

A bill for an act

relating to elections; modifying who may provide assistance to voters in marking ballots; providing criminal penalties; amending Minnesota Statutes 2010, sections 203B.11, subdivision 1, by adding a subdivision; 204C.15, subdivision 1; 204C.16.

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

Section 1. Minnesota Statutes 2010, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Each full-time municipal clerk or school district clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor must also designate election judges to perform the duties in this section. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, ~~and may assist an applicant as provided in section 204C.15.~~ The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 2. Minnesota Statutes 2010, section 203B.11, is amended by adding a subdivision to read:

Subd. 5. **Assistance in marking ballots.** A voter who votes by absentee ballot under this section and who claims a need for assistance in marking the ballot shall only be assisted as provided in section 204C.15.

Sec. 3. Minnesota Statutes 2010, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Physical assistance in marking ballots.** (a) A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit.

(b) If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to provide assistance. The individuals shall assist the voter in marking the ballots. ~~A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election.~~ The person who assists the voter shall, ~~unaccompanied~~ accompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed.

(c) An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 4. Minnesota Statutes 2010, section 204C.16, is amended to read:

~~**204C.16 MISMARKING BALLOTS; DISCLOSURE OF MARKINGS BY OTHERS; PENALTY**~~ **PENALTIES FOR IMPROPER ASSISTANCE OF VOTER.**

An election judge or other individual who does any of the following is guilty of a gross misdemeanor: (1) marks the ballot of any voter, except as authorized by law and as directed by the voter, or who (2) informs anyone other than the voter how the ballot was marked, is guilty of a gross misdemeanor or (3) requests, persuades, induces, or attempts to persuade or induce a voter to vote for any particular political party or candidate.