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State of Minnesota

HOUSE OF REPRESENTATIVES

FIFTH SPECIAL SESSION

H. F. No. 37

10/12/2020 Authored by Neu
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to elections; prohibiting certain methods of compensation related to
1.3 absentee voting; requiring identification of individuals acting as an agent for an
1.4 absentee voter; requiring identification of individuals providing assistance to a
1.5 voter in a polling place; prohibiting certain activities related to voter registration
1.6 and absentee voting; increasing criminal penalties; amending Minnesota Statutes
1.7 2018, sections 203B.03, by adding a subdivision; 203B.08, subdivision 1; 204C.15,
1.8 subdivision 1; 211B.07; 211B.13, subdivision 1.

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

1.10 Section 1. Minnesota Statutes 2018, section 203B.03, is amended by adding a subdivision
1.11 to read:

1.12 Subd. 1a. **Prohibited methods of compensation.** (a) No individual may be compensated
1.13 for the solicitation, collection, or acceptance of absentee ballot applications from voters for
1.14 submission to the county auditor or other local election official in a manner in which payment
1.15 is calculated by multiplying (1) either a set or variable payment rate, by (2) the number of
1.16 applications solicited, collected, or accepted.

1.17 (b) No individual may be deprived of compensation or have compensation automatically
1.18 reduced exclusively for failure to solicit, collect, or accept a minimum number of absentee
1.19 ballot applications.

1.20 (c) No individual may receive additional compensation for collecting a certain number
1.21 of absentee ballot applications.

2.1 Sec. 2. Minnesota Statutes 2018, section 203B.08, subdivision 1, is amended to read:

2.2 Subdivision 1. **Marking and return by voter.** (a) An eligible voter who receives absentee
 2.3 ballots as provided in this chapter shall mark them in the manner specified in the directions
 2.4 for casting the absentee ballots. The return envelope containing marked ballots may be
 2.5 mailed as provided in the directions for casting the absentee ballots or may be left with the
 2.6 county auditor or municipal clerk who transmitted the absentee ballots to the voter. If
 2.7 delivered in person, the return envelope must be submitted to the county auditor or municipal
 2.8 clerk by 3:00 p.m. on election day.

2.9 (b) The voter may designate an agent to deliver in person the sealed absentee ballot
 2.10 return envelope to the county auditor or municipal clerk ~~or to deposit the return envelope~~
 2.11 ~~in the mail~~. An agent may deliver ~~or mail~~ the return envelopes of not more than three voters
 2.12 in any election. Before accepting an absentee ballot return envelope from a voter's agent,
 2.13 the county auditor or municipal clerk must document the agent's name, address, and telephone
 2.14 number and must require the agent to sign a statement certifying compliance with this
 2.15 paragraph. Any person designated as an agent who tampers with either the return envelope
 2.16 or the voted ballots ~~or~~, does not immediately ~~mail or~~ deliver the return envelope to the
 2.17 county auditor or municipal clerk, or otherwise violates the requirements of this paragraph
 2.18 is guilty of a ~~misdemeanor~~ felony.

2.19 Sec. 3. Minnesota Statutes 2018, section 204C.15, subdivision 1, is amended to read:

2.20 Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for
 2.21 assistance because of inability to read English or physical inability to mark a ballot may
 2.22 obtain the aid of two election judges who are members of different major political parties.
 2.23 The election judges shall mark the ballots as directed by the voter and in as secret a manner
 2.24 as circumstances permit. A voter in need of assistance may alternatively obtain the assistance
 2.25 of any individual the voter chooses. Only the following persons may not provide assistance
 2.26 to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the
 2.27 voter's union, or a candidate for election. The person who assists the voter shall,
 2.28 unaccompanied by an election judge, retire with that voter to a booth and mark the ballot
 2.29 as directed by the voter. No person who assists another voter as provided in the preceding
 2.30 sentence shall mark the ballots of more than three voters at one election. Before the ballots
 2.31 are deposited, the voter may show them privately to an election judge to ascertain that they
 2.32 are marked as the voter directed. An election judge or other individual assisting a voter shall
 2.33 not in any manner request, persuade, induce, or attempt to persuade or induce the voter to
 2.34 vote for any particular political party or candidate. The election judges or other individuals

3.1 who assist the voter shall not reveal to anyone the name of any candidate for whom the
 3.2 voter has voted or anything that took place while assisting the voter. Before permitting an
 3.3 individual to assist a voter, an election judge must document the individual's name, address,
 3.4 and telephone number and must require the individual to sign a statement certifying
 3.5 compliance with this subdivision. An individual who assists a voter in a manner not
 3.6 authorized by this section is guilty of a felony.

3.7 Sec. 4. Minnesota Statutes 2018, section 211B.07, is amended to read:

3.8 **211B.07 UNDUE INFLUENCE ON VOTERS PROHIBITED.**

3.9 A person may not directly or indirectly use or threaten force, coercion, violence, restraint,
 3.10 damage, harm, loss, including loss of employment or economic reprisal, undue influence,
 3.11 or temporal or spiritual injury against an individual to compel the individual to register to
 3.12 vote, to apply for an absentee ballot, or to vote for or against a candidate or ballot question.
 3.13 Abduction, duress, or fraud may not be used to obstruct or prevent the free exercise of the
 3.14 right to vote of a voter at a primary or election, ~~or~~ compel an individual to register to vote,
 3.15 or compel a voter to apply for an absentee ballot or vote at a primary or election. Violation
 3.16 of this section is a ~~gross misdemeanor~~ felony.

3.17 Sec. 5. Minnesota Statutes 2018, section 211B.13, subdivision 1, is amended to read:

3.18 Subdivision 1. **Bribery, advancing money, and treating prohibited.** A person who
 3.19 willfully, directly or indirectly, advances, pays, gives, promises, or lends any money, food,
 3.20 liquor, clothing, entertainment, or other thing of monetary value, or who offers, promises,
 3.21 or endeavors to obtain any money, position, appointment, employment, or other valuable
 3.22 consideration, to or for a person, in order to induce ~~a voter~~ an individual to do any of the
 3.23 following: (1) to register to vote, (2) to refrain from voting, ~~or~~ (3) to vote in a particular
 3.24 way, or (4) to apply for an absentee ballot at an election, is guilty of a felony. This section
 3.25 does not prevent a candidate from stating publicly preference for or support of another
 3.26 candidate to be voted for at the same primary or election. Refreshments of food or
 3.27 nonalcoholic beverages having a value up to \$5 consumed on the premises at a private
 3.28 gathering or public meeting are not prohibited under this section.

3.29 Sec. 6. **EFFECTIVE DATE.**

3.30 This act is effective the day following final enactment.