

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 1515

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OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act
1.2 relating to elections; requiring video surveillance; requiring ballots to be kept in
1.3 locked containers; regulating absentee ballot drop boxes; requiring specific training
1.4 for absentee ballot boards; prohibiting personal items near ballots; requiring use
1.5 of ballpoint pens in marking ballots; amending Minnesota Statutes 2020, sections
1.6 203B.08, subdivisions 1, 3, by adding a subdivision; 203B.121, subdivisions 1, 2,
1.7 4, 5; 204B.18, subdivision 1; 204B.40; 204C.06, by adding a subdivision; 204C.13,
1.8 subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 200;
1.9 203B.

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

1.11 Section 1. 200.40 VIDEO SURVEILLANCE.

1.12 (a) The county auditor or municipal clerk must ensure that a video surveillance system
1.13 records every area where ballots are stored, processed, counted, or otherwise handled. For
1.14 areas where absentee ballots are sorted, processed, counted, or handled, the surveillance
1.15 system must start recording on the date the first absentee ballot is mailed and continue
1.16 recording until all absentee ballots have been counted. For all other areas, the surveillance
1.17 system must start recording when a ballot is present in the area and must continue recording
1.18 until all ballots have been counted.

1.19 (b) The video captured by the surveillance system must be livestreamed in a manner
1.20 that allows members of the public to easily access and view the livestream.

1.21 (c) One or more cameras must be positioned so that all containers in which ballots are
1.22 stored are clearly seen. One or more cameras must be positioned so that each door in the
1.23 room where ballots are present is clearly seen.

1.24 (d) All video surveillance recordings must be retained as provided in section 204B.40.

2.1 **Sec. 2. [203B.037] LOCKED BALLOT CONTAINERS; REQUIREMENTS.**

2.2 For purposes of this chapter, each locked ballot container must be equipped with two
2.3 locks that are opened with different keys. The container must only be able to be opened
2.4 when both locks are unlocked. Each key must be given to a member of the ballot board.
2.5 The two members of the ballot board that receive the keys must be affiliated with different
2.6 political parties.

2.7 Sec. 3. Minnesota Statutes 2020, section 203B.08, subdivision 1, is amended to read:

2.8 Subdivision 1. **Marking and return by voter.** (a) An eligible voter who receives absentee
2.9 ballots as provided in this chapter shall mark them in the manner specified in the directions
2.10 for casting the absentee ballots. The voter shall mark the ballot with a black or blue ballpoint
2.11 pen. The return envelope containing marked ballots may be mailed as provided in the
2.12 directions for casting the absentee ballots ~~or may~~₂ be left with personally delivered to the
2.13 county auditor or municipal clerk who transmitted the absentee ballots to the voter, or be
2.14 left in a drop box as provided in subdivision 1b. If delivered in person, the return envelope
2.15 must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election day.

2.16 (b) The voter may designate an agent to deliver in person the sealed absentee ballot
2.17 return envelope to the county auditor or municipal clerk or to deposit the return envelope
2.18 in the mail. An agent must not deposit the absentee ballot return envelope of another person
2.19 in a drop box. An agent may deliver or mail the return envelopes of not more than three
2.20 voters in any election. Any person designated as an agent who tampers with either the return
2.21 envelope or the voted ballots or does not immediately mail or deliver the return envelope
2.22 to the county auditor or municipal clerk is guilty of a misdemeanor.

2.23 Sec. 4. Minnesota Statutes 2020, section 203B.08, is amended by adding a subdivision to
2.24 read:

2.25 Subd. 1b. **Drop boxes.** (a) The county auditor or municipal clerk may provide drop
2.26 boxes where absentee voters may return absentee ballots. Drop boxes must be located on
2.27 property owned or leased by the county or municipality. Each drop box must be under video
2.28 surveillance as provided in section 200.40.

2.29 (b) A voter depositing the voter's absentee ballot in the drop box must deposit the voter's
2.30 ballot inside of the absentee ballot signature envelope. The voter must also be required to
2.31 fill out a drop box return form with the following information:

2.32 (1) the voter's name and address; and

3.1 (2) the voter's driver's license number, state identification card number, last four digits
3.2 of the voter's social security number, or a statement that the voter does not have any of these
3.3 numbers.

3.4 The drop box return form must also include the following statement "I am the voter who
3.5 cast this absentee ballot. I understand I cannot leave another person's absentee ballot in this
3.6 drop box." There must be a space on the drop box form for the voter to sign and acknowledge
3.7 this statement. The form must be attached to the absentee ballot signature envelope before
3.8 dropping the ballot into the drop box.

3.9 (c) The county auditor or municipal clerk must ensure that each drop box is clearly
3.10 marked as an absentee ballot drop box. The county auditor or municipal clerk must also
3.11 prominently display a sign on or near the drop box that includes instructions on how to
3.12 attach the drop box return form and an instruction that the voter must deposit the signature
3.13 envelope and not the return envelope. The sign must include the following statement: "You
3.14 must only return your own absentee ballot in this drop box. If you are returning someone
3.15 else's ballot, you must return that person's ballot in person." The sign must also include the
3.16 location and hours where an agent may return an absentee ballot.

3.17 (d) The county auditor or municipal clerk must collect all absentee ballot signature
3.18 envelopes in each drop box at least once per calendar day. The county auditor or municipal
3.19 clerk must also collect any drop box return forms that are unattached to absentee ballot
3.20 signature envelopes. Upon collecting the absentee ballot signature envelopes and forms,
3.21 the auditor or clerk must examine each signature envelope and the form attached to the
3.22 envelope to determine if the information matches. If any form is collected from the drop
3.23 box that is not attached to an absentee ballot signature envelope, the auditor or clerk must
3.24 attempt to match the form to a signature envelope. If the auditor or clerk is able to match
3.25 the form and an absentee ballot signature envelope, the auditor or clerk must attach the form
3.26 to the envelope. If a voter deposited the absentee ballot return envelope, the auditor or clerk
3.27 must remove the form, open the return envelope, and then attach the form to the signature
3.28 envelope. The county auditor must determine the totals for each of the following:

3.29 (1) the number of absentee ballot signature envelopes collected from the drop box;

3.30 (2) the number of absentee ballot signature envelopes that did not have the drop box
3.31 return form attached;

3.32 (3) the number of absentee ballot signature envelopes that had a form attached but the
3.33 information on the envelope did not match the information on the form; and

4.1 (4) the number of forms collected that the auditor or clerk was unable to match to an
 4.2 absentee ballot signature envelope.

4.3 (e) After completing the requirements of paragraph (d), the auditor or clerk must remove
 4.4 all of the forms from the absentee ballot signature envelopes and deposit the ballot envelopes
 4.5 into the locked ballot container with other absentee ballot envelopes. The forms must be
 4.6 retained as provided in section 204B.40.

4.7 (f) The county auditor or municipal clerk must maintain a log of absentee ballot signature
 4.8 envelopes collected from each drop box. The log must include the totals from paragraph
 4.9 (d), clauses (1) to (4), and the date and time of each ballot collection. Within 14 days after
 4.10 the election, each county auditor and municipal clerk must submit the logs to the secretary
 4.11 of state. Within 30 days of the election, the secretary of state must compile the totals for
 4.12 each of the items in paragraph (d), clauses (1) to (4), and report the totals to the chairs and
 4.13 ranking minority members of the legislative committees with jurisdiction over election
 4.14 policy. The totals must be broken down with separate totals for each county.

4.15 Sec. 5. Minnesota Statutes 2020, section 203B.08, subdivision 3, is amended to read:

4.16 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a
 4.17 county auditor or municipal clerk, that official shall stamp or initial and date the return
 4.18 envelope and place it in a secure ~~location~~ locked ballot container with other return envelopes
 4.19 received by that office. Within five days after receipt, the county auditor or municipal clerk
 4.20 shall deliver to the ballot board the locked ballot container containing all ballots received,
 4.21 except that during the 14 days immediately preceding an election, the county auditor or
 4.22 municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots
 4.23 received on election day either (1) after 3:00 p.m., if delivered in person; or (2) after 8:00
 4.24 p.m., if delivered by mail or a package delivery service, shall be marked as received late
 4.25 by the county auditor or municipal clerk, and must not be delivered to the ballot board.

4.26 Sec. 6. Minnesota Statutes 2020, section 203B.121, subdivision 1, is amended to read:

4.27 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county,
 4.28 municipality, and school district with responsibility to accept and reject absentee ballots
 4.29 must, by ordinance or resolution, establish a ballot board. The board must consist of a
 4.30 sufficient number of election judges ~~trained in the handling of absentee ballots and~~ appointed
 4.31 as provided in sections 204B.19 to 204B.22. ~~The board may include deputy county auditors~~
 4.32 ~~or deputy city clerks who have received training in the processing and counting of absentee~~
 4.33 ~~ballots.~~ Each election judge serving on a ballot board must be provided adequate training

5.1 on the processing and counting of absentee ballots, including but not limited to instruction
5.2 on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and
5.3 deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes,
5.4 procedures for counting absentee ballots, and procedures for reporting absentee ballot totals.

5.5 (b) Each jurisdiction must pay a reasonable compensation to each member of that
5.6 jurisdiction's ballot board for services rendered during an election.

5.7 (c) Except as otherwise provided by this section, all provisions of the Minnesota Election
5.8 Law apply to a ballot board.

5.9 Sec. 7. Minnesota Statutes 2020, section 203B.121, subdivision 2, is amended to read:

5.10 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
5.11 shall take possession of all ~~return envelopes delivered to them~~ locked ballot containers in
5.12 accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk,
5.13 or school district clerk, two or more members of the ballot board shall open the locked ballot
5.14 container and examine each return envelope and shall mark it accepted or rejected in the
5.15 manner provided in this subdivision. Election judges performing the duties in this section
5.16 must be of different major political parties, unless they are exempt from that requirement
5.17 under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

5.18 (b) The members of the ballot board shall mark the return envelope "Accepted" and
5.19 initial or sign the return envelope below the word "Accepted" if a majority of the members
5.20 of the ballot board examining the envelope are satisfied that:

5.21 (1) the voter's name and address on the return envelope are the same as the information
5.22 provided on the absentee ballot application;

5.23 (2) the voter signed the certification on the envelope;

5.24 (3) the voter's Minnesota driver's license, state identification number, or the last four
5.25 digits of the voter's Social Security number are the same as a number on the voter's absentee
5.26 ballot application or voter record. If the number does not match, the election judges must
5.27 compare the signature provided by the applicant to determine whether the ballots were
5.28 returned by the same person to whom they were transmitted;

5.29 (4) the voter is registered and eligible to vote in the precinct or has included a properly
5.30 completed voter registration application in the return envelope;

5.31 (5) the certificate has been completed as prescribed in the directions for casting an
5.32 absentee ballot; and

6.1 (6) the voter has not already voted at that election, either in person or, if it is after the
6.2 close of business on the seventh day before the election, by absentee ballot.

6.3 The return envelope from accepted ballots must be preserved and returned to the county
6.4 auditor.

6.5 (c)(1) If a majority of the members of the ballot board examining a return envelope find
6.6 that an absentee voter has failed to meet one of the requirements provided in paragraph (b),
6.7 they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected,"
6.8 list the reason for the rejection on the envelope, and return it to the county auditor. There
6.9 is no other reason for rejecting an absentee ballot beyond those permitted by this section.
6.10 Failure to place the ballot within the security envelope before placing it in the outer white
6.11 envelope is not a reason to reject an absentee ballot.

6.12 (2) If an envelope has been rejected at least five days before the election, the envelope
6.13 must remain sealed and the official in charge of the ballot board shall provide the voter with
6.14 a replacement absentee ballot and return envelope in place of the rejected ballot.

6.15 (3) If an envelope is rejected within five days of the election, the envelope must remain
6.16 sealed and the official in charge of the ballot board must attempt to contact the voter by
6.17 telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official
6.18 must document the attempts made to contact the voter.

6.19 (d) The official in charge of the absentee ballot board must mail the voter a written notice
6.20 of absentee ballot rejection between six and ten weeks following the election. If the official
6.21 determines that the voter has otherwise cast a ballot in the election, no notice is required.
6.22 If an absentee ballot arrives after the deadline for submission provided by this chapter, the
6.23 notice must be provided between six to ten weeks after receipt of the ballot. A notice of
6.24 absentee ballot rejection must contain the following information:

6.25 (1) the date on which the absentee ballot was rejected or, if the ballot was received after
6.26 the required deadline for submission, the date on which the ballot was received;

6.27 (2) the reason for rejection; and

6.28 (3) the name of the appropriate election official to whom the voter may direct further
6.29 questions, along with appropriate contact information.

6.30 (e) An absentee ballot return envelope marked "Rejected" may not be opened or subject
6.31 to further review except in an election contest filed pursuant to chapter 209.

7.1 (f) The members of the ballot board must deposit accepted and rejected ballots into
 7.2 separate locked ballot containers. At the conclusion of each instance where the ballot board
 7.3 reviews ballots, the containers must be locked and stored in a secure location.

7.4 (g) There must be a designated secured area where members of the ballot board and
 7.5 election officials may leave personal items, including purses, bags, and containers. Members
 7.6 of the ballot board and election officials must not be allowed to have personal bags or
 7.7 containers in the area where the ballot board is meeting except in the designated secure area.

7.8 Sec. 8. Minnesota Statutes 2020, section 203B.121, subdivision 4, is amended to read:

7.9 Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before
 7.10 the election, ~~the ballots from~~ two members of the ballot board may open the locked ballot
 7.11 containers containing the return envelopes marked "Accepted." The envelopes may be
 7.12 opened, duplicated as needed in the manner provided in section 206.86, subdivision 5,
 7.13 initialed by the members of the ballot board, and deposited in the appropriate ballot box. If
 7.14 more than one voted ballot is enclosed in the ballot envelope, the ballots must be returned
 7.15 in the manner provided by section 204C.25 for return of spoiled ballots, and may not be
 7.16 counted.

7.17 Sec. 9. Minnesota Statutes 2020, section 203B.121, subdivision 5, is amended to read:

7.18 Subd. 5. **Storage and counting of absentee ballots.** (a) On a day on which absentee
 7.19 ballots are inserted into a ballot box, two members of the ballot board must:

7.20 (1) remove the ballots from the ballot box at the end of the day;

7.21 (2) without inspecting the ballots, ensure that the number of ballots removed from the
 7.22 ballot box is equal to the number of voters whose absentee ballots were accepted that day;
 7.23 and

7.24 (3) ~~seal and secure~~ place into locked ballot containers all voted and unvoted ballots
 7.25 present in that location at the end of the day.

7.26 (b) After the polls have closed on election day, two members of the ballot board must
 7.27 open the locked ballot containers containing voted ballots, count the ballots, tabulating the
 7.28 vote in a manner that indicates each vote of the voter and the total votes cast for each
 7.29 candidate or question. In state primary and state general elections, the results must indicate
 7.30 the total votes cast for each candidate or question in each precinct and report the vote totals
 7.31 tabulated for each precinct. The count must be recorded on a summary statement in
 7.32 substantially the same format as provided in section 204C.26. The ballot board shall submit

8.1 at least one completed summary statement to the county auditor or municipal clerk. The
8.2 county auditor or municipal clerk may require the ballot board to submit a sufficient number
8.3 of completed summary statements to comply with the provisions of section 204C.27, or the
8.4 county auditor or municipal clerk may certify reports containing the details of the ballot
8.5 board summary statement to the recipients of the summary statements designated in section
8.6 204C.27.

8.7 In state primary and state general elections, these vote totals shall be added to the vote
8.8 totals on the summary statements of the returns for the appropriate precinct. In other elections,
8.9 these vote totals may be added to the vote totals on the summary statement of returns for
8.10 the appropriate precinct or may be reported as a separate total.

8.11 The count shall be public. No vote totals from ballots may be made public before the
8.12 close of voting on election day.

8.13 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been
8.14 completed previously, the members of the ballot board must verify as soon as possible, but
8.15 no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots
8.16 arrived after the rosters were marked or supplemental reports were generated and whose
8.17 ballots were accepted did not vote in person on election day. An absentee ballot submitted
8.18 by a voter who has voted in person on election day must be rejected. All other accepted
8.19 absentee ballots must be opened, duplicated if necessary, and counted by members of the
8.20 ballot board. The vote totals from these ballots must be incorporated into the totals with the
8.21 other absentee ballots and handled according to paragraph (b).

8.22 Sec. 10. Minnesota Statutes 2020, section 204B.18, subdivision 1, is amended to read:

8.23 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a number
8.24 of voting booths or voting stations in proportion to the number of individuals eligible to
8.25 vote in the precinct. The booth or station shall permit the voter to vote privately and
8.26 independently.

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

8.32 (c) Local jurisdictions must make accessible voting stations purchased with funds
8.33 provided from the Help America Vote Act account available to other local jurisdictions

9.1 holding stand-alone elections. The jurisdiction providing the equipment may require the
 9.2 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result of
 9.3 the equipment's use and any prorated indirect costs of maintaining and storing the equipment.
 9.4 A rental or other similar use fee may not be charged.

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

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

9.15 (d) All booths or stations must be constructed so that a voter is free from observation
 9.16 while marking ballots. During the hours of voting, the booths or stations must have
 9.17 instructions, a ~~pencil~~ black or blue ballpoint pen, and other supplies needed to mark the
 9.18 ballots. A chair must be provided for elderly voters and voters with disabilities to use while
 9.19 voting or waiting to vote. Stable flat writing surfaces must also be made available to voters
 9.20 who are completing election-related forms.

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

9.23 (f) The jurisdiction providing supplies must provide only black or blue ballpoint pens
 9.24 for marking ballots. The jurisdiction providing supplies and the election judges in the precinct
 9.25 must not provide or make available ballpoint pens in any color other than black or blue or
 9.26 felt-tip pens or markers of any color for marking ballots.

9.27 Sec. 11. Minnesota Statutes 2020, section 204B.40, is amended to read:

9.28 **204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS;**
 9.29 **DISPOSITION; INSPECTION OF BALLOTS.**

9.30 The county auditors, municipal clerks, and school district clerks shall retain all election
 9.31 materials returned to them after any election for at least 22 months from the date of that
 9.32 election. All records and materials must be stored in locked containers. All election materials
 9.33 involved in a contested election must be retained for 22 months or until the contest has been

10.1 finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained
 10.2 permanently by any officer with whom those abstracts are filed. Election materials no longer
 10.3 required to be retained pursuant to this section shall be disposed of in accordance with
 10.4 sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained
 10.5 unopened, except as provided in this section, in a secure location. The county auditor,
 10.6 municipal clerk, or school district clerk shall not permit any voted ballots to be tampered
 10.7 with or defaced.

10.8 After the time for filing a notice of contest for an election has passed, the secretary of
 10.9 state may, for the purpose of monitoring and evaluating election procedures: (1) open the
 10.10 sealed ballot envelopes and inspect the ballots for that election maintained by the county
 10.11 auditors, municipal clerks, or school district clerks; (2) inspect the polling place rosters and
 10.12 completed voter registration applications; or (3) examine other forms required in the
 10.13 Minnesota election laws for use in the polling place. No inspected ballot or document may
 10.14 be marked or identified in any manner. After inspection, all ballots must be returned to the
 10.15 ballot envelope and the ballot envelope must be securely resealed. Any other election
 10.16 materials inspected or examined must be secured or resealed. No polling place roster may
 10.17 be inspected until the voting history for that precinct has been posted. No voter registration
 10.18 application may be inspected until the information on it has been entered into the statewide
 10.19 registration system.

10.20 Sec. 12. Minnesota Statutes 2020, section 204C.06, is amended by adding a subdivision
 10.21 to read:

10.22 Subd. 9. **Personal items.** There must be a designated secured area in each polling place
 10.23 where election judges, election officials, and challengers may leave personal items, including
 10.24 purses, bags, and containers. Election judges, election officials, challengers, or any other
 10.25 persons authorized to be in the polling place must not be allowed to have personal bags or
 10.26 containers in the polling place except in the designated secure area.

10.27 Sec. 13. Minnesota Statutes 2020, section 204C.13, subdivision 3, is amended to read:

10.28 Subd. 3. **Marking ballots.** (a) The voter shall mark each ballot in the following manner:
 10.29 as provided in this subdivision.

10.30 ~~(a)~~ (b) The voter shall fill in the oval or similar mark if a different target shape is used,
 10.31 opposite the printed name of each candidate for whom the individual desires to vote, and
 10.32 in the oval or other target shape before the "Yes" or "No" if the individual desires to vote
 10.33 for or against a question.

11.1 ~~(b)~~ (c) The voter may write in other names on the lines provided under the printed names
11.2 of the candidates, except that no names shall be written in on primary ballots.

11.3 (d) The voter shall mark the ballot with a black or blue ballpoint pen.

11.4 ~~(e)~~ (e) At a state primary an individual may vote for candidates of only one major political
11.5 party on the partisan primary ballot. If a partisan primary ballot contains votes for the
11.6 candidates of more than one major political party, the ballot is totally defective and no vote
11.7 on the partisan section of the ballot shall be counted.

11.8 ~~(d)~~ (f) An individual who spoils a ballot may return it to the election judges and receive
11.9 another.