

A bill for an act
relating to elections; changing certain absentee voting requirements and
procedures; amending Minnesota Statutes 2006, sections 203B.02, subdivision
1; 203B.04, subdivisions 1, 6; 203B.06, subdivision 3; 203B.07, subdivision 2;
203B.11, subdivision 4; repealing Minnesota Statutes 2006, section 203B.04,
subdivision 5.

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

Section 1. Minnesota Statutes 2006, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. ~~Unable to go to polling place~~ **Eligibility for absentee voting.** (a)
Any eligible voter ~~who reasonably expects to be unable to go to the polling place on~~
~~election day in the precinct where the individual maintains residence because of absence~~
~~from the precinct; illness, including isolation or quarantine under sections 144.419~~
~~to 144.4196 or United States Code, title 42, sections 264 to 272; disability; religious~~
~~discipline; observance of a religious holiday; or service as an election judge in another~~
~~precinct~~ may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

~~(b) If the governor has declared an emergency and filed the declaration with the~~
~~secretary of state under section 12.31, and the declaration states that the emergency has~~
~~made it difficult for voters to go to the polling place on election day, any voter in a~~
~~precinct covered by the declaration may vote by absentee ballot as provided in sections~~
~~203B.04 to 203B.15.~~

Sec. 2. Minnesota Statutes 2006, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by
subdivision 2, an application for absentee ballots for any election may be submitted at
any time not less than one day before the day of that election. The county auditor shall

prepare absentee ballot application forms in the format provided by the secretary of state, notwithstanding rules on absentee ballot forms, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or
~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot ~~for one of the reasons specified in section 203B.02~~. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 3. Minnesota Statutes 2006, section 203B.04, subdivision 6, is amended to read:

Subd. 6. **Ongoing absentee status; termination; rules.** (a) An eligible voter may apply to a county auditor or municipal clerk for status as an ongoing absentee voter ~~who reasonably expects to meet the requirements of section 203B.02, subdivision 1.~~
The voter may decline to receive an absentee ballot for one or more elections, provided the request is received by the county auditor or municipal clerk at least five days before the deadline in section 204B.35 for delivering ballots for the election to which it applies.
Each applicant must automatically be provided with an absentee ballot ~~application~~ for each ensuing election, other than an election by mail conducted under section 204B.45, or as otherwise requested by the voter, and must have the status of ongoing absentee voter indicated on the voter's registration record.

(b) Ongoing absentee voter status ends on:

(1) the voter's written request;

- 3.1 (2) the voter's death;
- 3.2 (3) return of an ongoing absentee ballot as undeliverable;
- 3.3 (4) a change in the voter's status so that the voter is not eligible to vote under section
- 3.4 201.15 or 201.155; or
- 3.5 (5) placement of the voter's registration on inactive status under section 201.171.
- 3.6 (c) The secretary of state shall adopt rules governing procedures under this
- 3.7 subdivision.

3.8 Sec. 4. Minnesota Statutes 2006, section 203B.06, subdivision 3, is amended to read:

3.9 Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted

3.10 at a time when absentee ballots are not yet available for distribution, the county auditor,

3.11 or municipal clerk accepting the application shall file it and as soon as absentee ballots

3.12 are available for distribution shall mail them to the address specified in the application.

3.13 If an application for absentee ballots is accepted when absentee ballots are available for

3.14 distribution, the county auditor or municipal clerk accepting the application shall promptly:

3.15 (1) mail the ballots to the voter whose signature appears on the application if the

3.16 application is submitted by mail and does not request commercial shipping under clause

3.17 (2);

3.18 (2) ship the ballots to the voter using a commercial shipper requested by the voter at

3.19 the voter's expense;

3.20 (3) deliver the absentee ballots directly to the voter if the application is submitted in

3.21 person; or

3.22 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has

3.23 been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a

3.24 voter who would have difficulty getting to the polls because of health reasons, or who is

3.25 disabled, or who is a patient in a health care facility, ~~as provided in section 203B.11,~~

3.26 ~~subdivision 4,~~ a resident of a facility providing assisted living services governed by

3.27 chapter 144G, a participant in a residential program for adults licensed under section

3.28 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in

3.29 section 611A.37, subdivision 4.

3.30 (b) If an application does not indicate the election for which absentee ballots are

3.31 sought, the county auditor or municipal clerk shall mail or deliver only the ballots for

3.32 the next election occurring after receipt of the application. Only one set of ballots may

3.33 be mailed, shipped, or delivered to an applicant for any election, except as provided in

3.34 section 203B.13, subdivision 2, or when a replacement ballot has been requested by the

3.35 voter for a ballot that has been spoiled or lost in transit.

Sec. 5. Minnesota Statutes 2006, section 203B.07, subdivision 2, is amended to read:

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration card folded along its perforations. The return envelope shall be designed to open on the left-hand end. Notwithstanding any rule to the contrary, the return envelope must be designed in one of the following ways:

(1) it must be of sufficient size to contain an additional envelope that when sealed, conceals the signature, identification, and other information; or

(2) it must provide an additional flap that when sealed, conceals the signature, identification, and other information. Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information. A certificate of eligibility to vote by absentee ballot shall be printed on the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. If the voter was not previously registered, the certificate shall also contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:

~~(a)~~ (i) the ballots were displayed to that individual unmarked;

~~(b)~~ (ii) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

~~(c) if the voter was not previously registered,~~ (iii) the voter has provided proof of residence as required by section 201.061, subdivision 3.

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 6. Minnesota Statutes 2006, section 203B.11, subdivision 4, is amended to read:

Subd. 4. **Agent delivery of ballots.** During the ~~four~~ seven days preceding an election and until 2:00 p.m. on election day, an eligible voter who would have difficulty getting to the polls because of health reasons, or who is disabled, or who is a patient of a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4, may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. A candidate at the election may not be designated as

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5.1 an agent. The voted ballots must be returned to the county auditor or municipal clerk no
5.2 later than 3:00 p.m. on election day. The voter must complete an affidavit requesting the
5.3 auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The
5.4 affidavit must include a statement from the voter stating that the ballots were delivered to
5.5 the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to
5.6 no more than three persons in any election. The secretary of state shall provide samples of
5.7 the affidavit and transmission envelope for use by the county auditors.

5.8 Sec. 7. **REPEALER.**

5.9 Minnesota Statutes 2006, section 203B.04, subdivision 5, is repealed.