

**HOUSE OF REPRESENTATIVES**

NINETY-FIRST SESSION

**H. F. No. 1152**

02/14/2019 Authored by Freiberg, Dehn, Bernardy, Klevorn, Long and others  
The bill was read for the first time and referred to the Committee on Government Operations  
02/19/2020 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time

1.1 A bill for an act  
1.2 relating to elections; authorizing county auditors to transmit ballots electronically  
1.3 to persons with disabilities; amending Minnesota Statutes 2018, section 204B.45,  
1.4 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

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

1.6 Section 1. **[203B.045] VOTERS WITH A DISABILITY.**

1.7 Subdivision 1. **Transmitting ballot and certificate of voter eligibility.** (a) A voter with  
1.8 a temporary or permanent disability may include in an application for absentee ballots a  
1.9 request that the ballots, instructions, and a certificate of voter eligibility meeting the  
1.10 requirements of section 203B.21, subdivision 3, be transmitted to the voter electronically  
1.11 in an accessible format, including ballots with the ability to be marked by accessible software  
1.12 or devices. Upon receipt of a properly completed application requesting accessible electronic  
1.13 transmission, the county auditor shall electronically transmit the requested materials to the  
1.14 voter.

1.15 (b) Electronic materials provided by a county auditor to a voter under this subdivision  
1.16 must comply with the accessibility standards developed under section 16E.03, subdivision  
1.17 9.

1.18 (c) The county auditor or municipal clerk must provide a return envelope containing  
1.19 first class postage to a voter requesting a ballot and ballot materials under this subdivision.

1.20 Subd. 2. **Marking ballots.** The voter may electronically mark the ballot using accessible  
1.21 software or devices.

2.1 Subd. 3. **Returning voted ballots.** The voter must return the voted ballots and the  
2.2 certificate of voter eligibility to the county auditor in a sealed envelope.

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

2.4 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given  
2.5 at least ten weeks prior to the election. Not more than 46 days nor later than 14 days before  
2.6 a regularly scheduled election and not more than 30 days nor later than 14 days before any  
2.7 other election, the auditor shall mail ballots by nonforwardable mail to all voters registered  
2.8 in the city, town, or unorganized territory. No later than 14 days before the election, the  
2.9 auditor must make a subsequent mailing of ballots to those voters who register to vote after  
2.10 the initial mailing but before the 20th day before the election. Eligible voters not registered  
2.11 at the time the ballots are mailed and eligible voters with a temporary or permanent disability  
2.12 may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return  
2.13 postage provided, must be preaddressed to the auditor or clerk and the voter may return the  
2.14 ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk must  
2.15 appoint a ballot board to examine the mail and absentee ballot return envelopes and mark  
2.16 them "accepted" or "rejected" within three days of receipt if there are 14 or fewer days  
2.17 before election day, or within five days of receipt if there are more than 14 days before  
2.18 election day. The board may consist of deputy county auditors or deputy municipal clerks  
2.19 who have received training in the processing and counting of mail ballots, who need not be  
2.20 affiliated with a major political party. Election judges performing the duties in this section  
2.21 must be of different major political parties, unless they are exempt from that requirement  
2.22 under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected  
2.23 at least five days before the election, the ballots in the envelope must remain sealed and the  
2.24 auditor or clerk shall provide the voter with a replacement ballot and return envelope in  
2.25 place of the spoiled ballot. If the ballot is rejected within five days of the election, the  
2.26 envelope must remain sealed and the official in charge of the ballot board must attempt to  
2.27 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been  
2.28 rejected. The official must document the attempts made to contact the voter.

2.29 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to  
2.30 indicate that the voter has already cast a ballot in that election. After the close of business  
2.31 on the seventh day before the election, the ballots from return envelopes marked "Accepted"  
2.32 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision  
2.33 5, initialed by the members of the ballot board, and deposited in the ballot box.

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

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

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