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DATE	D-PG	OFFICIAL STATUS
03/07/2011	428	Introduction and first reading Referred to Local Government and Elections

1.1

A bill for an act

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relating to elections; providing for early voting; amending Minnesota Statutes

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2010, sections 201.022, subdivision 1; 203B.001; 203B.01, by adding a

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subdivision; 203B.03, subdivision 1; 203B.05, subdivision 1; 203B.081;

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203B.121; 204C.10; 206.83; proposing coding for new law in Minnesota

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Statutes, chapter 203B.

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

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Section 1. Minnesota Statutes 2010, section 201.022, subdivision 1, is amended to read:

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Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide

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voter registration system to facilitate voter registration and to provide a central database

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containing voter registration information from around the state. The system must be

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accessible to the county auditor of each county in the state. The system must also:

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(1) provide for voters to submit their voter registration applications to any county

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auditor, the secretary of state, or the Department of Public Safety;

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(2) provide for the definition, establishment, and maintenance of a central database

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for all voter registration information;

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

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(4) provide for electronic transfer of completed voter registration applications from

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the Department of Public Safety to the secretary of state or the county auditor;

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

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(6) provide for the acceptance of the Minnesota driver's license number, Minnesota

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state identification number, and last four digits of the Social Security number for each

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voter record;

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

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

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

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

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2010, section 203B.001, is amended to read:

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

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

Sec. 3. Minnesota Statutes 2010, section 203B.01, is amended by adding a subdivision to read:

Subd. 5. **Early voting.** "Early voting" means voting in person before election day at the office of the county auditor or any other location authorized in this chapter within the time period provided in section 203B.31.

Sec. 4. Minnesota Statutes 2010, section 203B.03, subdivision 1, is amended to read:

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

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

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

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

(d) exhibit a ballot marked by that individual to any other individual;

(e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;

(f) use information from absentee ballot or early voting materials or records for purposes unrelated to elections, political activities, or law enforcement;

(g) provide assistance to an absentee or early voter except in the manner provided by section 204C.15, subdivision 1;

(h) solicit the vote of an absentee or early voter while in the immediate presence of the voter during the time the individual knows the absentee or early voter is voting; or

(i) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.

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

Sec. 5. Minnesota Statutes 2010, section 203B.05, subdivision 1, is amended to read:

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

(1) the county auditor of that county has designated the clerk to administer them; or

(2) the clerk has given the county auditor of that county notice of intention to administer them.

A clerk may only administer the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training.

Sec. 6. Minnesota Statutes 2010, section 203B.081, is amended to read:

**203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before:

(1) a regularly scheduled election for federal, state, county, city, or school board office;

(2) a special election for a federal or county office; and

(3) an election held in conjunction with an election described in clauses (1) and (2), and during the 30 days before any other election, except that an eligible voter may not vote by absentee ballot in person during the period for early voting, as provided in section 203B.31. The county auditor shall make such designations at least 14 weeks before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 7. Minnesota Statutes 2010, section 203B.121, is amended to read:

**203B.121 BALLOT BOARDS.**

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to administer early voting or accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the

official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

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

(2) the reason for rejection; and

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

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

Subd. 2a. **Duties of ballot board; early voting.** The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35, and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 3 and 5.

Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted: ~~or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter.~~ After a voter's record indicates that the voter has cast a ballot pursuant to the early voting procedures in this chapter, or after the close of business on the fourth day before the election ~~if the record indicates that an absentee ballot has been accepted from the voter,~~ a voter ~~whose record indicates that an absentee ballot has been accepted~~ must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal or state office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of ~~absentee~~ voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

(1) by the county auditor or municipal clerk before election day;

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

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

The record of a voter whose absentee ballot was received after the close of business on the fourth day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Subd. 4. **Opening of envelopes.** After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

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

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

(2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters who cast early ballots or whose absentee ballots were ~~accepted~~ inserted into the box that day; and

(3) seal and secure all voted and unvoted ballots present in that location at the end of the day.

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count shall be public. No vote totals from ballots may be made public before the close of voting on election day.

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

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

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

8.2            An eligible voter may vote in person before election day in the manner provided  
8.3 in sections 203B.31 to 203B.35.

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

8.5            Early voting must be available to an eligible voter as provided in section 203B.32 for  
8.6 every primary, general, and special election from 15 days before the election through 5:00  
8.7 p.m. on the fourth day before the election. All voters in line at 5:00 p.m. on the fourth day  
8.8 before the election must be allowed to vote.

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

8.10           Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on  
8.11 each weekday during the time period provided in section 203B.31, unless one of these  
8.12 days is a holiday, in which case early voting will not be available on that day; from 8:00  
8.13 a.m. to 8:00 p.m. on at least one of those days; and from 10:00 a.m. to 3:00 p.m. on  
8.14 the second Saturday before the election.

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

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

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

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

8.26           The county auditor must prepare a notice to the voters of the days, times, and  
8.27 locations for early voting. This notice must be posted on the county's Web site and the  
8.28 Web site for each municipality in the county where an early voting location is designated  
8.29 for the election at least 14 days before the first day for early voting.

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



Subdivision 1. **Voting procedure.** Each voter shall sign an early voting roster that includes the certification provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3. Ballots must be prepared and distributed by members of the ballot board in the manner provided in sections 204C.09 and 204C.10. The voter must mark the ballot and deposit it in either a precinct voting system or a sealed ballot box. A voter may not leave the polling place with the ballot.

Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35 must be processed and counted by a ballot board, and a record that voters who cast a ballot early have voted at the election must be created, as required in section 203B.121.

Sec. 14. Minnesota Statutes 2010, section 204C.10, is amended to read:

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

(a) An individual seeking to vote shall sign a polling place roster ~~which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "~~I certify that I have not already voted in this election and after casting my ballot today, I will not vote again in this election. I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote, have not been found by a court to be legally incompetent to vote, and that if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."~~The words "I have not already voted in this election" and "I understand that deliberately providing false information is a felony" must be in bold type.~~

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

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

Sec. 15. Minnesota Statutes 2010, section 206.83, is amended to read:

**206.83 TESTING OF VOTING SYSTEMS.**

~~Within 14 days before election day,~~ The official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

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

Sec. 16. **EFFECTIVE DATE; APPLICABILITY.**

Section 14 is effective July 1, 2012, for all elections held after that date. Sections 1 to 13 and 15 are effective on June 25, 2012, for all federal, state, county, and city elections or, if voting equipment that can tabulate at least 30 different ballot styles has not been certified for use in this state by that date, 45 days before the next state primary or general

**S.F. No. 625, as introduced - 87th Legislative Session (2011-2012) [11-1105]**

- 11.1 election held after this voting equipment is certified. Sections 1 to 13 and 15 are effective
- 11.2 for all elections held after January 1, 2015.