

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1487

02/21/2019 Authored by Dehn, Bahner and Freiberg
The bill was read for the first time and referred to the Committee on Government Operations
03/07/2019 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
04/23/2019 Adoption of Report: Placed on the General Register
Read for the Second Time
05/02/2019 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act

1.2 relating to elections; making technical and policy changes to provisions related to

1.3 elections administration including provisions related to voting, voter registration,

1.4 polling places, ballots, recounts, contests, candidates, and various other

1.5 election-related provisions; amending Minnesota Statutes 2018, sections 5B.06;

1.6 201.071, subdivisions 1, 2, 3, 8; 201.12, subdivision 2; 201.121, subdivision 3;

1.7 201.13, subdivision 3; 201.1611, subdivision 1; 201.225, subdivision 2; 202A.16,

1.8 subdivision 1; 203B.04, subdivision 1; 203B.081, subdivisions 1, 2; 203B.12,

1.9 subdivision 7; 203B.121, subdivision 4; 203B.16, subdivision 2; 203B.24,

1.10 subdivision 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 3; 204B.16,

1.11 subdivision 1; 204B.19, subdivision 6; 204B.21, subdivision 2; 204B.36,

1.12 subdivision 2; 204B.45, subdivision 2; 204B.46; 204C.05, subdivisions 1a, 1b;

1.13 204C.21, subdivision 1; 204C.27; 204C.33, subdivision 3; 204C.35, subdivision

1.14 3, by adding a subdivision; 204C.36, subdivision 1; 204D.08, subdivision 4;

1.15 204D.13, subdivision 1; 204D.27, subdivision 5; 204D.28, subdivisions 9, 10;

1.16 205.13, subdivision 5; 205A.10, subdivision 5; 205A.12, subdivision 5; 206.89,

1.17 subdivisions 4, 5; 206.90, subdivision 6; 207A.12; 207A.14, subdivision 2; 209.021,

1.18 subdivision 2; 211B.11, subdivision 1; 367.03, subdivision 6; 367.25, subdivision

1.19 1; 412.02, subdivision 2a; 447.32, subdivision 4.

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

1.21 Section 1. Minnesota Statutes 2018, section 5B.06, is amended to read:

1.22 **5B.06 VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.**

1.23 A program participant who is otherwise eligible to vote may register with the secretary

1.24 of state as a permanent absentee voter. Notwithstanding section 203B.04, subdivision 5,

1.25 the secretary of state is not required to send an absentee ballot application prior to each

1.26 election to a program participant registered as a permanent absentee voter under this section.

1.27 As soon as practicable before each election, the secretary of state shall determine the precinct

1.28 in which the residential address of the program participant is located and shall request from

1.29 ~~and receive from the county auditor or other election official the ballot for that precinct and~~

2.1 ~~shall forward the absentee ballot to the program participant with the other~~ prepare the
2.2 program participant's ballot for that precinct using the Minnesota statewide voter registration
2.3 system and send the ballot with all corresponding materials for absentee balloting as required
2.4 by Minnesota law. The program participant shall complete the ballot and return it to the
2.5 secretary of state, who shall review the ballot in the manner provided by section 203B.121,
2.6 subdivision 2. If the ballot and ballot materials comply with the requirements of that section,
2.7 the ballot must be certified by the secretary of state as the ballot of a program participant,
2.8 and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all
2.9 other ballots. The name and address of a program participant must not be listed in the
2.10 statewide voter registration system.

2.11 Sec. 2. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:

2.12 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
2.13 contain the same information unless otherwise provided by law. A voter registration
2.14 application must contain spaces for the following required information: voter's first name,
2.15 middle name, and last name; voter's previous name, if any; voter's current address; voter's
2.16 previous address, if any; voter's date of birth; voter's municipality and county of residence;
2.17 voter's telephone number, if provided by the voter; date of registration; current and valid
2.18 Minnesota driver's license number or Minnesota state identification number, or if the voter
2.19 has no current and valid Minnesota driver's license or Minnesota state identification, the
2.20 last four digits of the voter's Social Security number; and voter's signature. The paper
2.21 registration application may include the voter's e-mail address, if provided by the voter. The
2.22 electronic voter registration application must include the voter's e-mail address. The
2.23 registration application may include the voter's interest in serving as an election judge, if
2.24 indicated by the voter. The application must also contain the following certification of voter
2.25 eligibility:

2.26 "I certify that I:

2.27 (1) will be at least 18 years old on election day;

2.28 (2) am a citizen of the United States;

2.29 (3) will have ~~resided~~ maintained residence in Minnesota for 20 days immediately
2.30 preceding election day;

2.31 (4) maintain residence at the address given on the registration form;

2.32 (5) am not under court-ordered guardianship in which the court order revokes my right
2.33 to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 3. Minnesota Statutes 2018, section 201.071, subdivision 2, is amended to read:

Subd. 2. **Instructions.** (a) A registration application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and disabled individuals and residents of health care facilities and hospitals.

(b) The instructions must indicate that if the voter ~~does not have~~ must provide a valid Minnesota driver's license or identification card number, or the last four digits of the voter's Social Security number ~~must be provided, unless the voter does not have a Social Security number, unless the voter has not been issued one of those numbers.~~

(c) If, prior to election day, a person requests the instructions in Braille, audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and audio copies and make them available.

4.1 Sec. 4. Minnesota Statutes 2018, section 201.071, subdivision 3, is amended to read:

4.2 Subd. 3. **Deficient registration.** ~~No~~ (a) A voter registration application is not deficient
4.3 if it contains the voter's:

4.4 (1) name, address, and date of birth;₂

4.5 (2) current and valid Minnesota driver's license number ~~or~~ Minnesota state identification
4.6 number, ~~or if the voter has no current and valid Minnesota driver's license or Minnesota~~
4.7 ~~state identification number~~, the last four digits of the voter's Social Security number, ~~if the~~
4.8 ~~voter has been issued a Social Security number~~;₂

4.9 (3) prior registration, if any;₂ and

4.10 (4) signature.

4.11 (b) A registration application is not deficient due to any of the following:

4.12 (1) the absence of a zip code number ~~does not cause the registration to be deficient~~;₂

4.13 (2) failure to check a box on an application form that a voter has certified to be true ~~does~~
4.14 ~~not cause the registration to be deficient~~; or

4.15 (3) the absence of an identification number listed under paragraph (a), clause (2), if the
4.16 voter has not been issued one of those numbers, or the application was accepted before
4.17 January 1, 2004.

4.18 ~~The election judges shall request an individual to correct a voter registration application~~
4.19 ~~if it is deficient or illegible. No eligible voter may be prevented from voting unless the~~
4.20 ~~voter's registration application is deficient or the voter is duly and successfully challenged~~
4.21 ~~in accordance with section 201.195 or 204C.12.~~

4.22 (c) A voter registration application:

4.23 (1) accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county
4.24 or municipality may attempt to obtain the date of birth for a voter registration application
4.25 accepted prior to August 1, 1983, by a request to the voter at any time except at the polling
4.26 place. Failure by the voter to comply with this request does not make the registration
4.27 deficient; and

4.28 ~~A voter registration application accepted before January 1, 2004, is not deficient for lack~~
4.29 ~~of a valid Minnesota driver's license or state identification number or the last four digits of~~
4.30 ~~a Social Security number.~~

~~A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient for lack of any of these numbers.~~

~~A voter registration application~~ (2) submitted electronically through the website of the secretary of state prior to April 30, 2014, is not invalid as a result of its electronic submission.

(d) The election judges shall request an individual to correct a voter registration application if it is deficient or illegible. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter's eligibility to vote is successfully challenged under section 201.195 or 204C.12.

Sec. 5. Minnesota Statutes 2018, section 201.071, subdivision 8, is amended to read:

Subd. 8. **School district assistance.** School districts shall assist county auditors in determining the school district in which a voter ~~resides~~ maintains residence.

Sec. 6. Minnesota Statutes 2018, section 201.12, subdivision 2, is amended to read:

Subd. 2. **Moved within state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address in this state, the county auditor may change the voter's status to "inactive" in the statewide registration system and shall transmit a copy of the mailing to the auditor of the county in which the new address is located. If an election is scheduled to occur in the precinct in which the voter ~~resides~~ maintains residence in the next 47 days, the county auditor shall promptly update the voter's address in the statewide voter registration system. If there is not an election scheduled, the auditor may wait to update the voter's address until after the next list of address changes is received from the secretary of state. Once updated, the county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

Sec. 7. Minnesota Statutes 2018, section 201.121, subdivision 3, is amended to read:

Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals

registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney of all of the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor must notify the secretary of state of the following information for the previous state general election by each precinct:

(1) the total number of all notices that were returned as nondeliverable;

(2) the total number of nondeliverable notices that the county auditor was able to determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

(b) By March 1 of every odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the following information for the previous state general election by each precinct and each county:

(1) the total number of all notices that were returned as nondeliverable;

(2) the total number of nondeliverable notices that a county auditor was able to determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

Sec. 8. Minnesota Statutes 2018, section 201.13, subdivision 3, is amended to read:

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. The secretary of state may also periodically obtain a list of individuals with driver's licenses or state identification cards to identify those who are registered to vote who have applied to the Department of Public Safety for a replacement driver's license or state identification card with a different address, and a list of individuals for whom the Department of Public Safety received notification of a driver's license or state identification card cancellation due to a change of residency out of state. However, the secretary of state shall not load data derived from these

7.1 lists into the statewide voter registration system within the 47 days before the state primary
7.2 or 47 days before a November general election.

7.3 (b) If the address is changed to another address in this state, the secretary of state shall
7.4 locate the precinct in which the voter ~~resides~~ maintains residence, if possible. If the secretary
7.5 of state is able to locate the precinct in which the voter ~~resides~~ maintains residence, the
7.6 secretary must transmit the information about the changed address by electronic means to
7.7 the county auditor of the county in which the new address is located. For addresses for
7.8 which the secretary of state is unable to determine the precinct, the secretary may forward
7.9 information to the appropriate county auditors for individual review. If the voter has not
7.10 voted or submitted a voter registration application since the address change, upon receipt
7.11 of the information, the county auditor shall update the voter's address in the statewide voter
7.12 registration system. The county auditor shall mail to the voter a notice stating the voter's
7.13 name, address, precinct, and polling place, unless the voter's record is challenged due to a
7.14 felony conviction, noncitizenship, name change, incompetence, or a court's revocation of
7.15 voting rights of individuals under guardianship, in which case the auditor must not mail the
7.16 notice. The notice must advise the voter that the voter's voting address has been changed
7.17 and that the voter must notify the county auditor within 21 days if the new address is not
7.18 the voter's address of residence. The notice must state that it must be returned if it is not
7.19 deliverable to the voter at the named address.

7.20 (c) If the change of permanent address is to an address outside this state, the secretary
7.21 of state shall notify by electronic means the auditor of the county where the voter formerly
7.22 ~~resided~~ maintained residence that the voter has moved to another state. If the voter has not
7.23 voted or submitted a voter registration application since the address change, the county
7.24 auditor shall promptly mail to the voter at the voter's new address a notice advising the voter
7.25 that the voter's status in the statewide voter registration system will be changed to "inactive"
7.26 unless the voter notifies the county auditor within 21 days that the voter is retaining the
7.27 former address as the voter's address of residence, except that if the voter's record is
7.28 challenged due to a felony conviction, noncitizenship, name change, incompetence, or a
7.29 court's revocation of voting rights of individuals under guardianship, the auditor must not
7.30 mail the notice. If the notice is not received by the deadline, the county auditor shall change
7.31 the voter's status to "inactive" in the statewide voter registration system.

7.32 (d) If, in order to maintain voter registration records, the secretary of state enters an
7.33 agreement to share information or data with an organization governed exclusively by a
7.34 group of states, the secretary must first determine that the data security protocols are sufficient
7.35 to safeguard the information or data shared. If required by such an agreement, the secretary

8.1 of state may share the following data from the statewide voter registration system and data
8.2 released to the secretary of state under section 171.12, subdivision 7a:

8.3 (1) name;

8.4 (2) date of birth;

8.5 (3) address;

8.6 (4) driver's license or state identification card number;

8.7 (5) the last four digits of an individual's Social Security number; and

8.8 (6) the date that an individual's record was last updated.

8.9 If the secretary of state enters into such an agreement, the secretary and county auditors
8.10 must process changes to voter records based upon that data in accordance with this section.
8.11 Except as otherwise provided in this subdivision, when data is shared with the secretary of
8.12 state by another state, the secretary of state must maintain the same data classification that
8.13 the data had while it was in the possession of the state providing the data.

8.14 Sec. 9. Minnesota Statutes 2018, section 201.1611, subdivision 1, is amended to read:

8.15 Subdivision 1. **Forms.** All postsecondary institutions that enroll students accepting state
8.16 or federal financial aid shall provide voter registration forms to each student as early as
8.17 possible in the fall quarter. All school districts shall make available voter registration
8.18 applications each May and September to all students registered as students of the school
8.19 district who will be eligible to vote at the next election after those months. A school district
8.20 has no obligation to provide voter registration applications to students who participate in a
8.21 postsecondary education option program or who otherwise ~~reside~~ maintain residence in the
8.22 district but do not attend a school operated by the district. A school district fulfills its
8.23 obligation to a student under this section if it provides a voter registration application to the
8.24 student one time. The forms must contain spaces for the information required in section
8.25 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and
8.26 school districts may request these forms from the secretary of state. Institutions shall consult
8.27 with their campus student government in determining the most effective means of distributing
8.28 the forms and in seeking to facilitate election day registration of students under section
8.29 201.061, subdivision 3. School districts must advise students that completion of the voter
8.30 registration application is not a school district requirement.

9.1 Sec. 10. Minnesota Statutes 2018, section 201.225, subdivision 2, is amended to read:

9.2 Subd. 2. **Technology requirements.** An electronic roster must:

9.3 (1) be able to be loaded with a data file that includes voter registration data in a file
9.4 format prescribed by the secretary of state;

9.5 (2) allow for data to be exported in a file format prescribed by the secretary of state;

9.6 (3) allow for data to be entered manually or by scanning a Minnesota driver's license or
9.7 identification card to locate a voter record or populate a voter registration application that
9.8 would be printed and signed and dated by the voter. The printed registration application
9.9 can be either a printed form, labels printed with voter information to be affixed to a preprinted
9.10 form, or a combination of both;

9.11 (4) allow an election judge to update data that was populated from a scanned driver's
9.12 license or identification card;

9.13 (5) cue an election judge to ask for and input data that is not populated from a scanned
9.14 driver's license or identification card that is otherwise required to be collected from the voter
9.15 or an election judge;

9.16 (6) immediately alert the election judge if the voter has provided information that indicates
9.17 that the voter is not eligible to vote;

9.18 (7) immediately alert the election judge if the electronic roster indicates that a voter has
9.19 already voted in that precinct, the voter's registration status is challenged, or it appears the
9.20 voter ~~resides~~ maintains residence in a different precinct;

9.21 (8) provide immediate instructions on how to resolve a particular type of challenge when
9.22 a voter's record is challenged;

9.23 (9) provide for a printed voter signature certificate, containing the voter's name, address
9.24 of residence, date of birth, voter identification number, the oath required by section 204C.10,
9.25 and a space for the voter's original signature. The printed voter signature certificate can be
9.26 either a printed form or a label printed with the voter's information to be affixed to the oath;

9.27 (10) contain only preregistered voters within the precinct, and not contain preregistered
9.28 voter data on voters registered outside of the precinct;

9.29 (11) be only networked within the polling location on election day, except for the purpose
9.30 of updating absentee ballot records;

9.31 (12) meet minimum security, reliability, and networking standards established by the
9.32 Office of the Secretary of State in consultation with the Office of MN.IT Services;

10.1 (13) be capable of providing a voter's correct polling place; and

10.2 (14) perform any other functions necessary for the efficient and secure administration
10.3 of the participating election, as determined by the secretary of state.

10.4 Electronic rosters used only for election day registration do not need to comply with clauses
10.5 (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need
10.6 to comply with clauses (4) and (5).

10.7 Sec. 11. Minnesota Statutes 2018, section 202A.16, subdivision 1, is amended to read:

10.8 Subdivision 1. **Eligible voters.** Only those individuals who are or will be eligible to vote
10.9 at the time of the next state general election, may vote or be elected a delegate or officer at
10.10 the precinct caucus. An eligible voter may vote or be elected a delegate or officer only in
10.11 the precinct where the voter ~~resides~~ maintains residence at the time of the caucus.

10.12 Sec. 12. Minnesota Statutes 2018, section 203B.04, subdivision 1, is amended to read:

10.13 Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision
10.14 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election
10.15 may be submitted at any time not less than one day before the day of that election. The
10.16 county auditor shall prepare absentee ballot application forms in the format provided by the
10.17 secretary of state and shall furnish them to any person on request. By January 1 of each
10.18 even-numbered year, the secretary of state shall make the forms to be used available to
10.19 auditors through electronic means. An application submitted pursuant to this subdivision
10.20 shall be in writing. An application may be submitted in person, by electronic facsimile
10.21 device, by electronic mail, or by mail to:

10.22 (1) the county auditor of the county where the applicant maintains residence; or

10.23 (2) the municipal clerk of the municipality, or school district if applicable, where the
10.24 applicant maintains residence.

10.25 For a federal, state, or county election, an absentee ballot application may alternatively be
10.26 submitted electronically through a secure website that shall be maintained by the secretary
10.27 of state for this purpose. Notwithstanding paragraph (b), the secretary of state must require
10.28 applicants using the website to submit the applicant's e-mail address and verifiable Minnesota
10.29 driver's license number, Minnesota state identification card number, or the last four digits
10.30 of the applicant's Social Security number.

10.31 An application submitted electronically under this paragraph may only be transmitted to
10.32 the county auditor for processing if the secretary of state has verified the application

11.1 information matches the information in a government database associated with the applicant's
11.2 driver's license number, state identification card number, or Social Security number. The
11.3 secretary of state must review all unverifiable applications for evidence of suspicious activity
11.4 and must forward any such application to an appropriate law enforcement agency for
11.5 investigation.

11.6 (b) An application shall be approved if it is timely received, signed and dated by the
11.7 applicant, contains the applicant's name and residence and mailing addresses, date of birth,
11.8 and at least one of the following:

11.9 (1) the applicant's Minnesota driver's license number;

11.10 (2) Minnesota state identification card number;

11.11 (3) the last four digits of the applicant's Social Security number; or

11.12 (4) a statement that the applicant does not have any of these numbers.

11.13 (c) To be approved, the application must contain an oath that the information contained
11.14 on the form is accurate, that the applicant is applying on the applicant's own behalf, and
11.15 that the applicant is signing the form under penalty of perjury.

11.16 (d) An applicant's full date of birth, Minnesota driver's license or state identification
11.17 number, and the last four digits of the applicant's Social Security number must not be made
11.18 available for public inspection. An application may be submitted to the county auditor or
11.19 municipal clerk by an electronic facsimile device. An application mailed or returned in
11.20 person to the county auditor or municipal clerk on behalf of a voter by a person other than
11.21 the voter must be deposited in the mail or returned in person to the county auditor or
11.22 municipal clerk within ten days after it has been dated by the voter and no later than six
11.23 days before the election. The absentee ballot applications or a list of persons applying for
11.24 an absentee ballot may not be made available for public inspection until the close of voting
11.25 on election day, except as authorized in section 203B.12, and must be available to the public
11.26 in the same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

11.27 (e) An application under this subdivision may contain an application under subdivision
11.28 5 to automatically receive an absentee ballot application.

11.29 Sec. 13. Minnesota Statutes 2018, section 203B.081, subdivision 1, is amended to read:

11.30 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the
11.31 office of the county auditor and at any other polling place designated by the county auditor
11.32 during the 46 days before the election, except as provided in this section. The county auditor

12.1 shall make such polling place designations at least 14 weeks before the election. Voters
12.2 casting absentee ballots in person for a town election held in March may do so during the
12.3 30 days before the election.

12.4 Sec. 14. Minnesota Statutes 2018, section 203B.081, subdivision 2, is amended to read:

12.5 Subd. 2. **Town elections Voting booth; electronic ballot marker.** ~~Voters casting~~
12.6 ~~absentee ballots in person for a town election held in March may do so during the 30 days~~
12.7 ~~before the election. The county auditor shall make such designations at least 14 weeks before~~
12.8 ~~the election. For purposes of this section, the county auditor must make available in each~~
12.9 polling place (1) at least one voting booth in each polling place must be made available by
12.10 the county auditor for this purpose. The county auditor must also make available, and (2)
12.11 at least one electronic ballot marker in each polling place that has implemented a voting
12.12 system that is accessible for individuals with disabilities pursuant to section 206.57,
12.13 subdivision 5.

12.14 Sec. 15. Minnesota Statutes 2018, section 203B.12, subdivision 7, is amended to read:

12.15 Subd. 7. **Names of persons; rejected absentee ballots.** The names of voters who have
12.16 submitted an absentee ballot to the county auditor or municipal clerk that has not been
12.17 accepted may not be made available for public inspection until the close of voting on election
12.18 day.

12.19 After the close of voting on election day, the lists must be available to the public in the
12.20 same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

12.21 Sec. 16. Minnesota Statutes 2018, section 203B.121, subdivision 4, is amended to read:

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

12.28 Sec. 17. Minnesota Statutes 2018, section 203B.16, subdivision 2, is amended to read:

12.29 Subd. 2. **Indefinite residence outside United States.** Sections 203B.16 to 203B.27
12.30 provide the exclusive voting procedure for United States citizens who are living indefinitely
12.31 outside the territorial limits of the United States who meet all the qualifications of an eligible

voter except residence in Minnesota, but who are authorized by federal law to vote in Minnesota because they or, if they have never ~~resided~~ maintained residence in the United States, a parent maintained residence in Minnesota for at least 20 days immediately prior to their departure from the United States. Individuals described in this subdivision shall be permitted to vote only for the offices of president, vice-president, senator in Congress, and representative in Congress.

Sec. 18. Minnesota Statutes 2018, section 203B.24, subdivision 1, is amended to read:

Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names recorded under section 203B.19 in the statewide registration system to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name and address on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the same voter's passport number, or Minnesota driver's license or state identification card number, or the last four digits of the voter's Social Security number as submitted on the application, if the voter has one of these documents;

(4) the voter is not known to have died; and

(5) the voter has not already voted at that election, either in person or by absentee ballot.

If the identification number described in clause (3) does not match the number as submitted on the application, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant, or by an individual authorized to apply on behalf of the voter, that the ballots were returned by the same person to whom the ballots were transmitted.

An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to (5). In particular, 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.

14.1 Election judges must note the reason for rejection on the back of the envelope in the
14.2 space provided for that purpose.

14.3 Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall
14.4 not be counted if the certificate on the return envelope is not properly executed. In all other
14.5 respects the provisions of the Minnesota Election Law governing deposit and counting of
14.6 ballots shall apply. Notwithstanding other provisions of this section, the counting of the
14.7 absentee ballot of a deceased voter does not invalidate the election.

14.8 Sec. 19. Minnesota Statutes 2018, section 204B.06, subdivision 4a, is amended to read:

14.9 Subd. 4a. **State and local offices.** Candidates who seek nomination for the following
14.10 offices shall state the following additional information on the affidavit:

14.11 (1) for governor or lieutenant governor, that on the first Monday of the next January the
14.12 candidate will be 25 years of age or older and, on the day of the state general election, a
14.13 resident of Minnesota for not less than one year;

14.14 (2) for supreme court justice, court of appeals judge, or district court judge, that the
14.15 candidate is learned in the law;

14.16 (3) for county, municipal, school district, or special district office, that the candidate
14.17 meets any other qualifications for that office prescribed by law;

14.18 (4) for senator or representative in the legislature, that on the day of the general or special
14.19 election to fill the office the candidate will have ~~resided~~ maintained residence not less than
14.20 one year in the state and not less than six months in the legislative district from which the
14.21 candidate seeks election.

14.22 Sec. 20. Minnesota Statutes 2018, section 204B.09, subdivision 1, is amended to read:

14.23 Subdivision 1. **Candidates in state and county general elections.** (a) Except as
14.24 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions
14.25 for county, state, and federal offices filled at the state general election shall be filed not
14.26 more than 84 days nor less than 70 days before the state primary. The affidavit may be
14.27 prepared and signed at any time between 60 days before the filing period opens and the last
14.28 day of the filing period.

14.29 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed
14.30 in the presence of a notarial officer or an individual authorized to administer oaths under
14.31 section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions at least 77 days before the general election day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for county offices must be filed with the county auditor of that county. Affidavits and petitions for federal offices must be filed with the secretary of state. Affidavits and petitions for state offices must be filed with the secretary of state or with the county auditor of the county in which the candidate ~~resides~~ maintains residence.

(e) Affidavits other than those filed pursuant to subdivision 1a must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and must be received by 5:00 p.m. on the last day for filing.

Sec. 21. Minnesota Statutes 2018, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought not more than 84 days before the primary and no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request. ~~No~~ The filing officer shall not accept a written request shall ~~be accepted~~ later than 5:00 p.m. on the last day for filing a written request.

(b) The governing body of a statutory or home rule charter city may require by resolution that a candidate for local elective office file a written request with the chief election official at least seven days before the city election if the candidate wants to have the candidate's write-in votes individually recorded; or a governing body of a statutory or home rule charter city may require by resolution that write-in votes for an individual candidate only be individually recorded if the total number of write-in votes for that office is equal to or greater than the fewest number of non-write-in votes for a ballot candidate. The governing body of the statutory or home rule charter city must adopt a resolution authorized by this paragraph before the first day of filing for office. A resolution adopted under this paragraph remains in effect until a subsequent resolution on the same subject is adopted by the governing body of the statutory or home rule charter city.

~~(b)~~ (c) A candidate for president of the United States who files a request under this subdivision must ~~include the name of a candidate for vice president of the United States.~~ file jointly with another individual seeking nomination as a candidate for vice president of

the United States. A candidate for vice president of the United States who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

~~(e)~~ (d) A candidate for governor who files a request under this subdivision must ~~include the name of a candidate for lieutenant governor.~~ file jointly with another individual seeking nomination as a candidate for lieutenant governor. A candidate for lieutenant governor who files a request under this subdivision must file jointly with another individual seeking nomination as a candidate for governor.

Sec. 22. Minnesota Statutes 2018, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** (a) By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution ~~a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made:~~ any changes to a polling place location. A polling place must be maintained for the following calendar year unless changed:

(1) by ordinance or resolution by December 31 of the previous year;

~~(1)~~ (2) pursuant to section 204B.175;

~~(2)~~ (3) because a polling place has become unavailable; or

~~(3)~~ (4) because a township designates one location for all state, county, and federal elections and one location for all township only elections.

(b) Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02,

17.1 subdivision 24, then the polling place for a town or school district may be located outside
17.2 the town or school district within five miles of one of the boundaries of the town or school
17.3 district.

17.4 Sec. 23. Minnesota Statutes 2018, section 204B.19, subdivision 6, is amended to read:

17.5 Subd. 6. **High school students.** Notwithstanding any other requirements of this section,
17.6 a student enrolled in a high school in Minnesota or who is in a home school in compliance
17.7 with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed
17.8 as a without party affiliation trainee election judge in the county in which the student ~~resides~~
17.9 maintains residence, or a county adjacent to the county in which the student ~~resides~~ maintains
17.10 residence. The student must meet qualifications for trainee election judges specified in rules
17.11 of the secretary of state. A student appointed as a trainee election judge may be excused
17.12 from school attendance during the hours that the student is serving as a trainee election
17.13 judge if the student submits a written request signed and approved by the student's parent
17.14 or guardian to be absent from school and a certificate from the appointing authority stating
17.15 the hours during which the student will serve as a trainee election judge to the principal of
17.16 the school at least ten days prior to the election. Students shall not serve as trainee election
17.17 judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election
17.18 judges may be paid not less than two-thirds of the minimum wage for a large employer.
17.19 The principal of the school may approve a request to be absent from school conditioned on
17.20 acceptable academic performance at the time of service as a trainee election judge.

17.21 Sec. 24. Minnesota Statutes 2018, section 204B.21, subdivision 2, is amended to read:

17.22 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a
17.23 municipality shall be appointed by the governing body of the municipality. Election judges
17.24 for precincts in unorganized territory and for performing election-related duties assigned
17.25 by the county auditor shall be appointed by the county board. Election judges for a precinct
17.26 composed of two or more municipalities must be appointed by the governing body of the
17.27 municipality or municipalities responsible for appointing election judges as provided in the
17.28 agreement to combine for election purposes. Except as otherwise provided in this section,
17.29 appointments shall be made from the list of voters who ~~reside~~ maintain residence in each
17.30 precinct, furnished pursuant to subdivision 1, subject to the eligibility requirements and
17.31 other qualifications established or authorized under section 204B.19. At least two election
17.32 judges in each precinct must be affiliated with different major political parties. If no lists
17.33 have been furnished or if additional election judges are required after all listed names in
17.34 that municipality have been exhausted, the appointing authority may appoint other individuals

who meet the qualifications to serve as an election judge, including persons on the list furnished pursuant to subdivision 1 who indicated a willingness to travel to the municipality, and persons who are not affiliated with a major political party. An individual who is appointed from a source other than the list furnished pursuant to subdivision 1 must provide to the appointing authority the individual's major political party affiliation or a statement that the individual does not affiliate with any major political party. An individual who refuses to provide the individual's major political party affiliation or a statement that the individual does not affiliate with a major political party must not be appointed as an election judge. The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required.

Sec. 25. Minnesota Statutes 2018, section 204B.36, subdivision 2, is amended to read:

Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lowercase letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general or special election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed an oval or similar target shape in which the voter may designate a vote by filling in the oval or similar mark if a different target shape is used. Each oval or target shape shall be the same size. Above the first name on each ballot shall be instructions for voting. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

19.1 Sec. 26. Minnesota Statutes 2018, section 204B.45, subdivision 2, is amended to read:

19.2 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given
19.3 at least ten weeks prior to the election. Not more than 46 days nor later than 14 days before
19.4 a regularly scheduled election and not more than 30 days nor later than 14 days before any
19.5 other election, the auditor shall mail ballots by nonforwardable mail to all voters registered
19.6 in the city, town, or unorganized territory. No later than 14 days before the election, the
19.7 auditor must make a subsequent mailing of ballots to those voters who register to vote after
19.8 the initial mailing but before the 20th day before the election. Eligible voters not registered
19.9 at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot
19.10 return envelopes, with return postage provided, must be preaddressed to the auditor or clerk
19.11 and the voter may return the ballot by mail or in person to the office of the auditor or clerk.
19.12 The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot
19.13 return envelopes and mark them "accepted" or "rejected" within three days of receipt if
19.14 there are 14 or fewer days before election day, or within five days of receipt if there are
19.15 more than 14 days before election day. The board may consist of deputy county auditors or
19.16 deputy municipal clerks who have received training in the processing and counting of mail
19.17 ballots, who need not be affiliated with a major political party. Election judges performing
19.18 the duties in this section must be of different major political parties, unless they are exempt
19.19 from that requirement under section 205.075, subdivision 4, or section 205A.10. If an
19.20 envelope has been rejected at least five days before the election, the ballots in the envelope
19.21 must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot
19.22 and return envelope in place of the spoiled ballot. If the ballot is rejected within five days
19.23 of the election, the envelope must remain sealed and the official in charge of the ballot board
19.24 must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's
19.25 ballot has been rejected. The official must document the attempts made to contact the voter.

19.26 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
19.27 indicate that the voter has already cast a ballot in that election. After the close of business
19.28 on the seventh day before the election, the ballots from return envelopes marked "Accepted"
19.29 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision
19.30 5, initialed by the members of the ballot board, and deposited in the ballot box.

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

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

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

Sec. 27. Minnesota Statutes 2018, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election-, except in overlapping school and municipality jurisdictions, where a mail election may include an office when one of the jurisdictions also has a question on the ballot. Notice of the election must be given to the county auditor at least 74 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of deputy county auditors, deputy municipal clerks, or deputy school district clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. 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. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot 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.

21.1 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
21.2 indicate that the voter has already cast a ballot in that election. After the close of business
21.3 on the seventh day before the election, the ballots from return envelopes marked "Accepted"
21.4 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision
21.5 5, initialed by the ballot board, and deposited in the appropriate ballot box.

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

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

21.11 Sec. 28. Minnesota Statutes 2018, section 204C.05, subdivision 1a, is amended to read:

21.12 Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500
21.13 inhabitants according to the most recent federal decennial census, which is located outside
21.14 the metropolitan area as defined in section 200.02, subdivision 24, may fix a later time for
21.15 voting to begin at state primary, special, or general elections, if approved by a vote of the
21.16 town electors at the annual town meeting. The question of shorter voting hours must be
21.17 included in the notice of the annual town meeting before the question may be submitted to
21.18 the electors at the meeting. The later time may not be later than 10:00 a.m. for special,
21.19 primary, or general elections. The town clerk shall either post or publish notice of the
21.20 changed hours and notify the county auditor and the secretary of state of the change 30 days
21.21 before the election.

21.22 Sec. 29. Minnesota Statutes 2018, section 204C.05, subdivision 1b, is amended to read:

21.23 Subd. 1b. **Elections; unorganized territory.** An unorganized territory or unorganized
21.24 territories which constitute a voting district may have shorter voting hours if at least 20
21.25 percent of the registered voters residing in the voting district sign a petition for shorter hours
21.26 and present it to the county auditor and secretary of state at least 30 days before the election.
21.27 The later time may not be later than 10:00 a.m. for special, primary, or general elections.
21.28 The county auditor shall either post or publish notice of the changed hours, within the voting
21.29 district, 30 days before the election.

21.30 Sec. 30. Minnesota Statutes 2018, section 204C.21, subdivision 1, is amended to read:

21.31 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
21.32 and count the votes cast for each office or question, beginning with the first office or question

on the ballot. They shall make one pile of the ballots for each candidate who received votes for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question. They shall make a pile of totally defective ballots and a pile of totally blank ballots. They shall make a pile of ballots that are not totally defective but are defective with respect to the office or question being counted and a pile of ballots that are not totally blank but are blank with respect to the office or question being counted. After the separation into piles, the election judges shall examine each pile and remove and place in the proper pile any ballots that are found in the wrong pile. The election judges shall count the totally blank and totally defective ballots and set them aside until the counting is over for that ballot. In conducting the count of blank ballots, election judges may presume that the total count provided for prepackaged ballots is correct. The election judges may pile ballots crosswise in groups of 25 in the same pile to facilitate counting. When their counts agree, the election judges shall announce the number of ballots in each pile, and shall write the number in the proper place on the summary statements.

The election judges shall then return all the counted ballots, and all the partially defective or partially blank ballots, to the original pile to be separated and counted in the same manner for the next office or question.

Sec. 31. Minnesota Statutes 2018, section 204C.27, is amended to read:

204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.

One or more of the election judges in each precinct shall deliver ~~two sets~~ one set of summary statements; all spoiled ballots; and the envelopes containing the ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office as soon as possible after the vote counting is completed but no later than 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal and school district ballots, the envelopes containing municipal and school district ballots, and all other things furnished by the municipal or school district clerk, to the municipal or school district clerk's office within 24 hours after the end of the hours for voting. The municipal or school district clerk shall return all polling place rosters and completed voter registration cards to the county auditor within 48 hours after the end of the hours for voting.

Sec. 32. Minnesota Statutes 2018, section 204C.33, subdivision 3, is amended to read:

Subd. 3. **State canvass.** The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area on the third Tuesday following the state general

23.1 election to canvass the certified copies of the county canvassing board reports received from
23.2 the county auditors and shall prepare a report that states:

23.3 (1) the number of individuals voting in the state and in each county;

23.4 (2) the number of votes received by each of the candidates, specifying the counties in
23.5 which they were cast; and

23.6 (3) the number of votes counted for and against each constitutional amendment, specifying
23.7 the counties in which they were cast.

23.8 Upon completion of the canvass, the State Canvassing Board shall declare the candidates
23.9 duly elected who received the highest number of votes for each federal and state office. All
23.10 members of the State Canvassing Board shall sign the report and certify its correctness. The
23.11 State Canvassing Board shall declare the result within three days after completing the
23.12 canvass.

23.13 Sec. 33. Minnesota Statutes 2018, section 204C.35, is amended by adding a subdivision
23.14 to read:

23.15 Subd. 2a. **Constitutional amendment recount.** In a state general election when the
23.16 difference between the number of "yes" votes cast on ratification of a proposed constitutional
23.17 amendment is within one-quarter percent of the number of all other ballots cast at the
23.18 election, the canvassing board shall manually recount the votes on that question, including
23.19 the number of "yes" or "no" votes on the question, and the number of ballots that did not
23.20 cast a vote on the question. The results of the recount must be certified by the canvassing
23.21 board as soon as possible.

23.22 Sec. 34. Minnesota Statutes 2018, section 204C.35, subdivision 3, is amended to read:

23.23 Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited
23.24 in scope to the determination of the number of votes validly cast for the office or question
23.25 to be recounted. Only the ballots cast in the election and the summary statements certified
23.26 by the election judges may be considered in the recount process. Original ballots that have
23.27 been duplicated under section 206.86, subdivision 5, are not within the scope of a recount
23.28 and must not be examined except as provided by a court in an election contest under chapter
23.29 209.

24.1 Sec. 35. Minnesota Statutes 2018, section 204C.36, subdivision 1, is amended to read:

24.2 Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and
24.3 (c), a losing candidate for nomination or election to a county, municipal, or school district
24.4 office may request a recount of the votes cast for the nomination or election to that office
24.5 if the difference between the vote cast for that candidate and for a winning candidate for
24.6 nomination or election is less than one-quarter of one percent of the total votes counted for
24.7 that office. In case of offices where two or more seats are being filled from among all the
24.8 candidates for the office, the one-quarter of one percent difference is between the elected
24.9 candidate with the fewest votes and the candidate with the most votes from among the
24.10 candidates who were not elected.

24.11 (b) A losing candidate for nomination or election to a county, municipal, or school
24.12 district office may request a recount of the votes cast for nomination or election to that
24.13 office if the difference between the votes cast for that candidate and for a winning candidate
24.14 for nomination or election is less than one-half of one percent, and the total number of votes
24.15 cast for the nomination or election of all candidates is more than 400 but less than 50,000.
24.16 In cases of offices where two or more seats are being filled from among all the candidates
24.17 for the office, the one-half of one percent difference is between the elected candidate with
24.18 the fewest votes and the candidate with the most votes from among the candidates who
24.19 were not elected.

24.20 (c) A losing candidate for nomination or election to a county, municipal, or school district
24.21 office may request a recount of the votes cast for nomination or election to that office if the
24.22 difference between the vote cast for that candidate and for a winning candidate for nomination
24.23 or election is ten votes or less, and the total number of votes cast for the nomination or
24.24 election of all candidates is no more than 400. In cases of offices where two or more seats
24.25 are being filled from among all the candidates for the office, the ten vote difference is
24.26 between the elected candidate with the fewest votes and the candidate with the most votes
24.27 from among the candidates who were not elected.

24.28 (d) Candidates for county offices shall file a written request for the recount with the
24.29 county auditor. Candidates for municipal or school district offices shall file a written request
24.30 with the municipal or school district clerk as appropriate. All requests under this paragraph
24.31 shall be filed by between the close of the canvass of a primary or special primary and 5:00
24.32 p.m. on the fifth day after the canvass of a primary or special primary or by between the
24.33 close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the
24.34 canvass of a special or general election for which a recount is sought.

(e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 36. Minnesota Statutes 2018, section 204D.08, subdivision 4, is amended to read:

Subd. 4. **State partisan primary ballot; party columns.** The state partisan primary ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be printed on white paper. There must be at least three vertical columns on the ballot and each major political party shall have a separate column headed by the words "..... Party," giving the party name. Above the party names, the following statement shall be printed.

"Minnesota Election Law permits you to vote for the candidates of only one political party in a state partisan primary election."

If there are only two major political parties to be listed on the ballot, one party must occupy the left-hand column, the other party must occupy the right-hand column, and the center column must contain the following statement:

"Do not vote for candidates of more than one party."

The names of the candidates seeking the nomination of each major political party shall be listed in that party's column. If only one individual files an affidavit of candidacy seeking the nomination of a major political party for an office, the name of that individual shall be placed on the state partisan primary ballot at the appropriate location in that party's column.

In each column, the candidates for senator in Congress shall be listed first, candidates for representative in Congress second, candidates for state senator third, candidates for state representative fourth and then candidates for state office in the order specified by the secretary of state. Vacant offices being filled by special election must be listed with other offices of that type, but after any office of that type for which a candidate will be elected for a full term.

The party columns shall be substantially the same in width, type, and appearance. The columns shall be separated by a 12-point solid line.

Sec. 37. Minnesota Statutes 2018, section 204D.13, subdivision 1, is amended to read:

Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed on the state general election ballot in the following order: senator in Congress shall be first;

representative in Congress, second; state senator, third; and state representative, fourth. The candidates for state offices shall follow in the order specified by the secretary of state. Candidates for governor and lieutenant governor shall appear so that a single vote may be cast for both offices. Vacant offices being filled by special election must be listed with other offices of that type, but after any office of that type for which a candidate will be elected for a full term.

Sec. 38. Minnesota Statutes 2018, section 204D.27, subdivision 5, is amended to read:

Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the State Canvassing Board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals, prepare notices of nomination, and notify each nominee of the nomination. In case of a contest of a special primary for state senator or state representative, the notice of contest must be filed within two days, excluding Sundays and legal holidays, after the canvass is completed, and the contest shall otherwise proceed in the manner provided by law for contesting elections.

Sec. 39. Minnesota Statutes 2018, section 204D.28, subdivision 9, is amended to read:

Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open 12 weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close ten weeks before the special primary. A candidate filing for the office of United States senator to fill a vacancy at a special election when both offices of United States senator are required to be placed on the same ballot must specify on the affidavit of candidacy the expiration date of the term of the office that the candidate is seeking.

Sec. 40. Minnesota Statutes 2018, section 204D.28, subdivision 10, is amended to read:

Subd. 10. **United States senator; candidates; designation of term.** When the names of candidates for both offices of United States senator are required to be placed on the same ballot, the expiration date of the term of each office shall be printed on the ballot in the office heading opposite the name of each candidate for nomination or election to that office.

27.1 Sec. 41. Minnesota Statutes 2018, section 205.13, subdivision 5, is amended to read:

27.2 Subd. 5. **Nominating petition; cities of the first class.** A nominating petition filed on
27.3 behalf of a candidate for municipal office in a city of the first class shall be signed by eligible
27.4 voters who ~~reside~~ maintain residence in the election district from which the candidate is to
27.5 be elected. The number of signers shall be at least 500, or two percent of the total number
27.6 of individuals who voted in the municipality, ward, or other election district at the last
27.7 preceding municipal general election, whichever is greater.

27.8 Sec. 42. Minnesota Statutes 2018, section 205A.10, subdivision 5, is amended to read:

27.9 Subd. 5. **School district canvassing board.** For the purpose of a recount of a special
27.10 election conducted under section 126C.17, subdivision 9, or 475.59, the school district
27.11 canvassing board shall consist of one member of the school board other than the clerk,
27.12 selected by the board, the clerk of the school board, the county auditor of the county in
27.13 which the greatest number of school district residents ~~reside~~ maintain residence, the court
27.14 administrator of the district court of the judicial district in which the greatest number of
27.15 school district residents ~~reside~~ maintain residence, and the mayor or chair of the town board
27.16 of the school district's most populous municipality. Any member of the canvassing board
27.17 may appoint a designee to appear at the meeting of the board, except that no designee may
27.18 be a candidate for public office. If one of the individuals fails to appear at the meeting of
27.19 the canvassing board, the county auditor shall appoint an eligible voter of the school district,
27.20 who must not be a member of the school board, to fill the vacancy. Not more than two
27.21 school board members shall serve on the canvassing board at one time. Four members
27.22 constitute a quorum.

27.23 The school board shall serve as the school district canvassing board for the election of
27.24 school board members.

27.25 Sec. 43. Minnesota Statutes 2018, section 205A.12, subdivision 5, is amended to read:

27.26 Subd. 5. **Board elections.** If the proposal for the establishment of election districts is
27.27 approved by the voters, the board shall specify the election districts from which vacancies
27.28 shall be filled as they occur until such time as each board member represents an election
27.29 district. A candidate for school board in a subsequent election must file an affidavit of
27.30 candidacy to be elected as a school board member for the election district in which the
27.31 candidate ~~resides~~ maintains residence. If there are as many election districts as there are
27.32 members of the board, one and only one member of the board shall be elected from each
27.33 election district. In school districts where one or more board members are elected by election

districts, candidates must indicate on the affidavit of candidacy the number of the district from which they seek election or, if appropriate, that they seek election from one of the offices elected at large. If the election districts have two or three members each, the terms of the members must be staggered. Each board member must be a resident of the election district for which elected but the creation of an election district or a change in election district boundaries shall not disqualify a board member from serving for the remainder of a term.

Sec. 44. Minnesota Statutes 2018, section 206.89, subdivision 4, is amended to read:

Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the results compiled by the voting system with the postelection review described in this section must show that the results of the electronic voting system differed by no more than ~~one-half~~ one-quarter of one percent from the manual count of the offices reviewed. Valid votes that have been marked by the voter outside the vote targets or using a manual marking device that cannot be read by the voting system must not be included in making the determination whether the voting system has met the standard of acceptable performance for any precinct.

Sec. 45. Minnesota Statutes 2018, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts reveals a difference greater than ~~one-half~~ one-quarter of one percent, or greater than two votes in a precinct where ~~400~~ 800 or fewer voters cast ballots, the postelection review official must, within two days, conduct an additional review of the races indicated in subdivision 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review in any of the reviewed precincts also indicates a difference in the vote totals compiled by the voting system that is greater than ~~one-half~~ one-quarter of one percent from the result indicated by the postelection review, or greater than two votes in a precinct where ~~400~~ 800 or fewer voters cast ballots, the county auditor must conduct a review of the ballots from all the remaining precincts in the county for the races indicated in subdivision 3. This review must be completed and the results must be reported to the secretary of state within one week after the second review was completed.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the secretary of state must notify the postelection review official of each county in the district that they must conduct manual recounts of all the ballots in the district for the affected office using the procedure outlined in section 204C.35. The recount must be completed and the results reported to the appropriate canvassing board within two weeks after the postelection review official received notice from the secretary of state.

Sec. 46. Minnesota Statutes 2018, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. In state elections, a single ballot title must be used, as provided in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. ~~In odd-numbered years~~ When both municipal and school district offices or questions appear on the ballot, the single ballot title "City (or Town) and School District Ballot" must be used.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "This ballot card contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for candidates of one political party only." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "Additional political parties are printed on the other side of this ballot. Vote for one political party only." At the bottom of each political party column

on the primary ballot, the ballot must contain a statement that reads substantially as follows: "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 47. Minnesota Statutes 2018, section 207A.12, is amended to read:

207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.

(a) Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.

(b) An individual seeking to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must request the ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section 204C.18, subdivision 1, the election judge must record in the polling place roster the name of the political party whose ballot the voter requested. When posting voter history pursuant to section 201.171, the county auditor must include the name of the political party whose ballot the voter requested. The voter instruction posters, pamphlets, and other informational materials prepared for a presidential primary by the secretary of state pursuant to section 204B.27 must include information about the requirements of this paragraph, including a notice that the voter's choice of a political party's ballot will be recorded and is public information. A voter eligible to cast a ballot as provided in section 5B.06 must be permitted to cast a ballot at the presidential nomination primary consistent with the requirements of that section.

(c) Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results.

(d) The results of the presidential nomination primary must bind the election of delegates in each party.

Sec. 48. Minnesota Statutes 2018, section 207A.14, subdivision 2, is amended to read:

Subd. 2. **Sample Example ballots.** No later than 70 days before the presidential nomination primary, the secretary of state must supply each county auditor with ~~sample~~ example ballots to be used at the presidential nomination primary. The ~~sample~~ example

31.1 ballots must illustrate the format required for the ballots used in the presidential nomination
31.2 primary.

31.3 Sec. 49. Minnesota Statutes 2018, section 209.021, subdivision 2, is amended to read:

31.4 Subd. 2. **Notice filed with court.** If the contest relates to a nomination or election for
31.5 statewide office, the contestant shall file the notice of contest with the court administrator
31.6 of District Court in Ramsey County. For contests relating to any other office, the contestant
31.7 shall file the notice of contest with the court administrator of district court in the county
31.8 where the contestee ~~resides~~ maintains residence.

31.9 If the contest relates to a constitutional amendment, the contestant shall file the notice
31.10 of contest with the court administrator of District Court in Ramsey County. If the contest
31.11 relates to any other question, the contestant shall file the notice of contest with the court
31.12 administrator of district court for the county or any one of the counties where the question
31.13 appeared on the ballot.

31.14 Sec. 50. Minnesota Statutes 2018, section 211B.11, subdivision 1, is amended to read:

31.15 Subdivision 1. **Soliciting near polling places.** A person may not display campaign
31.16 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within
31.17 a polling place or within 100 feet of the building in which a polling place is situated, or
31.18 anywhere on the public property on which a polling place is situated, on primary or election
31.19 day to vote for or refrain from voting for a candidate or ballot question. A person may not
31.20 provide political badges, political buttons, or other political insignia to be worn at or about
31.21 the polling place on the day of a primary or election. A political badge, political button, or
31.22 other political insignia may not be worn at or about the polling place on primary or election
31.23 day. This section applies only during voting hours and to areas established by the county
31.24 auditor or municipal clerk for absentee voting as provided in chapter 203B.

31.25 Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided
31.26 in section 204B.49.

31.27 Sec. 51. Minnesota Statutes 2018, section 367.03, subdivision 6, is amended to read:

31.28 Subd. 6. **Vacancies.** (a) When a vacancy occurs in a town office, the town board shall
31.29 fill the vacancy by appointment. Except as provided in paragraph (b), the person appointed
31.30 shall hold office until the next annual town election, when a successor shall be elected for
31.31 the unexpired term.

31.32 (b) When a vacancy occurs in a town office:

32.1 (1) with more than one year remaining in the term; and

32.2 (2) on or after the 14th day before the first day to file an affidavit of candidacy for the
32.3 town election;

32.4 the vacancy must be filled by appointment. The person appointed serves until the next annual
32.5 town election following the election for which affidavits of candidacy are to be filed, when
32.6 a successor shall be elected for the unexpired term.

32.7 (c) A vacancy in the office of supervisor must be filled by an appointment committee
32.8 comprised of the remaining supervisors and the town clerk.

32.9 (d) Any person appointed to fill the vacancy in the office of supervisor must, upon
32.10 assuming the office, be an eligible voter, be 21 years of age, and have ~~resided~~ maintained
32.11 residence in the town for at least 30 days.

32.12 (e) When, because of a vacancy, more than one supervisor is to be chosen at the same
32.13 election, candidates for the offices of supervisor shall file for one of the specific terms being
32.14 filled.

32.15 (f) When, for any reason, the town board or the appointment committee fails to fill a
32.16 vacancy in the position of an elected town officer by appointment, a special election may
32.17 be called. To call a special election, the supervisors and town clerk, or any two of them
32.18 together with at least 12 other town freeholders, must file a statement in the town clerk's
32.19 office. The statement must tell why the election is called and that the interests of the town
32.20 require the election. When the town board or the appointment committee fails to fill a
32.21 vacancy by appointment, a special town election may also be called on petition of 20 percent
32.22 of the electors of the town. The percentage is of the number of voters at the last general
32.23 election. A special town election must be conducted in the manner required for the annual
32.24 town election.

32.25 (g) Law enforcement vacancies must be filled by appointment by the town board.

32.26 Sec. 52. Minnesota Statutes 2018, section 367.25, subdivision 1, is amended to read:

32.27 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
32.28 a special election, or appointed to a town office, within ten days after receiving a certificate
32.29 or notice of election or appointment, shall take and subscribe the oath required by law.
32.30 Persons elected at a November election shall take their oath before assuming office. If taken
32.31 before the town clerk, the oath shall be administered and certified without fee.

33.1 Sec. 53. Minnesota Statutes 2018, section 412.02, subdivision 2a, is amended to read:

33.2 Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an
33.3 office shall be filled by council appointment until an election is held as provided in this
33.4 subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If
33.5 the vacancy occurs before the first day to file affidavits of candidacy for the next regular
33.6 city election and more than two years remain in the unexpired term, a special election shall
33.7 be held at or before the next regular city election and the appointed person shall serve until
33.8 the qualification of a successor elected at a special election to fill the unexpired portion of
33.9 the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for
33.10 the regular city election or when less than two years remain in the unexpired term, there
33.11 need not be a special election to fill the vacancy and the appointed person shall serve until
33.12 the qualification of a successor. The council must specify by ordinance under what
33.13 circumstances it will hold a special election to fill a vacancy other than a special election
33.14 held at the same time as the regular city election.

33.15 All of the provisions of the Minnesota Election Law are applicable to special elections
33.16 as far as practicable.

33.17 Sec. 54. Minnesota Statutes 2018, section 447.32, subdivision 4, is amended to read:

33.18 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a candidate
33.19 for the hospital board shall file an affidavit of candidacy for the election either as member
33.20 at large or as a member representing the city or town where the candidate ~~resides~~ maintains
33.21 residence. The affidavit of candidacy must be filed with the city or town clerk not more
33.22 than 98 days nor less than 84 days before the first Tuesday after the first Monday in
33.23 November of the year in which the general election is held. The city or town clerk must
33.24 forward the affidavits of candidacy to the clerk of the hospital district or, for the first election,
33.25 the clerk of the most populous city or town immediately after the last day of the filing period.
33.26 A candidate may withdraw from the election by filing an affidavit of withdrawal with the
33.27 clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of
33.28 candidacy.

33.29 Voting must be by secret ballot. The clerk shall prepare, at the expense of the district,
33.30 necessary ballots for the election of officers. Ballots must be prepared as provided in the
33.31 rules of the secretary of state. The ballots must be marked and initialed by at least two judges
33.32 as official ballots and used exclusively at the election. Any proposition to be voted on may
33.33 be printed on the ballot provided for the election of officers. The hospital board may also
33.34 authorize the use of voting systems subject to chapter 206. Enough election judges may be

34.1 appointed to receive the votes at each polling place. The election judges shall act as clerks
34.2 of election, count the ballots cast, and submit them to the board for canvass.

34.3 After canvassing the election, the board shall issue a certificate of election to the candidate
34.4 who received the largest number of votes cast for each office. The clerk shall deliver the
34.5 certificate to the person entitled to it in person or by certified mail. Each person certified
34.6 shall file an acceptance and oath of office in writing with the clerk within 30 days after the
34.7 date of delivery or mailing of the certificate. The board may fill any office as provided in
34.8 subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective
34.9 if made before the board acts to fill the vacancy.