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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2870

03/26/2025 Authored by Freiberg

The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

04/07/2025 Adoption of Report: Amended and re-referred to the Committee on Elections Finance and Government Operations

1.1 A bill for an act

1.2 relating to elections; making various changes related to election administration;
1.3 modifying provisions related to absentee voting; clarifying terminology; amending
1.4 Minnesota Statutes 2024, sections 203B.121, subdivision 4; 204B.06, subdivision
1.5 1b; 204B.09, subdivisions 1a, 2; 204B.44; repealing Minnesota Statutes 2024,
1.6 section 209.06.

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

1.8 Section 1. Minnesota Statutes 2024, section 203B.121, subdivision 4, is amended to read:

1.9 Subd. 4. **Opening of envelopes.** (a) After the close of business on the 19th day before
1.10 the election, the ballots from ~~secrecy~~ ballot envelopes within the signature envelopes marked
1.11 "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86,
1.12 subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate
1.13 ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must
1.14 be returned in the manner provided by section 204C.25 for return of spoiled ballots, and
1.15 may not be counted.

1.16 (b) Accepted signature envelopes must be segregated by precinct and processed in
1.17 accordance with this subdivision on a precinct-by-precinct basis. Precincts within a combined
1.18 polling place established in section 205A.11, subdivision 2, may be processed together. At
1.19 each step, members of the ballot board must notify the official responsible for the ballot
1.20 board if there is a discrepancy in any count required by paragraphs (c) to (e) and note the
1.21 discrepancy in the ballot board incident log.

1.22 (c) Before opening accepted signature envelopes, two members of the ballot board must
1.23 count and record the number of envelopes and ensure that the count matches either the

2.1 number of accepted signature envelopes provided by the official responsible for the ballot
2.2 board or the number of signature envelopes accepted by the ballot board that day.

2.3 (d) Two members of the ballot board must remove the ballots from the ballot envelopes.
2.4 The governing body responsible for the ballot board must retain all ballot envelopes through
2.5 the contest period of that election.

2.6 (e) After ballots have been removed from the ballot envelopes, two members of the
2.7 ballot board must count and record the number of ballots to ensure the count matches the
2.8 number of accepted signature envelopes, accounting for any empty envelopes or spoiled
2.9 ballots, which must be noted on the ballot board incident log.

2.10 Sec. 2. Minnesota Statutes 2024, section 204B.06, subdivision 1b, is amended to read:

2.11 Subd. 1b. **Address, electronic mail address, and telephone number.** (a) An affidavit
2.12 of candidacy must state a telephone number where the candidate can be contacted. An
2.13 affidavit must also state the candidate's or campaign's nongovernment issued electronic
2.14 mail address or an attestation that the candidate and the candidate's campaign do not possess
2.15 an electronic mail address. Except for affidavits of candidacy for (1) judicial office, (2) the
2.16 office of county attorney, or (3) county sheriff, an affidavit must also state the candidate's
2.17 current address of residence as determined under section 200.031, or at the candidate's
2.18 request in accordance with paragraph (c), the candidate's campaign contact address. When
2.19 filing the affidavit, the candidate must present the filing officer with the candidate's valid
2.20 driver's license or state identification card that contains the candidate's current address of
2.21 residence, or documentation of proof of residence authorized for election day registration
2.22 in section 201.061, subdivision 3, paragraph (a), clause (2); clause (3), ~~item (ii)~~; or paragraph
2.23 (d). If an original bill is shown, the due date on the bill must be within 30 days before or
2.24 after the beginning of the filing period or, for bills without a due date, dated within 30 days
2.25 before the beginning of the filing period. If the address on the affidavit and the documentation
2.26 do not match, the filing officer must not accept the affidavit. The form for the affidavit of
2.27 candidacy must allow the candidate to request, if eligible, that the candidate's address of
2.28 residence be classified as private data, and to provide the certification required under
2.29 paragraph (c) for classification of that address.

2.30 (b) If an affidavit for an office where a residency requirement must be satisfied by the
2.31 close of the filing period is filed as provided by paragraph (c), the filing officer must, within
2.32 one business day of receiving the filing, determine whether the address provided in the
2.33 affidavit of candidacy is within the area represented by the office the candidate is seeking.
2.34 For all other candidates who filed for an office whose residency requirement must be satisfied

by the close of the filing period, a registered voter in this state may request in writing that the filing officer receiving the affidavit of candidacy review the address as provided in this paragraph, at any time up to one day after the last day for filing for office. If requested, the filing officer must determine whether the address provided in the affidavit of candidacy is within the area represented by the office the candidate is seeking. If the filing officer determines that the address is not within the area represented by the office, the filing officer must immediately notify the candidate and the candidate's name must be removed from the ballot for that office. A determination made by a filing officer under this paragraph is subject to judicial review under section 204B.44.

(c) If the candidate requests that the candidate's address of residence be classified as private data, the candidate must list the candidate's address of residence on a separate form to be attached to the affidavit. The candidate must also certify on the affidavit that either: (1) a police report has been submitted, an order for protection has been issued, or the candidate has a reasonable fear in regard to the safety of the candidate or the candidate's family; or (2) the candidate's address is otherwise private pursuant to Minnesota law. The address of residence provided by a candidate who makes a request for classification on the candidate's affidavit of candidacy and provides the certification required by this paragraph is classified as private data, as defined in section 13.02, subdivision 12, but may be reviewed by the filing officer as provided in this subdivision.

~~(d) The requirements of this subdivision do not apply to affidavits of candidacy for a candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.~~

Sec. 3. Minnesota Statutes 2024, section 204B.09, subdivision 1a, is amended to read:

Subd. 1a. **Absent candidates.** (a) A candidate for special district, county, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, if any, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

(b) A candidate for special district, county, state, or federal office who will be absent from the state during the entire filing period or who must leave the state for the remainder of the filing period and who certifies to the secretary of state that the circumstances constitute an emergency and were unforeseen, may submit a properly executed affidavit of candidacy

by facsimile device or by transmitting electronically a scanned image of the affidavit and proof of residence required in section 204B.06, subdivision 1b, to the secretary of state during the filing period. The candidate shall state in writing the specific reason for being unable to submit the affidavit by mail or by hand during the filing period or in person prior to the start of the filing period. The affidavit of candidacy, filing fee, if any, and any necessary petitions must be received by the secretary of state by 5:00 p.m. on the last day for filing. If the candidate is filing for a special district or county office, the secretary of state shall forward the affidavit of candidacy, filing fee, if any, and any necessary petitions to the appropriate filing officer. Copies of a proof of residence submitted under this subdivision are private data.

Sec. 4. Minnesota Statutes 2024, section 204B.09, subdivision 2, is amended to read:

Subd. 2. **Other elections.** Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter, except as provided for a special district candidate under subdivision 1a. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law. Affidavits of candidacy, including proof of residence required in section 204B.06, subdivision 1b, and nominating petitions filed under this subdivision must be submitted by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary, and must be received by the appropriate official within the specified time for the filing of affidavits and petitions for the office. Copies of a proof of residence submitted by mail are private data.

Sec. 5. Minnesota Statutes 2024, section 204B.44, is amended to read:

204B.44 ERRORS AND OMISSIONS; REMEDY.

(a) Any individual may file a petition in the manner provided in this section for the correction of any of the following errors, omissions, or wrongful acts which have occurred or are about to occur:

(1) an error or omission in the placement or printing of the name or description of any candidate or any question on any official ballot, including the placement of a candidate on the official ballot who is not eligible to hold the office for which the candidate has filed;

(2) any other error in preparing or printing any official ballot;

(3) failure of the chair or secretary of the proper committee of a major political party to execute or file a certificate of nomination;

(4) any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

(b) The petition shall describe the error, omission, or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the supreme court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county, municipal, or school district office. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission, or wrongful act, on all candidates for the office in the case of an election for state, federal, county, municipal, or school district office, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause for not doing so. In the case of a review of a candidate's eligibility to hold office, the court may order the candidate to appear and present sufficient evidence of the candidate's eligibility. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

(c) Any service required by this section on a candidate may be accomplished by electronic mail sent to the address the candidate provided on their affidavit of candidacy pursuant to section 204B.06, subdivision 1b, or by any other means permitted by law.

(d) If all candidates for an office and the officer, board, or individual charged with the error, omission, or wrongful act unanimously agree in writing:

(1) that an error, omission, or wrongful act occurred; and

(2) on the appropriate correction for the error, omission, or wrongful act,
then the officer, board, or individual charged with the error, omission, or wrongful act must correct the error in the manner agreed to without an order from the court. The agreement must address, at a minimum, how the correction will take place and, if the correction involves a change to a ballot, how voters who have received or returned an incomplete ballot will be notified of the change and what, if any, steps voters who have returned an incorrect ballot can take to receive a corrected replacement ballot.

The officer, board, or individual must notify the secretary of state in writing of the error and proposed correction within one business day of receiving notification of the candidate's written agreement and must not distribute any ballots reflecting the proposed correction for two business days unless the secretary of state waives this notice period. Nothing in this paragraph shall be construed to preclude any person from filing a petition under this section alleging that the written agreement constitutes an error, omission, or wrongful act that requires correction by the court.

(e) Any candidate for an office who does not enter into an agreement under paragraph (d) and who does not prevail at any subsequent proceeding involving a petition filed under this section must pay the costs and disbursements of the prevailing party or parties unless the court determines that the candidate's position was substantially justified or such costs and disbursements would impose undue hardship or otherwise be inequitable.

(f) Notwithstanding any other provision of this section, an official may correct any official ballot without order from the court if the ballot is not in compliance with sections 204B.35 to 204B.37 or any rules promulgated under sections 204B.35 to 204B.37.

Sec. 6. **REPEALER.**

Minnesota Statutes 2024, section 209.06, is repealed.

209.06 INSPECTION OF BALLOTS.

Subdivision 1. **Appointment of inspectors.** After a contest has been instituted, either party may have the ballots inspected before preparing for trial. The party requesting an inspection shall file with the district court where the contest is brought a verified petition, stating that the case cannot properly be prepared for trial without an inspection of the ballots and designating the precincts in which an inspection is desired. A judge of the court in which the contest is pending shall then appoint as many sets of three inspectors for a contest of any office or question as are needed to count and inspect the ballots expeditiously. One inspector must be selected by each of the parties to the contest and a third must be chosen by those two inspectors. If either party neglects or refuses to name an inspector, the judge shall appoint the inspector. The compensation of inspectors is the same as for referees, unless otherwise stipulated.

Subd. 2. **Bond, taxing of costs.** The party applying for the inspection shall file with the court administrator of district court a bond in the sum of \$250 if the contest is in a single county. In other cases the bond shall be in a sum set by the court with sureties approved by the court, and conditioned that the party seeking inspection will pay the administrative costs and expenses of the inspection if that party loses the contest.

Subd. 3. **Report of inspectors.** An inspection must be made in the office and in the presence of the legal custodian of the ballots. The inspectors shall recanvass the votes cast for the parties to the contest or the question in issue in accordance with the rules for counting ballots in the Minnesota Election Law. They shall make a written report of the inspection indicating the number of votes cast for each candidate or each side of the question in each precinct where the ballots were inspected and indicating any disputed ballots upon which the inspectors cannot agree.