

**SENATE
STATE OF MINNESOTA
FIFTH SPECIAL SESSION**

S.F. No. 13

(SENATE AUTHORS: KIFFMEYER)

DATE
10/12/2020

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9 Introduction and first reading
Referred to Rules and Administration

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to elections; requiring notice for absentee ballot board meetings; requiring
1.3 notice of public accuracy tests to be given to the secretary of state; amending
1.4 Minnesota Statutes 2018, sections 203B.121, subdivision 2; 206.83.

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

1.6 Section 1. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

1.7 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
1.8 shall take possession of all return envelopes delivered to them in accordance with section
1.9 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
1.10 two or more members of the ballot board shall examine each return envelope and shall mark
1.11 it accepted or rejected in the manner provided in this subdivision. Election judges performing
1.12 the duties in this section must be of different major political parties, unless they are exempt
1.13 from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision
1.14 2.

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

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

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

1.21 (3) the voter's Minnesota driver's license, state identification number, or the last four
1.22 digits of the voter's Social Security number are the same as a number on the voter's absentee

2.1 ballot application or voter record. If the number does not match, the election judges must
2.2 compare the signature provided by the applicant to determine whether the ballots were
2.3 returned by the same person to whom they were transmitted;

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

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

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

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

2.12 (c)(1) If a majority of the members of the ballot board examining a return envelope find
2.13 that an absentee voter has failed to meet one of the requirements provided in paragraph (b),
2.14 they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected,"
2.15 list the reason for the rejection on the envelope, and return it to the county auditor. There
2.16 is no other reason for rejecting an absentee ballot beyond those permitted by this section.
2.17 Failure to place the ballot within the security envelope before placing it in the outer white
2.18 envelope is not a reason to reject an absentee ballot.

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

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

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

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

3.1 (2) the reason for rejection; and

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

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

3.6 (f) The governing body of each county, municipality, and school district must provide
3.7 notice to the public of each ballot board meeting occurring under the governing body's
3.8 jurisdiction where two or more members of the ballot board are scheduled to meet to examine
3.9 return envelopes and mark them as accepted or rejected. The notice must be posted on the
3.10 county, municipal, or school district website and include the time, date, and place of each
3.11 ballot board meeting occurring before the end of and after the completion of the election.
3.12 The notice must be posted at least three weeks before the first ballot board meeting is
3.13 scheduled to occur before an election. The governing body of each jurisdiction must also
3.14 provide the notice information to the secretary of state at least three weeks before the first
3.15 ballot board meeting. The time, date, or place of a ballot board meeting as described in this
3.16 paragraph may not be changed without providing three weeks notice of the change. The
3.17 changed meeting time, date, or place must be posted on the jurisdiction's website and be
3.18 provided to the secretary of state.

3.19 **EFFECTIVE DATE.** This section is effective January 1, 2021.

3.20 Sec. 2. Minnesota Statutes 2018, section 206.83, is amended to read:

3.21 **206.83 TESTING OF VOTING SYSTEMS.**

3.22 (a) By October 1 before a general election and within 14 days before any other election
3.23 day, the official in charge of elections shall have the voting system tested to ascertain that
3.24 the system will correctly mark ballots using all methods supported by the system, including
3.25 through assistive technology, and count the votes cast for all candidates and on all questions.
3.26 The official in charge of elections must provide notice to the secretary of state of the time,
3.27 date, and place of the test at least three weeks in advance of the test. The official in charge
3.28 of elections must also provide the public notice of the time, date, and place of the test ~~must~~
3.29 ~~be given~~ at least ~~two days~~ three weeks in advance by publication once in official newspapers.
3.30 The test must be observed by at least two election judges, who are not of the same major
3.31 political party, and must be open to representatives of the political parties, candidates, the
3.32 press, and the public. The election official must report to the secretary of state the number
3.33 of election judges by party affiliation who were present at each testing.

4.1 (b) The secretary of state must compile a list for each county that includes the time, date,
4.2 and place of each test required under paragraph (a). The secretary of state must post the
4.3 notice information for each test on its website as soon as practicable after receiving the
4.4 information from each election official. The secretary of state must categorize the information
4.5 on the secretary of state's website by county.

4.6 (c) After the completion of each test required under this section, the secretary of state
4.7 must post on its website the number of election judges by party affiliation who were present
4.8 at each testing site. The secretary of state must categorize the information on the secretary
4.9 of state's website by county.

4.10 (d) The test required under this section must be conducted by (1) processing a preaudited
4.11 group of ballots punched or marked to record a predetermined number of valid votes for
4.12 each candidate and on each question, and must include for each office one or more ballot
4.13 cards which have votes in excess of the number allowed by law in order to test the ability
4.14 of the voting system tabulator and electronic ballot marker to reject those votes; and (2)
4.15 processing an additional test deck of ballots marked using the electronic ballot marker for
4.16 the precinct, including ballots marked using the electronic ballot display, audio ballot reader,
4.17 and any assistive voting technology used with the electronic ballot marker. If any error is
4.18 detected, the cause must be ascertained and corrected and an errorless count must be made
4.19 before the voting system may be used in the election. After the completion of the test, the
4.20 programs used and ballot cards must be sealed, retained, and disposed of as provided for
4.21 paper ballots.

4.22 **EFFECTIVE DATE.** This section is effective January 1, 2021.