

1.1 A bill for an act

1.2 relating to elections; authorizing early voting; amending Minnesota Statutes
1.3 2008, sections 201.022, subdivision 1; 203B.001; 203B.01, by adding a
1.4 subdivision; 203B.03, subdivision 1; 203B.05; 203B.085; 203B.11, subdivision
1.5 1; 204C.10; 206.83; 206.89, subdivision 2; proposing coding for new law in
1.6 Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, section
1.7 203B.11, subdivision 2.

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

1.9 Section 1. Minnesota Statutes 2008, section 201.022, subdivision 1, is amended to read:

1.10 Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide
1.11 voter registration system to facilitate voter registration and to provide a central database
1.12 containing voter registration information from around the state. The system must be
1.13 accessible to the county auditor of each county in the state. The system must also:

1.14 (1) provide for voters to submit their voter registration applications to any county
1.15 auditor, the secretary of state, or the Department of Public Safety;

1.16 (2) provide for the definition, establishment, and maintenance of a central database
1.17 for all voter registration information;

1.18 (3) provide for entering data into the statewide registration system;

1.19 (4) provide for electronic transfer of completed voter registration applications from
1.20 the Department of Public Safety to the secretary of state or the county auditor;

1.21 (5) assign a unique identifier to each legally registered voter in the state;

1.22 (6) provide for the acceptance of the Minnesota driver's license number, Minnesota
1.23 state identification number, and last four digits of the Social Security number for each
1.24 voter record;

1.25 (7) coordinate with other agency databases within the state;

2.1 (8) allow county auditors and the secretary of state to add or modify information in
2.2 the system to provide for accurate and up-to-date records;

2.3 (9) allow county auditors, municipal and school district clerks, and the secretary
2.4 of state to have electronic access to the statewide registration system for review and
2.5 search capabilities;

2.6 (10) provide security and protection of all information in the statewide registration
2.7 system and ensure that unauthorized access is not allowed;

2.8 (11) provide access to municipal clerks to use the system;

2.9 (12) provide a system for each county to identify the precinct to which a voter
2.10 should be assigned for voting purposes;

2.11 (13) provide daily reports accessible by county auditors on the driver's license
2.12 numbers, state identification numbers, or last four digits of the Social Security numbers
2.13 submitted on voter registration applications that have been verified as accurate by the
2.14 secretary of state; ~~and~~

2.15 (14) provide reports on the number of absentee ballots transmitted to and returned
2.16 and cast by voters under section 203B.16; and

2.17 (15) provide rosters, master lists, and other reports necessary for early voting.

2.18 The appropriate state or local official shall provide security measures to prevent
2.19 unauthorized access to the computerized list established under section 201.021.

2.20 Sec. 2. Minnesota Statutes 2008, section 203B.001, is amended to read:

2.21 **203B.001 ELECTION LAW APPLICABILITY.**

2.22 The Minnesota Election Law is applicable to voting by absentee ballot and early
2.23 voting unless otherwise provided in this chapter.

2.24 Sec. 3. Minnesota Statutes 2008, section 203B.01, is amended by adding a subdivision
2.25 to read:

2.26 Subd. 5. **Early voting.** "Early voting" means voting in person before election day at
2.27 the office of the county auditor or any other location authorized in this chapter.

2.28 Sec. 4. Minnesota Statutes 2008, section 203B.03, subdivision 1, is amended to read:

2.29 Subdivision 1. **Violation.** No individual shall intentionally:

2.30 (a) make or sign any false certificate required by this chapter;

2.31 (b) make any false or untrue statement in any application for absentee ballots;

2.32 (c) apply for absentee ballots or cast an early ballot more than once in any election
2.33 with the intent to cast an illegal ballot;

- 3.1 (d) exhibit a ballot marked by that individual to any other individual;
- 3.2 (e) do any act in violation of the provisions of this chapter for the purpose of casting
3.3 an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;
- 3.4 (f) use information from absentee ballot or early voting materials or records for
3.5 purposes unrelated to elections, political activities, or law enforcement;
- 3.6 (g) provide assistance to an absentee or early voter except in the manner provided by
3.7 section 204C.15, subdivision 1;
- 3.8 (h) solicit the vote of an absentee or early voter while in the immediate presence of
3.9 the voter during the time the individual knows the absentee or early voter is voting; or
- 3.10 (i) alter an absentee ballot application after it has been signed by the voter, except by
3.11 an election official for administrative purposes.

3.12 Before inspecting information from absentee ballot or early voting materials or
3.13 records, an individual shall provide identification to the public official having custody of
3.14 the material or information.

3.15 Sec. 5. Minnesota Statutes 2008, section 203B.05, is amended to read:

3.16 **203B.05 DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER**
3.17 **EARLY AND ABSENTEE VOTING LAWS.**

3.18 Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer
3.19 the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35, if:

- 3.20 (a) the county auditor of that county has designated the clerk to administer them; or
- 3.21 (b) the clerk has given the county auditor of that county notice of intention to
3.22 administer them.

3.23 A clerk may only administer the provisions of sections 203B.04 to 203B.15 and
3.24 203B.30 to 203B.35 if the office of the clerk has the technical capacity to access the
3.25 absentee module of the statewide voter registration system in the secure manner prescribed
3.26 by the secretary of state. The secretary of state must identify hardware, software, security,
3.27 or other technical prerequisites necessary to ensure the security, access controls, and
3.28 performance of the statewide voter registration system. A clerk designated under this
3.29 subdivision must receive training approved by the secretary of state on the use of the
3.30 statewide voter registration system. A clerk may not use the statewide voter registration
3.31 system until the clerk has received the required training.

3.32 Subd. 2. **City, school district, and town elections.** For city, town, and school
3.33 district elections not held on the same day as a statewide election, applications for
3.34 absentee ballots shall be filed with the city, school district, or town clerk and the duties
3.35 prescribed by this chapter for the county auditor shall be performed by the city, school

4.1 district, or town clerk unless the county auditor agrees to perform those duties on behalf
4.2 of the city, school district, or town clerk. The costs incurred to provide absentee ballots
4.3 and perform the duties prescribed by this subdivision shall be paid by the city, town, or
4.4 school district holding the election.

4.5 Notwithstanding any other law, this chapter applies to school district elections held
4.6 on the same day as a statewide election or an election for a county or municipality wholly
4.7 or partially within the school district.

4.8 Sec. 6. Minnesota Statutes 2008, section 203B.085, is amended to read:

4.9 **203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO**
4.10 **REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.**

4.11 The county auditor's office in each county and the clerk's office in each city or
4.12 town authorized under section 203B.05 to administer absentee balloting must be open for
4.13 acceptance of absentee ballot applications and casting of absentee ballots ~~from 10:00~~
4.14 ~~a.m. to 3:00 p.m. on Saturday and until 5:00 p.m.~~ during normal business hours on the
4.15 day immediately preceding a primary, special, or general election unless that day falls
4.16 on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from
4.17 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March.
4.18 The school district clerk, when performing the county auditor's election duties, need not
4.19 comply with this section.

4.20 Sec. 7. Minnesota Statutes 2008, section 203B.11, subdivision 1, is amended to read:

4.21 Subdivision 1. **Generally.** Each full-time municipal clerk or school district
4.22 clerk who has authority under section 203B.05 to administer absentee and early voting
4.23 laws shall designate election judges to deliver ~~absentee~~ ballots in accordance with this
4.24 section. The county auditor must also designate election judges to perform the duties in
4.25 this section. A ballot may be delivered only to an eligible voter who is a temporary or
4.26 permanent resident or patient in a health care facility or hospital located in the municipality
4.27 in which the voter maintains residence. The ballots shall be delivered by two election
4.28 judges, each of whom is affiliated with a different major political party. When the election
4.29 judges deliver or return ballots as provided in this section, they shall travel together in the
4.30 same vehicle. The election judges must bring a ballot box. Both election judges shall be
4.31 present when an applicant ~~completes the certificate of eligibility~~ signs the certification
4.32 required by section 204C.10, paragraph (b) and marks the ~~absentee~~ ballots, and may assist
4.33 an applicant as provided in section 204C.15. Voters must insert their ballots into the
4.34 ballot box. The election judges shall ~~deposit the return envelopes containing the marked~~

5.1 ~~absentee ballots~~ remove the ballots from the ballot box, place them in a sealed container
5.2 and return them to the clerk on the same day that they are delivered and marked.

5.3 Election judges may bring an electronic ballot counter to serve as the ballot box.

5.4 Election judges may bring an electronic ballot marker.

5.5 **Sec. 8. [203B.30] EARLY VOTING.**

5.6 (a) Except as provided in paragraph (b), any eligible voter may vote in person before
5.7 election day in the manner provided in sections 203B.31 to 203B.35.

5.8 (b) Until January 1, 2014, this section does not apply to a town or school district
5.9 election that is not held in conjunction with a statewide primary or statewide election.

5.10 **Sec. 9. [203B.31] TIME PERIOD FOR EARLY VOTING.**

5.11 Early voting must be available to any eligible voter as provided in section 203B.32
5.12 for every primary, general, and special election from 30 days before the election through
5.13 the fourth day before the election.

5.14 **Sec. 10. [203B.32] HOURS FOR EARLY VOTING.**

5.15 Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on
5.16 each weekday during the time period provided in section 203B.31; from 8:00 a.m. to 8:00
5.17 p.m. on at least one of those days; and from 8:00 a.m. to noon on at least one Saturday.

5.18 **Sec. 11. [203B.33] LOCATIONS FOR EARLY VOTING.**

5.19 (a) Early voting must be made available at a polling place designated in the county
5.20 auditor's office, at the municipal clerk's office in every municipality that has been
5.21 delegated the responsibility to administer absentee voting as provided in section 203B.05,
5.22 and at any other location designated by the county auditor or municipal clerk at least 90
5.23 days before the election. At least one voting station and one ballot marking device for
5.24 disabled voters must be made available in each polling place.

5.25 (b) The county auditor must make at least one ballot box available in each polling
5.26 place. As soon as practicable following the public accuracy test, the county auditor must
5.27 make an electronic ballot counter available.

5.28 **Sec. 12. [203B.34] NOTICE TO VOTERS.**

5.29 The county auditor must prepare a notice to the voters of the days, times, and
5.30 locations for early voting. This notice must be posted on the county's Web site and the

6.1 Web site for each municipality in the county where an early voting location is designated
6.2 for the election at least 14 days before the first day for early voting.

6.3 Sec. 13. **[203B.35] PROCEDURES FOR EARLY VOTING.**

6.4 Subdivision 1. **Voting procedure.** Each voter shall sign an early voting roster that
6.5 must include the certification provided in section 204C.10. An individual who is not
6.6 registered to vote must register in the manner provided in section 201.061, subdivision 3.
6.7 After the voter has signed a roster, two staff of the county auditor or municipal clerk or
6.8 two election judges must initial the appropriate ballot for the voter's precinct and provide
6.9 it to the voter. The voter must mark the ballot and deposit it in either a precinct voting
6.10 system or a sealed ballot box. A voter may not leave the polling place with the ballot.

6.11 Subd. 2. **Record of voting.** (a) The county auditor or municipal clerk must
6.12 immediately record that a voter has voted early on the voter's record in the statewide voter
6.13 registration system. After a voter's record has been marked to record that an individual
6.14 has voted early, the individual must not be allowed to vote again at that election. Voters
6.15 who are not preregistered at the voter's current address must be considered election day
6.16 registrants.

6.17 (b) The early voting rosters must be marked no later than the start of voting on
6.18 election day to indicate the voters who have cast a ballot at an early voting location.

6.19 The rosters may be marked either:

6.20 (1) by the municipal clerk before election day;

6.21 (2) by the absentee ballot board before election day; or

6.22 (3) by the election judges at the polling place on election day.

6.23 (c) A voter who has cast a ballot in person by early voting and deposited it in a ballot
6.24 box or ballot counter must not be permitted to vote at the polling place on election day.

6.25 An absentee ballot received from a voter who has cast a ballot in person by early voting
6.26 must be rejected by the election judges.

6.27 Subd. 3. **Storage and counting of ballots.** Two staff of the county auditor or
6.28 municipal clerk or two election judges of different major political parties must:

6.29 (1) remove the ballots from the ballot box and seal and secure them at the end of
6.30 each day on which early ballots were inserted into the ballot box; and

6.31 (2) without inspecting the ballots, ensure that the number of ballots removed from
6.32 the ballot box is equal to the number of voters who voted early.

6.33 After the polls have closed on election day, two staff of the county auditor or two
6.34 election judges of different major political parties must count the early ballots, tabulating
6.35 the vote in a manner that indicates each vote of the voter and the total votes cast for

7.1 each candidate or question. In state primary and state general elections, the results must
7.2 indicate the total votes cast for each candidate or question in each precinct and report the
7.3 vote totals tabulated for each precinct. The count shall be public. No vote totals from early
7.4 ballots may be made public before the close of voting on election day.

7.5 Sec. 14. Minnesota Statutes 2008, section 204C.10, is amended to read:

7.6 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
7.7 **REGISTRATION.**

7.8 (a) An individual seeking to vote shall sign a polling place roster which states
7.9 that the individual is at least 18 years of age, a citizen of the United States, has resided
7.10 in Minnesota for 20 days immediately preceding the election, maintains residence at
7.11 the address shown, is not under a guardianship in which the court order revokes the
7.12 individual's right to vote, has not been found by a court of law to be legally incompetent to
7.13 vote or has the right to vote because, if the individual was convicted of a felony, the felony
7.14 sentence has expired or been completed or the individual has been discharged from the
7.15 sentence, is registered and has not already voted in the election. The roster must also state:
7.16 "I understand that deliberately providing false information is a felony punishable by not
7.17 more than five years imprisonment and a fine of not more than \$10,000, or both."

7.18 (b) An individual voting early under section 203B.30 must sign a roster that meets
7.19 the additional requirements of this paragraph. In addition to the content required under
7.20 paragraph (a), the roster must also state: "I understand that after I have cast my ballot
7.21 today, I cannot vote again in this election."

7.22 (c) All of the text contained within the quotation marks in paragraphs (a) and (b)
7.23 must be in bold type in rosters provided to individuals voting under section 203B.30.

7.24 (d) A judge may, before the applicant signs the roster, confirm the applicant's name,
7.25 address, and date of birth.

7.26 ~~(e)~~ (e) After the applicant signs the roster, the judge shall give the applicant a voter's
7.27 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
7.28 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
7.29 voters' receipts must be maintained during the time for notice of filing an election contest.

7.30 Sec. 15. Minnesota Statutes 2008, section 206.83, is amended to read:

7.31 **206.83 TESTING OF VOTING SYSTEMS.**

7.32 ~~Within 14 days before election day,~~ The official in charge of elections shall have
7.33 the voting system tested to ascertain that the system will correctly mark ballots using all
7.34 methods supported by the system, including through assistive technology, and count the

8.1 votes cast for all candidates and on all questions. Public notice of the time and place of the
8.2 test must be given at least two days in advance by publication once in official newspapers.
8.3 The test must be observed by at least two election judges, who are not of the same major
8.4 political party, and must be open to representatives of the political parties, candidates, the
8.5 press, and the public. The test must be conducted by (1) processing a preaudited group
8.6 of ballots punched or marked to record a predetermined number of valid votes for each
8.7 candidate and on each question, and must include for each office one or more ballot cards
8.8 which have votes in excess of the number allowed by law in order to test the ability of
8.9 the voting system tabulator and electronic ballot marker to reject those votes; and (2)
8.10 processing an additional test deck of ballots marked using the electronic ballot marker
8.11 for the precinct, including ballots marked using the electronic ballot display, audio ballot
8.12 reader, and any assistive voting technology used with the electronic ballot marker. If any
8.13 error is detected, the cause must be ascertained and corrected and an errorless count must
8.14 be made before the voting system may be used in the election. After the completion of
8.15 the test, the programs used and ballot cards must be sealed, retained, and disposed of as
8.16 provided for paper ballots.

8.17 Testing of equipment used for early voting must be conducted as soon as practicable
8.18 after the equipment has been programmed. Testing of equipment used on the day of the
8.19 election must be conducted within the 14 days before election day.

8.20 Sec. 16. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

8.21 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the
8.22 county canvassing board in each county must set the date, time, and place for the
8.23 postelection review of the state general election to be held under this section.

8.24 At the canvass of the state general election, the county canvassing boards must select
8.25 the precincts to be reviewed by lot. The early ballots counted centrally must be considered
8.26 a precinct eligible to be selected for the purposes of this subdivision. The county
8.27 canvassing board of a county with fewer than 50,000 registered voters must conduct a
8.28 postelection review of a total of at least two precincts. The county canvassing board of a
8.29 county with between 50,000 and 100,000 registered voters must conduct a review of a total
8.30 of at least three precincts. The county canvassing board of a county with over 100,000
8.31 registered voters must conduct a review of a total of at least four precincts, or three percent
8.32 of the total number of precincts in the county, whichever is greater. At least one precinct
8.33 selected in each county must have had more than 150 votes cast at the general election.

8.34 The county auditor must notify the secretary of state of the precincts that have been
8.35 chosen for review and the time and place the postelection review for that county will be

9.1 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
9.2 in the selection of at least four precincts in each congressional district, the secretary of state
9.3 may require counties to select by lot additional precincts to meet the congressional district
9.4 requirement. The secretary of state must post this information on the office Web site.

9.5 Sec. 17. **REPEALER.**

9.6 Minnesota Statutes 2008, section 203B.11, subdivision 2, is repealed.

9.7 Sec. 18. **EFFECTIVE DATE.**

9.8 Sections 1 to 17 are effective when the secretary of state has certified that:

9.9 (1) the statewide voter registration system has been tested, shown to properly allow
9.10 for the tracking of the information required to conduct early voting, and can handle the
9.11 expected volume of use; and

9.12 (2) that voting equipment that can tabulate at least 30 different ballot styles has
9.13 been certified for use in this state.

9.14 Upon certification, sections 1 to 6 apply to all federal, state, county, and city elections held
9.15 in conjunction with the state primary in 2010 and thereafter, and to all other elections
9.16 held in 2014 and thereafter. A municipality may implement the requirements of this
9.17 chapter prior to the date provided in this paragraph, if the secretary of state has made the
9.18 certification required by this section at least 90 days prior to the date of the election at
9.19 which early voting will be used.

203B.11 HOSPITAL PATIENTS AND RESIDENTS OF HEALTH CARE FACILITIES.

Subd. 2. **Twenty days before an election.** During the 20 days preceding an election, the election judges shall deliver absentee ballots only to an eligible voter who has applied for absentee ballots to the county auditor or municipal clerk under section 203B.04, subdivision 1.