

A bill for an act

relating to elections; changing certain absentee ballot requirements and provisions; amending Minnesota Statutes 2008, sections 203B.04, subdivisions 1, 6; 203B.05, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3; 203B.081; 203B.085; 203B.12; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.45, subdivision 2; 204B.46; 204C.10; 204C.13, subdivision 6; 204C.27; 204C.30, by adding a subdivision; 204C.33, subdivisions 1, 3; 205.185, subdivision 3, by adding a subdivision; 205A.10, subdivisions 2, 3, by adding a subdivision; 206.89, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.13; 203B.25.

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

Section 1. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, 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~~ must contain a request for the ~~voter's~~ applicant's date of birth, ~~which~~ the applicant's Minnesota driver's license or state identification card number, and the last four digits of the applicant's Social Security number, if the applicant has these numbers, an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury. An applicant's full date of birth, driver's license or state identification number, and the last four digits of the applicant's Social Security number 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~~ 6 to automatically receive an absentee ballot ~~application~~.

Sec. 2. Minnesota Statutes 2008, section 203B.04, subdivision 6, is amended to read:

Subd. 6. **Ongoing absentee status; termination.** (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 if that 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. Sixty days before each state primary, the county auditor must send each voter with ongoing absentee ballot status a nonforwardable postcard to notify the voter when the voter can expect to receive the ballots. 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;

(2) the voter's death;

(3) return of an ongoing absentee ballot as undeliverable;

(4) a change in the voter's status so that the voter is not eligible to vote under section 201.15 or 201.155; or

(5) placement of the voter's registration on inactive status under section 201.171.

By May 1, 2010, each county auditor shall mail an explanation of the changes to the ongoing absentee balloting process and an updated ongoing absentee voter application to every voter with ongoing absentee ballot status in their county. A voter must return the application to maintain the voter's status as an ongoing absentee voter. Upon receipt of a completed application, the county auditor shall scan an image of the application and update the voter's record with any new or changed information.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested and shown to properly allow for the issuance of ballots to ongoing absentee voters.

Sec. 3. Minnesota Statutes 2008, section 203B.05, subdivision 1, is amended to read:

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

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

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

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

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 4. Minnesota Statutes 2008, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in 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.

(b) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section ~~203B.13~~ 203B.12, subdivision ~~2~~ 3a, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 5. [203B.065] RECORDING APPLICATIONS.

Upon accepting an application for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide registration system the voter's name, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security

number, if provided by the voter, that an absentee ballot has been transmitted to the voter, the method of transmission, and the date of transmission.

Upon receipt of a returned absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system that the voter has returned the ballot.

Upon receipt of notice that the ballot board has accepted or rejected the absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system whether the ballot was accepted or rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to the voter, the county auditor or municipal clerk shall record this in the statewide voter registration system.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 6. Minnesota Statutes 2008, 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 folded voter registration application. The return envelope shall be designed to open on the left-hand end. ~~If the voter was not previously registered,~~ 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.

Sec. 7. Minnesota Statutes 2008, section 203B.07, subdivision 3, is amended to read:

Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot shall be printed on the back of the return envelope. The certificate shall contain space for the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number or to indicate that they do not have one, and 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, that the ballots were unmarked when received by the voter, and that the voter personally marked the ballots 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. If the voter was not previously registered at that address, the certificate shall also contain space for 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 a United States citizen stating that:

- ~~(1) the ballots were displayed to that individual unmarked;~~
- ~~(2) 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~~
- ~~(3) if the voter was not previously registered,~~ the voter has provided proof of residence as required by section 201.061, subdivision 3.

Sec. 8. Minnesota Statutes 2008, section 203B.08, subdivision 2, is amended to read:

Subd. 2. **Address on return envelopes.** The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to:

- ~~(a) the county auditor or municipal clerk who sent the ballots to the voter;~~ has the responsibility to accept and reject the absentee ballots.
- ~~(b) the clerk of the town or city in which the absent voter is eligible to vote; or~~
- ~~(c) the appropriate election judges.~~

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 9. Minnesota Statutes 2008, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days of receipt, the county auditor or municipal clerk shall deliver to the ~~appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.~~ ballot board all ballots received,

except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 10. Minnesota Statutes 2008, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot during the 30 days before the election up until the third day before the election in the office of the county auditor and at any other polling place designated by the county auditor. On the day before the election, voters who had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so may vote by absentee ballot. The county auditor shall make such designations at least 90 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 11. Minnesota Statutes 2008, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots ~~from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m.~~ noon on the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. On the day before the election, the office must be open for acceptance of absentee ballot applications and casting of absentee ballots for voters who additionally certify that they had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 12. Minnesota Statutes 2008, section 203B.12, is amended to read:

**203B.12 ELECTION JUDGES TO RECEIVE AND COUNT BALLOTS
BALLOT BOARDS.**

Subdivision 1. ~~Receipt of return envelopes~~ **Establishment.** ~~The election judges in each precinct or the judges of an absentee ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. The governing body of a county, municipality, or school district authorized to accept and reject absentee ballots must, by ordinance or resolution, authorize a ballot board. The board must consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22. The board may consist of staff trained as election judges, in which case, the board is exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties.~~

Subd. 1a. **Compensation of members.** Each jurisdiction must pay a reasonable compensation to each member of the ballot board for that jurisdiction for services rendered during each election.

Subd. 1b. **Applicable laws.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota election law apply to a ballot board.

Subd. 1c. **Receipt of return envelopes.** The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08.

Subd. 2. **Examination of return envelopes.** Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more ~~election judges~~ members of the ballot board shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the ~~election judges~~ members of the ballot board shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day; either in the polling place or at an absentee ballot board established under section 203B.13.

~~The election judges~~ members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the ~~election judges~~ members of the ballot board or a majority of them are satisfied that:

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

(2) ~~the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot, except that if a person other than~~

~~the voter applied for the absentee ballot under applicable Minnesota Rules, the signature is not required to match~~ voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as the number provided on the voter's application for ballots. If the number does not match the number as submitted on the application or if a number was not submitted on the application, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant that the ballots were returned by the same person to whom the ballots were transmitted;

~~(3)~~ (4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; and

~~(4)~~ (5) the voter has not already voted at that election, either in person or by absentee ballot.

There is no other reason for rejecting an absentee ballot. 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.

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

If all or a majority of the ~~election judges~~ members of the ballot board examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to ~~(4)~~ (5), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Subd. 3. **Notation on polling place roster.** (a) If the return envelope is marked with the word "Accepted," the election judges shall record the fact that the voter has voted by absentee ballot on the polling place roster. This must be done by placing the letters "A.B." in the appropriate space on the roster or in a supplemental report provided to the precinct. In state primaries and state general elections, this fact must be noted in the statewide voter registration system.

(b) After a registration record has been marked to record that an individual has voted by absentee ballot, the individual shall not be allowed to vote in person at that election.

Subd. 3a. **Rejected ballots.** If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot. Notwithstanding any rule to the contrary, the official in charge of the election need not write "Replacement" on the replacement ballot.

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

10.5 Subd. 4. **~~Placement in container; Opening and counting of ballots.~~** The ~~ballot~~
10.6 ~~envelopes ballots~~ from return envelopes marked "Accepted" shall be ~~placed by the election~~
10.7 ~~judges in a separate absentee ballot container. The container and each ballot envelope may~~
10.8 ~~be opened only after the last regular mail delivery by the United States postal service~~
10.9 ~~on election day. The ballots shall then be~~ opened, duplicated as needed in the manner
10.10 provided by section 206.86, subdivision 5, initialed by the election judges in the same
10.11 manner as ballots delivered by them to voters in person members of the ballot board, and
10.12 shall be deposited in the appropriate ballot box.

10.13 If more than one ballot of any kind is enclosed in the ballot envelope, none of the
10.14 ballots of that kind shall be counted but all ballots of that kind shall be returned in the
10.15 manner provided by section 204C.25 for return of spoiled ballots.

10.16 Subd. 4a. **Storage and counting of ballots.** The ballot board must:

10.17 (1) remove the ballots from the ballot box and seal and secure them at the end of
10.18 each day on which absentee ballots were inserted into the ballot box;

10.19 (2) without inspecting the ballots, ensure that the number of ballots removed from
10.20 the ballot box is equal to the number of absentee ballots accepted that day;

10.21 (3) prior to the opening of the polls on election day, mark the rosters or provide to
10.22 the precinct a supplemental report of voters whose absentee ballot was accepted after the
10.23 polling place rosters were generated; and

10.24 (4) verify that voters have not voted in person whose absentee ballots arrived
10.25 after the rosters were marked or the supplemental report was generated, before opening,
10.26 duplicating as needed, and inserting these ballots into the ballot box.

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

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

If the task has not been completed previously, members of the ballot board must verify within 48 hours after election day that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day, before the members of the ballot board open the ballot envelopes, duplicate the ballots as needed, insert the ballots into the ballot box, count the ballots, and add the votes from these totals to the votes from the appropriate precincts.

~~Subd. 6. **Exception for municipalities or school districts with absentee ballot boards.** In municipalities or school districts with an absentee ballot board, the election judges in each precinct shall receive and process return envelopes and ballot envelopes as provided in this section except that the ballot envelopes from return envelopes marked "Accepted" shall be delivered in an absentee ballot container to the absentee ballot board for the counting of ballots as soon as possible after processing. Other law to the contrary notwithstanding, the governing body of a municipality or the school board of a school district with an absentee ballot precinct may authorize the judges of the absentee ballot precinct to validate ballots in the manner provided in this section. The vote totals provided by the absentee ballot board shall be included in the vote totals on the summary statements of the returns for the precinct in which they were received.~~

Subd. 7. **Names of persons submitting absentee ballots.** The names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk that has not been accepted by a ballot board may not be made available for public inspection until the close of voting on election day.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 13. Minnesota Statutes 2008, section 203B.23, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject the absentee ballots in the manner provided in section 203B.24. If the certificate of voter eligibility is not printed on the return or administrative envelope, the certificate must be attached to the ballot secrecy envelope.

The absentee ballot board must immediately examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be

12.1 considered spoiled ballots and the official in charge of the absentee ballot board must
12.2 provide the voter with a replacement absentee ballot and return envelope in place of
12.3 the spoiled ballot.

12.4 Except for federal write-in absentee ballots, the ballots from return envelopes
12.5 marked "Accepted" must be opened, duplicated as needed in the manner provided by
12.6 section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited
12.7 in the appropriate ballot box.

12.8 Federal write-in absentee ballots marked "Accepted" must be opened, duplicated as
12.9 needed in the manner provided by section 206.86, subdivision 5, initialed by the members
12.10 of the ballot board, and deposited in the appropriate ballot box after 5:00 p.m. on the
12.11 fourth day before the election, unless the voter has submitted another absentee ballot with
12.12 a later postmark which has been accepted by the board.

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

12.15 No vote totals from absentee ballots may be made public before the close of voting
12.16 on election day.

12.17 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
12.18 certified that the statewide voter registration system has been tested, shown to properly
12.19 allow municipal clerks to update absentee voting records, and to be able to handle the
12.20 expected volume of use.

12.21 Sec. 14. Minnesota Statutes 2008, section 203B.24, subdivision 1, is amended to read:

12.22 Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon
12.23 receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the
12.24 ~~election judges~~ members of the ballot board shall compare the voter's name with the
12.25 names recorded under section 203B.19 in the statewide registration system to insure that
12.26 the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to
12.27 203B.27. The ~~election judges~~ members of the ballot board shall mark the return envelope
12.28 "Accepted" and initial or sign the return envelope below the word "Accepted" if the
12.29 ~~election judges~~ members of the ballot board are satisfied that:

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

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

12.34 (3) the voter has set forth the same voter's passport number, or Minnesota driver's
12.35 license or state identification card number, or the last four digits of the voter's Social

13.1 Security number as submitted on the application, if the voter has one of these documents;
13.2 ~~and~~
13.3 (4) the voter is not known to have died; and
13.4 (5) the voter has not already voted at that election, either in person or by absentee
13.5 ballot.

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

13.11 An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be
13.12 rejected for the lack of one of clauses (1) to ~~(4)~~ (5). In particular, failure to place the
13.13 ballot within the security envelope before placing it in the outer white envelope is not a
13.14 reason to reject an absentee ballot.

13.15 ~~Election judges~~ Members of the ballot board must note the reason for rejection on
13.16 the back of the envelope in the space provided for that purpose.

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

13.22 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
13.23 certified that the statewide voter registration system has been tested, shown to properly
13.24 allow municipal clerks to update absentee voting records, and to be able to handle the
13.25 expected volume of use.

13.26 Sec. 15. Minnesota Statutes 2008, section 203B.26, is amended to read:

13.27 **203B.26 SEPARATE RECORD.**

13.28 A separate record of the ballots of absent voters cast under sections 203B.16 to
13.29 203B.27 must be generated from the statewide registration system for each precinct
13.30 and ~~provided to the election judges in the polling place on election day, along with the~~
13.31 ~~returned envelopes marked "accepted" by the absentee ballot board. The content of the~~
13.32 ~~record must be in a form prescribed by the secretary of state. The election judges in the~~
13.33 ~~polling place must note on the record any envelopes that had been marked "accepted" by~~
13.34 ~~the absentee ballot board but were not counted. The election judges must preserve the~~

14.1 ~~record and return it to the county auditor or municipal clerk with the election day retained~~
14.2 with the other election materials.

14.3 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
14.4 certified that the statewide voter registration system has been tested, shown to properly
14.5 allow municipal clerks to update absentee voting records, and to be able to handle the
14.6 expected volume of use.

14.7 Sec. 16. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

14.8 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be
14.9 given at least six weeks prior to the election. Not more than 30 days nor later than 14 days
14.10 prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters
14.11 registered in the town or unorganized territory. No later than 14 days before the election,
14.12 the auditor must make a subsequent mailing of ballots to those voters who register to vote
14.13 after the initial mailing but before the 20th day before the election. Eligible voters not
14.14 registered at the time the ballots are mailed may apply for ballots as provided in chapter
14.15 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the
14.16 auditor or clerk and the voter may return the ballot by mail or in person to the office of
14.17 the auditor or clerk. The auditor or clerk ~~may~~ must appoint ~~election judges~~ a ballot board
14.18 to examine the return envelopes and mark them "accepted" or "rejected" during the 30
14.19 days before the election, within three days of receipt. The board may consist of staff
14.20 trained as election judges, in which case, the board is exempt from sections 204B.19,
14.21 subdivision 5, and 204C.15, relating to party balance in appointment of judges and to
14.22 duties to be performed by judges of different major political parties. If an envelope has
14.23 been rejected at least five days before the election, the ballots in the envelope must ~~be~~
14.24 ~~considered spoiled ballots~~ remain sealed and the auditor or clerk shall provide the voter
14.25 with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is
14.26 rejected within five days of the election, the envelope must remain sealed and the official
14.27 in charge of the ballot board must attempt to contact the voter by telephone or e-mail to
14.28 notify the voter that the voter's ballot has been rejected. The official must document the
14.29 attempts made to contact the voter.

14.30 Notwithstanding any rule to the contrary, the ballots from return envelopes marked
14.31 "Accepted" must be promptly opened, duplicated as needed in the manner provided
14.32 by section 206.86, subdivision 5, initialed by the election judges, and deposited in the
14.33 appropriate ballot box.

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

15.1 No vote totals from mail or absentee ballots may be made public before the close
15.2 of voting on election day.

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

15.5 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
15.6 certified that the statewide voter registration system has been tested, shown to properly
15.7 allow municipal clerks to update absentee voting records, and to be able to handle the
15.8 expected volume of use.

15.9 Sec. 17. Minnesota Statutes 2008, section 204B.46, is amended to read:

15.10 **204B.46 MAIL ELECTIONS; QUESTIONS.**

15.11 A county, municipality, or school district submitting questions to the voters at a
15.12 special election may conduct an election by mail with no polling place other than the
15.13 office of the auditor or clerk. No more than two questions may be submitted at a mail
15.14 election and no offices may be voted on. Notice of the election must be given to the county
15.15 auditor at least 53 days prior to the election. This notice shall also fulfill the requirements
15.16 of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at
15.17 least six weeks prior to the election. No earlier than ~~20~~ or 30 ~~nor~~ later than 14 days prior
15.18 to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters
15.19 registered in the county, municipality, or school district. No later than 14 days before the
15.20 election, the auditor or clerk must make a subsequent mailing of ballots to those voters
15.21 who register to vote after the initial mailing but before the 20th day before the election.
15.22 Eligible voters not registered at the time the ballots are mailed may apply for ballots
15.23 pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the
15.24 return envelopes and mark them "Accepted" or "Rejected" within three days of receipt.
15.25 The board may consist of staff trained as election judges, in which case, the board is
15.26 exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in
15.27 appointment of judges and to duties to be performed by judges of different major political
15.28 parties. If an envelope has been rejected at least five days before the election, the ballots
15.29 in the envelope must remain sealed and the auditor or clerk must provide the voter with
15.30 a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is
15.31 rejected within five days of the election, the envelope must remain sealed and the official
15.32 in charge of the ballot board must attempt to contact the voter by telephone or e-mail to
15.33 notify the voter that the voter's ballot has been rejected. The official must document the
15.34 attempts made to contact the voter.

16.1 Notwithstanding any rule to the contrary, the ballots from return envelopes marked
16.2 "Accepted" must be promptly opened, duplicated as needed in the manner provided
16.3 by section 206.86, subdivision 5, initialed by the election judges, and deposited in the
16.4 appropriate ballot box.

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

16.7 No vote totals from mail ballots may be made public before the close of voting
16.8 on election day.

16.9 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
16.10 certified that the statewide voter registration system has been tested, shown to properly
16.11 allow municipal clerks to update absentee voting records, and to be able to handle the
16.12 expected volume of use.

16.13 Sec. 18. Minnesota Statutes 2008, section 204C.10, is amended to read:

16.14 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
16.15 **REGISTRATION.**

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

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth. If the ballot board has not marked the roster in accordance with section 203B.12, subdivision 4a, clause (3), the election judge must review the supplemental list of those who voted by absentee ballot to ensure that the voter's name is not on the list. If a voter's name is on the list, the voter must not be allowed to sign the roster or to vote on election day.

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

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 19. Minnesota Statutes 2008, section 204C.13, subdivision 6, is amended to read:

Subd. 6. **Challenge of voter; time limits; disposition of ballots.** At any time before the ballots of any voter are deposited in the ballot boxes, the election judges or any individual who was not present at the time the voter procured the ballots, but not otherwise, may challenge the eligibility of that voter and the deposit of any received absentee ballots in the ballot boxes. The election judges shall determine the eligibility of any voter who is present in the polling place in the manner provided in section 204C.12, and if the voter is found to be not eligible to vote, shall place the ballots of that voter unopened among the spoiled ballots. ~~The election judges shall determine whether to receive or reject the ballots of an absent voter and whether to deposit received absentee ballots in the ballot boxes in the manner provided in sections 203B.12, 203B.24, and 203B.25, and shall dispose of any absentee ballots not received or deposited in the manner provided in section 203B.12.~~ A violation of this subdivision by an election judge is a gross misdemeanor.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 20. Minnesota Statutes 2008, section 204C.27, is amended to read:

204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.

Subdivision 1. **Election supplies.** One or more of the election judges in each precinct shall deliver two sets of summary statements; all spoiled white, pink, canary, and gray ballots; and the envelopes containing the white, pink, canary, and gray 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.

Subd. 2. **Rejected absentee ballots.** All absentee ballots that were rejected and their accompanying absentee ballot applications must be delivered to the county auditor within 48 hours after the end of the hours for voting.

Sec. 21. Minnesota Statutes 2008, section 204C.30, is amended by adding a subdivision to read:

Subd. 3. **Review of rejected absentee ballots.** Prior to the meeting of the county canvassing board to canvass the results of the state general election, the county auditor must review any absentee ballots that were marked rejected to determine whether any were rejected in error. If the county canvassing board agrees that any ballots were rejected in error, the board must publicly open the return and ballot envelopes and initial and count the ballots to include the votes in all races in the results canvassed by the board. The county canvassing board must protect the privacy of voters' choices to the extent practicable.

Sec. 22. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office ~~on or before the seventh day~~ between the third and tenth days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 23. Minnesota Statutes 2008, section 204C.33, subdivision 3, is amended to read:

Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of state's office on the ~~second~~ third Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

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

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

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

20.1 All members of the State Canvassing Board shall sign the report and certify its
20.2 correctness. The State Canvassing Board shall declare the result within three days after
20.3 completing the canvass.

20.4 Sec. 24. Minnesota Statutes 2008, section 205.185, subdivision 3, is amended to read:

20.5 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a)
20.6 ~~Within seven~~ Between 11 and 17 days after an election, the governing body of a city
20.7 conducting any election including a special municipal election, or the governing body of
20.8 a town conducting the general election in November shall act as the canvassing board,
20.9 canvass the returns, and declare the results of the election. The governing body of a town
20.10 conducting the general election in March shall act as the canvassing board, canvass the
20.11 returns, and declare the results of the election within two days after an election.

20.12 (b) After the time for contesting elections has passed, the municipal clerk shall issue a
20.13 certificate of election to each successful candidate. In case of a contest, the certificate shall
20.14 not be issued until the outcome of the contest has been determined by the proper court.

20.15 (c) In case of a tie vote, the canvassing board having jurisdiction over the
20.16 municipality shall determine the result by lot. The clerk of the canvassing board shall
20.17 certify the results of the election to the county auditor, and the clerk shall be the final
20.18 custodian of the ballots and the returns of the election.

20.19 Sec. 25. Minnesota Statutes 2008, section 205.185, is amended by adding a subdivision
20.20 to read:

20.21 Subd. 5. **Review of rejected absentee ballots.** Prior to an election not held
20.22 in conjunction with a state election, a clerk may arrange to have a certified election
20.23 administrator from another city or county review all ballots that were marked rejected to
20.24 determine whether any were rejected in error. These arrangements must be made at least
20.25 seven days before the date of the election. If no arrangements are made, rejected absentee
20.26 ballots must not be reviewed outside of an election contest under chapter 209. If the
20.27 certified election administrator determines that any were rejected in error, the canvassing
20.28 board must publicly open the return and ballot envelopes and initial and count the ballots
20.29 to include the votes in all races in the results canvassed by the board. The canvassing board
20.30 must protect the privacy of the voters' choices to the extent practicable. If the number of
20.31 rejected absentee ballots could not possibly change the outcome in any of the elections or
20.32 questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

20.33 Sec. 26. Minnesota Statutes 2008, section 205A.10, subdivision 2, is amended to read:

21.1 Subd. 2. **Election, conduct.** A school district election must be by secret ballot and
21.2 must be held and the returns made in the manner provided for the state general election,
21.3 as far as practicable. The vote totals from an absentee ballot board established pursuant
21.4 to section ~~203B.13~~ 203B.12 may be tabulated and reported by the school district as a
21.5 whole rather than by precinct. For school district elections not held in conjunction with a
21.6 statewide election, the school board shall appoint election judges as provided in section
21.7 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21,
21.8 subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party
21.9 balance in appointment of judges and to duties to be performed by judges of different
21.10 major political parties do not apply to school district elections not held in conjunction
21.11 with a statewide election.

21.12 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
21.13 certified that the statewide voter registration system has been tested, shown to properly
21.14 allow municipal clerks to update absentee voting records, and to be able to handle the
21.15 expected volume of use.

21.16 Sec. 27. Minnesota Statutes 2008, section 205A.10, subdivision 3, is amended to read:

21.17 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** ~~Within~~
21.18 ~~seven~~ Between 11 and 17 days after a school district election other than a recount of a
21.19 special election conducted under section 126C.17, subdivision 9, or 475.59, the school
21.20 board shall canvass the returns and declare the results of the election. After the time for
21.21 contesting elections has passed, the school district clerk shall issue a certificate of election
21.22 to each successful candidate. If there is a contest, the certificate of election to that office
21.23 must not be issued until the outcome of the contest has been determined by the proper
21.24 court. If there is a tie vote, the school board shall determine the result by lot. The clerk
21.25 shall deliver the certificate of election to the successful candidate by personal service or
21.26 certified mail. The successful candidate shall file an acceptance and oath of office in
21.27 writing with the clerk within 30 days of the date of mailing or personal service. A person
21.28 who fails to qualify prior to the time specified shall be deemed to have refused to serve,
21.29 but that filing may be made at any time before action to fill the vacancy has been taken.
21.30 The school district clerk shall certify the results of the election to the county auditor, and
21.31 the clerk shall be the final custodian of the ballots and the returns of the election.

21.32 A school district canvassing board shall perform the duties of the school board
21.33 according to the requirements of this subdivision for a recount of a special election
21.34 conducted under section 126C.17, subdivision 9, or 475.59.

22.1 Sec. 28. Minnesota Statutes 2008, section 205A.10, is amended by adding a
22.2 subdivision to read:

22.3 Subd. 6. **Review of rejected absentee ballots.** Prior to an election not held
22.4 in conjunction with a state election, a clerk may arrange to have a certified election
22.5 administrator from another city or county review all ballots that were marked rejected to
22.6 determine whether any were rejected in error. These arrangements must be made at least
22.7 seven days before the date of the election. If no arrangements are made, rejected absentee
22.8 ballots must not be reviewed outside of an election contest under chapter 209. If the
22.9 certified election administrator determines that any were rejected in error, the canvassing
22.10 board must publicly open the return and ballot envelopes and initial and count the ballots
22.11 to include the votes in all races in the results canvassed by the board. The canvassing board
22.12 must protect the privacy of the voters' choices to the extent practicable. If the number of
22.13 rejected absentee ballots could not possibly change the outcome in any of the elections or
22.14 questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

22.15 Sec. 29. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

22.16 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the
22.17 county canvassing board in each county must set the date, time, and place for the
22.18 postelection review of the state general election to be held under this section.

22.19 At the canvass of the state general election, the county canvassing boards must
22.20 select the precincts to be reviewed by lot. The ballots counted by each ballot board must
22.21 be considered a precinct eligible to be selected for the purposes of this subdivision. The
22.22 county canvassing board of a county with fewer than 50,000 registered voters must conduct
22.23 a postelection review of a total of at least two precincts. The county canvassing board of a
22.24 county with between 50,000 and 100,000 registered voters must conduct a review of a total
22.25 of at least three precincts. The county canvassing board of a county with over 100,000
22.26 registered voters must conduct a review of a total of at least four precincts, or three percent
22.27 of the total number of precincts in the county, whichever is greater. At least one precinct
22.28 selected in each county must have had more than 150 votes cast at the general election.

22.29 The county auditor must notify the secretary of state of the precincts that have been
22.30 chosen for review and the time and place the postelection review for that county will be
22.31 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
22.32 in the selection of at least four precincts in each congressional district, the secretary of state
22.33 may require counties to select by lot additional precincts to meet the congressional district
22.34 requirement. The secretary of state must post this information on the office Web site.

23.1 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
23.2 certified that the statewide voter registration system has been tested, shown to properly
23.3 allow municipal clerks to update absentee voting records, and to be able to handle the
23.4 expected volume of use.

23.5 Sec. 30. **REPEALER.**

23.6 Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.13; and
23.7 203B.25, are repealed.

23.8 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
23.9 certified that the statewide voter registration system has been tested, shown to properly
23.10 allow municipal clerks to update absentee voting records, and to be able to handle the
23.11 expected volume of use.

203B.04 APPLICATION FOR BALLOTS.

Subd. 5. **Permanent illness or disability.** (a) An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record.

(b) The secretary of state shall adopt rules governing procedures under this subdivision.

203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO ELECTION JUDGES.

(a) On the day before an election:

(1) the county auditor shall deliver to the municipal clerks within that county the applications for absentee ballots theretofore received and endorsed as provided in section 203B.06, subdivision 5; and

(2) the municipal clerks shall deliver the applications received from the county auditor and the applications for absentee ballots filed with their respective offices and endorsed as provided in section 203B.06, subdivision 5, to the appropriate election judges. Applications received on election day pursuant to section 203B.04, subdivision 2, shall be promptly delivered to the election judges in the precincts or to the judges of an absentee ballot board.

(b) Delivery of the applications to the municipal clerks and election judges in the precinct is not required if the absentee ballot envelopes have been accepted or rejected by an absentee ballot board pursuant to section 203B.13.

203B.13 ABSENTEE BALLOT BOARDS.

Subdivision 1. **Establishment.** The governing body of any county, any municipality, or any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Subd. 2. **Duties.** The absentee ballot board may examine all return absentee ballot envelopes and accept or reject absentee ballots in the manner provided in section 203B.12.

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot.

Subd. 3. **Compensation of members.** The municipal clerk shall pay a reasonable compensation to each member of the absentee ballot board for services rendered during each election.

Subd. 4. **Applicable laws.** Except as otherwise provided by this section, all of the laws applicable to absentee ballots and absentee voters and all other provisions of the Minnesota Election Law shall apply to an absentee ballot board.

203B.25 ELECTION DAY SPECIAL PROCEDURES.

Subdivision 1. **Death of voter.** If the election judges receive proof that a voter who has returned an absentee ballot as provided in sections 203B.16 to 203B.27 has died before the time when voting is scheduled to begin on election day, the ballot of that voter shall be returned by the election judges with the rejected ballots. Notwithstanding the other provisions of this section, the counting of the absentee ballot of a deceased voter shall not invalidate the election.

Subd. 2. **Voting more than once.** If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, an absentee ballot from that voter must not be counted. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date must be counted and the uncounted ballots must be returned by the election judges with the rejected ballots.