

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2390

(SENATE AUTHORS: SIEBEN)

DATE	D-PG	OFFICIAL STATUS
03/06/2014	5996	Introduction and first reading Referred to Rules and Administration
03/27/2014		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

1.1 relating to elections; modifying provisions related to election administration;
 1.2 making technical changes to provisions related to voting, voter registration,
 1.3 ballots, and other election-related provisions; amending Minnesota Statutes
 1.4 2012, sections 201.081; 201.091, subdivision 2; 203B.22; 204B.09, subdivision
 1.5 3; 204B.19, subdivision 2; 204C.08, subdivision 1d; 204C.26, subdivision
 1.6 1; 204D.13, subdivisions 1, 2; 204D.15, subdivision 1; 205.07, subdivision
 1.7 1a; 205.13, subdivision 1; 375A.12, subdivision 5; Minnesota Statutes 2013
 1.8 Supplement, sections 201.061, subdivision 3; 204B.45, subdivision 2; 204B.46;
 1.9 205A.05, subdivision 1; proposing coding for new law in Minnesota Statutes,
 1.10 chapter 211C.
 1.11

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

1.13 Section 1. Minnesota Statutes 2013 Supplement, section 201.061, subdivision 3,
 1.14 is amended to read:

1.15 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may
 1.16 register on election day by appearing in person at the polling place for the precinct in
 1.17 which the individual maintains residence, by completing a registration application, making
 1.18 an oath in the form prescribed by the secretary of state and providing proof of residence.

1.19 An individual may prove residence for purposes of registering by:

1.20 (1) presenting a driver's license or Minnesota identification card issued pursuant
 1.21 to section 171.07;

1.22 (2) presenting any document approved by the secretary of state as proper
 1.23 identification;

1.24 (3) presenting one of the following:

1.25 (i) a current valid student identification card from a postsecondary educational
 1.26 institution in Minnesota, if a list of students from that institution has been prepared under

2.1 section 135A.17 and certified to the county auditor in the manner provided in rules of
2.2 the secretary of state; or

2.3 (ii) a current student fee statement that contains the student's valid address in the
2.4 precinct together with a picture identification card; or

2.5 (4) having a voter who is registered to vote in the precinct, or ~~who~~ is an employee
2.6 employed by and working in a residential facility in the precinct and vouching for a
2.7 resident in the facility, sign an oath in the presence of the election judge vouching that
2.8 the voter or employee personally knows that the individual is a resident of the precinct.
2.9 A voter who has been vouched for on election day may not sign a proof of residence
2.10 oath vouching for any other individual on that election day. A voter who is registered to
2.11 vote in the precinct may sign up to eight proof-of-residence oaths on any election day.
2.12 This limitation does not apply to an employee of a residential facility described in this
2.13 clause. The secretary of state shall provide a form for election judges to use in recording
2.14 the number of individuals for whom a voter signs proof-of-residence oaths on election
2.15 day. The form must include space for the maximum number of individuals for whom a
2.16 voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must
2.17 include a statement that the ~~voter~~ individual: (i) is registered to vote in the precinct or is an
2.18 employee of a residential facility in the precinct, (ii) personally knows that the ~~individual~~
2.19 voter is a resident of the precinct, and (iii) is making the statement on oath. The form must
2.20 include a space for the voter's printed name, signature, telephone number, and address.

2.21 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
2.22 attached to the voter registration application.

2.23 (b) The operator of a residential facility shall prepare a list of the names of its
2.24 employees currently working in the residential facility and the address of the residential
2.25 facility. The operator shall certify the list and provide it to the appropriate county auditor
2.26 no less than 20 days before each election for use in election day registration.

2.27 (c) "Residential facility" means transitional housing as defined in section 256E.33,
2.28 subdivision 1; a supervised living facility licensed by the commissioner of health under
2.29 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
2.30 5; a residence registered with the commissioner of health as a housing with services
2.31 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
2.32 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
2.33 licensed by the commissioner of human services to provide a residential program as
2.34 defined in section 245A.02, subdivision 14; a residential facility for persons with a
2.35 developmental disability licensed by the commissioner of human services under section
2.36 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter

3.1 for battered women as defined in section 611A.37, subdivision 4; or a supervised
3.2 publicly or privately operated shelter or dwelling designed to provide temporary living
3.3 accommodations for the homeless.

3.4 (d) For tribal band members, an individual may prove residence for purposes of
3.5 registering by:

3.6 (1) presenting an identification card issued by the tribal government of a tribe
3.7 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
3.8 contains the name, address, signature, and picture of the individual; or

3.9 (2) presenting an identification card issued by the tribal government of a tribe
3.10 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
3.11 contains the name, signature, and picture of the individual and also presenting one of the
3.12 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

3.13 (e) A county, school district, or municipality may require that an election judge
3.14 responsible for election day registration initial each completed registration application.

3.15 Sec. 2. Minnesota Statutes 2012, section 201.081, is amended to read:

3.16 **201.081 REGISTRATION FILES.**

3.17 Subdivision 1. Statewide registration system. The statewide registration system
3.18 is the official record of registered voters. The voter registration applications and the
3.19 terminal providing access to the statewide registration system must be under the control
3.20 of the county auditor or the public official to whom the county auditor has delegated
3.21 the responsibility for maintaining voter registration records. The voter registration
3.22 applications and terminals providing access to the statewide registration system must not
3.23 be removed from the control of the county auditor except as provided in this section.
3.24 The county auditor may make photographic copies of voter registration applications in
3.25 the manner provided by section 138.17.

3.26 A properly completed voter registration application that has been submitted to the
3.27 secretary of state or a county auditor must be maintained by the secretary of state or the
3.28 county auditor for at least 22 months after the date that the information on the application
3.29 is entered into the database of the statewide registration system. The secretary of state
3.30 or the county auditor may dispose of the applications after retention for 22 months in
3.31 the manner provided by section 138.17.

3.32 Subd. 2. Exception. The secretary of state may maintain voter records of
3.33 participants of the Safe at Home program for the purposes of chapter 5B.

3.34 Sec. 3. Minnesota Statutes 2012, section 201.091, subdivision 2, is amended to read:

4.1 Subd. 2. **Corrected list.** By February 15 of each year, the secretary of state shall
 4.2 prepare the master list for each county auditor. The records in the statewide registration
 4.3 system must be periodically corrected and updated by the county auditor. An updated
 4.4 master list for each precinct must be available for absentee voting at least ~~32~~ 46 days
 4.5 before each election. A final corrected master list must be available seven days before
 4.6 each election.

4.7 Sec. 4. Minnesota Statutes 2012, section 203B.22, is amended to read:

4.8 **203B.22 TRANSMITTING BALLOTS.**

4.9 (a) The county auditor shall transmit the appropriate ballots, as promptly as possible,
 4.10 to an absent voter whose application has been recorded under section 203B.19. If the
 4.11 county auditor determines that a voter is not eligible to vote at the primary but will be
 4.12 eligible to vote at the general election, only general election ballots shall be transmitted.
 4.13 Only one set of ballots shall be transmitted to any applicant for any election, except that
 4.14 the county auditor may transmit a replacement ballot to a voter whose ballot has been
 4.15 spoiled or lost in transit or whose mailing address has changed after the date on which
 4.16 the original application was submitted as confirmed by the county auditor. Ballots to be
 4.17 sent outside the United States shall be given priority in transmission. A county auditor
 4.18 may make use of any special service provided by the United States government for the
 4.19 transmission of voting materials under sections 203B.16 to 203B.27.

4.20 (b) The county auditor must transmit the appropriate ballots by express mail
 4.21 immediately upon discovery that the ballots were not properly transmitted to the voter as
 4.22 a result of the following circumstances: (1) an application was received by the county
 4.23 auditor by the close of business at least 46 days before the election; (2) the county auditor
 4.24 failed to transmit the appropriate ballots by the 46th day before the election; and (3)
 4.25 the voter did not request that the ballots be electronically transmitted to the voter under
 4.26 section 203B.225, subdivision 1.

4.27 Sec. 5. Minnesota Statutes 2012, section 204B.09, subdivision 3, is amended to read:

4.28 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office
 4.29 who wants write-in votes for the candidate to be counted must file a written request with
 4.30 the filing office for the office sought not more than 84 days before the primary and no later
 4.31 than the seventh day before the general election. The filing officer shall provide copies
 4.32 of the form to make the request.

4.33 (b) A candidate for president of the United States who files a request under this
 4.34 subdivision must include the name of a candidate for vice-president of the United States.

5.1 The request must also include the name of at least one candidate for presidential elector. The
5.2 total number of names of candidates for presidential elector on the request may not exceed
5.3 the total number of electoral votes to be cast by Minnesota in the presidential election.

5.4 (c) A candidate for governor who files a request under this subdivision must include
5.5 the name of a candidate for lieutenant governor.

5.6 Sec. 6. Minnesota Statutes 2012, section 204B.19, subdivision 2, is amended to read:

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

5.10 (1) is unable to read, write, or speak the English language;

5.11 (2) is the spouse₂; parent, including a stepparent; child, including a stepchild₂; or
5.12 sibling, including a stepsibling₂; of any election judge serving in the same precinct or of
5.13 any candidate at that election; or

5.14 (3) is a candidate at that election.

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

5.18 Sec. 7. Minnesota Statutes 2013 Supplement, section 204B.45, subdivision 2, is
5.19 amended to read:

5.20 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must
5.21 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14
5.22 days before a regularly scheduled election and not more than 30 days nor later than 14
5.23 days before any other election, the auditor shall mail ballots by nonforwardable mail to
5.24 all voters registered in the town or unorganized territory. No later than 14 days before
5.25 the election, the auditor must make a subsequent mailing of ballots to those voters who
5.26 register to vote after the initial mailing but before the 20th day before the election.
5.27 Eligible voters not registered at the time the ballots are mailed may apply for ballots as
5.28 provided in chapter 203B. Ballot return envelopes, with return postage provided, must
5.29 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in
5.30 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board
5.31 to examine the mail and absentee ballot return envelopes and mark them "accepted" or
5.32 "rejected" within three days of receipt if there are 14 or fewer days before election day, or
5.33 within five days of receipt if there are more than 14 days before election day. The board
5.34 may consist of deputy county auditors or deputy municipal clerks who have received

6.1 training in the processing and counting of mail ballots, who need not be affiliated with
6.2 a major political party. Election judges performing the duties in this section must be of
6.3 different major political parties, unless they are exempt from that requirement under
6.4 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
6.5 least five days before the election, the ballots in the envelope must remain sealed and the
6.6 auditor or clerk shall provide the voter with a replacement ballot and return envelope in
6.7 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
6.8 envelope must remain sealed and the official in charge of the ballot board must attempt to
6.9 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
6.10 rejected. The official must document the attempts made to contact the voter.

6.11 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
6.12 indicate that the voter has already cast a ballot in that election. After the close of business
6.13 on the ~~fourth~~ seventh day before the election, the ballots from return envelopes marked
6.14 "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86,
6.15 subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

6.16 In all other respects, the provisions of the Minnesota Election Law governing
6.17 deposit and counting of ballots apply.

6.18 The mail and absentee ballots for a precinct must be counted together and reported
6.19 as one vote total. No vote totals from mail or absentee ballots may be made public before
6.20 the close of voting on election day.

6.21 The costs of the mailing shall be paid by the election jurisdiction in which the voter
6.22 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

6.23 Sec. 8. Minnesota Statutes 2013 Supplement, section 204B.46, is amended to read:

6.24 **204B.46 MAIL ELECTIONS; QUESTIONS.**

6.25 A county, municipality, or school district submitting questions to the voters at a
6.26 special election may conduct an election by mail with no polling place other than the
6.27 office of the auditor or clerk. No offices may be voted on at a mail election. Notice of the
6.28 election must be given to the county auditor at least 74 days prior to the election. This
6.29 notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special
6.30 mail ballot procedures must be posted at least six weeks prior to the election. Not more
6.31 than 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by
6.32 nonforwardable mail to all voters registered in the county, municipality, or school district.
6.33 No later than 14 days before the election, the auditor or clerk must make a subsequent
6.34 mailing of ballots to those voters who register to vote after the initial mailing but before the
6.35 20th day before the election. Eligible voters not registered at the time the ballots are mailed

7.1 may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot
7.2 board to examine the mail and absentee ballot return envelopes and mark them "Accepted"
7.3 or "Rejected" within three days of receipt if there are 14 or fewer days before election day,
7.4 or within five days of receipt if there are more than 14 days before election day. The board
7.5 may consist of deputy county auditors, deputy municipal clerks, or deputy school district
7.6 clerks who have received training in the processing and counting of mail ballots, who
7.7 need not be affiliated with a major political party. Election judges performing the duties in
7.8 this section must be of different major political parties, unless they are exempt from that
7.9 requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has
7.10 been rejected at least five days before the election, the ballots in the envelope must remain
7.11 sealed and the auditor or clerk must provide the voter with a replacement ballot and return
7.12 envelope in place of the spoiled ballot. If the ballot is rejected within five days of the
7.13 election, the envelope must remain sealed and the official in charge of the ballot board must
7.14 attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot
7.15 has been rejected. The official must document the attempts made to contact the voter.

7.16 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
7.17 indicate that the voter has already cast a ballot in that election. After the close of business
7.18 on the ~~fourth~~ seventh day before the election, the ballots from return envelopes marked
7.19 "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86,
7.20 subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

7.21 In all other respects, the provisions of the Minnesota Election Law governing
7.22 deposit and counting of ballots apply.

7.23 The mail and absentee ballots for a precinct must be counted together and reported
7.24 as one vote total. No vote totals from ballots may be made public before the close of
7.25 voting on election day.

7.26 Sec. 9. Minnesota Statutes 2012, section 204C.08, subdivision 1d, is amended to read:

7.27 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
7.28 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
7.29 forth in this section. Before the hours of voting are scheduled to begin, the election judges
7.30 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
7.31 of Rights is as follows:

7.32 "VOTER'S BILL OF RIGHTS

7.33 For all persons residing in this state who meet federal voting eligibility requirements:

8.1 (1) You have the right to be absent from work for the purpose of voting in a state or
8.2 federal election without reduction to your pay, personal leave, or vacation time on election
8.3 day for the time necessary to appear at your polling place, cast a ballot, and return to work.

8.4 (2) If you are in line at your polling place any time before 8:00 p.m., you have the
8.5 right to vote.

8.6 (3) If you can provide the required proof of residence, you have the right to register
8.7 to vote and to vote on election day.

8.8 (4) If you are unable to sign your name, you have the right to orally confirm your
8.9 identity with an election judge and to direct another person to sign your name for you.

8.10 (5) You have the right to request special assistance when voting.

8.11 (6) If you need assistance, you may be accompanied into the voting booth by a
8.12 person of your choice, except by an agent of your employer or union or a candidate.

8.13 (7) You have the right to bring your minor children into the polling place and into
8.14 the voting booth with you.

8.15 (8) If you have been convicted of a felony but your felony sentence has expired (been
8.16 completed) or you have been discharged from your sentence, you have the right to vote.

8.17 (9) If you are under a guardianship, you have the right to vote, unless the court
8.18 order revokes your right to vote.

8.19 (10) You have the right to vote without anyone in the polling place trying to
8.20 influence your vote.

8.21 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
8.22 right to receive a replacement ballot and vote.

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

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

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

8.28 Sec. 10. Minnesota Statutes 2012, section 204C.26, subdivision 1, is amended to read:

8.29 Subdivision 1. **Summary statements.** For state elections, each official responsible
8.30 for printing ballots shall furnish three or more blank summary statement forms for the
8.31 returns of those ballots for each precinct. At least two copies of the summary statement
8.32 must be prepared for elections not held on the same day as the state elections. The blank
8.33 summary statement forms shall be furnished at the same time and in the same manner as
8.34 the ballots. The county auditor shall furnish blank summary statement forms containing

9.1 separate space for the summary statement of the returns of the ~~white~~ state general election
9.2 ~~ballot and the summary statement of the returns for the state pink ballot.~~

9.3 Sec. 11. Minnesota Statutes 2012, section 204D.13, subdivision 1, is amended to read:

9.4 Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed
9.5 on the ~~white~~ state general election ballot in the following order: senator in Congress shall
9.6 be first; representative in Congress, second; state senator, third; and state representative,
9.7 fourth. The candidates for state offices shall follow in the order specified by the secretary
9.8 of state. Candidates for governor and lieutenant governor shall appear so that a single
9.9 vote may be cast for both offices.

9.10 Sec. 12. Minnesota Statutes 2012, section 204D.13, subdivision 2, is amended to read:

9.11 Subd. 2. **Order of political parties.** The first name printed for each partisan office
9.12 on the ~~white~~ state general election ballot shall be that of the candidate of the major political
9.13 party that received the smallest average number of votes at the last state general election.
9.14 The succeeding names shall be those of the candidates of the other major political parties
9.15 that received a succeeding higher average number of votes respectively. For the purposes
9.16 of this subdivision, the average number of votes of a major political party shall be computed
9.17 by dividing the total number of votes counted for all of the party's candidates for statewide
9.18 office at the state general election by the number of those candidates at the election.

9.19 Sec. 13. Minnesota Statutes 2012, section 204D.15, subdivision 1, is amended to read:

9.20 Subdivision 1. **Titles for constitutional amendments.** The secretary of state shall
9.21 provide an appropriate title for each question printed on the ~~pink~~ state general election
9.22 ballot. The title shall be approved by the attorney general, and shall consist of not more
9.23 than one printed line above the question to which it refers. At the top of the ballot just
9.24 below the heading, a conspicuous notice shall be printed stating that a voter's failure to
9.25 vote on a constitutional amendment has the effect of a negative vote.

9.26 Sec. 14. Minnesota Statutes 2012, section 205.07, subdivision 1a, is amended to read:

9.27 Subd. 1a. **City council members; expiration of terms.** The terms of all city
9.28 council members of charter cities expire on the first Monday in January of the year in
9.29 which they expire. All officers of charter cities chosen and qualified shall hold office until
9.30 their successors qualify.

9.31 Sec. 15. Minnesota Statutes 2012, section 205.13, subdivision 1, is amended to read:

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

10.14 Sec. 16. Minnesota Statutes 2013 Supplement, section 205A.05, subdivision 1, is
10.15 amended to read:

10.16 Subdivision 1. **Questions.** (a) Special elections must be held for a school district on
10.17 a question on which the voters are authorized by law to pass judgment. The school board
10.18 may on its own motion call a special election to vote on any matter requiring approval of
10.19 the voters of a district. Upon petition filed with the school board of 50 or more voters of
10.20 the school district or five percent of the number of voters voting at the preceding school
10.21 district general election, whichever is greater, the school board shall by resolution call
10.22 a special election to vote on any matter requiring approval of the voters of a district.

10.23 A question is carried only with the majority in its favor required by law. The election
10.24 officials for a special election are the same as for the most recent school district general
10.25 election unless changed according to law. Otherwise, special elections must be conducted
10.26 and the returns made in the manner provided for the school district general election.

10.27 (b) A special election may not be held:

10.28 (1) during the 56 days before and the 56 days after a regularly scheduled primary or
10.29 general election conducted wholly or partially within the school district;

10.30 (2) on the date of a regularly scheduled town election in March conducted wholly
10.31 or partially within the school district; or

10.32 (3) during the 30 days before or the 30 days after a regularly scheduled town election
10.33 in March conducted wholly or partially within the school district.

11.1 (c) Notwithstanding any other law to the contrary, the time period in which a special
11.2 election must be conducted under any other law may be extended by the school board to
11.3 conform with the requirements of this subdivision.

11.4 Sec. 17. [211C.071] REMOVAL ELECTION FORM OF QUESTION.

11.5 The form of the question under this chapter must be:

11.6 "Shall (Name) elected (appointed) to the office of (title) be removed
11.7 from that office?"

11.8 Sec. 18. Minnesota Statutes 2012, section 375A.12, subdivision 5, is amended to read:

11.9 Subd. 5. **Form of ballot.** In the submission of any proposal pursuant to subdivision
11.10 2 the ballot shall be substantially in the following form:

11.11 ~~(...) FOR the proposal (describe briefly the change proposed)~~

11.12 ~~(...) AGAINST the proposal (describe briefly the change proposed)~~ "Shall the
11.13 office(s) of be appointed rather than elected at the expiration of the(ir) current
11.14 term(s)?"