 203B.081, subdivision 3, is amended to read:

1.11 Subd. 3. Alternative procedure. (a) The county auditor may make available a ballot
1.12 counter and ballot box for use by the voters during the seven days before the election. If a
1.13 ballot counter and ballot box is provided, a voter must be given the option either (1) to vote
1.14 using the process provided in section 203B.08, subdivision 1, or (2) to vote in the manner
1.15 provided in this subdivision.

1.16 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter must
1.17 state the voter's name, address, and date of birth to the county auditor or municipal clerk.
1.18 The voter shall sign a voter's certificate, which must include the voter's name, identification
1.19 number, and the certification required by section 201.071, subdivision 1. The signature of
1.20 an individual on the voter's certificate and the issuance of a ballot to the individual is evidence
1.21 of the intent of the individual to vote at that election.

1.22 (c) After signing the voter's certificate, the voter shall be issued a ballot and immediately
1.23 retire to a voting station or other designated location in the polling place to mark the ballot.
1.24 The ballot must not be taken from the polling place. If the voter spoils the ballot, the voter

2.1 may return it to the election official in exchange for a new ballot. After completing the
 2.2 ballot, the voter shall deposit the ballot into the ballot box.

2.3 (d) The election official must immediately record that the voter has voted in the manner
 2.4 provided in section 203B.121, subdivision 3.

2.5 (e) The election duties required by this subdivision must be performed by the county
 2.6 auditor, municipal clerk, or a deputy of the auditor or clerk.

2.7 (f) The secretary of state must prepare voting instructions in languages other than English
 2.8 for use by voters casting a ballot under this subdivision. At a minimum, the instructions
 2.9 must be prepared and made available in print, electronic, and audio-visual formats in the
 2.10 Spanish, Hmong, and Somali languages.

2.11 **Sec. 2. [204B.295] VOTING INSTRUCTIONS AND SAMPLE BALLOTS IN**
 2.12 **LANGUAGES OTHER THAN ENGLISH; MULTILINGUAL ELECTION JUDGES.**

2.13 Subdivision 1. **Duty.** The secretary of state or county auditor must contract with a
 2.14 translator certified by the American Translators Association to develop voting instructions
 2.15 and sample ballots in languages other than English, to be made available in polling places
 2.16 during elections as required by this section. At a minimum, voting instructions and sample
 2.17 ballots must be prepared and made available in print, electronic, and audio-visual formats
 2.18 in the Spanish, Hmong, and Somali languages.

2.19 Subd. 2. **Designation of language minority precincts.** No later than 90 days before an
 2.20 election, the secretary of state or county auditor, in consultation with the state demographer,
 2.21 must determine the number of residents of voting age in each precinct who are members of
 2.22 a language minority and who lack sufficient skills in English to vote without assistance.

2.23 Subd. 3. **Translation required; designated election judges.** (a) If the number of
 2.24 residents determined under subdivision 2 equals three percent or more of the voting-age
 2.25 residents of a precinct, or if interested citizens or organizations provide information that
 2.26 gives the secretary of state or county auditor sufficient reason to believe a need exists, at
 2.27 least two copies of the translated voting instructions and sample ballot must be provided to
 2.28 each precinct.

2.29 (b) If the number of residents determined under subdivision 2 equals 20 percent or more
 2.30 of the voting-age residents of a particular precinct, or if interested citizens or organizations
 2.31 provide information that gives the secretary of state or county auditor sufficient reason to
 2.32 believe a need exists, at least four copies of the translated voting instructions and sample
 2.33 ballot must be provided to each precinct. In these precincts, at least one election judge

3.1 appointed under section 204B.22 must be certified by the American Translators Association
3.2 to translate in the applicable language. The election judge must wear a name tag or other
3.3 badge indicating the election judge's certification.

3.4 Subd. 4. **Use of materials; notice required.** The translated voting instructions and
3.5 sample ballots required by this section must be made available for use by voters as a reference
3.6 when completing and casting an official ballot. In addition to the number of copies required,
3.7 at least one sample ballot and set of instructions in each applicable language, along with a
3.8 notice written in that language indicating the availability of those materials, must be posted
3.9 in a conspicuous location in each polling place.

3.10 **Sec. 3. REPEALER.**

3.11 Minnesota Statutes 2022, section 204B.27, subdivision 11, is repealed.

204B.27 DUTIES OF SECRETARY OF STATE.

Subd. 11. **Translation of voting instructions.** The secretary of state may develop voting instructions in languages other than English, to be posted and made available in polling places during elections. The state demographer shall determine and report to the secretary of state the languages that are so common in this state that there is a need for translated voting instructions.