

1.1 A bill for an act

1.2 relating to elections; requiring an affidavit of candidacy to state the candidate's
1.3 residence address and telephone number; prohibiting placement of a candidate on
1.4 the ballot if residency requirements are not met; modifying candidate access to
1.5 certain facilities; requiring completion of absentee ballot certificate as prescribed
1.6 in directions before acceptance by ballot board; amending Minnesota Statutes
1.7 2008, sections 204B.06, by adding a subdivision; 211B.20; Laws 2010, chapter
1.8 194, section 9, subdivision 2.

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

1.10 Section 1. Minnesota Statutes 2008, section 204B.06, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must
1.13 state the candidate's residence address and a telephone number where the candidate can
1.14 be contacted.

1.15 (b) For an office whose residency requirement must be satisfied by the close of the
1.16 filing period, a registered voter in this state may request in writing that the filing officer
1.17 receiving the affidavit of candidacy review the address as provided in this paragraph, at
1.18 any time up to one day after the last day for filing for office. If requested, the filing officer
1.19 must determine whether the address provided in the affidavit of candidacy is within the
1.20 area represented by the office the candidate is seeking. If the filing officer determines
1.21 that the address is not within the area represented by the office, the filing officer must
1.22 immediately notify the candidate and the candidate's name must be removed from the
1.23 ballot for that office. A determination made by a filing officer under this paragraph is
1.24 subject to judicial review under section 204B.44.

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

2.1 EFFECTIVE DATE. This section is effective on May 18, 2010.

2.2 Sec. 2. Minnesota Statutes 2008, section 211B.20, is amended to read:

2.3 **211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO**
2.4 **MULTIPLE UNIT DWELLINGS.**

2.5 Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or
2.6 indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured
2.7 home park, other multiple unit facility used as a residence, or an area in which two or
2.8 more single-family dwellings are located on private roadways to ~~a candidate who has filed~~
2.9 ~~for election to public office or to campaign workers accompanied by the candidate, if the~~
2.10 ~~candidate and workers seeking admittance to the facility do so solely for the purpose of~~
2.11 ~~campaigning.~~ a candidate who has:

2.12 (1) organized a campaign committee under applicable federal or state law;

2.13 (2) filed a financial report as required by section 211A.02; or

2.14 (3) filed an affidavit of candidacy for elected office.

2.15 A candidate granted access under this section must be allowed to be accompanied
2.16 by campaign volunteers.

2.17 (b) Access to a facility or area is only required if it is located within the district or
2.18 territory that will be represented by the office to which the candidate seeks election, and
2.19 the candidate and any accompanying campaign volunteers seek access exclusively for
2.20 the purpose of campaigning for a candidate or registering voters. The candidate must be
2.21 seeking election to office at the next general or special election to be held for that office.

2.22 (c) A candidate and any accompanying campaign volunteers granted access under
2.23 this section must be permitted to leave campaign materials for residents at their doors,
2.24 except that the manager of a nursing home may direct that the campaign materials be
2.25 left at a central location within the facility. The campaign materials must be left in
2.26 an orderly manner.

2.27 (d) A violation of this section is a petty misdemeanor.

2.28 Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

2.29 (1) denial of admittance into a particular apartment, room, manufactured home, or
2.30 personal residential unit;

2.31 (2) requiring reasonable and proper identification as a necessary prerequisite to
2.32 admission to a multiple unit dwelling;

2.33 (3) in the case of a nursing home or a registered housing with services establishment
2.34 providing assisted living services meeting the requirements of section 144G.03,
2.35 subdivision 2, denial of permission to visit certain persons for valid health reasons;

- 3.1 (4) limiting visits by candidates or ~~workers~~ volunteers accompanied by the candidate
3.2 to a reasonable number of persons or reasonable hours;
- 3.3 (5) requiring a prior appointment to gain access to the facility; or
- 3.4 (6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

3.5 Sec. 3. Laws 2010, chapter 194, section 9, subdivision 2, is amended to read:

3.6 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot
3.7 board shall take possession of all return envelopes delivered to them in accordance with
3.8 section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district
3.9 clerk, two or more members of the ballot board shall examine each return envelope and
3.10 shall mark it accepted or rejected in the manner provided in this subdivision. Election
3.11 judges performing the duties in this section must be of different major political parties,
3.12 unless they are exempt from that requirement under section 205.075, subdivision 4, or
3.13 section 205A.10, subdivision 2.

3.14 (b) The members of the ballot board shall mark the return envelope "Accepted" and
3.15 initial or sign the return envelope below the word "Accepted" if a majority of the members
3.16 of the ballot board examining the envelope are satisfied that:

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

3.19 (2) the voter signed the certification on the envelope;

3.20 (3) the voter's Minnesota driver's license, state identification number, or the last four
3.21 digits of the voter's Social Security number are the same as the number provided on the
3.22 voter's application for ballots. If the number does not match the number as submitted on
3.23 the application, or if a number was not submitted on the application, the election judges
3.24 must compare the signature provided by the applicant to determine whether the ballots
3.25 were returned by the same person to whom they were transmitted;

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

3.28 (5) the certificate has been completed as prescribed in the directions for casting an
3.29 absentee ballot; and

3.30 (6) the voter has not already voted at that election, either in person or, if it is after the
3.31 close of business on the fourth day before the election, by absentee ballot.

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

3.34 (c)(1) If a majority of the members of the ballot board examining a return envelope
3.35 find that an absentee voter has failed to meet one of the requirements provided in

4.1 paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the
4.2 word "Rejected," list the reason for the rejection on the envelope, and return it to the
4.3 county auditor. There is no other reason for rejecting an absentee ballot beyond those
4.4 permitted by this section. Failure to place the ballot within the security envelope before
4.5 placing it in the outer white envelope is not a reason to reject an absentee ballot.

4.6 (2) If an envelope has been rejected at least five days before the election, the
4.7 envelope must remain sealed and the official in charge of the ballot board shall provide the
4.8 voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

4.9 (3) If an envelope is rejected within five days of the election, the envelope must
4.10 remain sealed and the official in charge of the ballot board must attempt to contact the
4.11 voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected.
4.12 The official must document the attempts made to contact the voter.

4.13 (d) The official in charge of the absentee ballot board must mail the voter a written
4.14 notice of absentee ballot rejection between six and ten weeks following the election. If the
4.15 official determines that the voter has otherwise cast a ballot in the election, no notice is
4.16 required. If an absentee ballot arrives after the deadline for submission provided by this
4.17 chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A
4.18 notice of absentee ballot rejection must contain the following information:

4.19 (1) the date on which the absentee ballot was rejected or, if the ballot was received
4.20 after the required deadline for submission, the date on which the ballot was received;

4.21 (2) the reason for rejection; and

4.22 (3) the name of the appropriate election official to whom the voter may direct further
4.23 questions, along with appropriate contact information.

4.24 (e) An absentee ballot return envelope marked "Rejected" may not be opened or
4.25 subject to further review except in an election contest filed pursuant to chapter 209.

4.26 **EFFECTIVE DATE.** This section is effective June 25, 2010.