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HOUSE OF REPRESENTATIVES

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HOUSE FILE No. 3108

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The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform,
Technology and Elections

A bill for an act

1.1 relating to elections; changing and clarifying certain provisions; amending
1.2 Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision
1.3 1; 201.12; 201.13; 201.14; 201.15, subdivisions 1, 2; 201.155; 203B.02,
1.4 subdivision 3; 203B.04, subdivision 1; 203B.06, subdivision 5; 203B.16,
1.5 subdivision 2; 203B.19; 204B.04, subdivision 2; 204B.135, subdivision 4;
1.6 204B.14, by adding a subdivision; 204B.18, subdivision 1; 204B.19, subdivision
1.7 2; 204B.21, subdivision 2; 204B.22, subdivisions 1, 2; 204B.24; 204B.27,
1.8 subdivisions 2, 3; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06,
1.9 subdivision 1; 204C.08; 204C.12, subdivision 2; 204C.13, subdivision 2;
1.10 204C.33, subdivision 1; 204C.35, subdivision 2; 204C.36, subdivisions 3, 4;
1.11 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision
1.12 1; 204D.20, subdivision 1; 205.07, by adding a subdivision; 205.075, subdivision
1.13 1; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.05, subdivision 1;
1.14 205A.11, subdivision 3; 208.03; proposing coding for new law in Minnesota
1.15 Statutes, chapters 201; 205A; repealing Minnesota Statutes 2008, sections 3.22;
1.16 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.91.

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

1.19 Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to
1.20 read:

1.21 Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice
1.22 to any voter who the county auditor can determine has ~~voted~~: (1) provided the address at
1.23 which the voter maintains residence, but was allowed to vote in a precinct other than the
1.24 precinct in which the voter maintains residence; and (2) not voted in the wrong precinct
1.25 previously. The notice must be in the form provided by the secretary of state.

1.26 (b) The county auditor shall mail a violation notice to any voter who otherwise voted
1.27 in a precinct in which the voter did not maintain residence on election day. The county
1.28 auditor shall also change the status of the voter in the statewide registration system to
1.29 "challenged" and the voter shall be required to provide proof of residence to either the

2.1 county auditor or to the election judges in the voter's precinct before voting in the next
 2.2 election. Any of the forms authorized by section 201.061 for registration at the polling
 2.3 place may be used for this purpose.

2.4 ~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the
 2.5 voter maintains residence after receiving an initial violation notice as provided in this
 2.6 subdivision is guilty of a petty misdemeanor.

2.7 ~~(c)~~ (d) A voter who votes in a precinct other than the precinct in which the voter
 2.8 maintains residence after having been found to have committed a petty misdemeanor
 2.9 under paragraph (b) is guilty of a misdemeanor.

2.10 ~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of
 2.11 the voter's polling place provided by the state, county, or municipality is an affirmative
 2.12 defense to a prosecution under this subdivision.

2.13 Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

2.14 Subdivision 1. **Prior to election day.** At any time except during the 20 days
 2.15 immediately preceding any regularly scheduled election, an eligible voter or any
 2.16 individual who will be an eligible voter at the time of the next election may register to vote
 2.17 in the precinct in which the voter maintains residence by completing a voter registration
 2.18 application as described in section 201.071, subdivision 1, and submitting it in person
 2.19 or by mail to the county auditor of that county or to the Secretary of State's Office.

2.20 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
 2.21 election shall be accepted. An improperly addressed or delivered registration application
 2.22 shall be forwarded within two working days after receipt to the county auditor of the
 2.23 county where the voter maintains residence. A state or local agency or an individual that
 2.24 accepts completed voter registration applications from a voter must submit the completed
 2.25 applications to the secretary of state or the appropriate county auditor within ten calendar
 2.26 days after the applications are dated by the voter.

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

2.30 Sec. 3. Minnesota Statutes 2008, section 201.12, is amended to read:

2.31 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**
 2.32 **CHALLENGES.**

2.33 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate
 2.34 excess names, the county auditor may mail to any registered voter a notice stating the

3.1 voter's name and address as they appear in the registration files. The notice shall request
3.2 the voter to notify the county auditor if there is any mistake in the information.

3.3 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
3.4 official is returned as undeliverable but with a permanent forwarding address in this state,
3.5 the county auditor may change the voter's status to "inactive" in the statewide registration
3.6 system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which
3.7 the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to
3.8 occur in the precinct in which the voter resides in the next 47 days, the county auditor
3.9 shall promptly update the voter's address in the statewide voter registration system ~~and~~.
3.10 If there is not an election scheduled, the auditor may wait to update the voter's address
3.11 until after the next list of address changes is received from the secretary of state. Once
3.12 updated, the county auditor shall mail to the voter a notice stating the voter's name,
3.13 address, precinct, and polling place, except that if the voter's record is challenged due to a
3.14 felony conviction, noncitizenship, name change, incompetence, or a court's revocation of
3.15 voting rights of individuals under guardianship, the auditor must not mail the notice. The
3.16 notice must advise the voter that the voter's voting address has been changed and that the
3.17 voter must notify the county auditor within 21 days if the new address is not the voter's
3.18 address of residence. The notice must state that it must be returned if it is not deliverable
3.19 to the voter at the named address.

3.20 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
3.21 official is returned as undeliverable but with a permanent forwarding address outside this
3.22 state, the county auditor shall promptly mail to the voter at the voter's new address a notice
3.23 advising the voter that the voter's status in the statewide voter registration system will be
3.24 changed to "inactive" unless the voter notifies the county auditor within 21 days that the
3.25 voter is retaining the former address as the voter's address of residence. If the notice is not
3.26 received by the deadline, the county auditor shall change the voter's status to "inactive"
3.27 in the statewide voter registration system.

3.28 Subd. 4. **Challenges.** If any nonforwardable mailing from an election official
3.29 is returned as undeliverable but with no forwarding address, the county auditor shall
3.30 change the registrant's status to "challenged" in the statewide voter registration system.
3.31 An individual challenged in accordance with this subdivision shall comply with the
3.32 provisions of section 204C.12, before being allowed to vote. If a notice mailed at least
3.33 60 days after the return of the first nonforwardable mailing is also returned by the postal
3.34 service, the county auditor shall change the registrant's status to "inactive" in the statewide
3.35 voter registration system.

4.1 **EFFECTIVE DATE.** This section is effective upon certification by the secretary
4.2 of state that the statewide voter registration system has been tested and is capable of
4.3 performing the functions required by this section.

4.4 Sec. 4. Minnesota Statutes 2008, section 201.13, is amended to read:

4.5 **201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER**
4.6 **RECORDS.**

4.7 Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant
4.8 to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health
4.9 shall report monthly by electronic means to the secretary of state the name, address, date
4.10 of birth, and county of residence of each individual 18 years of age or older who has died
4.11 while maintaining residence in Minnesota since the last previous report. The secretary of
4.12 state shall determine if any of the persons listed in the report are registered to vote and
4.13 shall prepare a list of those registrants for each county auditor. Within 60 days after
4.14 receiving the list from the secretary of state, the county auditor shall change the status of
4.15 those registrants to "deceased" in the statewide voter registration system.

4.16 Subd. 1a. **Social Security Administration; reports of deceased residents.** The
4.17 secretary of state shall determine if any of the persons listed on the Social Security
4.18 Death Index are registered to vote and prepare a list of those registrants for each county
4.19 auditor. The county auditor shall change the status of those registrants to "deceased"
4.20 in the statewide voter registration system.

4.21 Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has
4.22 died outside the county, the county auditor shall change the voter's status to "deceased."
4.23 Notice must be in the form of a printed obituary or a written statement signed by a
4.24 registered Minnesota voter ~~of the county~~.

4.25 Subd. 3. **Use of change of address system.** (a) At least once each month the
4.26 secretary of state shall obtain a list of individuals registered to vote in this state who
4.27 have filed with the United States Postal Service a change of their permanent address.
4.28 However, the secretary of state shall not load data derived from this list into the statewide
4.29 voter registration system within the 47 days before the state primary or 47 days before a
4.30 November general election.

4.31 (b) If the address is changed to another address in this state, the secretary of state
4.32 shall locate the precinct in which the voter resides, if possible. If the secretary of state
4.33 is able to locate the precinct in which the voter resides, the secretary must transmit the
4.34 information about the changed address by electronic means to the county auditor of the
4.35 county in which the new address is located. If the voter has not voted or submitted a

5.1 voter registration application since the address change, upon receipt of the information,
 5.2 the county auditor shall update the voter's address in the statewide voter registration
 5.3 system and. The county auditor shall mail to the voter a notice stating the voter's name,
 5.4 address, precinct, and polling place, unless the voter's record is challenged due to a felony
 5.5 conviction, noncitizenship, name change, incompetence, or a court's revocation of voting
 5.6 rights of individuals under guardianship, in which case the auditor must not mail the
 5.7 notice. The notice must advise the voter that the voter's voting address has been changed
 5.8 and that the voter must notify the county auditor within 21 days if the new address is not
 5.9 the voter's address of residence. The notice must state that it must be returned if it is not
 5.10 deliverable to the voter at the named address.

5.11 ~~(b)~~ (c) If the change of permanent address is to an address outside this state, the
 5.12 secretary of state shall notify by electronic means the auditor of the county where the
 5.13 voter formerly resided that the voter has moved to another state. If the voter has not voted
 5.14 or submitted a voter registration application since the address change, the county auditor
 5.15 shall promptly mail to the voter at the voter's new address a notice advising the voter that
 5.16 the voter's status in the statewide voter registration system will be changed to "inactive"
 5.17 unless the voter notifies the county auditor within 21 days that the voter is retaining the
 5.18 former address as the voter's address of residence, except that if the voter's record is
 5.19 challenged due to a felony conviction, noncitizenship, name change, incompetence, or
 5.20 a court's revocation of voting rights of individuals under guardianship, the auditor must
 5.21 not mail the notice. If the notice is not received by the deadline, the county auditor shall
 5.22 change the voter's status to "inactive" in the statewide voter registration system.

5.23 Subd. 4. **Request for removal of voter record.** If a voter makes a written request
 5.24 for removal of the voter's record, the county auditor shall remove the record of the voter
 5.25 from the statewide voter registration system.

5.26 **EFFECTIVE DATE.** This section is effective upon certification by the secretary
 5.27 of state that the statewide voter registration system has been tested and is capable of
 5.28 performing the functions required by this section.

5.29 Sec. 5. Minnesota Statutes 2008, section 201.14, is amended to read:

5.30 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 5.31 **CHANGES OF NAMES.**

5.32 The state court administrator of district court in each county shall regularly report
 5.33 monthly by electronic means to the county auditor secretary of state the name and, address,
 5.34 and, if available, driver's license or state identification card number of each individual,

6.1 18 years of age or over, ~~who maintains residence in that county and~~ whose name was
 6.2 changed during the month preceding the date of the report, by marriage, divorce or any
 6.3 order or decree of the court. The secretary of state shall determine if any of the persons in
 6.4 the report are registered to vote under their previous name and shall prepare a list of those
 6.5 registrants for each county auditor. Upon receipt of the ~~report list~~, the county auditor shall
 6.6 ~~notify by mail each registered voter whose name was changed that it will be necessary to~~
 6.7 ~~reregister under the changed name in order to vote~~ make the change in the voter's record
 6.8 and mail to the voter the notice of registration required by section 201.121, subdivision 2.

6.9 **EFFECTIVE DATE.** This section is effective upon certification by the secretary
 6.10 of state that the statewide voter registration system has been tested and is capable of
 6.11 performing the functions required by this section.

6.12 Sec. 6. Minnesota Statutes 2008, section 201.15, subdivision 1, is amended to read:

6.13 Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America
 6.14 Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly
 6.15 by electronic means to the secretary of state the name, address, ~~and~~ date of birth, and, if
 6.16 available, driver's license or state identification card number of each individual 18 years of
 6.17 age or over, who during the month preceding the date of the report:

6.18 ~~(a)~~ (1) was placed under a guardianship in which the court order revokes the ward's
 6.19 right to vote; or

6.20 ~~(b)~~ (2) was adjudged legally incompetent.

6.21 The court administrator shall also report the same information for each individual
 6.22 transferred to the jurisdiction of the court who meets a condition specified in clause ~~(a)~~
 6.23 (1) or ~~(b)~~ (2). The secretary of state shall determine if any of the persons in the report is
 6.24 registered to vote and shall prepare a list of those registrants for the county auditor. The
 6.25 county auditor shall change the status on the record in the statewide registration system
 6.26 of any individual named in the report to indicate that the individual is not eligible to
 6.27 reregister or vote.

6.28 Sec. 7. Minnesota Statutes 2008, section 201.15, subdivision 2, is amended to read:

6.29 Subd. 2. **Guardianship termination or modification.** Pursuant to the Help
 6.30 America Vote Act of 2002, Public Law 107-252, the state court administrator shall report
 6.31 monthly by electronic means to the secretary of state the name, address, ~~and~~ date of birth,
 6.32 and, if available, driver's license or state identification card number of each individual
 6.33 whose guardianship was modified to restore the ward's right to vote or whose guardianship
 6.34 was terminated by order of the court under section 524.5-317 after being ineligible to vote

7.1 for any of the reasons specified in subdivision 1. The secretary of state shall determine
7.2 if any of the persons in the report is registered to vote and shall prepare a list of those
7.3 registrants for the county auditor. The county auditor shall change the status on the voter's
7.4 record in the statewide registration system to "active."

7.5 Sec. 8. Minnesota Statutes 2008, section 201.155, is amended to read:

7.6 **201.155 REPORT ON FELONY CONVICTIONS.**

7.7 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court
7.8 administrator shall report monthly by electronic means to the secretary of state the name,
7.9 address, date of birth, and, if available, driver's license or state identification card number,
7.10 date of sentence, effective date of the sentence, and county in which the conviction
7.11 occurred of each person who has been convicted of a felony. The state court administrator
7.12 shall also report the name, address, and date of birth of each person previously convicted
7.13 of a felony whose civil rights have been restored. The secretary of state shall determine
7.14 if any of the persons in the report is registered to vote and shall prepare a list of those
7.15 registrants for each county auditor. The county auditor shall change the status of those
7.16 registrants in the appropriate manner in the statewide registration system.

7.17 **Sec. 9. [201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

7.18 As required by the Help America Vote Act of 2002, Public Law 107-252, the
7.19 commissioner of corrections shall make electronic data available to the secretary of state
7.20 on individuals 18 years old or older who are currently serving felony sentences under the
7.21 commissioner's jurisdiction. The data must include the name, date of birth, corrections'
7.22 state identification number, and if available, the driver's license or state identification card
7.23 number, and, if an individual has completed the sentence, the date of discharge.

7.24 The secretary of state must determine if any data newly indicates that:

7.25 (1) an individual with an active voter registration in the statewide registration
7.26 system is currently serving a felony sentence under the commissioner's jurisdiction and
7.27 the individual's voter record does not already have a challenged status due to a felony
7.28 conviction;

7.29 (2) an individual with an active voter registration in the statewide registration
7.30 system who is currently serving a felony sentence under the commissioner's jurisdiction
7.31 appears to have registered or to have voted during a period when the individual's civil
7.32 rights were revoked; and

8.1 (3) an individual with a voter record that has a challenged status due to a felony
8.2 conviction who was serving a felony sentence under the commissioner's jurisdiction has
8.3 been discharged from a sentence.

8.4 The secretary of state shall prepare a list of the registrants included under clause (1),
8.5 (2), or (3), for each county auditor. For individuals under clause (1), the county auditor
8.6 shall challenge the individual's record in the statewide registration system. The county
8.7 auditor must provide information to the county attorney about individuals under clause
8.8 (2) for the county attorney's investigation. For individuals under clause (3), the county
8.9 auditor must determine if the challenge status should be removed from the voter record
8.10 for the individual, and if so, must remove the challenge.

8.11 After the commissioner of corrections has certified that the corrections' computer
8.12 system has been tested and is capable of electronically transmitting the data to the
8.13 statewide voter registration system, and the secretary of state has certified that the
8.14 statewide voter registration system has been tested and is capable of performing
8.15 the functions required by this section, the secretary of state must make the required
8.16 determinations and provide the required lists to the county auditors at least monthly.

8.17 For each state general election that occurs prior to the certification, the secretary of
8.18 state must make the determination and provide lists to the county auditors between 30 and
8.19 60 days before the election and again between six and ten weeks after the election. In the
8.20 year following that state election, the secretary of state must make this determination and
8.21 provide lists to the county auditors again as part of the annual list maintenance.

8.22 **Sec. 10. [201.158] USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

8.23 As required by the Help America Vote Act of 2002, Public Law 107-252, the
8.24 commissioner of public safety shall make electronic data on citizenship available to the
8.25 secretary of state. The secretary of state must determine whether the data newly indicates
8.26 that any individuals who have active records in the statewide voter registration system
8.27 are not citizens. The secretary of state shall prepare a list of those voters for each county
8.28 auditor. The county auditor shall change the status of those registrants in the statewide
8.29 registration system to reflect that they are challenged based upon their citizenship and
8.30 must notify the county attorney.

8.31 In 2010, the secretary of state must make the determination and provide lists
8.32 to the county auditors between 30 and 60 days before the general election and again
8.33 between six and ten weeks after the election. In 2011, the secretary of state must make
8.34 this determination again as part of the annual list maintenance. By August 1, 2012, the
8.35 secretary of state must certify that the statewide voter registration system has been tested

9.1 and is capable of performing the functions required by this section. Thereafter, the
9.2 secretary of state must provide electronic lists to the counties at least monthly.

9.3 Sec. 11. Minnesota Statutes 2008, section 203B.02, subdivision 3, is amended to read:

9.4 Subd. 3. **Permanent Indefinite residence abroad.** A United States citizen living
9.5 ~~permanently~~ indefinitely outside the United States who is eligible under federal law to
9.6 vote in federal elections in Minnesota may vote by absentee ballot only as provided in
9.7 sections 203B.16 to 203B.27.

9.8 Sec. 12. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

9.9 Subdivision 1. **Application procedures.** Except as otherwise allowed by
9.10 subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots
9.11 for any election may be submitted at any time not less than one day before the day of
9.12 that election. The county auditor shall prepare absentee ballot application forms in the
9.13 format provided by the secretary of state, ~~notwithstanding rules on absentee ballot forms;~~
9.14 and shall furnish them to any person on request. By January 1 of each even-numbered
9.15 year, the secretary of state shall make the forms to be used available to auditors through
9.16 electronic means. An application submitted pursuant to this subdivision shall be in writing
9.17 and shall be submitted to:

9.18 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or
9.19 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where
9.20 the applicant maintains residence.

9.21 An application shall be approved if it is timely received, signed and dated by the
9.22 applicant, contains the applicant's name and residence and mailing addresses, and states
9.23 that the applicant is eligible to vote by absentee ballot for one of the reasons specified in
9.24 section 203B.02. The application may contain a request for the voter's date of birth, which
9.25 must not be made available for public inspection. An application may be submitted to
9.26 the county auditor or municipal clerk by an electronic facsimile device. An application
9.27 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter
9.28 by a person other than the voter must be deposited in the mail or returned in person to
9.29 the county auditor or municipal clerk within ten days after it has been dated by the voter
9.30 and no later than six days before the election. The absentee ballot applications or a list of
9.31 persons applying for an absentee ballot may not be made available for public inspection
9.32 until the close of voting on election day.

9.33 An application under this subdivision may contain an application under subdivision
9.34 5 to automatically receive an absentee ballot application.

10.1 Sec. 13. Minnesota Statutes 2008, section 203B.06, subdivision 5, is amended to read:

10.2 Subd. 5. **Preservation of records.** An application for absentee ballots shall be
10.3 dated by the county auditor or municipal clerk when it is received and shall be initialed
10.4 when absentee ballots are mailed or delivered to the applicant. All applications shall be
10.5 preserved by the county auditor or municipal clerk ~~and arranged according to precincts~~
10.6 ~~and the initial letter of the applicant's surname~~ for 22 months.

10.7 Sec. 14. Minnesota Statutes 2008, section 203B.16, subdivision 2, is amended to read:

10.8 Subd. 2. **Permanent Indefinite residence outside United States.** Sections 203B.16
10.9 to 203B.27 provide the exclusive voting procedure for United States citizens who are
10.10 living ~~permanently~~ indefinitely outside the territorial limits of the United States who meet
10.11 all the qualifications of an eligible voter except residence in Minnesota, but who are
10.12 authorized by federal law to vote in Minnesota because they maintained residence in
10.13 Minnesota for at least 20 days immediately prior to their departure from the United States.
10.14 Individuals described in this subdivision shall be permitted to vote only for the offices of
10.15 president, vice-president, senator in Congress, and representative in Congress.

10.16 Sec. 15. Minnesota Statutes 2008, section 203B.19, is amended to read:

10.17 **203B.19 RECORDING APPLICATIONS.**

10.18 Upon accepting an application, the county auditor shall record in the statewide
10.19 registration system the voter's name, address of present or former residence in Minnesota,
10.20 mailing address, school district number, passport number, Minnesota driver's license
10.21 number or state identification card number, or the last four digits of the voter's Social
10.22 Security number, and whether the voter is in the military or the spouse or dependent of an
10.23 individual serving in the military, is a voter temporarily outside the territorial limits of the
10.24 United States, or is living permanently outside the territorial limits of the United States
10.25 and voting under federal law. The county auditor shall retain the record for six years. A
10.26 voter whose name is recorded as provided in this section shall not be required to register
10.27 under any other provision of law in order to vote under sections 203B.16 to 203B.27.
10.28 Persons from whom applications are not accepted must be notified by the county auditor
10.29 and provided with the reasons for the rejection.

10.30 No later than 60 days after the general election, the county auditor shall report to the
10.31 secretary of state the combined number of absentee ballots transmitted to ~~absent voters~~
10.32 ~~described in section 203B.16.~~ ~~No later than 60 days after the general election, the county~~
10.33 ~~auditor shall report to the secretary of state~~ and the combined number of absentee ballots

11.1 returned and cast by absent voters described in section 203B.16. The secretary of state
 11.2 may require the information be reported by category under section 203B.16 or by precinct.

11.3 No later than 90 days after the general election, the secretary of state shall report to
 11.4 the federal Election Assistance Commission the number of absentee ballots transmitted
 11.5 to voters under section 203B.16.

11.6 Sec. 16. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

11.7 Subd. 2. **Candidates seeking nomination by primary.** No individual who
 11.8 seeks nomination for any partisan or nonpartisan office at a primary shall be nominated
 11.9 for the same office by nominating petition, except as otherwise provided for ~~partisan~~
 11.10 ~~offices in section 204D.10, subdivision 2, and for~~ nonpartisan offices in section 204B.13,
 11.11 subdivision 4.

11.12 Sec. 17. Minnesota Statutes 2008, section 204B.135, subdivision 4, is amended to read:

11.13 Subd. 4. **Special elections; limitations.** No municipality or school district may
 11.14 conduct a special election during the 19 weeks before the state primary election in the year
 11.15 ending in two, ~~except for special elections conducted on the date of the school district~~
 11.16 ~~general election.~~ A school district special election required by any other law may be
 11.17 deferred until the date of the next school district general election, the state primary
 11.18 election, or the state general election.

11.19 Sec. 18. Minnesota Statutes 2008, section 204B.14, is amended by adding a
 11.20 subdivision to read:

11.21 Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary
 11.22 of an election precinct that has occurred as a result of a municipal boundary adjustment
 11.23 made under chapter 414 that is effective more than 21 days before a regularly scheduled
 11.24 election takes effect at the scheduled election.

11.25 A change in the boundary of an election precinct that has occurred as a result of a
 11.26 municipal boundary adjustment made under chapter 414 that is effective less than 21 days
 11.27 before a regularly scheduled election takes effect the day after the scheduled election.

11.28 Sec. 19. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

11.29 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a
 11.30 number of voting booths or voting stations in proportion to the number of individuals
 11.31 eligible to vote in the precinct. Each booth or station must be at least six feet high,
 11.32 three feet deep and two feet wide with a shelf at least two feet long and one foot wide

12.1 placed at a convenient height for writing. The booth or station shall permit the voter to
12.2 vote privately and independently.

12.3 (b) Each polling place must have at least one accessible voting booth or other
12.4 accessible voting station and beginning with federal and state elections held after
12.5 December 31, 2005, and county, municipal, and school district elections held after
12.6 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help
12.7 America Vote Act, Public Law 107-252.

12.8 (c) Local jurisdictions must make accessible voting stations purchased with funds
12.9 provided from the Help America Vote Act account available to other local jurisdictions
12.10 holding stand-alone elections. The jurisdiction providing the equipment may require the
12.11 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result
12.12 of the equipment's use and any prorated indirect costs of maintaining and storing the
12.13 equipment. A rental or other similar use fee may not be charged.

12.14 Any funds received under this clause for expenses incurred by that local jurisdiction
12.15 as a direct result of making the equipment available that were not paid for in whole or in
12.16 part with funds from the Help America Vote Act account are not program income under
12.17 the Help America Vote Act, Public Law 107-252.

12.18 Any funds received by a local jurisdiction making the equipment available as
12.19 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,
12.20 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from
12.21 the Help America Vote Act account must be treated as program income and deposited into
12.22 the jurisdiction's Help America Vote Act account in the direct proportion that funds from
12.23 the Help America Vote Act account were used to pay for those "operating costs."

12.24 (d) All booths or stations must be constructed so that a voter is free from observation
12.25 while marking ballots. During the hours of voting, the booths or stations must have
12.26 instructions, a pencil, and other supplies needed to mark the ballots. A chair must be
12.27 provided for elderly voters and voters with disabilities to use while voting or waiting
12.28 to vote. Stable flat writing surfaces must also be made available to voters who are
12.29 completing election-related forms.

12.30 (e) All ballot boxes, voting booths, voting stations, and election judges must be
12.31 in open public view in the polling place.

12.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.33 Sec. 20. Minnesota Statutes 2008, section 204B.19, subdivision 2, is amended to read:

13.1 Subd. 2. **Individuals not qualified to be election judges.** (a) Except as provided in
 13.2 paragraph (b), no individual shall be appointed as an election judge for any precinct if
 13.3 that individual:

13.4 ~~(a)~~ (1) is unable to read, write, or speak the English language;

13.5 ~~(b)~~ (2) is the spouse, parent, child, including a stepchild, or sibling, including a
 13.6 stepsibling, of any election judge serving in the same precinct or of any candidate at
 13.7 that election; or

13.8 ~~(c)~~ (3) is a candidate at that election.

13.9 (b) Individuals who are related to each other as provided in paragraph (a), clause (2),
 13.10 may serve as election judges in the same precinct, provided that they serve on separate
 13.11 shifts that do not run concurrently.

13.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.13 Sec. 21. Minnesota Statutes 2008, section 204B.21, subdivision 2, is amended to read:

13.14 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts
 13.15 in a municipality shall be appointed by the governing body of the municipality. Election
 13.16 judges for precincts in unorganized territory and for performing election-related duties
 13.17 assigned by the county auditor shall be appointed by the county board. Election judges for
 13.18 a precinct composed of two or more municipalities must be appointed by the governing
 13.19 body of the municipality or municipalities responsible for appointing election judges as
 13.20 provided in the agreement to combine for election purposes. Except as otherwise provided
 13.21 in this section, appointments shall be made from lists furnished pursuant to subdivision 1
 13.22 subject to the eligibility requirements and other qualifications established or authorized
 13.23 under section 204B.19. At least two election judges in each precinct must be affiliated with
 13.24 different major political parties. If no lists have been furnished or if additional election
 13.25 judges are required after all listed names in that municipality have been exhausted, the
 13.26 appointing authority may appoint other individuals who meet the qualifications to serve as
 13.27 an election judge, including persons who are not affiliated with a major political party.
 13.28 The appointments shall be made at least 25 days before the election at which the election
 13.29 judges will serve, except that the appointing authority may pass a resolution authorizing
 13.30 the appointment of additional election judges within the 25 days before the election if the
 13.31 appointing authority determines that additional election judges will be required.

13.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

13.33 Sec. 22. Minnesota Statutes 2008, section 204B.22, subdivision 1, is amended to read:

14.1 Subdivision 1. **Minimum number required.** (a) A minimum of ~~three~~ four election
14.2 judges shall be appointed for each precinct, except as provided by subdivision 2. In a
14.3 combined polling place under section 204B.14, subdivision 2, at least one judge must be
14.4 appointed from each municipality in the combined polling place, provided that not less
14.5 than three judges shall be appointed for each combined polling place. The appointing
14.6 authorities may appoint election judges for any precinct in addition to the number required
14.7 by this subdivision including additional election judges to count ballots after voting has
14.8 ended.

14.9 (b) An election judge may serve for all or part of election day, at the discretion of
14.10 the appointing authority, as long as the minimum number of judges required is always
14.11 present. The head election judge designated under section 204B.20 must serve for all of
14.12 election day and be present in the polling place unless another election judge has been
14.13 designated by the head election judge to perform the functions of the head election judge
14.14 during any absence.

14.15 Sec. 23. Minnesota Statutes 2008, section 204B.22, subdivision 2, is amended to read:

14.16 Subd. 2. ~~Additional election judges in paper ballot precincts~~ Exception. ~~In~~
14.17 ~~precincts using paper ballots,~~ A minimum of three election judges shall be appointed in
14.18 precincts not using electronic voting equipment. One additional election judge shall be
14.19 appointed for each 150 votes cast in that precinct at the last similar election. ~~At each~~
14.20 ~~state primary or state general election in precincts using paper ballots and in which more~~
14.21 ~~than 300 votes were cast at the last similar election, additional election judges shall be~~
14.22 ~~appointed to count the ballots and complete the returns in place of the election board~~
14.23 ~~that served while voting was taking place.~~

14.24 Sec. 24. Minnesota Statutes 2008, section 204B.24, is amended to read:

14.25 **204B.24 ELECTION JUDGES; OATH.**

14.26 Each election judge shall sign the following oath before assuming the duties of
14.27 the office:

14.28 "I solemnly swear (or affirm) that I will perform the duties of election judge
14.29 according to law and the best of my ability and will diligently endeavor to prevent fraud,
14.30 deceit and abuse in conducting this election. I will perform my duties in a fair and impartial
14.31 manner and not attempt to create an advantage for my party or for any candidate."

14.32 The oath shall be attached to the summary statement of the election returns of that
14.33 precinct. If there is no individual present who is authorized to administer oaths, the
14.34 election judges may administer the oath to each other.

15.1 Sec. 25. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

15.2 Subd. 2. **Election law and instructions.** The secretary of state shall prepare and
 15.3 publish a volume containing all state general laws relating to elections. The attorney
 15.4 general shall provide annotations to the secretary of state for this volume. On or before
 15.5 ~~July August~~ 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall
 15.6 furnish to the county auditors and municipal clerks enough copies of this volume so that
 15.7 each county auditor and municipal clerk will have at least one copy. On or before July 1
 15.8 of every even-numbered year, the secretary of state shall prepare and make an electronic
 15.9 copy available on the office's Web site. The secretary of state may prepare and transmit
 15.10 to the county auditors and municipal clerks detailed written instructions for complying
 15.11 with election laws relating to the conduct of elections, conduct of voter registration and
 15.12 voting procedures.

15.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.14 Sec. 26. Minnesota Statutes 2008, section 204B.27, subdivision 3, is amended to read:

15.15 Subd. 3. **Instruction posters.** At least 25 days before every state primary election
 15.16 the secretary of state shall prepare and furnish to the county auditor of each county ~~in~~
 15.17 ~~which paper ballots are used~~, voter instruction posters printed in large type upon cards or
 15.18 heavy paper. The instruction posters must contain the information needed to enable the
 15.19 voters to cast their paper ballots quickly and correctly and indicate the types of assistance
 15.20 available for elderly and disabled voters. Two instruction posters shall be furnished for
 15.21 each precinct ~~in which paper ballots are used~~. Upon mutual agreement, the secretary of
 15.22 state may provide the posters in an electronic format.

15.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.24 Sec. 27. Minnesota Statutes 2008, section 204B.38, is amended to read:

15.25 **204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

15.26 When the similarity of ~~surnames~~ both the first and last names of two or more
 15.27 candidates for the same office at the same election may cause confusion to voters, up to
 15.28 three additional words may be printed on the ballot after each surname to indicate the
 15.29 candidate's occupation, office, residence or any combination of them if the candidate
 15.30 furnishes the identifying words to the filing officer by the last day for withdrawal of
 15.31 candidacy.

15.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.1 Sec. 28. Minnesota Statutes 2008, section 204C.02, is amended to read:

16.2 **204C.02 APPLICATION.**

16.3 This chapter applies to all elections held in this state except as otherwise provided
16.4 by law.

16.5 An individual who is unable to write the individual's name must sign election-related
16.6 documents in the manner provided by section 645.44, subdivision 14. An individual who
16.7 has power of attorney for another person may not sign election-related documents for that
16.8 person, except as provided by this section.

16.9 Sec. 29. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

16.10 Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an
16.11 election has the right to be absent from work ~~for the purpose of voting during the morning~~
16.12 ~~of~~ for the time necessary to appear at the employee's polling place, cast a ballot, and return
16.13 to work on the day of that election, without penalty or deduction from salary or wages
16.14 because of the absence. An employer or other person may not directly or indirectly refuse,
16.15 abridge, or interfere with this right or any other election right of an employee.

16.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.17 Sec. 30. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

16.18 Subdivision 1. ~~Lingering Persons allowed near polling place.~~ An individual shall
16.19 be allowed to go to and from the polling place for the purpose of voting without unlawful
16.20 interference. No one except an election official or an individual who is waiting to register
16.21 or to vote or an individual who is conducting exit polling shall stand within 100 feet of
16.22 the building in which a polling place is located. "Exit polling" is defined as approaching
16.23 voters in a predetermined pattern as they leave the polling place after they have voted and
16.24 asking voters to fill out an anonymous, written questionnaire.

16.25 Sec. 31. Minnesota Statutes 2008, section 204C.08, is amended to read:

16.26 **204C.08 OPENING OF POLLING PLACES.**

16.27 Subdivision 1. **Arrival; ballots.** The election judges shall meet at the polling place
16.28 at least one hour before the time for opening the polls. Before the polls open, the election
16.29 judges shall compare the ballots used with the sample ballots, electronic ballot displays,
16.30 and audio ballot reader furnished to see that the names, numbers, and letters on both agree
16.31 and shall certify to that fact on forms provided for that purpose. The certification must
16.32 be filed with the election returns.

18.1 (12) You have the right to file a written complaint at your polling place if you are
18.2 dissatisfied with the way an election is being run.

18.3 (13) You have the right to take a sample ballot into the voting booth with you.

18.4 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
18.5 booth with you."

18.6 Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled
18.7 to begin, the election judges shall post any official voter instruction posters furnished to
18.8 them in a conspicuous location or locations in the polling place.

18.9 Subd. 2a. **Sample ballots.** ~~At least two~~ sample ballot ballots must be posted in a
18.10 conspicuous location in the polling place and must remain open to inspection by the voters
18.11 throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices,
18.12 candidates, and rotation sequence on the ballots used in that polling place. The sample
18.13 ballots may be either in full or reduced size.

18.14 Subd. 3. **Locking of ballot ~~boxes~~ box.** Immediately before the time when voting
18.15 is scheduled to begin, one of the election judges shall open the ballot ~~boxes~~ box in the
18.16 presence of the individuals assembled at the polling place, ~~turn the boxes upside down to~~
18.17 demonstrate that it is empty ~~them,~~ lock ~~them~~ it, and deliver the key to another election
18.18 judge. Except as provided by law or rule, the ~~boxes~~ box shall not be reopened ~~except~~
18.19 ~~to count the ballots~~ until after the hours for voting have ended and all voting has been
18.20 concluded. The ~~boxes~~ box shall be kept in public view at all times during voting hours.
18.21 After locking the ballot ~~boxes~~ box, the election judges shall proclaim that voting may
18.22 begin, and shall post outside the polling place conspicuous written or printed notices of
18.23 the time when voting is scheduled to end.

18.24 Subd. 4. **Ballot ~~boxes,~~ box boxcar seals.** The governing body of a municipality or
18.25 school district by resolution may direct the municipal or school district clerk to furnish
18.26 a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a
18.27 numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap
18.28 so that the other end may be inserted and securely locked in the seal. No two ~~metal~~ straps
18.29 shall bear the same number.

18.30 Sec. 32. Minnesota Statutes 2008, section 204C.12, subdivision 2, is amended to read:

18.31 Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state.
18.32 The secretary of state shall prepare a form that challengers must complete and sign when
18.33 making a challenge. The form must include space to state the ground for the challenge,
18.34 a statement that the challenge is based on the challenger's personal knowledge, and a

19.1 statement that the challenge is made under oath. The form must include a space for the
19.2 challenger's printed name, signature, telephone number, and address.

19.3 An election judge shall administer to the challenged individual the following oath:

19.4 "Do you solemnly swear (or affirm) that you will fully and truly answer all questions
19.5 put to you concerning your eligibility to vote at this election?"

19.6 The election judge shall then ask the challenged individual sufficient questions to
19.7 test that individual's residence and right to vote.

19.8 Sec. 33. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

19.9 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the
19.10 proper method of marking and folding the ballots and, during a primary election, the effect
19.11 of attempting to vote in more than one party's primary. Except as otherwise provided in
19.12 section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and~~ or, at the
19.13 voter's discretion, the voter may choose to use another writing surface. The voter shall
19.14 mark the ballots without undue delay. The voter may take sample ballots into the booth to
19.15 assist in voting. The election judges may adopt and enforce reasonable rules governing the
19.16 amount of time a voter may spend in the voting booth marking ballots.

19.17 Sec. 34. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

19.18 Subdivision 1. **County canvass.** The county canvassing board shall meet at the
19.19 county auditor's office on or before the seventh day following the state general election.
19.20 After taking the oath of office, the board shall promptly and publicly canvass the general
19.21 election returns delivered to the county auditor. Upon completion of the canvass, the board
19.22 shall promptly prepare and file with the county auditor a report which states:

19.23 (a) the number of individuals voting at the election in the county and in each precinct;

19.24 (b) the number of individuals registering to vote on election day and the number of
19.25 individuals registered before election day in each precinct;

19.26 (c) the names of the candidates for each office and the number of votes received
19.27 by each candidate in the county and in each precinct, ~~including write-in candidates for~~
19.28 ~~state and federal office who have requested under section 204B.09 that votes for those~~
19.29 ~~candidates be tallied;~~

19.30 (d) the number of votes counted for and against a proposed change of county lines
19.31 or county seat; and

19.32 (e) the number of votes counted for and against a constitutional amendment or other
19.33 question in the county and in each precinct.

20.1 The result of write-in votes cast on the general election ballots must be compiled by
20.2 the county auditor before the county canvass, except that write-in votes for a candidate for
20.3 federal, state, or federal county office must not be counted unless the candidate has timely
20.4 filed a request under section 204B.09, subdivision 3. The county auditor shall arrange
20.5 for each municipality to provide an adequate number of election judges to perform this
20.6 duty or the county auditor may appoint additional election judges for this purpose. The
20.7 county auditor may open the envelopes or containers in which the voted ballots have been
20.8 sealed in order to count and record the write-in votes and must reseal the voted ballots at
20.9 the conclusion of this process. The county auditor must prepare a separate report of votes
20.10 received by precinct for write-in candidates for federal, state, and county offices who have
20.11 requested under section 204B.09 that votes for those candidates be tallied.

20.12 Upon completion of the canvass, the county canvassing board shall declare the
20.13 candidate duly elected who received the highest number of votes for each county and state
20.14 office voted for only within the county. The county auditor shall transmit ~~one of the~~ a
20.15 certified ~~copies~~ copy of the county canvassing board report for state and federal offices to
20.16 the secretary of state by messenger, express mail, or similar service immediately upon
20.17 conclusion of the county canvass.

20.18 Sec. 35. Minnesota Statutes 2008, section 204C.35, subdivision 2, is amended to read:

20.19 Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was
20.20 on the ballot for nomination or election to a statewide federal office, state constitutional
20.21 office, statewide judicial office, congressional office, state legislative office, or district
20.22 judicial office may request a recount in a manner provided in this section at the candidate's
20.23 own expense when the vote difference is greater than the difference required by this
20.24 section. The votes shall be manually recounted as provided in this section if the candidate
20.25 files a request during the time for filing notice of contest of the primary or election for
20.26 which a recount is sought.

20.27 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety
20.28 in an amount set by the filing officer for the payment of the recount expenses. The
20.29 requesting candidate is responsible for the following expenses: the compensation of the
20.30 secretary of state, or designees, and any election judge, municipal clerk, county auditor,
20.31 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
20.32 ~~operation, preparation of ballot counting equipment;~~ necessary supplies and travel
20.33 related to the recount; the compensation of the appropriate canvassing board and costs of
20.34 preparing for the canvass of recount results; and any attorney fees incurred in connection
20.35 with the recount by the governing body responsible for the recount.

21.1 (c) The requesting candidate may provide the filing officer with a list of up to three
21.2 precincts that are to be recounted first and may waive the balance of the recount after these
21.3 precincts have been counted. If the candidate provides a list, the recount official must
21.4 determine the expenses for those precincts in the manner provided by paragraph (b).

21.5 (d) If the winner of the race is changed by the optional recount, the cost of the
21.6 recount must be paid by the jurisdiction conducting the recount.

21.7 (e) If a result of the vote counting in the manual recount is different from the result
21.8 of the vote counting reported on election day by a margin greater than the standard for
21.9 acceptable performance of voting systems provided in section 206.89, subdivision 4, the
21.10 cost of the recount must be paid by the jurisdiction conducting the recount.

21.11 Sec. 36. Minnesota Statutes 2008, section 204C.36, subdivision 3, is amended to read:

21.12 Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted
21.13 for a ballot question when the difference between the votes for and the votes against the
21.14 question is less than or equal to the difference provided in subdivision 1. A recount may
21.15 be requested by any person eligible to vote on the ballot question. A written request for a
21.16 recount must be filed with the filing officer of the county, municipality, or school district
21.17 placing the question on the ballot and must be accompanied by a petition containing the
21.18 signatures of 25 voters eligible to vote on the question. Upon receipt of a written request
21.19 when the difference between the votes for and the votes against the question is less than or
21.20 equal to the difference provided in subdivision 1, the county auditor shall recount the votes
21.21 for a county question at the expense of the county, the governing body of the municipality
21.22 shall recount the votes for a municipal question at the expense of the municipality, and the
21.23 school board of the school district shall recount the votes for a school district question at
21.24 the expense of the school district. If the difference between the votes for and the votes
21.25 against the question is greater than the difference provided in subdivision 1, the person
21.26 requesting the recount shall also file with the filing officer of the county, municipality, or
21.27 school district a bond, cash, or surety in an amount set by the appropriate governing body
21.28 for the payment of recount expenses. The written request, petition, and any bond, cash,
21.29 or surety required must be filed during the time for notice of contest for the election for
21.30 which the recount is requested.

21.31 Sec. 37. Minnesota Statutes 2008, section 204C.36, subdivision 4, is amended to read:

21.32 Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a
21.33 discretionary recount, is responsible for the following expenses: the compensation of the
21.34 secretary of state, or designees, and any election judge, municipal clerk, county auditor,

22.1 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
 22.2 ~~operation, preparation of ballot counting equipment;~~ necessary supplies and travel
 22.3 related to the recount; the compensation of the appropriate canvassing board and costs of
 22.4 preparing for the canvass of recount results; and any attorney fees incurred in connection
 22.5 with the recount by the governing body responsible for the recount.

22.6 Sec. 38. Minnesota Statutes 2008, section 204C.37, is amended to read:

22.7 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
 22.8 **STATE.**

22.9 ~~Two copies~~ A copy of the ~~reports~~ report required by sections 204C.32, subdivision
 22.10 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county
 22.11 auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary
 22.12 of state, with the county auditor's name and official address and the words "Election
 22.13 Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by~~
 22.14 ~~express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail
 22.15 or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary
 22.16 of state within ten days following the applicable election, the secretary of state shall
 22.17 immediately notify the county auditor, who shall deliver another copy to the secretary of
 22.18 state by special messenger.

22.19 Sec. 39. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

22.20 Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with
 22.21 the preparation and distribution of the ballots shall prepare instructions to the printer for
 22.22 rotation of the names of candidates and for layout of the ballot.

22.23 (b) Except as provided in paragraph (c), the instructions shall be approved by the
 22.24 legal advisor of the official before delivery to the printer.

22.25 (c) The legal advisor of a town official is not required to approve instructions
 22.26 regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

22.27 (d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer
 22.28 shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified
 22.29 check, acceptable to the official responsible for printing the ballots, conditioned on
 22.30 printing the ballots in conformity with the Minnesota Election Law and the instructions
 22.31 delivered. The official responsible for printing the ballots shall set the amount of the bond,
 22.32 letter of credit, or certified check in an amount equal to the value of the purchase.

22.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.1 Sec. 40. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

23.2 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county
23.3 auditor shall prepare a sample state partisan primary ballot and a sample state and county
23.4 nonpartisan primary ballot for public inspection. The names of all of the candidates to
23.5 be voted for in the county shall be placed on the sample ballots, with the names of the
23.6 candidates for each office arranged ~~alphabetically according to the surname~~ in the base
23.7 rotation as determined by section 206.61, subdivision 5. Only one sample state partisan
23.8 primary ballot and one sample state and county nonpartisan ballot shall be prepared for
23.9 any county. The county auditor shall post the sample ballots in a conspicuous place in the
23.10 auditor's office and shall cause them to be published at least one week before the state
23.11 primary in at least one newspaper of general circulation in the county.

23.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.13 Sec. 41. Minnesota Statutes 2008, section 204D.10, subdivision 1, is amended to read:

23.14 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a
23.15 major political party for a partisan office on the state partisan primary ballot who receives
23.16 the highest number of votes shall be the nominee of that political party for that office;
23.17 ~~except as otherwise provided in subdivision 2.~~

23.18 Sec. 42. Minnesota Statutes 2008, section 204D.20, subdivision 1, is amended to read:

23.19 Subdivision 1. **Special primary.** Except as provided in subdivision 2, the candidates
23.20 of the major political parties to fill a vacancy shall be nominated at a special primary. The
23.21 candidate of each party who receives the highest number of votes at the special primary
23.22 shall be nominated ~~without reference to the ten percent requirement of section 204D.10;~~
23.23 ~~subdivision 2.~~

23.24 Sec. 43. Minnesota Statutes 2008, section 205.07, is amended by adding a subdivision
23.25 to read:

23.26 Subd. 1a. **City council members; expiration of terms.** The terms of all city
23.27 council members of charter cities expire on the first Monday in January of the year in
23.28 which they expire.

23.29 Sec. 44. Minnesota Statutes 2008, section 205.075, subdivision 1, is amended to read:

23.30 Subdivision 1. **Date of election.** The general election in a town must be held on
23.31 the second Tuesday in March, except as provided in subdivision 2, or when moved for
23.32 bad weather as provided in section 365.51, subdivision 1.

24.1 Sec. 45. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

24.2 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
24.3 become a candidate for an office to be voted for at the municipal general election shall file
24.4 an affidavit of candidacy with the municipal clerk. Candidates for a special election to
24.5 fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit
24.6 of candidacy for the specific office to fill the unexpired portion of the term. Subject to
24.7 the approval of the county auditor, the town clerk may authorize candidates for township
24.8 offices to file affidavits of candidacy with the county auditor. The affidavit shall be in
24.9 substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk
24.10 shall also accept an application signed by not less than five voters and filed on behalf of an
24.11 eligible voter in the municipality whom they desire to be a candidate, if service of a copy
24.12 of the application has been made on the candidate and proof of service is endorsed on the
24.13 application being filed. Upon receipt of the proper filing fee, the clerk shall place the name
24.14 of the candidate on the official ballot without partisan designation.

24.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.16 Sec. 46. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

24.17 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file
24.18 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last
24.19 dates on which affidavits of candidacy may be filed in the clerk's office and the closing
24.20 time for filing on the last day for filing. The clerk shall post a similar notice at least ten
24.21 days before the first day to file affidavits of candidacy. The notice must separately list
24.22 any office for which affidavits of candidacy may be filed to fill the unexpired portion
24.23 of a term when a special election is being held to fill a vacancy as provided in section
24.24 412.02, subdivision 2a.

24.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.26 Sec. 47. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

24.27 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal
24.28 clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the
24.29 official newspaper of the municipality, except that the governing body of a fourth class
24.30 city or a town not located within a metropolitan county as defined in section 473.121
24.31 may dispense with publication.

24.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.1 Sec. 48. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

25.2 Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal
 25.3 clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot
 25.4 for the municipality, make them available for public inspection in the clerk's office ~~for~~
 25.5 ~~public inspection~~, and post a sample ballot in each polling place on election day.

25.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

25.7 Sec. 49. **[205A.046] SCHOOL BOARD MEMBER TERM EXPIRATION.**

25.8 The terms of all school board members expire on the first Monday in January of the
 25.9 year in which they expire.

25.10 Sec. 50. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

25.11 Subdivision 1. **Questions.** Special elections must be held for a school district on a
 25.12 question on which the voters are authorized by law to pass judgment. The school board
 25.13 may on its own motion call a special election to vote on any matter requiring approval of
 25.14 the voters of a district. Upon petition filed with the school board of 50 or more voters of
 25.15 the school district or five percent of the number of voters voting at the preceding school
 25.16 district general election, whichever is greater, the school board shall by resolution call
 25.17 a special election to vote on any matter requiring approval of the voters of a district.
 25.18 A question is carried only with the majority in its favor required by law. The election
 25.19 officials for a special election are the same as for the most recent school district general
 25.20 election unless changed according to law. Otherwise, special elections must be conducted
 25.21 and the returns made in the manner provided for the school district general election. A
 25.22 special election may not be held during the 30 days before and the 30 days after the state
 25.23 primary, during the 30 days before and the 40 days after the state general election. In
 25.24 addition, a special election may not be held during the 20 days before and the 20 days
 25.25 after any regularly scheduled election of a municipality wholly or partially within the
 25.26 school district. Notwithstanding any other law to the contrary, the time period in which a
 25.27 special election must be conducted under any other law may be extended by the school
 25.28 board to conform with the requirements of this subdivision.

25.29 Sec. 51. Minnesota Statutes 2008, section 205A.11, subdivision 3, is amended to read:

25.30 Subd. 3. **Procedure.** The designation of a polling place pursuant to this section
 25.31 remains effective until a different polling place is designated. No designation of a new or
 25.32 different polling place becomes effective less than 90 days prior to an election, except
 25.33 that a new polling place may be designated to replace a polling place that has become

26.1 unavailable for use. The school board must notify the county auditor within 30 days after
26.2 the establishment of a polling place as provided in this section. The notice must include a
26.3 list of the precincts that will be voting at each polling place. The school board must send
26.4 the notice required by section 204B.16, subdivision 1a, after a polling place is established
26.5 as provided in this section, but no additional notices of this kind are required for any
26.6 subsequent similar elections until the location of the polling place or the combination
26.7 of precincts voting at the polling place is changed. The secretary of state shall provide
26.8 a single polling place roster for use in any polling place established as provided in this
26.9 section. A single set of election judges must be appointed to serve in the polling place.
26.10 The number of election judges required must be based on the total number of persons
26.11 voting at the last similar election in all the precincts to be voting at the single polling
26.12 place. A single ballot box may be provided for all the ballots.

26.13 Sec. 52. Minnesota Statutes 2008, section 208.03, is amended to read:

26.14 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS.**

26.15 Presidential electors for the major political parties of this state shall be nominated by
26.16 delegate conventions called and held under the supervision of the respective state central
26.17 committees of the parties of this state. On or before primary election day the chair of
26.18 the major political party shall certify to the secretary of state the names of the persons
26.19 nominated as presidential electors, the names of eight alternate presidential electors, and
26.20 the names of the party candidates for president and vice president. The chair shall also
26.21 certify that the party candidates for president and vice president have no affidavit on file as
26.22 a candidate for any office in this state at the ensuing general election.

26.23 Sec. 53. **REPEALER.**

26.24 Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10,
26.25 subdivision 2; 206.57, subdivision 7; and 206.91, are repealed.

3.22 PAYMENT.

The publisher of each newspaper publishing the proposed amendments shall, before receiving fees for the publication and before the first day of January following an election year, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and stating that the amendments have been published as required by law.

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subd. 3. **Minimum number required in certain precincts.** At each state primary or state general election in precincts using an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

204D.10 PRIMARY RESULTS; NOMINEES.

Subd. 2. **Party primary; ten percent requirement.** If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, and attorney general.

206.57 EXAMINATION OF NEW VOTING SYSTEMS.

Subd. 7. **Election assistance commission standards.** If the federal Election Assistance Commission has not established by January 1, 2006, standards for an electronic ballot marker or other voting system component that is required to enable a voting system to meet the requirements of subdivision 5, the secretary of state may certify the voting system on an experimental basis pending the completion of federal standards, notwithstanding subdivision 6. Within two years after the Election Assistance Commission issues standards for a voting system component used in a voting system authorized under this subdivision, the secretary of state must review or reexamine the voting system to determine whether the system conforms to federal standards.

206.91 VOTING MACHINES OPTIONS WORKING GROUP.

(a) A working group is hereby established to investigate and recommend to the legislature requirements for additional options for voting equipment that complies with the requirements of section 301 of the Help America Vote Act, Public Law 107-252, to provide private and independent voting for individuals with disabilities.

The working group must be cochaired by representatives of the Minnesota Disability Law Center and Citizens for Election Integrity - Minnesota.

(b) The working group must convene its first meeting by June 30, 2006, and must report to the legislature by February 15, 2007.

(c) The working group must include, but is not limited to:

(1) the disability community;

(2) the secretary of state;

(3) county and local election officials;

(4) major and minor political parties;

(5)(i) one member of the senate majority caucus and one member of the senate minority caucus appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and

(ii) one member of the house of representatives majority caucus and one member of the house of representatives minority caucus appointed by the speaker;

(6) nonpartisan organizations;

(7) at least one individual with computer security expertise and knowledge of elections; and

(8) members of the public, other than vendors of election equipment, selected by consensus of the other members, including representatives of language and other minorities.

APPENDIX

Repealed Minnesota Statutes: 10-5085

- (d) Members of the working group will be selected by:
- (1) a representative of the Office of the Secretary of State;
 - (2) a representative of the county election officials;
 - (3) the cochairs; and
 - (4) two legislators representing each party.