

A bill for an act
relating to the military; changing certain election provisions; amending
Minnesota Statutes 2006, sections 203B.17; 203B.21, subdivisions 1, 2;
203B.22; 203B.24, subdivision 1; proposing coding for new law in Minnesota
Statutes, chapter 203B.

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

Section 1. Minnesota Statutes 2006, section 203B.17, is amended to read:

203B.17 APPLICATION FOR BALLOT.

Subdivision 1. **Submission of application.** (a) An application for absentee ballots
for a voter described in section 203B.16 may be submitted in writing or by electronic
facsimile device, or by electronic mail upon determination by the secretary of state that
security concerns have been adequately addressed. An application for absentee ballots
for a voter described in section 203B.16 may be submitted by that voter or by that voter's
parent, spouse, sister, brother, or child over the age of 18 years. ~~For purposes of an
application under this subdivision, a person's Social Security number, no matter how it
is designated, qualifies as the person's military identification number if the person is
in the military.~~

(b) An application for a voter described in section 203B.16, subdivision 1, shall be
submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be
submitted to the county auditor of the county where the voter last maintained residence
in Minnesota.

(d) An application for absentee ballots shall be valid for any primary, special
primary, general election, or special election from the time the application is received

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through the next two regularly scheduled general elections for federal office held after the date on which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Subd. 2. **Required information.** An application shall be accepted if it contains the following information stated under oath:

(a) the voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) a statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) a statement that the voter expects to be absent from the precinct at the time of the election;

(d) the address to which absentee ballots are to be mailed;

(e) the voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) the voter's ~~military identification card number~~, passport number; or, if the voter does not have a valid passport or identification card, the signed statement of an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.

The oath taken must be the standard oath prescribed by section 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act.

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 2. Minnesota Statutes 2006, section 203B.21, subdivision 1, is amended to read:

Subdivision 1. **Form.** Absentee ballots under sections 203B.16 to 203B.27 shall conform to the requirements of the Minnesota Election Law, except that modifications in the size or form of ballots or envelopes may be made if necessary to satisfy the requirements of the United States postal service. The return envelope must be designed in one of the following ways:

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(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.

The flap or the additional envelope must be perforated to permit election officials to inspect the returned certificate for completeness or to ascertain other information at any time after receiving the returned ballot without opening the return envelope. Absentee ballots sent electronically to persons in the military are not required to include envelopes.

Sec. 3. Minnesota Statutes 2006, section 203B.21, subdivision 2, is amended to read:

Subd. 2. **Mailing of ballots; return.** Except for ballots and instructions delivered electronically in accordance with section 203B.225, 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. 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.

Sec. 4. Minnesota Statutes 2006, section 203B.22, is amended to read:

203B.22 MAILING DELIVERY OF ABSENTEE BALLOTS.

The county auditor shall ~~mail~~ deliver the appropriate absentee ballots, as promptly as possible, to an absent voter whose application has been recorded under section 203B.19. If the county auditor determines that a voter is not eligible to vote at the primary but will be eligible to vote at the general election, only general election ballots shall be mailed. Only one set of ballots shall be ~~mailed~~ delivered to any applicant for any election. Ballots to be sent outside the United States shall be given priority in ~~mailing~~ delivery. Except for absentee ballots sent to military personnel electronically in accordance with section 203B.225, delivery must be made by mail. A county auditor may make use of any special service provided by the United States government for the mailing of voting materials under sections 203B.16 to 203B.27.

Sec. 5. [203B.225] TRANSMITTING AND RETURNING ELECTRONIC BALLOTS.

Subdivision 1. Transmitting ballot and voter certification. Upon receipt of an application from a person in the military under section 203B.17 for electronic transmission

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of ballots, instructions, an affidavit form, and certification of voter eligibility provided in section 203B.21, subdivision 3, the county auditor shall electronically transmit the requested documents to the voter.

Subd. 2. **Returning voted ballots.** The voter must return the voted ballots and the certificate of voter eligibility to the county auditor in a sealed envelope. The auditor shall provide instructions for the completion of an envelope for returning the completed ballot but shall not require the use of the envelope provided to other absentee voters. Upon receipt of a ballot, the county auditor shall compare the information provided on the absentee ballot application with the information provided on the certificate of voter eligibility. After the information on the certificate of voter eligibility has been verified, the vote marked on the ballot must be transferred to a duplicate ballot in the manner provided for in section 206.86, subdivision 5, and sealed in a ballot secrecy envelope. The certificate of voter eligibility must be attached to the ballot secrecy envelope and placed with the other absentee ballots for the precinct in which the voter resides.

Subd. 3. **Rejecting transmitted ballots.** If the county auditor cannot verify that the ballots were returned by the same person to whom the absentee ballot application was submitted, the ballots must be rejected and no votes on the ballot may be counted.

Sec. 6. Minnesota Statutes 2006, section 203B.24, subdivision 1, is amended to read:

Subdivision 1. **Check of voter eligibility; proper execution of affidavit.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

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

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

(3) the voter has set forth the voter's ~~military identification number or~~ passport number or, ~~if those numbers do not appear~~ no passport number is listed, a person authorized to administer oaths under federal law or the law of the place where the oath was administered or a witness who is military personnel with a rank at or above the rank of sergeant or its equivalent has signed the ballot; and

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

5.3 An absentee ballot case pursuant to sections 203B.16 to 203B.27 may only be
5.4 rejected for the lack of one of clauses (1) to (4). In particular, failure to place the ballot
5.5 within the security envelope before placing it in the outer white envelope is not a reason to
5.6 reject an absentee ballot.

5.7 Election judges must note the reason for rejection on the back of the envelope in the
5.8 space provided for that purpose.

5.9 Failure to return unused ballots shall not invalidate a marked ballot, but a ballot
5.10 shall not be counted if the affidavit on the return envelope is not properly executed. In
5.11 all other respects the provisions of the Minnesota Election Law governing deposit and
5.12 counting of ballots shall apply.