

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-FOURTH SESSION**

**S.F. No. 2493**

(SENATE AUTHORS: KORAN, Bahr and Lucero)

DATE  
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761 Introduction and first reading  
Referred to Elections

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to elections; modifying requirements related to the return of absentee

1.3 ballots on election day; modifying the absentee voting period for certain voters;

1.4 amending Minnesota Statutes 2024, sections 203B.06, subdivision 3; 203B.08,

1.5 subdivision 1; 203B.081, subdivisions 1, 4; 203B.21, subdivision 2; 204B.13,

1.6 subdivision 8; 204B.35, subdivision 4; 204B.45, subdivision 2; 204C.28, by adding

1.7 a subdivision; 204D.09, subdivision 2; 204D.16.

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

1.9 Section 1. Minnesota Statutes 2024, section 203B.06, subdivision 3, is amended to read:

1.10 Subd. 3. **Delivery of ballots.** (a) The county auditor, municipal clerk, school district

1.11 clerk, or full-time clerk of any city or town administering an election pursuant to section

1.12 203B.05, shall mail absentee ballots to voters on the permanent absentee ballot list pursuant

1.13 to section 203B.04, subdivision 5, on the following timelines:

1.14 (1) except as otherwise provided by this section and section 203B.21, subdivision 2, at

1.15 least ~~46~~ 28 days before each regularly scheduled primary and general election and each

1.16 special primary and special election;

1.17 (2) as soon as practicable for a special election held pursuant to section 204D.19,

1.18 subdivisions 2 and 3; and

1.19 (3) at least ~~30~~ 28 days before a town general election held in March.

1.20 (b) The commissioner of corrections must provide the secretary of state with a list of

1.21 the names and mailing addresses of state adult correctional facilities. An application for an

1.22 absentee ballot that provides an address included on the list provided by the commissioner

1.23 of corrections must not be accepted and an absentee ballot must not be provided to the

applicant. The county auditor or municipal clerk must promptly transmit a copy of the application to the county attorney. The Department of Corrections must implement procedures to ensure that absentee ballots issued under this chapter are not received or mailed by offenders incarcerated at state adult correctional facilities.

(c) 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 an assisted living facility licensed under 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.

(d) 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.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

Sec. 2. Minnesota Statutes 2024, section 203B.08, subdivision 1, is amended to read:

Subdivision 1. **Marking and return by voter.** (a) An eligible voter who receives absentee ballots as provided in this chapter shall mark them in the manner specified in the directions

for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots, may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter, or may be left in a drop box as provided in section 203B.082. If delivered in person, the return envelope must be submitted to the county auditor or municipal clerk by ~~8:00 p.m.~~ 3:00 p.m. on election day.

(b) The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 2024, section 203B.081, subdivision 1, is amended to read:

Subdivision 1. **Location; timing for absentee voting.** An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the ~~46~~ 28 days before the election, except as provided in this section.

Sec. 4. Minnesota Statutes 2024, section 203B.081, subdivision 4, is amended to read:

Subd. 4. **Temporary locations.** (a) A county auditor or municipal clerk authorized under section 203B.05 to administer voting before election day may designate additional polling places with days and hours that differ from those required by section 203B.085. A designation authorized by this subdivision must be made at least ~~47~~ 29 days before the election. The county auditor or municipal clerk must provide notice to the secretary of state at the time that the designations are made.

(b) At the request of a federally recognized Indian Tribe with a reservation in the county, the county auditor must establish an additional polling place for at least one day on the Indian reservation on a site agreed upon by the Tribe and the county auditor that is accessible to the county auditor by a public road.

(c) At the request of a postsecondary institution or the student government organization of a postsecondary institution in the county or municipality, the county auditor or a municipal clerk authorized to administer absentee voting under section 203B.05 must establish an additional temporary polling place for the state general election or the odd-year city general

election for at least one day at a location agreed upon by the institution and the county auditor or municipal clerk that:

(1) is accessible to the public;

(2) satisfies the requirements of state and federal law; and

(3) is on the institution's campus or is within one-half mile of the institution's campus and is reasonably accessible to the institution's students.

A request must be made no later than May 31 before an election and the request is valid only for that election. This paragraph only applies to a postsecondary institution that provides on-campus student housing to 100 or more students. Nothing in this paragraph prevents the county auditor or municipal clerk from engaging in a dialogue with the entity that made the request regarding potential alternative locations for a temporary polling place that does not meet the requirements of clause (3). An entity that made a request for a temporary polling place may withdraw its request by notifying the county auditor or municipal clerk.

Sec. 5. Minnesota Statutes 2024, section 203B.21, subdivision 2, is amended to read:

Subd. 2. **Mailing of ballots; return.** Ballots and instructions for marking them, ballot envelopes, and return envelopes shall be sent by first class mail to addresses within the continental United States and by air mail to addresses outside the continental United States at least 46 days before each regularly scheduled primary and general election and each special primary and special election. The ballot envelope and return envelope shall be marked "Official Ballot," and shall contain sufficient postage to assure proper return delivery. The return envelope shall be addressed to comply with any method for return of absentee ballots as authorized under section 203B.08, subdivision 2. The requirements of this subdivision do not apply to ballots and related materials provided under section 203B.225.

Sec. 6. Minnesota Statutes 2024, section 204B.13, subdivision 8, is amended to read:

Subd. 8. **Absentee voters.** At least ~~46~~ 28 days, but no more than ~~50~~ 32 days, before a special election conducted under this section, the county auditor shall transmit an absentee ballot for the special election to each applicant for an absentee ballot whose application for an absentee ballot for the preceding general election was recorded under section 203B.04 or 203B.17. New applicants for an absentee ballot may be provided a ballot in the manner specified in chapter 203B.

5.1 Sec. 7. Minnesota Statutes 2024, section 204B.35, subdivision 4, is amended to read:

5.2 Subd. 4. **Absentee ballots; preparation; delivery.** At least ~~46~~ 28 days before an election,  
5.3 ballots necessary to fill applications of absentee voters shall be prepared and delivered to  
5.4 the officials who administer the provisions of chapter 203B, except as provided in this  
5.5 subdivision. Ballots necessary to fill applications of absentee voters for a town general  
5.6 election held in March shall be prepared and delivered to the town clerk at least ~~30~~ 28 days  
5.7 before the election.

5.8 This section applies to school district elections held on the same day as a statewide  
5.9 election or an election for a county or municipality located partially or wholly within the  
5.10 school district.

5.11 Sec. 8. Minnesota Statutes 2024, section 204B.45, subdivision 2, is amended to read:

5.12 Subd. 2. **Procedure; voting prior to election day.** Notice of the election and the special  
5.13 mail procedure must be given at least ten weeks prior to the election. Not more than ~~46~~ 28  
5.14 days nor later than 14 days before ~~a regularly scheduled election and not more than 30 days~~  
5.15 ~~nor later than 14 days before any other~~ an election, the auditor shall mail ballots by  
5.16 nonforwardable mail to all voters registered in the city, town, or unorganized territory. No  
5.17 later than 14 days before the election, the auditor must make a subsequent mailing of ballots  
5.18 to those voters who register to vote after the initial mailing but before the 20th day before  
5.19 the election. Eligible voters not registered at the time the ballots are mailed may apply for  
5.20 ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided,  
5.21 must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or  
5.22 in person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot  
5.23 board to examine the mail and absentee ballot return envelopes and mark them "accepted"  
5.24 or "rejected" within three days of receipt if there are 14 or fewer days before election day,  
5.25 or within five days of receipt if there are more than 14 days before election day. The board  
5.26 may consist of deputy county auditors or deputy municipal clerks who have received training  
5.27 in the processing and counting of mail ballots, who need not be affiliated with a major  
5.28 political party. Election judges performing the duties in this section must be of different  
5.29 major political parties, unless they are exempt from that requirement under section 205.075,  
5.30 subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before  
5.31 the election, the ballots in the envelope must remain sealed and the auditor or clerk shall  
5.32 provide the voter with a replacement ballot and return envelope in place of the spoiled ballot.  
5.33 If the ballot is rejected within five days of the election, the envelope must remain sealed  
5.34 and the official in charge of the ballot board must attempt to contact the voter by telephone

or email to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the 19th day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

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

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

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

Sec. 9. Minnesota Statutes 2024, section 204C.28, is amended by adding a subdivision to read:

Subd. 4. **Public disclosure of unofficial election results.** Except as otherwise explicitly required by law, the county auditor, municipal clerk, or other elections official responsible for receiving or delivering election returns must not release a precinct's unofficial election results for public posting online or other general distribution unless the results include all votes cast in the precinct, including those cast by absentee ballot.

Sec. 10. Minnesota Statutes 2024, section 204D.09, subdivision 2, is amended to read:

Subd. 2. **Sample ballot.** At least ~~46~~ 28 days before the state primary the county auditor must prepare a sample ballot for each precinct for public inspection and transmit an electronic copy of these sample ballots to the secretary of state. The names of the candidates to be voted for in the county must be placed on the sample ballots, with the names of the candidates for each office arranged in the base rotation as determined by section 206.61, subdivision 5. The county auditor must post the sample ballots in a conspicuous place in the auditor's office. At least one week before the state primary, the county auditor must publish a notice to voters pursuant to section 204D.16 in at least one newspaper of general circulation in the county.

Sec. 11. Minnesota Statutes 2024, section 204D.16, is amended to read:

**204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;  
PUBLICATION.**

(a) At least ~~46~~ 28 days before the state general election, the county auditor must post sample ballots for each precinct in the auditor's office for public inspection and transmit an electronic copy of these sample ballots to the secretary of state.

(b) No earlier than 20 days and no later than ten days before the state general election the county auditor must cause a notice to voters to be published in at least one newspaper of general circulation in the county. The secretary of state, in collaboration with stakeholders, must design the notice to be published, including the format and content to be used. The secretary of state, in collaboration with stakeholders, may modify the content or format of the notice to be used by metropolitan counties, as defined in section 473.121, subdivision 4. When published, the notice must be sized so that it comprises a minimum of one full newspaper page.

(c) The notice required by paragraph (b) must, at minimum, include the following:

(1) a statement that the voter's official ballot will have the names of all candidates for the voter's precinct;

(2) the web address where a voter may view the voter's sample ballot based on the voter's address;

(3) the county's website where a list of sample ballots for each county precinct may be viewed;

(4) how a voter may obtain a free copy of a sample ballot specific to the voter's address; and

(5) contact information for the appropriate local election official, including a phone number and email address.

The notice may include information about contests on the ballot; names, offices, and party affiliation, if any, of candidates; polling place locations; poll hours; and absentee voting information.

(d) For purposes of this section, "stakeholder" means local government election officials and representatives of the Minnesota Newspaper Association.