

A bill for an act

relating to elections; changing certain procedures and requirements; establishing new election procedures; amending Minnesota Statutes 2008, sections 13.607, subdivision 7; 135A.17, subdivision 2; 201.016, subdivisions 1a, 2; 201.022, subdivision 1; 201.056; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.001; 203B.01, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivisions 1, 6; 203B.05; 203B.06, subdivision 3; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3; 203B.081; 203B.085; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.125; 203B.23, subdivisions 1, 2; 203B.24, subdivision 1; 203B.26; 204B.04, subdivisions 2, 3; 204B.07, subdivision 1; 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.13, subdivisions 1, 2, by adding subdivisions; 204B.14, subdivision 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivision 2; 204B.33; 204B.38; 204B.45, subdivision 2; 204B.46; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.08, subdivisions 1a, 3; 204C.10; 204C.13, subdivisions 2, 6; 204C.15, subdivision 3; 204C.17; 204C.27; 204C.30, by adding a subdivision; 204C.33, subdivisions 1, 3; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.28, subdivisions 5, 6, 8, 9; 205.065, subdivision 2; 205.075, subdivision 1, by adding a subdivision; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205.185, subdivision 3, by adding a subdivision; 205A.03, subdivision 1; 205A.05, subdivisions 1, 2; 205A.07, subdivision 2; 205A.10, subdivisions 2, 3, by adding a subdivision; 206.57, subdivision 6; 206.61, subdivision 5; 206.83; 206.89, subdivision 2; 208.05; 211A.02, subdivision 2; 367.03, subdivision 4, by adding a subdivision; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivisions 1, 4; 414.033, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 201; 203B; 204B; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 201.096; 203B.04, subdivision 5; 203B.10; 203B.11, subdivision 2; 203B.12; 203B.13; 203B.25; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5, 6; 204B.41; 204D.169; 206.805, subdivision 2.

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

ARTICLE 1

ABSENTEE AND EARLY VOTING

Section 1. Minnesota Statutes 2008, section 13.607, subdivision 7, is amended to read:

Subd. 7. **Absentee ballots.** Disclosure of names of voters submitting absentee ballots is governed by section ~~203B.12, subdivision 7~~ 203B.121, subdivision 2.

Sec. 2. Minnesota Statutes 2008, section 201.022, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;

(11) provide access to municipal clerks to use the system;

(12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;

(13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers

submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~

(14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and

(15) provide rosters, master lists, and other reports necessary for early voting.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 3. Minnesota Statutes 2008, section 203B.001, is amended to read:

**203B.001 ELECTION LAW APPLICABILITY.**

The Minnesota Election Law is applicable to voting by absentee ballot and early voting unless otherwise provided in this chapter.

Sec. 4. Minnesota Statutes 2008, section 203B.01, is amended by adding a subdivision to read:

Subd. 5. **Early voting.** "Early voting" means voting in person before election day at the office of the county auditor or any other location authorized in this chapter within the time period provided in section 203B.31.

Sec. 5. Minnesota Statutes 2008, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. **Violation.** No individual shall intentionally:

(a) make or sign any false certificate required by this chapter;

(b) make any false or untrue statement in any application for absentee ballots;

(c) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;

(d) exhibit a ballot marked by that individual to any other individual;

(e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;

(f) use information from absentee ballot or early voting materials or records for purposes unrelated to elections, political activities, or law enforcement;

(g) provide assistance to an absentee or early voter except in the manner provided by section 204C.15, subdivision 1;

(h) solicit the vote of an absentee or early voter while in the immediate presence of the voter during the time the individual knows the absentee or early voter is voting; or

(i) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.

Before inspecting information from absentee ballot or early voting materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 6. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state, notwithstanding rules on absentee ballot forms, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or  
~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application ~~may~~ must contain a request for the ~~voter's~~ applicant's date of birth, ~~which~~ the applicant's Minnesota driver's license or state identification card number, and the last four digits of the applicant's Social Security number, if the applicant has these numbers, an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury. An applicant's full date of birth, driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision ~~5~~ 6 to automatically receive an absentee ballot ~~application~~.

Sec. 7. Minnesota Statutes 2008, section 203B.04, subdivision 6, is amended to read:

Subd. 6. **Ongoing absentee status; termination.** (a) An eligible voter may apply to a county auditor or municipal clerk for status as an ongoing absentee voter who reasonably expects to meet the requirements of section 203B.02, subdivision 1. The voter may decline to receive an absentee ballot for one or more elections if that request is received by the county auditor or municipal clerk at least five days before the deadline in section 204B.35 for delivering ballots for the election to which it applies. Sixty days before each state primary, the county auditor must send each voter with ongoing absentee ballot status a nonforwardable postcard to notify the voter when the voter can expect to receive the ballots. Each applicant must automatically be provided with an absentee ballot ~~application~~ for each ensuing election other than an election by mail conducted under section 204B.45, or as otherwise requested by the voter, and must have the status of ongoing absentee voter indicated on the voter's registration record.

(b) Ongoing absentee voter status ends on:

- (1) the voter's written request;
- (2) the voter's death;
- (3) return of an ongoing absentee ballot as undeliverable;
- (4) a change in the voter's status so that the voter is not eligible to vote under section 201.15 or 201.155; or
- (5) placement of the voter's registration on inactive status under section 201.171.

By May 1, 2010, each county auditor shall mail an explanation of the changes to the ongoing absentee balloting process and an updated ongoing absentee voter application to every voter with ongoing absentee ballot status in their county. A voter must return the application to maintain the voter's status as an ongoing absentee voter. Upon receipt of a completed application, the county auditor shall scan an image of the application and update the voter's record with any new or changed information.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested and shown to properly allow for the issuance of ballots to ongoing absentee voters.

Sec. 8. Minnesota Statutes 2008, section 203B.05, is amended to read:

**203B.05 DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER  
EARLY AND ABSENTEE VOTING LAWS.**

Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if:

~~(a)~~ (1) the county auditor of that county has designated the clerk to administer them; or

~~(b)~~ (2) the clerk has given the county auditor of that county notice of intention to administer them.

A clerk may only administer the provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training.

Subd. 2. **City, school district, and town elections.** For city, town, and school district elections not held on the same day as a statewide election, applications for absentee ballots shall be filed with the city, school district, or town clerk and the duties prescribed by this chapter for the county auditor shall be performed by the city, school district, or town clerk unless the county auditor agrees to perform those duties on behalf of the city, school district, or town clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by this subdivision shall be paid by the city, town, or school district holding the election.

Notwithstanding any other law, this chapter applies to school district elections held on the same day as a statewide election or an election for a county or municipality wholly or partially within the school district.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 9. Minnesota Statutes 2008, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) 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 a facility providing assisted living services governed by 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.

(b) 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.13~~ 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.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

**Sec. 10. [203B.065] RECORDING APPLICATIONS.**

Upon accepting an application for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide registration system the voter's name, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security

number, if provided by the voter, that an absentee ballot has been transmitted to the voter, the method of transmission, and the date of transmission.

Upon receipt of a returned absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system that the voter has returned the ballot.

Upon receipt of notice that the ballot board has accepted or rejected the absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system whether the ballot was accepted or rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to the voter, the county auditor or municipal clerk shall record this in the statewide voter registration system.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 11. Minnesota Statutes 2008, section 203B.07, subdivision 2, is amended to read:

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a folded voter registration application. The return envelope shall be designed to open on the left-hand end. ~~If the voter was not previously registered,~~ The return envelope must be designed in one of the following ways:

(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.

Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information.

Sec. 12. Minnesota Statutes 2008, section 203B.07, subdivision 3, is amended to read:

Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot shall be printed on the back of the return envelope. The certificate shall contain space for the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number or to indicate that they do not have one, and a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements



established by law for voting by absentee ballot, that the ballots were unmarked when received by the voter, and that the voter personally marked the ballots without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them. If the voter was not previously registered at that address, the certificate shall also contain space for a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths a United States citizen stating that:

~~(1) the ballots were displayed to that individual unmarked;~~

~~(2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and~~

~~(3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.~~

Sec. 13. Minnesota Statutes 2008, section 203B.08, subdivision 2, is amended to read:

Subd. 2. **Address on return envelopes.** The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to:

~~(a) the county auditor or municipal clerk who sent the ballots to the voter; has the responsibility to accept and reject the absentee ballots.~~

~~(b) the clerk of the town or city in which the absent voter is eligible to vote; or~~

~~(c) the appropriate election judges.~~

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 14. Minnesota Statutes 2008, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days of receipt, the county auditor or municipal clerk shall deliver to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk. ballot board all ballots received,

except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 15. Minnesota Statutes 2008, section 203B.081, is amended to read:

**203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

An eligible voter may vote by absentee ballot during the 30 days before the election up until the third day before the election in the office of the county auditor and at any other polling place designated by the county auditor, except that an eligible voter may not vote by absentee ballot in person during the period for early voting, as provided in section 203B.31. On the day before the election, voters who had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so may vote by absentee ballot. The county auditor shall make ~~such~~ polling place designations under this section at least 90 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 16. Minnesota Statutes 2008, section 203B.085, is amended to read:

**203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.**

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots ~~from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. noon on the day immediately Saturday~~ preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. On the day before the election, the office must be open for acceptance of absentee ballot applications and casting of absentee ballots for voters who additionally certify that they had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday

11.1 before a town general election held in March. The school district clerk, when performing  
11.2 the county auditor's election duties, need not comply with this section.

11.3 Sec. 17. Minnesota Statutes 2008, section 203B.11, subdivision 1, is amended to read:

11.4 Subdivision 1. **Generally.** Each full-time municipal clerk or school district  
11.5 clerk who has authority under section 203B.05 to administer absentee and early voting  
11.6 laws shall designate election judges to deliver ~~absentee~~ ballots in accordance with this  
11.7 section. The county auditor must also designate election judges to perform the duties in  
11.8 this section. A ballot may be delivered only to an eligible voter who is a temporary or  
11.9 permanent resident or patient in a health care facility or hospital located in the municipality  
11.10 in which the voter maintains residence. The ballots shall be delivered by two election  
11.11 judges, each of whom is affiliated with a different major political party. When the election  
11.12 judges deliver or return ballots as provided in this section, they shall travel together in the  
11.13 same vehicle. The election judges must bring a ballot box. Both election judges shall be  
11.14 present when an applicant ~~completes the certificate of eligibility~~ signs the certification  
11.15 required by section 204C.10, paragraph (b), and marks the ~~absentee~~ ballots, and may assist  
11.16 an applicant as provided in section 204C.15. Voters must insert their ballots into the  
11.17 ballot box. The election judges shall ~~deposit the return envelopes containing the marked~~  
11.18 ~~absentee ballots~~ remove the ballots from the ballot box, place them in a sealed container  
11.19 and return them to the clerk on the same day that they are delivered and marked.

11.20 Election judges may bring an electronic ballot counter to serve as the ballot box.

11.21 Election judges may bring an electronic ballot marker.

11.22 Sec. 18. **[203B.121] BALLOT BOARDS.**

11.23 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each  
11.24 county, municipality, and school district with responsibility to accept and reject absentee  
11.25 ballots or administer early voting must, by ordinance or resolution, establish a ballot  
11.26 board. The board must consist of a sufficient number of election judges appointed as  
11.27 provided in sections 204B.19 to 204B.22. The board may consist of staff trained as  
11.28 election judges, in which case the board is exempt from sections 204B.19, subdivision 5,  
11.29 and 204C.15, relating to party balance in the appointment of judges, and is also exempt  
11.30 from the duties otherwise required to be performed by ballot board members or election  
11.31 judges of two different major political parties.

11.32 (b) Each jurisdiction must pay a reasonable compensation to each member of that  
11.33 jurisdiction's ballot board for services rendered during an election.

12.1           (c) Except as otherwise provided by this section, all provisions of the Minnesota  
12.2 Election Law apply to a ballot board.

12.3           Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot  
12.4 board shall take possession of all return envelopes delivered to them in accordance  
12.5 with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school  
12.6 district clerk, two or more members of the ballot board of different major political parties  
12.7 shall examine each return envelope and shall mark it accepted or rejected in the manner  
12.8 provided in this subdivision.

12.9           (b) The members of the ballot board shall mark the return envelope "accepted" and  
12.10 initial or sign the return envelope below the word "accepted" if a majority of the members  
12.11 of the ballot board are satisfied that:

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

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

12.15           (3) the voter's Minnesota driver's license, state identification number, or the last four  
12.16 digits of the voter's Social Security number are the same as the number provided on the  
12.17 voter's application for ballots. If the number does not match the number as submitted on  
12.18 the application, or if a number was not submitted on the application, the election judges  
12.19 must make a reasonable effort to determine through other information provided by the  
12.20 applicant that the ballots were returned by the same person to whom the ballots were  
12.21 transmitted;

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

12.24           (5) the voter has not already voted at that election, either in person or by absentee  
12.25 ballot.

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

12.28           The ballots from return envelopes marked "accepted" shall be opened, duplicated as  
12.29 needed in the manner provided in section 206.86, subdivision 5, initialed by the members  
12.30 of the ballot board, and deposited in the appropriate ballot box. These duties must be  
12.31 performed by ballot board members of two different major political parties. If more than  
12.32 one ballot is enclosed in the ballot envelope, none of the ballots shall be counted but  
12.33 all ballots of that kind shall be returned in the manner provided by section 204C.25 for  
12.34 return of spoiled ballots.

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

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

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot. Notwithstanding any rule to the contrary, the official in charge of the election is not required to write "replacement" on the replacement ballot.

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

(d) The names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk that has not been accepted by a ballot board may not be made available for public inspection until the close of voting on election day.

**Subd. 3. Duties of ballot board; early voting.** The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35, and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 4 and 5.

**Subd. 4. Record of voting.** (a) The county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter, in order to prevent the voter from casting more than one ballot at an election. After a voter's record has been marked, the individual must not be allowed to vote again at that election. In a state primary, state general, or state special election, the auditor or clerk must also record in the statewide voter registration system that the voter has cast a ballot.

(b) The roster must be marked, or a supplemental report created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

(1) by the municipal clerk before election day;

(2) by the ballot board before election day; or

(3) by the election judges at the polling place on election day.

The record of a voter who cast an absentee ballot in person on the day prior to the election, or whose absentee ballot arrived by mail on the day of, or the day prior to the

14.1 election, is not required to be marked on the roster or contained in a supplemental report  
14.2 as required by this paragraph.

14.3 Subd. 5. **Storage and counting of absentee and early voting ballots.** (a) On a day  
14.4 on which early voting or absentee ballots are inserted into a ballot box, two members of  
14.5 the ballot board of different major political parties must:

14.6 (1) remove the ballots from the ballot box at the end of the day;

14.7 (2) without inspecting the ballots, ensure that the number of ballots removed from  
14.8 the ballot box is equal to the combined number of voters who voted in person and voters  
14.9 whose absentee ballots were accepted that day; and

14.10 (3) seal and secure all voted and unvoted ballots present in that location at the end  
14.11 of the day.

14.12 (b) After the polls have closed on election day, two members of the ballot board of  
14.13 different major political parties must count the ballots, tabulating the vote in a manner that  
14.14 indicates each vote of the voter and the total votes cast for each candidate or question. In  
14.15 state primary and state general elections, the results must indicate the total votes cast for  
14.16 each candidate or question in each precinct and report the vote totals tabulated for each  
14.17 precinct. The count shall be public. No vote totals from ballots may be made public  
14.18 before the close of voting on election day.

14.19 In state primary and state general elections, these vote totals shall be added to the  
14.20 vote totals on the summary statements of the returns for the appropriate precinct. In other  
14.21 elections, these vote totals may be added to the vote totals on the summary statement of  
14.22 returns for the appropriate precinct or may be reported as a separate total.

14.23 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been  
14.24 completed previously, the members of the ballot board must verify within 48 hours after  
14.25 election day that voters whose absentee ballots arrived after the rosters were marked or  
14.26 supplemental reports were generated and whose ballots were accepted did not vote in  
14.27 person on election day. This task must be completed before the members of the ballot  
14.28 board take any additional steps to process and count these ballots.

14.29 **EFFECTIVE DATE.** The provisions of this section related to absentee voting are  
14.30 effective when the secretary of state has certified that the statewide voter registration  
14.31 system has been tested, shown to properly allow municipal clerks to update absentee  
14.32 voting records, and to be able to handle the expected volume of use.

14.33 Sec. 19. Minnesota Statutes 2008, section 203B.125, is amended to read:

14.34 **203B.125 SECRETARY OF STATE TO MAKE RULES.**

15.1           The secretary of state shall adopt rules establishing methods and procedures for  
15.2           issuing ballot cards and related absentee forms to be used as provided in section 203B.08,  
15.3           subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under  
15.4           section ~~203B.12~~ 204C.20, subdivision 1.

15.5           Sec. 20. Minnesota Statutes 2008, section 203B.23, subdivision 1, is amended to read:

15.6           Subdivision 1. **Establishment.** The county auditor must establish an absentee ballot  
15.7           board for ballots issued under sections 203B.16 to 203B.27. The board may consist of  
15.8           staff trained and certified as election judges, in which case, the board is exempt from  
15.9           sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment  
15.10          of judges and to duties to be performed by judges or members of the ballot board of  
15.11          different major political parties.

15.12          Sec. 21. Minnesota Statutes 2008, section 203B.23, subdivision 2, is amended to read:

15.13          Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee  
15.14          ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject  
15.15          the absentee ballots in the manner provided in section 203B.24. If the certificate of voter  
15.16          eligibility is not printed on the return or administrative envelope, the certificate must  
15.17          be attached to the ballot secrecy envelope.

15.18          The absentee ballot board must immediately examine the return envelopes and mark  
15.19          them "accepted" or "rejected" during the 30 days before the election. If an envelope has  
15.20          been rejected at least five days before the election, the ballots in the envelope must be  
15.21          considered spoiled ballots and the official in charge of the absentee ballot board must  
15.22          provide the voter with a replacement absentee ballot and return envelope in place of  
15.23          the spoiled ballot.

15.24          Except for federal write-in absentee ballots, the ballots from return envelopes  
15.25          marked "Accepted" must be opened, duplicated as needed in the manner provided by  
15.26          section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited  
15.27          in the appropriate ballot box. These duties must be performed by two members of the  
15.28          ballot board of different major political parties.

15.29          Federal write-in absentee ballots marked "Accepted" must be opened, duplicated as  
15.30          needed in the manner provided by section 206.86, subdivision 5, initialed by the members  
15.31          of the ballot board, and deposited in the appropriate ballot box after 5:00 p.m. on the  
15.32          fourth day before the election, unless the voter has submitted another absentee ballot with  
15.33          a later postmark which has been accepted by the board.

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

16.3           No vote totals from absentee ballots may be made public before the close of voting  
16.4           on election day.

16.5           **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
16.6           certified that the statewide voter registration system has been tested, shown to properly  
16.7           allow municipal clerks to update absentee voting records, and to be able to handle the  
16.8           expected volume of use.

16.9           Sec. 22. Minnesota Statutes 2008, section 203B.24, subdivision 1, is amended to read:

16.10           Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon  
16.11           receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the  
16.12           ~~election judges~~ members of the ballot board shall compare the voter's name with the  
16.13           names recorded under section 203B.19 in the statewide registration system to insure  
16.14           that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16  
16.15           to 203B.27. ~~The election judges~~ Two members of the ballot board of different major  
16.16           political parties shall mark the return envelope "Accepted" and initial or sign the return  
16.17           envelope below the word "Accepted" if ~~the election judges~~ a majority of the members of  
16.18           the ballot board are satisfied that:

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

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

16.23           (3) the voter has set forth the same voter's passport number, or Minnesota driver's  
16.24           license or state identification card number, or the last four digits of the voter's Social  
16.25           Security number as submitted on the application, if the voter has one of these documents;  
16.26           ~~and~~

16.27           (4) the voter is not known to have died; and

16.28           (5) the voter has not already voted at that election, either in person or by absentee  
16.29           ballot.

16.30           If the identification number described in clause (3) does not match the number  
16.31           as submitted on the application, the ~~election judges~~ members of the ballot board must  
16.32           make a reasonable effort to satisfy themselves through other information provided by the  
16.33           applicant, or by an individual authorized to apply on behalf of the voter, that the ballots  
16.34           were returned by the same person to whom the ballots were transmitted.



An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to ~~(4)~~ (5). In particular, failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

~~Election judges~~ Members of the ballot board must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the certificate on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply. Notwithstanding other provisions of this section, the counting of the absentee ballot of a deceased voter does not invalidate the election.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 23. Minnesota Statutes 2008, section 203B.26, is amended to read:

**203B.26 SEPARATE RECORD.**

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 must be generated from the statewide registration system for each precinct and ~~provided to the election judges in the polling place on election day, along with the returned envelopes marked "accepted" by the absentee ballot board. The content of the record must be in a form prescribed by the secretary of state. The election judges in the polling place must note on the record any envelopes that had been marked "accepted" by the absentee ballot board but were not counted. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day~~ retained with the other election materials.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 24. **[203B.30] EARLY VOTING.**

Any eligible voter may vote in person before election day in the manner provided in sections 203B.31 to 203B.35.

Sec. 25. **[203B.31] TIME PERIOD FOR EARLY VOTING.**

Early voting must be available to any eligible voter as provided in section 203B.32 for every primary, general, and special election from 15 days before the election through 5:00 p.m. on the fourth day before the election. All voters in line at 5:00 p.m. on the fourth day before the election must be allowed to vote.

Sec. 26. **[203B.32] HOURS FOR EARLY VOTING.**

Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each weekday during the time period provided in section 203B.31; from 8:00 a.m. to 8:00 p.m. on at least one of those days; and from 10:00 a.m. to 3:00 p.m. on the second Saturday before the election.

Sec. 27. **[203B.33] LOCATIONS FOR EARLY VOTING.**

(a) Early voting must be made available at a polling place designated in the county auditor's office, at the municipal clerk's office in every municipality that has been delegated the responsibility to administer absentee voting as provided in section 203B.05, and at any other location designated by the county auditor or municipal clerk at least 90 days before the election. At least one voting station and one ballot marking device for disabled voters must be made available in each polling place.

(b) The county auditor must make at least one ballot box available in each polling place. As soon as practicable following the public accuracy test, the county auditor must make an electronic ballot counter available.

Sec. 28. **[203B.34] NOTICE TO VOTERS.**

The county auditor must prepare a notice to the voters of the days, times, and locations for early voting. This notice must be posted on the county's Web site and the Web site for each municipality in the county where an early voting location is designated for the election at least 14 days before the first day for early voting.

Sec. 29. **[203B.35] PROCEDURES FOR EARLY VOTING.**

Subdivision 1. **Voting procedure.** Each voter shall sign an early voting roster that includes the certification provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3. After the voter has signed a roster, a member of the ballot board must provide a ballot to the voter. Ballots must be prepared and distributed by members of the ballot board in the manner provided in section 204C.09. The voter must mark the ballot and deposit it in

19.1 either a precinct voting system or a sealed ballot box. A voter may not leave the polling  
19.2 place with the ballot.

19.3 Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35  
19.4 must be processed and counted by a ballot board, and a record that voters who cast a ballot  
19.5 early have voted at the election must be created, as required in section 203B.121.

19.6 Sec. 30. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

19.7 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be  
19.8 given at least six weeks prior to the election. Not more than 30 days nor later than 14 days  
19.9 prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters  
19.10 registered in the town or unorganized territory. No later than 14 days before the election,  
19.11 the auditor must make a subsequent mailing of ballots to those voters who register to vote  
19.12 after the initial mailing but before the 20th day before the election. Eligible voters not  
19.13 registered at the time the ballots are mailed may apply for ballots as provided in chapter  
19.14 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the  
19.15 auditor or clerk and the voter may return the ballot by mail or in person to the office of  
19.16 the auditor or clerk. The auditor or clerk ~~may~~ must appoint ~~election judges~~ a ballot board  
19.17 to examine the return envelopes and mark them "accepted" or "rejected" ~~during the 30~~  
19.18 ~~days before the election.~~ within three days of receipt if there are 14 or fewer days before  
19.19 election day, or within five days of receipt if there are more than 14 days before election  
19.20 day. The board may consist of staff trained as election judges, in which case, the board is  
19.21 exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in  
19.22 appointment of judges and to duties to be performed by judges or members of a ballot  
19.23 board of different major political parties. If an envelope has been rejected at least five days  
19.24 before the election, the ballots in the envelope must ~~be considered spoiled ballots~~ remain  
19.25 sealed and the auditor or clerk shall provide the voter with a replacement ballot and return  
19.26 envelope in place of the spoiled ballot. If the ballot is rejected within five days of the  
19.27 election, the envelope must remain sealed and the official in charge of the ballot board must  
19.28 attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot  
19.29 has been rejected. The official must document the attempts made to contact the voter.

19.30 Notwithstanding any rule to the contrary, the ballots from return envelopes marked  
19.31 "Accepted" must be promptly opened, duplicated as needed in the manner provided by  
19.32 section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited  
19.33 in the ballot box. These duties must be performed by two members of the ballot board of  
19.34 different major political parties.

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

20.3           No vote totals from mail or absentee ballots may be made public before the close  
20.4           of voting on election day.

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

20.7           **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
20.8           certified that the statewide voter registration system has been tested, shown to properly  
20.9           allow municipal clerks to update absentee voting records, and to be able to handle the  
20.10          expected volume of use.

20.11          Sec. 31. Minnesota Statutes 2008, section 204B.46, is amended to read:

20.12           **204B.46 MAIL ELECTIONS; QUESTIONS.**

20.13          A county, municipality, or school district submitting questions to the voters at a  
20.14          special election may conduct an election by mail with no polling place other than the  
20.15          office of the auditor or clerk. No more than two questions may be submitted at a mail  
20.16          election and no offices may be voted on. Notice of the election must be given to the county  
20.17          auditor at least 53 days prior to the election. This notice shall also fulfill the requirements  
20.18          of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at  
20.19          least six weeks prior to the election. No earlier than ~~20~~ or 30 nor later than 14 days prior  
20.20          to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters  
20.21          registered in the county, municipality, or school district. No later than 14 days before the  
20.22          election, the auditor or clerk must make a subsequent mailing of ballots to those voters  
20.23          who register to vote after the initial mailing but before the 20th day before the election.  
20.24          Eligible voters not registered at the time the ballots are mailed may apply for ballots  
20.25          pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the  
20.26          return envelopes and mark them "Accepted" or "Rejected" within three days of receipt  
20.27          if there are 14 or fewer days before election day, or within five days of receipt if there  
20.28          are more than 14 days before election day. The board may consist of staff trained as  
20.29          election judges, in which case, the board is exempt from sections 204B.19, subdivision  
20.30          5, and 204C.15, relating to party balance in appointment of judges and to duties to be  
20.31          performed by judges or members of a ballot board of different major political parties. If an  
20.32          envelope has been rejected at least five days before the election, the ballots in the envelope  
20.33          must remain sealed and the auditor or clerk must provide the voter with a replacement  
20.34          ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within

21.1 five days of the election, the envelope must remain sealed and the official in charge of  
21.2 the ballot board must attempt to contact the voter by telephone or e-mail to notify the  
21.3 voter that the voter's ballot has been rejected. The official must document the attempts  
21.4 made to contact the voter.

21.5 Notwithstanding any rule to the contrary, the ballots from return envelopes marked  
21.6 "Accepted" must be promptly opened, duplicated as needed in the manner provided  
21.7 by section 206.86, subdivision 5, initialed by the ballot board, and deposited in the  
21.8 appropriate ballot box. These duties must be performed by two members of the ballot  
21.9 board of different major political parties.

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

21.12 No vote totals from mail ballots may be made public before the close of voting  
21.13 on election day.

21.14 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
21.15 certified that the statewide voter registration system has been tested, shown to properly  
21.16 allow municipal clerks to update absentee voting records, and to be able to handle the  
21.17 expected volume of use.

21.18 Sec. 32. Minnesota Statutes 2008, section 204C.10, is amended to read:

21.19 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**  
21.20 **REGISTRATION.**

21.21 (a) An individual seeking to vote shall sign a polling place roster ~~which states~~  
21.22 ~~that the individual is at least 18 years of age, a citizen of the United States, has resided~~  
21.23 ~~in Minnesota for 20 days immediately preceding the election, maintains residence at~~  
21.24 ~~the address shown, is not under a guardianship in which the court order revokes the~~  
21.25 ~~individual's right to vote, has not been found by a court of law to be legally incompetent~~  
21.26 ~~to vote or has the right to vote because, if the individual was convicted of a felony, the~~  
21.27 ~~felony sentence has expired or been completed or the individual has been discharged from~~  
21.28 ~~the sentence, is registered and has not already voted in the election. The roster must also~~  
21.29 ~~state: "~~The polling place roster must state: "I certify that I have not already voted in  
21.30 this election. I certify that I am at least 18 years of age and a citizen of the United States;  
21.31 that I reside at the address shown and have resided in Minnesota for 20 days immediately  
21.32 preceding this election; that I am not under guardianship of the person in which the court  
21.33 order revokes my right to vote, have not been found by a court to be legally incompetent  
21.34 to vote, and that if convicted of a felony, my felony sentence has expired (been completed)

22.1 or I have been discharged from my sentence; and that I am registered and will be voting  
22.2 only in this precinct. I understand that deliberately providing false information is a felony  
22.3 punishable by not more than five years imprisonment and a fine of not more than \$10,000,  
22.4 or both." The words "I have not already voted in this election" and "I understand that  
22.5 deliberately providing false information is a felony" must be in bold type.

22.6 (b) An individual voting early under sections 203B.30 to 203B.35 must sign a  
22.7 roster that meets the additional requirements of this paragraph. In addition to the content  
22.8 required under paragraph (a), the roster must also state in bold type: "I understand that  
22.9 after I have cast my ballot today, I cannot vote again in this election."

22.10 (c) A judge may, before the applicant signs the roster, confirm the applicant's name,  
22.11 address, and date of birth. If the ballot board has not marked the roster in accordance with  
22.12 section 203B.121, the election judge must review the supplemental list of those who have  
22.13 already voted to ensure that the voter's name is not on the list. If a voter's name is on the  
22.14 list, the voter must not be allowed to sign the roster or to vote on election day.

22.15 ~~(c)~~ (d) After the applicant signs the roster, the judge shall give the applicant a voter's  
22.16 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof  
22.17 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The  
22.18 voters' receipts must be maintained during the time for notice of filing an election contest.

22.19 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
22.20 certified that the statewide voter registration system has been tested, shown to properly  
22.21 allow municipal clerks to update absentee voting records, and to be able to handle the  
22.22 expected volume of use.

22.23 Sec. 33. Minnesota Statutes 2008, section 204C.13, subdivision 6, is amended to read:

22.24 Subd. 6. **Challenge of voter; time limits; disposition of ballots.** At any time  
22.25 before the ballots of any voter are deposited in the ballot boxes, the election judges or any  
22.26 individual who was not present at the time the voter procured the ballots, but not otherwise,  
22.27 may challenge the eligibility of that voter ~~and the deposit of any received absentee ballots~~  
22.28 ~~in the ballot boxes.~~ The election judges shall determine the eligibility of any voter who is  
22.29 present in the polling place in the manner provided in section 204C.12, and if the voter is  
22.30 found to be not eligible to vote, shall place the ballots of that voter unopened among the  
22.31 spoiled ballots. ~~The election judges shall determine whether to receive or reject the ballots~~  
22.32 ~~of an absent voter and whether to deposit received absentee ballots in the ballot boxes in~~  
22.33 ~~the manner provided in sections 203B.12, 203B.24, and 203B.25, and shall dispose of any~~  
22.34 ~~absentee ballots not received or deposited in the manner provided in section 203B.12. A~~  
22.35 violation of this subdivision by an election judge is a gross misdemeanor.

23.1 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
23.2 certified that the statewide voter registration system has been tested, shown to properly  
23.3 allow municipal clerks to update absentee voting records, and to be able to handle the  
23.4 expected volume of use.

23.5 Sec. 34. Minnesota Statutes 2008, section 204C.27, is amended to read:

23.6 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

23.7 Subdivision 1. **Election supplies.** One or more of the election judges in each  
23.8 precinct shall deliver two sets of summary statements; all spoiled white, pink, canary, and  
23.9 gray ballots; and the envelopes containing the white, pink, canary, and gray ballots either  
23.10 directly to the municipal clerk for transmittal to the county auditor's office or directly to  
23.11 the county auditor's office as soon as possible after the vote counting is completed but  
23.12 no later than 24 hours after the end of the hours for voting. One or more election judges  
23.13 shall deliver the remaining set of summary statements and returns, all unused and spoiled  
23.14 municipal and school district ballots, the envelopes containing municipal and school  
23.15 district ballots, and all other things furnished by the municipal or school district clerk, to  
23.16 the municipal or school district clerk's office within 24 hours after the end of the hours  
23.17 for voting. The municipal or school district clerk shall return all polling place rosters and  
23.18 completed voter registration cards to the county auditor within 48 hours after the end  
23.19 of the hours for voting.

23.20 Subd. 2. **Rejected absentee ballots.** All absentee ballots that were rejected and  
23.21 their accompanying absentee ballot applications must be delivered to the county auditor  
23.22 within 48 hours after the end of the hours for voting.

23.23 Sec. 35. Minnesota Statutes 2008, section 204C.30, is amended by adding a  
23.24 subdivision to read:

23.25 Subd. 3. **Review of rejected absentee ballots.** Prior to the meeting of the county  
23.26 canvassing board to canvass the results of the state general election, the county auditor  
23.27 must review any absentee ballots that were marked rejected to determine whether any  
23.28 were rejected in error. If the county canvassing board agrees that any ballots were rejected  
23.29 in error, the board must publicly open the return and ballot envelopes and initial and  
23.30 count the ballots to include the votes in all races in the results canvassed by the board.  
23.31 The county canvassing board must protect the privacy of voters' choices to the extent  
23.32 practicable. Except as provided in this subdivision, a rejected absentee ballot may not be  
23.33 reviewed outside of an election contest under chapter 209.

24.1       Sec. 36. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

24.2           Subdivision 1. **County canvass.** The county canvassing board shall meet at the  
24.3 county auditor's office ~~on or before the seventh day~~ between the third and tenth days  
24.4 following the state general election. After taking the oath of office, the board shall  
24.5 promptly and publicly canvass the general election returns delivered to the county auditor.  
24.6 Upon completion of the canvass, the board shall promptly prepare and file with the county  
24.7 auditor a report which states:

24.8           (a) the number of individuals voting at the election in the county and in each precinct;

24.9           (b) the number of individuals registering to vote on election day and the number of  
24.10 individuals registered before election day in each precinct;

24.11           (c) the names of the candidates for each office and the number of votes received  
24.12 by each candidate in the county and in each precinct, including write-in candidates for  
24.13 state and federal office who have requested under section 204B.09 that votes for those  
24.14 candidates be tallied;

24.15           (d) the number of votes counted for and against a proposed change of county lines  
24.16 or county seat; and

24.17           (e) the number of votes counted for and against a constitutional amendment or other  
24.18 question in the county and in each precinct.

24.19       The result of write-in votes cast on the general election ballots must be compiled by  
24.20 the county auditor before the county canvass, except that write-in votes for a candidate  
24.21 for state or federal office must not be counted unless the candidate has timely filed a  
24.22 request under section 204B.09, subdivision 3. The county auditor shall arrange for each  
24.23 municipality to provide an adequate number of election judges to perform this duty or  
24.24 the county auditor may appoint additional election judges for this purpose. The county  
24.25 auditor may open the envelopes or containers in which the voted ballots have been  
24.26 sealed in order to count and record the write-in votes and must reseal the voted ballots  
24.27 at the conclusion of this process.

24.28       Upon completion of the canvass, the county canvassing board shall declare the  
24.29 candidate duly elected who received the highest number of votes for each county and state  
24.30 office voted for only within the county. The county auditor shall transmit one of the  
24.31 certified copies of the county canvassing board report for state and federal offices to the  
24.32 secretary of state by express mail or similar service immediately upon conclusion of  
24.33 the county canvass.

24.34       Sec. 37. Minnesota Statutes 2008, section 204C.33, subdivision 3, is amended to read:



Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of state's office on the ~~second~~ third Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

(a) the number of individuals voting in the state and in each county;

(b) the number of votes received by each of the candidates, specifying the counties in which they were cast; and

(c) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

All members of the State Canvassing Board shall sign the report and certify its correctness. The State Canvassing Board shall declare the result within three days after completing the canvass.

Sec. 38. Minnesota Statutes 2008, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) ~~Within seven days after an election,~~ Between 11 and 17 days after a state general election, and within 17 days after any other election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 39. Minnesota Statutes 2008, section 205.185, is amended by adding a subdivision to read:

Subd. 5. **Review of rejected absentee ballots.** Prior to an election not held in conjunction with a state election, a clerk may arrange to have a certified election administrator from a county or another city review all ballots that were marked rejected to determine whether any were rejected in error. These arrangements must be made at least

seven days before the date of the election. If no arrangements are made, rejected absentee ballots must not be reviewed outside of an election contest under chapter 209. If the certified election administrator determines that any were rejected in error, the canvassing board must publicly open the return and ballot envelopes and initial and count the ballots to include the votes in all races in the results canvassed by the board. The canvassing board must protect the privacy of the voters' choices to the extent practicable. If the number of rejected absentee ballots could not possibly change the outcome in any of the elections or questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

Sec. 40. Minnesota Statutes 2008, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **Election, conduct.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from ~~an absentee~~ a ballot board established pursuant to section ~~203B.13~~ 203B.121 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 41. Minnesota Statutes 2008, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** ~~Within seven~~ Between 11 and 17 days after a school district election held concurrently with a state general election, and within seven days after a school district election held on any other date, other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board

27.1 shall determine the result by lot. The clerk shall deliver the certificate of election to the  
27.2 successful candidate by personal service or certified mail. The successful candidate shall  
27.3 file an acceptance and oath of office in writing with the clerk within 30 days of the date  
27.4 of mailing or personal service. A person who fails to qualify prior to the time specified  
27.5 shall be deemed to have refused to serve, but that filing may be made at any time before  
27.6 action to fill the vacancy has been taken. The school district clerk shall certify the results  
27.7 of the election to the county auditor, and the clerk shall be the final custodian of the ballots  
27.8 and the returns of the election.

27.9 A school district canvassing board shall perform the duties of the school board  
27.10 according to the requirements of this subdivision for a recount of a special election  
27.11 conducted under section 126C.17, subdivision 9, or 475.59.

27.12 Sec. 42. Minnesota Statutes 2008, section 205A.10, is amended by adding a  
27.13 subdivision to read:

27.14 Subd. 6. **Review of rejected absentee ballots.** Prior to an election not held  
27.15 in conjunction with a state election, a clerk may arrange to have a certified election  
27.16 administrator from a county or another city review all ballots that were marked rejected to  
27.17 determine whether any were rejected in error. These arrangements must be made at least  
27.18 seven days before the date of the election. If no arrangements are made, rejected absentee  
27.19 ballots must not be reviewed outside of an election contest under chapter 209. If the  
27.20 certified election administrator determines that any were rejected in error, the canvassing  
27.21 board must publicly open the return and ballot envelopes and initial and count the ballots  
27.22 to include the votes in all races in the results canvassed by the board. The canvassing board  
27.23 must protect the privacy of the voters' choices to the extent practicable. If the number of  
27.24 rejected absentee ballots could not possibly change the outcome in any of the elections or  
27.25 questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

27.26 Sec. 43. Minnesota Statutes 2008, section 206.83, is amended to read:

27.27 **206.83 TESTING OF VOTING SYSTEMS.**

27.28 ~~Within 14 days before election day,~~ The official in charge of elections shall have  
27.29 the voting system tested to ascertain that the system will correctly mark ballots using all  
27.30 methods supported by the system, including through assistive technology, and count the  
27.31 votes cast for all candidates and on all questions. Public notice of the time and place of the  
27.32 test must be given at least two days in advance by publication once in official newspapers.  
27.33 The test must be observed by at least two election judges, who are not of the same major  
27.34 political party, and must be open to representatives of the political parties, candidates, the

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

Testing of equipment used for early voting must be conducted as soon as practicable after the equipment has been programmed. Testing of equipment used on the day of the election must be conducted within the 14 days before election day.

Sec. 44. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. Ballots counted centrally by a ballot board shall be considered one precinct eligible to be selected for purposes of this subdivision. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office Web site.

29.1 Sec. 45. Minnesota Statutes 2008, section 208.05, is amended to read:

29.2 **208.05 STATE CANVASSING BOARD.**

29.3 The State Canvassing Board at its meeting on the ~~second Tuesday after each state~~  
29.4 ~~general election~~ date provided in section 204C.33 shall open and canvass the returns  
29.5 made to the secretary of state for presidential electors and alternates, prepare a statement  
29.6 of the number of votes cast for the persons receiving votes for these offices, and declare  
29.7 the person or persons receiving the highest number of votes for each office duly elected.  
29.8 When it appears that more than the number of persons to be elected as presidential electors  
29.9 or alternates have the highest and an equal number of votes, the secretary of state, in the  
29.10 presence of the board shall decide by lot which of the persons shall be declared elected.  
29.11 The governor shall transmit to each person declared elected a certificate of election, signed  
29.12 by the governor, sealed with the state seal, and countersigned by the secretary of state.

29.13 Sec. 46. **REPEALER.**

29.14 Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.11,  
29.15 subdivision 2; 203B.12; 203B.13; and 203B.25, are repealed.

29.16 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
29.17 certified that the statewide voter registration system has been tested, shown to properly  
29.18 allow municipal clerks to update absentee voting records, and to be able to handle the  
29.19 expected volume of use.

29.20 Sec. 47. **EFFECTIVE DATE; APPLICABILITY.**

29.21 The provisions of this article related to early voting are effective when the secretary  
29.22 of state has certified that:

29.23 (1) the statewide voter registration system has been tested, shown to properly allow  
29.24 for the tracking of the information required to conduct early voting, and can handle the  
29.25 expected volume of use; and

29.26 (2) voting equipment that can tabulate at least 30 different ballot styles has been  
29.27 certified for use in this state. Upon certification pursuant to this paragraph, the provisions  
29.28 of this article related to early voting apply to all federal, state, county, and city elections  
29.29 held on September 1, 2010, and thereafter, and to all other elections held on January 1,  
29.30 2014, and thereafter. A jurisdiction may implement the requirements of this chapter prior  
29.31 to the date provided in this paragraph, if the secretary of state has made the required  
29.32 certifications at least 90 days prior to the date of the election at which early voting will  
29.33 be used.

ARTICLE 2

ELECTION ADMINISTRATION

Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice to any voter who the county auditor can determine has ~~voted~~: (1) provided the address at which the voter maintains residence, but was allowed to vote in a precinct other than the precinct in which the voter maintains residence; and (2) not voted in the wrong precinct previously. The notice must be in the form provided by the secretary of state.

(b) The county auditor shall mail a violation notice to any voter who otherwise voted in a precinct in which the voter did not maintain residence on election day. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor.

~~(c)~~ (d) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, county, or municipality is an affirmative defense to a prosecution under this subdivision.

Sec. 2. Minnesota Statutes 2008, section 201.016, subdivision 2, is amended to read:

Subd. 2. **Duration of residence.** The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election. The school board of any school district by resolution may require an eligible voter to maintain residence in that school district for a period of 30 days prior to voting in a school district election. If a political boundary, including a precinct,

31.1 municipal, or school district boundary, is redrawn within the 30 days prior to an election  
31.2 in a manner that places an eligible voter in a new jurisdiction and the eligible voter has  
31.3 not changed residence during the 30 days prior to the election, the eligible voter meets  
31.4 any residency requirement imposed under this subdivision.

31.5 Sec. 3. Minnesota Statutes 2008, section 201.056, is amended to read:

31.6 **201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.**

31.7 An individual who is unable to write the individual's name shall be required to sign  
31.8 a registration application in the manner provided by section 645.44, subdivision 14. If  
31.9 the individual registers in person and signs by making a mark, the clerk or election judge  
31.10 accepting the registration shall certify the mark by signing the individual's name. If the  
31.11 individual registers by mail and signs by making a mark, the mark shall be certified by  
31.12 having a voter registered in the individual's precinct sign the individual's name and the  
31.13 voter's own name and give the voter's own address. An individual who has power of  
31.14 attorney for another person may not sign election-related documents for that person,  
31.15 except as provided by this section.

31.16 Sec. 4. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

31.17 Subdivision 1. **Prior to election day.** At any time except during the 20 days  
31.18 immediately preceding any regularly scheduled election, an eligible voter or any  
31.19 individual who will be an eligible voter at the time of the next election may register to vote  
31.20 in the precinct in which the voter maintains residence by completing a voter registration  
31.21 application as described in section 201.071, subdivision 1, and submitting it in person  
31.22 or by mail to the county auditor of that county or to the Secretary of State's Office.  
31.23 A registration that is received no later than 5:00 p.m. on the 21st day preceding any  
31.24 election shall be accepted. An improperly addressed or delivered registration application  
31.25 shall be forwarded within two working days after receipt to the county auditor of the  
31.26 county where the voter maintains residence. A state or local agency or an individual that  
31.27 accepts completed voter registration applications from a voter must submit the completed  
31.28 applications to the secretary of state or the appropriate county auditor within ten business  
31.29 days after the applications are dated by the voter.

31.30 For purposes of this section, mail registration is defined as a voter registration  
31.31 application delivered to the secretary of state, county auditor, or municipal clerk by the  
31.32 United States Postal Service or a commercial carrier.

32.1 Sec. 5. Minnesota Statutes 2008, section 201.11, is amended to read:

32.2 **201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS**  
32.3 **CHANGED, CHANGE OF FILES.**

32.4 Subdivision 1. **Precinct boundaries changed.** When the boundaries of a precinct  
32.5 are changed, the county auditor shall immediately update the voter records for that  
32.6 precinct in the statewide voter registration system to accurately reflect those changes.

32.7 Subd. 2. **House number or street address changed.** If a municipality  
32.8 administratively changes the number or name of a street address of an existing residence,  
32.9 the municipal clerk shall promptly notify the county auditor and the county auditor  
32.10 shall immediately update the voter records of registered voters in the statewide voter  
32.11 registration system to accurately reflect that change. A municipality must not make a  
32.12 change to the number or name of a street address of an existing residence effective during  
32.13 the 45 days prior to any election in a jurisdiction which includes the affected residence.

32.14 Sec. 6. Minnesota Statutes 2008, section 201.12, is amended to read:

32.15 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**  
32.16 **CHALLENGES.**

32.17 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate  
32.18 excess names, the county auditor may mail to any registered voter a notice stating the  
32.19 voter's name and address as they appear in the registration files. The notice shall request  
32.20 the voter to notify the county auditor if there is any mistake in the information.

32.21 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election  
32.22 official is returned as undeliverable but with a permanent forwarding address in this state,  
32.23 the county auditor may change the voter's status to "inactive" in the statewide registration  
32.24 system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which  
32.25 the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to occur  
32.26 in the precinct in which the voter resides in the next 47 days, the county auditor shall  
32.27 promptly update the voter's address in the statewide voter registration system and. If there  
32.28 is not an election scheduled, the auditor may wait to update the voter's address until after  
32.29 the next list of address changes is received from the secretary of state. Once updated, the  
32.30 county auditor shall mail to the voter a notice stating the voter's name, address, precinct,  
32.31 and polling place. The notice must advise the voter that the voter's voting address has  
32.32 been changed and that the voter must notify the county auditor within 21 days if the  
32.33 new address is not the voter's address of residence. The notice must state that it must be  
32.34 returned if it is not deliverable to the voter at the named address.



Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the notice is not received by the deadline, ~~the county auditor shall change~~ the voter's status shall be changed to "inactive" in the statewide voter registration system.

Subd. 4. **Challenges.** If any nonforwardable mailing from an election official is returned as undeliverable but with no forwarding address, the county auditor shall change the registrant's status to "challenged" in the statewide voter registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a notice mailed at least 60 days after the return of the first nonforwardable mailing is also returned by the postal service, the county auditor shall change the registrant's status to "inactive" in the statewide voter registration system.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2008, section 201.13, is amended to read:

**201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER RECORDS.**

Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased." Notice must be in the form of a printed obituary or a written statement signed by a registered voter ~~of the county~~.

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. However, the secretary of state shall not obtain this list within the 47 days before the state primary or 47 days before a November general election.

(b) If the address is changed to another address in this state, the secretary of state shall locate the precinct in which the voter resides, if possible. If the secretary of state is able to locate the precinct in which the voter resides, the secretary must transmit the information about the changed address by electronic means to the county auditor of the county in which the new address is located. As long as the voter has not voted or submitted a voter registration application since the address change, upon receipt of the information, the county auditor shall update the voter's address in the statewide voter registration system ~~and~~. The county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, unless the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, in which case a notice shall not be mailed. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

~~(b)~~ (c) If the change of permanent address is to an address outside this state, the secretary of state shall notify by electronic means the auditor of the county where the voter formerly resided that the voter has moved to another state. As long as the voter has not voted or submitted a voter registration application since the address change, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, a notice must not be mailed. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Subd. 4. **Request for removal of voter record.** If a voter makes a written request for removal of the voter's record, the county auditor shall remove the record of the voter from the statewide voter registration system.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 8. Minnesota Statutes 2008, section 202A.14, subdivision 3, is amended to read:

Subd. 3. **Notice.** The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus, ~~and~~. The state party chair shall deliver the same information to the municipal clerk and county auditor secretary of state in an electronic format designated by the secretary of state at least 20 30 days before the precinct caucus. The county auditor secretary of state shall make this information available in electronic format via the secretary of state Web site at least ten days before the date of the caucuses to persons who request it.

Sec. 9. Minnesota Statutes 2008, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

(d) A candidate who files a request under this subdivision must also pay the filing fee for that office or submit a petition in place of a filing fee, as provided in section 204B.11. The fee for a candidate for president of the United States is equal to that of the office of senator in Congress.

Sec. 10. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Administrative boundary change procedure.** Any change in the boundary of an election precinct ~~shall~~ must be adopted at least 90 days before the date of the next election and, for the state primary and general election, no later than June 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 11. Minnesota Statutes 2008, section 204B.14, is amended by adding a subdivision to read:

Subd. 4a. **Municipal boundary adjustment procedure.** Any change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made pursuant to chapter 414 which is effective more than 21 days preceding any regularly scheduled election shall take effect at the scheduled election.

Any change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made pursuant to chapter 414 which is effective less than 21 days preceding any regularly scheduled election shall not take effect until the day after the scheduled election.

Sec. 12. Minnesota Statutes 2008, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city ~~or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24,~~ shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for

37.1 a town or school district may be located outside the town or school district within five  
37.2 miles of one of the boundaries of the town or school district.

37.3 **EFFECTIVE DATE.** This section is effective June 1, 2010.

37.4 Sec. 13. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

37.5 Subdivision 1. **Booths; voting stations.** Each polling place must contain a number  
37.6 of voting booths or voting stations in proportion to the number of individuals eligible  
37.7 to vote in the precinct. Each booth or station must be at least six feet high, three feet  
37.8 deep and two feet wide with a shelf at least two feet long and one foot wide placed at a  
37.9 convenient height for writing. The booth or station shall permit the voter to vote privately  
37.10 and independently. Each polling place must have at least one accessible voting booth  
37.11 or other accessible voting station and beginning with federal and state elections held  
37.12 after December 31, 2005, and county, municipal, and school district elections held after  
37.13 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help  
37.14 America Vote Act, Public Law 107-252. Local officials must make accessible voting  
37.15 stations purchased with funds provided from the Help America Vote Act account available  
37.16 to other local jurisdictions holding stand-alone elections. Local officials who purchased  
37.17 the equipment may charge the other local jurisdictions for the costs of programming  
37.18 the equipment, as well as a prorated cost of maintenance on the equipment. Any funds  
37.19 received for use of the accessible voting equipment must be treated as program income  
37.20 and deposited into the jurisdiction's Help America Vote Act account. All booths or  
37.21 stations must be constructed so that a voter is free from observation while marking ballots.  
37.22 During the hours of voting, the booths or stations must have instructions, a pencil, and  
37.23 other supplies needed to mark the ballots. A chair must be provided for elderly voters  
37.24 and voters with disabilities to use while voting or waiting to vote. Stable flat writing  
37.25 surfaces must also be made available to voters who are completing election-related forms.  
37.26 All ballot boxes, voting booths, voting stations, and election judges must be in open  
37.27 public view in the polling place.

37.28 Sec. 14. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

37.29 Subd. 2. **Election law and instructions.** The secretary of state shall prepare and  
37.30 publish a volume containing all state general laws relating to elections. The attorney  
37.31 general shall provide annotations to the secretary of state for this volume. On or before  
37.32 ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall  
37.33 furnish to the county auditors and municipal clerks enough copies of this volume so that  
37.34 each county auditor and municipal clerk will have at least one copy. On or before July 1

of every even-numbered year, the secretary of state shall prepare and make an electronic copy available on the office's Web site. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 15. Minnesota Statutes 2008, section 204B.33, is amended to read:

**204B.33 NOTICE OF FILING.**

(a) Between June 1 and July 1 in each even-numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices and post a notice of the offices that will be on the ballot on their Web site, if one is available.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 16. **[204B.335] ELECTION RESULTS REPORTING SYSTEM;  
CANDIDATE FILING.**

For state primary and general elections, the county auditor must enter the offices and questions to be voted on in the county and the list of candidates for each office into the election results reporting system provided by the secretary of state no later than 46 days prior to the election.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

39.1 Sec. 17. Minnesota Statutes 2008, section 204B.38, is amended to read:

39.2 **204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

39.3 When the similarity of surnames of two or more candidates for the same office  
39.4 at the same election may cause confusion to voters because the candidates also have  
39.5 similar first names, up to three additional words may be printed on the ballot after each  
39.6 surname to indicate the candidate's occupation, office, residence or any combination  
39.7 of them if the candidate furnishes the identifying words to the filing officer by the last  
39.8 day for withdrawal of candidacy.

39.9 Sec. 18. Minnesota Statutes 2008, section 204C.02, is amended to read:

39.10 **204C.02 APPLICATION.**

39.11 This chapter applies to all elections held in this state except as otherwise provided  
39.12 by law.

39.13 An individual who is unable to write the individual's name shall be required to sign  
39.14 election-related documents in the manner provided by section 645.44, subdivision 14. An  
39.15 individual who has power of attorney for another person may not sign election-related  
39.16 documents for that person, except as provided by this section.

39.17 Sec. 19. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

39.18 Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an  
39.19 election has the right to be absent from work ~~for the purpose of voting during the morning~~  
39.20 ~~or~~ for the time necessary to appear at the employee's polling place, cast a ballot, and return  
39.21 to work on the day of that election, without penalty or deduction from salary or wages  
39.22 because of the absence. An employer or other person may not directly or indirectly refuse,  
39.23 abridge, or interfere with this right or any other election right of an employee.

39.24 Sec. 20. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

39.25 Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go  
39.26 to and from the polling place for the purpose of voting without unlawful interference. No  
39.27 one except an election official or an individual who is waiting to register or to vote or a  
39.28 representative of the press or an academic institution who is conducting exit polling shall  
39.29 stand within 100 feet of the building in which a polling place is located. "Exit polling" is  
39.30 defined as approaching voters in a predetermined pattern as they leave the polling place  
39.31 after they have voted and asking voters to fill out an anonymous questionnaire.

39.32 Sec. 21. Minnesota Statutes 2008, section 204C.08, subdivision 1a, is amended to read:

Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting ~~during the morning of~~ without reduction to your pay, personal leave, or vacation time on election day.

(2) If you are in line at your polling place any time ~~between 7:00 a.m. and before~~ 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

**EFFECTIVE DATE.** This section is effective for the state primary in 2010 and thereafter.



41.1 Sec. 22. Minnesota Statutes 2008, section 204C.08, subdivision 3, is amended to read:

41.2 Subd. 3. **Locking of ballot boxes.** Immediately before the time when voting is  
41.3 scheduled to begin, one of the election judges shall open the ballot boxes in the presence  
41.4 of the individuals assembled at the polling place, turn the boxes upside down to empty  
41.5 them, lock them, and deliver the key to another election judge. Except as provided by  
41.6 this subdivision, the boxes shall not be reopened ~~except to count the ballots~~ until after  
41.7 the hours for voting have ended and all voting has been concluded. The boxes shall be  
41.8 kept in public view at all times during voting hours. After locking the ballot boxes, the  
41.9 election judges shall proclaim that voting may begin, and shall post outside the polling  
41.10 place conspicuous written or printed notices of the time when voting is scheduled to end.

41.11 Notwithstanding Minnesota Rules, part 8230.4365, subpart 5, two election judges  
41.12 of different major political parties may open the ballot boxes as needed to straighten the  
41.13 ballots or remove voted ballots to prevent the boxes from becoming overfull. The election  
41.14 judges shall not count or inspect the ballots.

41.15 If removing the ballots from the box, the election judges shall put the ballots into  
41.16 containers and seal them. The judges shall put any ballots taken from the ballot box's  
41.17 write-in compartment into containers separate from the other ballots and seal them. The  
41.18 judges shall label the ballot containers and secure them.

41.19 The judges shall note on the incident report that the ballot box was opened, the  
41.20 time the box was opened, and, if ballots were removed, the number of any seals used to  
41.21 seal the ballot containers.

41.22 Sec. 23. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

41.23 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the  
41.24 proper method of marking and folding the ballots and, during a primary election, the effect  
41.25 of attempting to vote in more than one party's primary. Except as otherwise provided in  
41.26 section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and or, at the~~  
41.27 voter's discretion, the voter may choose to use another writing surface. The voter shall  
41.28 mark the ballots without undue delay. The voter may take sample ballots into the booth to  
41.29 assist in voting. The election judges may adopt and enforce reasonable rules governing the  
41.30 amount of time a voter may spend in the voting booth marking ballots.

41.31 Sec. 24. Minnesota Statutes 2008, section 204C.15, subdivision 3, is amended to read:

41.32 Subd. 3. **Voting lines.** In all polling places two election judges shall assist a  
41.33 disabled voter to enter the polling place and go through the registration and voting lines.  
41.34 The election judges must inform voters that a chair is available for use by an elderly or

42.1 disabled voter while voting or waiting in a voting line, and that an elderly or disabled  
42.2 voter may request to be moved to the front of the line, or be provided other assistance as  
42.3 appropriate, in the event waiting in the voting line would cause unreasonable physical  
42.4 strain on the voter. The voter may also request the assistance of election judges or any  
42.5 other individual in marking ballots, as provided in subdivision 1.

42.6 Sec. 25. Minnesota Statutes 2008, section 204C.17, is amended to read:

42.7 **204C.17 VOTING; SECRECY.**

42.8 Except as authorized by section 204C.15, a voter shall not reveal to anyone in the  
42.9 polling place the name of any candidate for whom the voter intends to vote or has voted. A  
42.10 voter shall not ask for or receive assistance in the marking of a ballot from anyone within  
42.11 the polling place except as authorized by section 204C.15. If a voter, after marking a ballot,  
42.12 shows it to anyone except as authorized by law or takes a picture of the voter's ballot, the  
42.13 election judges shall refuse to deposit the ballot in any ballot box and shall place it among  
42.14 the spoiled ballots. Unless the showing of the ballot was clearly intentional, the voter shall  
42.15 receive another ballot as provided in section 204C.13, subdivision 3, ~~clause~~ paragraph (d).

42.16 Sec. 26. Minnesota Statutes 2008, section 204C.30, is amended by adding a  
42.17 subdivision to read:

42.18 Subd. 3. **Election results reporting; state primary and general elections.** For  
42.19 state primary and general elections, the county auditor shall enter the votes in each  
42.20 precinct for the questions and offices voted on into the election results reporting system  
42.21 provided by the secretary of state.

42.22 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
42.23 certified that the election reporting system has been tested and shown to properly allow  
42.24 for the entry of candidate names and for election results to be uploaded, and to be able to  
42.25 handle the expected volume of use.

42.26 Sec. 27. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

42.27 Subdivision 1. **County canvass.** The county canvassing board shall meet at the  
42.28 county auditor's office on or before the seventh day following the state general election.  
42.29 After taking the oath of office, the board shall promptly and publicly canvass the general  
42.30 election returns delivered to the county auditor. Upon completion of the canvass, the board  
42.31 shall promptly prepare and file with the county auditor a report which states:

42.32 (a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, ~~including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;~~

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or federal county office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit ~~one of the~~ a certified ~~copies~~ copy of the county canvassing board report for state and federal offices to the secretary of state by messenger, express mail, or similar service immediately upon conclusion of the county canvass.

Sec. 28. Minnesota Statutes 2008, section 204C.37, is amended to read:

**204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.**

~~Two copies~~ A copy of the ~~reports~~ report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by~~

44.1 ~~express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail  
44.2 or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary  
44.3 of state within ten days following the applicable election, the secretary of state shall  
44.4 immediately notify the county auditor, who shall deliver another copy to the secretary of  
44.5 state by special messenger.

44.6 Sec. 29. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

44.7 Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with  
44.8 the preparation and distribution of the ballots shall prepare instructions to the printer for  
44.9 rotation of the names of candidates and for layout of the ballot.

44.10 (b) Except as provided in paragraph (c), the instructions shall be approved by the  
44.11 legal advisor of the official before delivery to the printer.

44.12 (c) The legal advisor of a town official is not required to approve instructions  
44.13 regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

44.14 (d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer  
44.15 shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified  
44.16 check, acceptable to the official responsible for printing the ballots, conditioned on  
44.17 printing the ballots in conformity with the Minnesota Election Law and the instructions  
44.18 delivered. The official responsible for printing the ballots shall set the amount of the bond,  
44.19 letter of credit, or certified check in an amount equal to the value of the purchase.

44.20 Sec. 30. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

44.21 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county  
44.22 auditor shall prepare a sample state partisan primary ballot and a sample state and county  
44.23 nonpartisan primary ballot for public inspection. The names of all of the candidates to  
44.24 be voted for in the county shall be placed on the sample ballots, with the names of the  
44.25 candidates for each office arranged ~~alphabetically according to the surname~~ in the base  
44.26 rotation as determined by section 206.61, subdivision 5. Only one sample state partisan  
44.27 primary ballot and one sample state and county nonpartisan ballot shall be prepared for  
44.28 any county. The county auditor shall post the sample ballots in a conspicuous place in the  
44.29 auditor's office and shall cause them to be published at least one week before the state  
44.30 primary in at least one newspaper of general circulation in the county.

44.31 Sec. 31. Minnesota Statutes 2008, section 204D.28, subdivision 5, is amended to read:

44.32 Subd. 5. **Regular state primary.** "Regular state primary" means:

(a) the state primary at which candidates are nominated for offices elected at the state general election; or

(b) a primary held ~~four weeks before~~ on the first Tuesday after the first second Monday in November September of odd-numbered years.

Sec. 32. Minnesota Statutes 2008, section 204D.28, subdivision 6, is amended to read:

Subd. 6. **Special election required; exception; when held.** Every vacancy shall be filled for the remainder of the term by a special election held pursuant to this subdivision; except that no special election shall be held in the year before the term expires.

The special election shall be held at the next November election if the vacancy occurs at least ~~six~~ nine weeks before the regular state primary preceding that election. If the vacancy occurs less than ~~six~~ nine weeks before the regular state primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs.

Sec. 33. Minnesota Statutes 2008, section 204D.28, subdivision 8, is amended to read:

Subd. 8. **Notice of special election.** The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than ~~ten~~ 12 weeks before the special primary, except that if the vacancy occurs ~~ten~~ 12 weeks or less before the special primary, the secretary of state shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purposes of those provisions of sections 204D.17 to 204D.27 that apply generally to special elections, this notice shall be used in place of the writ of the governor.

Sec. 34. Minnesota Statutes 2008, section 204D.28, subdivision 9, is amended to read:

Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open ~~six~~ ten weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close ~~four~~ eight weeks before the special primary.

Sec. 35. [204D.29] CONTINUITY OF CONGRESS.

Subdivision 1. In general. (a) If the speaker of the United States House of Representatives announces that vacancies in the representation from the states in the

House of Representatives exceed 100 and one of those vacancies is in this state, the governor shall issue a writ of election to fill such vacancy by special election.

(b) As used in this section, "speaker" means the speaker of the United States House of Representatives.

Subd. 2. **Timing of special election.** A special election held under this section to fill a vacancy shall take place not later than 49 days after the speaker announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy:

(1) a regularly scheduled general election for the office involved is to be held; or

(2) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the governor prior to the date of the announcement of the vacancy by the speaker.

Subd. 3. **Nominations by parties.** If a special election is to be held under this section, the chairs of the political parties of the state shall, not later than ten days after the speaker announces that the vacancy exists, certify to the secretary of state the name of the person nominated to fill this vacancy.

Subd. 4. **Nominating petitions.** Other candidates must file an affidavit of candidacy and a nominating petition under section 204B.07 not later than ten days after the speaker announces that the vacancy exists.

Subd. 5. **Protecting ability of absent military and overseas voters to participate in special elections.** (a) **Deadline for transmittal of absentee ballots.** In conducting a special election held under this section to fill a vacancy in its representation, the state shall ensure to the greatest extent practicable that absentee ballots for the election are transmitted to voters who vote under the procedure outlined in sections 203B.16 to 203B.27 not later than 15 days after the speaker announces that the vacancy exists.

(b) **Period for ballot transit time.** Notwithstanding the other deadlines in this section, in the case of voters who vote under the procedure outlined in sections 203B.16 to 203B.27, any otherwise valid ballot or other election material must be processed and accepted so long as the ballot or other material is received by the county auditor not later than 45 days after the ballot or other material was transmitted to the voter.

Sec. 36. Minnesota Statutes 2008, section 205.065, subdivision 2, is amended to read:

Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or resolution adopted at least three months before the next municipal general election by June 1 of a municipal general election year, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is

47.1 effective for all ensuing municipal elections until it is revoked. The municipal clerk shall  
47.2 notify the secretary of state and the county auditor within 30 days after the adoption of the  
47.3 resolution or ordinance.

47.4 Sec. 37. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

47.5 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to  
47.6 become a candidate for an office to be voted for at the municipal general election shall file  
47.7 an affidavit of candidacy with the municipal clerk. Candidates for a special election to  
47.8 fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit  
47.9 of candidacy for the specific office to fill the unexpired portion of the term. Subject to  
47.10 the approval of the county auditor, the town clerk may authorize candidates for township  
47.11 offices to file affidavits of candidacy with the county auditor. The affidavit shall be in  
47.12 substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk  
47.13 shall also accept an application signed by not less than five voters and filed on behalf of an  
47.14 eligible voter in the municipality whom they desire to be a candidate, if service of a copy  
47.15 of the application has been made on the candidate and proof of service is endorsed on the  
47.16 application being filed. Upon receipt of the proper filing fee, the clerk shall place the name  
47.17 of the candidate on the official ballot without partisan designation.

47.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.19 Sec. 38. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

47.20 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file  
47.21 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last  
47.22 dates on which affidavits of candidacy may be filed in the clerk's office and the closing  
47.23 time for filing on the last day for filing. The clerk shall post a similar notice at least ten  
47.24 days before the first day to file affidavits of candidacy. The notice must separately list  
47.25 any office for which affidavits of candidacy may be filed to fill the unexpired portion  
47.26 of a term when a special election is being held to fill a vacancy as provided in section  
47.27 412.02, subdivision 2a.

47.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

47.29 Sec. 39. **[205.135] ELECTION RESULTS REPORTING SYSTEM; CANDIDATE**  
47.30 **FILING.**

47.31 Subdivision 1. **Even-numbered year.** For regularly scheduled municipal elections  
47.32 held in an even-numbered year, the municipal clerk must provide the offices and questions

to be voted on in the municipality and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election. Upon mutual agreement, the county auditor may delegate the duty to enter the information into the system to the municipal clerk.

Subd. 2. **Odd-numbered year.** For regularly scheduled municipal elections held in an odd-numbered year, the county auditor and municipal clerk may mutually decide to use the election reporting system for the election. If so, the county auditor must notify the secretary of state of the intent to use the election reporting system at least 90 days before the election, of who will be entering the data, and, if the municipal clerk will be entering the data, that the office of the municipal clerk has the technological capacity to enter the data. The county auditor, or, by mutual agreement, the municipal clerk, must enter the offices and questions to be voted on in the municipality and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election.

**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 40. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the official newspaper of the municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 may dispense with publication.

Sec. 41. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot for the municipality, make them available for public inspection in the clerk's office for ~~public inspection~~, and post a sample ballot in each polling place on election day.

Sec. 42. **[205.187] ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.**

For regularly scheduled municipal elections held in November of an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices



49.1 voted on in the municipal election into the election results reporting system provided  
49.2 by the secretary of state.

49.3 If a county auditor has notified the secretary of state of intent to use the election  
49.4 results reporting system for a municipal election pursuant to section 205.135, subdivision  
49.5 2, the county auditor, or by mutual agreement, the municipal clerk, must enter the votes in  
49.6 each precinct for the offices and questions voted on in the municipality into the election  
49.7 results reporting system.

49.8 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
49.9 certified that the election reporting system has been tested and shown to properly allow  
49.10 for the entry of candidate names and for election results to be uploaded, and to be able to  
49.11 handle the expected volume of use.

49.12 Sec. 43. Minnesota Statutes 2008, section 205A.03, subdivision 1, is amended to read:

49.13 Subdivision 1. **Resolution requiring primary in certain circumstances.** The  
49.14 school board of a school district may, by resolution adopted by June 1 of any year, decide  
49.15 to choose nominees for school board by a primary as provided in this section. The  
49.16 resolution, when adopted, is effective for all ensuing elections of board members in that  
49.17 school district until it is revoked. If the board decides to choose nominees by primary  
49.18 and if there are more than two candidates for a specified school board position or more  
49.19 than twice as many school board candidates as there are at-large school board positions  
49.20 available, the school district must hold a primary. When a number equal to or less than  
49.21 twice the number of individuals to be elected to a school board office file for nomination  
49.22 for the office, the names of the candidates shall be placed upon the general election ballot.

49.23 Sec. 44. **[205A.045] SCHOOL DISTRICT TRANSITIONS.**

49.24 Subdivision 1. **Odd year to even.** (a) The governing body of a school district  
49.25 may change from an odd-numbered year election to an even-numbered year election by  
49.26 adopting a resolution that contains an orderly plan for the transition. The resolution may  
49.27 include a onetime, one-year extension of the term of each board member.

49.28 (b) The governing body of the school district must adopt the resolution permitted by  
49.29 paragraph (a) no later than 30 days before the first day to file an affidavit of candidacy for  
49.30 the election at which the change will take effect.

49.31 Subd. 2. **Even year to odd.** (a) The governing body of a school district may change  
49.32 from an even-numbered year election to an odd-numbered year election by adopting a  
49.33 resolution that contains an orderly plan for the transition. The resolution may include a  
49.34 onetime, one-year extension of the term of each board member.

50.1            (b) The governing body of the school district must adopt the resolution permitted by  
50.2 paragraph (a) no later than 30 days before the first day to file an affidavit of candidacy for  
50.3 the election at which the change will take effect.

50.4            Sec. 45. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

50.5            Subdivision 1. **Questions.** Special elections must be held for a school district on a  
50.6 question on which the voters are authorized by law to pass judgment. The school board  
50.7 may on its own motion call a special election to vote on any matter requiring approval of  
50.8 the voters of a district. Upon petition of 50 or more voters of the school district or five  
50.9 percent of the number of voters voting at the preceding school district general election,  
50.10 whichever is greater, the school board shall by resolution call a special election to vote on  
50.11 any matter requiring approval of the voters of a district. A question is carried only with  
50.12 the majority in its favor required by law. The election officials for a special election are  
50.13 the same as for the most recent school district general election unless changed according  
50.14 to law. Otherwise, special elections must be conducted and the returns made in the  
50.15 manner provided for the school district general election. A special election may not be  
50.16 held during the ~~30~~ 45 days before and the ~~30~~ 45 days after the state primary, during the  
50.17 ~~30~~ 45 days before and the 40 days after the state general election. In addition, a special  
50.18 election may not be held during the 20 days before and the 20 days after any regularly  
50.19 scheduled March election or within 45 days before and the 30 days after any regularly  
50.20 scheduled November election of a municipality wholly or partially within the school  
50.21 district. Notwithstanding any other law to the contrary, the time period in which a special  
50.22 election must be conducted under any other law may be extended by the school board to  
50.23 conform with the requirements of this subdivision.

50.24            Sec. 46. Minnesota Statutes 2008, section 205A.05, subdivision 2, is amended to read:

50.25            Subd. 2. **Vacancies in school district offices.** Special elections shall be held in  
50.26 school districts in conjunction with school district primary and general elections to fill  
50.27 vacancies in elective school district offices. When filling multiple at-large vacancies at the  
50.28 same election, the candidates shall file for the multiple seats of the same office, voters will  
50.29 be instructed to "Vote for up to..." and the candidates receiving the most votes up to the  
50.30 number to be elected will be elected to fill the vacancies.

50.31            Sec. 47. Minnesota Statutes 2008, section 205A.07, subdivision 2, is amended to read:

50.32            Subd. 2. **Sample ballot, posting.** For every school district primary, general, or  
50.33 special election, the school district clerk shall at least ~~four days~~ two weeks before the

51.1 primary, general, or special election, post a sample ballot in the administrative offices of  
51.2 the school district for public inspection, and shall post a sample ballot in each polling  
51.3 place on election day.

51.4 Sec. 48. **[205A.075] ELECTION RESULTS REPORTING SYSTEM;**  
51.5 **CANDIDATE FILING.**

51.6 Subdivision 1. **Even-numbered year.** For regularly scheduled school district  
51.7 elections held in an even-numbered year, the school district clerk must provide the offices  
51.8 and questions to be voted on in the school district and the list of candidates for each office  
51.9 to the county auditor for entry into the election results reporting system provided by the  
51.10 secretary of state no later than 46 days prior to the election.

51.11 Subd. 2. **Odd-numbered year.** For regularly scheduled school district elections  
51.12 held in an odd-numbered year, the county auditor and school district clerk may mutually  
51.13 decide to use the election reporting system for the election. If so, the county auditor must  
51.14 notify the secretary of state of intent to use the election reporting system at least 90 days  
51.15 before the election. The county auditor must enter the offices and questions to be voted  
51.16 on in the school district and the list of candidates for each office into the election results  
51.17 reporting system no later than 46 days prior to the election.

51.18 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
51.19 certified that the election reporting system has been tested and shown to properly allow  
51.20 for the entry of candidate names and for election results to be uploaded, and to be able to  
51.21 handle the expected volume of use.

51.22 Sec. 49. **[205A.076] ELECTION RESULTS REPORTING SYSTEM; PRECINCT**  
51.23 **VOTES.**

51.24 For regularly scheduled school district elections held in an even-numbered year, the  
51.25 county auditor shall enter the votes in each precinct for the questions and offices voted  
51.26 on in the school district election into the election results reporting system provided by  
51.27 the secretary of state.

51.28 If a county auditor has notified the secretary of state of intent to use the election  
51.29 results reporting system for a school district election pursuant to section 205A.075,  
51.30 subdivision 2, the county auditor must enter the votes in each precinct for the offices and  
51.31 questions voted on in the school district into the election results reporting system.

51.32 **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
51.33 certified that the election reporting system has been tested and shown to properly allow

52.1 for the entry of candidate names and for election results to be uploaded, and to be able to  
52.2 handle the expected volume of use.

52.3 Sec. 50. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

52.4 Subd. 6. **Required certification.** In addition to the requirements in subdivision  
52.5 1, a voting system must be certified by an independent testing authority ~~approved~~  
52.6 accredited by the secretary of state and conform to current standards for voting equipment  
52.7 Election Assistance Commission at the time of submission of the application required by  
52.8 subdivision 1 to be in conformity with voluntary voting system guidelines issued by the  
52.9 ~~Federal Election Commission or its successor~~, the Election Assistance Commission.  
52.10 The application must be accompanied by the certification report of the voting systems  
52.11 test laboratory. A certification under this section from an independent testing authority  
52.12 accredited by the Election Assistance Commission meets the requirement of Minnesota  
52.13 Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the  
52.14 voting system to the secretary of state. A chair of a major political party or the secretary of  
52.15 state may select, in consultation with the vendor, an independent third-party evaluator to  
52.16 examine the source code to ensure that it functions as represented by the vendor and that  
52.17 the code is free from defects. A major political party that elects to have the source code  
52.18 examined must pay for the examination. Except as provided by this subdivision, a source  
52.19 code that is trade secret information must be treated as nonpublic information, according  
52.20 to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

52.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

52.22 Sec. 51. Minnesota Statutes 2008, section 206.61, subdivision 5, is amended to read:

52.23 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation  
52.24 of names of candidates must be observed as far as practicable by changing the order of the  
52.25 names on an electronic voting system in the various precincts so that each name appears  
52.26 on the machines or marking devices used in a municipality substantially an equal number  
52.27 of times in the first, last, and in each intermediate place in the list or group in which they  
52.28 belong. However, the arrangement of candidates' names must be the same on all voting  
52.29 systems used in the same precinct. ~~If the number of names to be alternated exceeds the~~  
52.30 ~~number of precincts~~ For state primary and state general elections, the election official  
52.31 responsible for providing the ballots, in accordance with subdivision 1, shall determine  
52.32 ~~by lot the alternation of names~~ the base rotation of candidate names by assigning the  
52.33 initial order of the candidates' names by random generation using the statewide election  
52.34 reporting system.

53.1 If an electronic ballot marker is used with a paper ballot that is not an optical scan  
53.2 ballot card, the manner of alternation of candidate names on the paper ballot must be as  
53.3 prescribed for optical scan ballots in this subdivision.

53.4 Sec. 52. Minnesota Statutes 2008, section 211A.02, subdivision 2, is amended to read:

53.5 Subd. 2. **Information required.** The report to be filed by a candidate or committee  
53.6 must include:

53.7 (1) the name of the candidate or ballot question;

53.8 (2) the printed name, address, telephone number, signature, and e-mail address, if  
53.9 available, of the person responsible for filing the report;

53.10 (3) the total cash on hand;

53.11 (4) the total amount of receipts and expenditures for the period from the last previous  
53.12 report to five days before the current report is due;

53.13 ~~(4)~~ (5) the amount, date, and purpose for each expenditure; and

53.14 ~~(5)~~ (6) the name, address, and employer, or occupation if self-employed, of any  
53.15 individual or committee that during the year has made one or more contributions that in  
53.16 the aggregate exceed \$100, and the amount and date of each contribution. The filing  
53.17 officer must restrict public access to the address of any individual who has made a  
53.18 contribution that exceeds \$100 and who has filed with the filing officer a written statement  
53.19 signed by the individual that withholding the individual's address from the financial report  
53.20 is required for the safety of the individual or the individual's family.

53.21 **EFFECTIVE DATE.** This section is effective June 1, 2010.

53.22 Sec. 53. Minnesota Statutes 2008, section 412.02, subdivision 2a, is amended to read:

53.23 Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an  
53.24 office shall be filled by council appointment until an election is held as provided in this  
53.25 subdivision. In case of a tie vote in the council, the mayor shall make the appointment.

53.26 (1) If the vacancy occurs before the first day to file affidavits of candidacy for  
53.27 the next regular city election and more than two years remain in the unexpired term, a  
53.28 special election shall be held at or before the next regular city election and the appointed  
53.29 person shall serve until the qualification of a successor elected at a special election to fill  
53.30 the unexpired portion of the term. The council must specify by ordinance under what  
53.31 circumstances it will hold a special election to fill a vacancy other than a special election  
53.32 held at the same time as the regular city election. If, because of a vacancy, more than one  
53.33 council member is to be chosen at the same election, candidates for council member shall  
53.34 file for either a two-year or a four-year term. If more than one candidate is to be elected

54.1 for the same length term, the ballot must instruct voters to "Vote for up to ..." up to the  
54.2 number of candidates to be elected for the two-year or four-year term.

54.3 (2) If the vacancy occurs on or after the first day to file affidavits of candidacy for  
54.4 the regular city election or when less than two years remain in the unexpired term, there  
54.5 need not be a special election to fill the vacancy and the appointed person shall serve  
54.6 until the qualification of a successor. ~~The council must specify by ordinance under what~~  
54.7 ~~circumstances it will hold a special election to fill a vacancy other than a special election~~  
54.8 ~~held at the same time as the regular city election.~~

54.9 Sec. 54. Minnesota Statutes 2008, section 414.02, subdivision 4, is amended to read:

54.10 Subd. 4. **Effective date of incorporation.** The incorporation shall be effective upon  
54.11 the election and qualification of new municipal officers or on such later date as is fixed by  
54.12 the director's order. The effective date must not fall within the 21 days before a regularly  
54.13 scheduled election. Failure to comply with the provisions of this subdivision with respect  
54.14 to regularly scheduled elections, or to set the right effective date in relation to regularly  
54.15 scheduled elections, does not invalidate the annexation.

54.16 Sec. 55. Minnesota Statutes 2008, section 414.031, subdivision 6, is amended to read:

54.17 Subd. 6. **Effective date of annexation.** The annexation shall be effective as of the  
54.18 date fixed in the annexation order or on a later date fixed in the annexation order. The  
54.19 effective date must not fall within the 21 days before a regularly scheduled election.  
54.20 Failure to comply with the provisions of this subdivision with respect to regularly  
54.21 scheduled elections, or to set the right effective date in relation to regularly scheduled  
54.22 elections, does not invalidate the annexation.

54.23 Sec. 56. Minnesota Statutes 2008, section 414.0325, subdivision 1, is amended to read:

54.24 Subdivision 1. **Initiating the proceeding.** (a) One or more townships and one or  
54.25 more municipalities, by joint resolution, may designate an unincorporated area as in  
54.26 need of orderly annexation. One or more municipalities, by joint resolution with the  
54.27 county, may designate an unincorporated area in which there is no organized township  
54.28 government as in need of orderly annexation.

54.29 (b) A designated area is any area which the signatories to a joint resolution for  
54.30 orderly annexation have identified as being appropriate for annexation, either currently  
54.31 or at some point in the future, pursuant to the negotiated terms and conditions set forth  
54.32 in the joint resolution. Land described as a designated area is not, by virtue of being so  
54.33 described, considered also to be annexed for purposes of this chapter.

(c) The joint resolution will confer jurisdiction on the chief administrative law judge over annexations in the designated area and over the various provisions in said agreement by submission of said joint resolution to the chief administrative law judge.

(d) The resolution shall include a description of the designated area and the reasons for designation.

(e) Thereafter, an annexation of any part of the designated area may be initiated by:

(1) submitting to the chief administrative law judge a resolution of any signatory to the joint resolution; or

(2) the chief administrative law judge.

(f) Whenever a state agency, other than the pollution control agency, orders a municipality to extend a municipal service to an area, the order confers jurisdiction on the chief administrative law judge to consider designation of the area for orderly annexation.

(g) If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the chief administrative law judge may review and comment, but may not alter the boundaries.

(h) If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the chief administrative law judge is necessary, the chief administrative law judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution. A joint resolution filed within the 51 days before a regularly scheduled election must provide in the conditions for its annexation that the annexation will not be effective until the day after the regularly scheduled election. Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation.

Sec. 57. Minnesota Statutes 2008, section 414.0325, subdivision 4, is amended to read:

Subd. 4. **Effective date of annexation.** The chief administrative law judge's order shall be effective upon the issuance of the order or at such later time as is provided in the order. The effective date must not fall within the 21 days before a regularly scheduled election. Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation.

Sec. 58. Minnesota Statutes 2008, section 414.033, subdivision 7, is amended to read:

Subd. 7. **Filing; effective date; copy to auditors.** Any annexation ordinance provided for in this section must be filed with the chief administrative law judge, the township, the county auditor and the secretary of state and is final on the date the ordinance is approved by the chief administrative law judge, except that an ordinance approved within the 21 days before a regularly scheduled election is not effective until the day after the regularly scheduled election. A copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditors. Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation.

Sec. 59. **REPEALER.**

Minnesota Statutes 2008, sections 201.096; and 206.805, subdivision 2, are repealed.

**ARTICLE 3**  
**MISCELLANEOUS**

Section 1. Minnesota Statutes 2008, section 135A.17, subdivision 2, is amended to read:

Subd. 2. **Residential housing list.** ~~All postsecondary institutions that enroll students accepting state or federal financial aid may~~ (a) Institutions within the Minnesota State Colleges and Universities system must prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus Minnesota. The list shall must include each student's name and current address as permitted by applicable privacy laws. The list shall must be certified and sent to the appropriate county auditor or auditors secretary of state no earlier than 30 and no later than 25 days prior to the November general election, in an electronic format specified by the secretary of state, for use in election day registration as provided under section 201.061, subdivision 3. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution, or for institutions within the Minnesota State Colleges and Universities system, by the chancellor, and must state that the list is current and accurate and includes only the names of currently enrolled students residing in Minnesota as of the date of certification. The secretary of state must combine the data received from each postsecondary educational institution under this subdivision and must process the data to locate the precinct in which the address provided for each student is located. If the data submitted by the postsecondary educational institution is insufficient



57.1 for the secretary of state to locate the proper precinct, the associated student name must  
57.2 not appear in any list forwarded to a county auditor under this subdivision.

57.3 At least 14 days prior to the November general election, the secretary of state  
57.4 must forward to the appropriate county auditor lists of students containing the students'  
57.5 names and addresses for which precinct determinations have been made along with their  
57.6 postsecondary educational institutions. The list must be sorted by precinct and student  
57.7 last name and must be forwarded in an electronic format specified by the secretary of  
57.8 state or other mutually agreed upon medium, if a written agreement specifying the  
57.9 medium is signed by the secretary of state and the county auditor at least 90 days before  
57.10 the November general election. A written agreement is effective for all elections until  
57.11 rescinded by either the secretary of state or the county auditor.

57.12 (b) Other postsecondary institutions may provide lists as provided by this subdivision  
57.13 or as provided by the rules of the secretary of state. The University of Minnesota is  
57.14 requested to comply with this subdivision.

57.15 (c) A residential housing list provided under this subdivision may not be used or  
57.16 disseminated by a county auditor or the secretary of state for any other purpose.

57.17 Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

57.18 Subdivision 1. **Prior to election day.** At any time except during the 20 days  
57.19 immediately preceding any regularly scheduled election, an eligible voter or any  
57.20 individual who will be an eligible voter at the time of the next election may register to vote  
57.21 in the precinct in which the voter maintains residence by completing a voter registration  
57.22 application as described in section 201.071, subdivision 1, and submitting it in person or  
57.23 by mail to the county auditor of that county or to the Secretary of State's Office. If the Web  
57.24 site maintained by the secretary of state provides a process for it, an individual who has  
57.25 a Minnesota driver's license, identification card, or learner's permit may register online.

57.26 A registration that is received no later than 5:00 p.m. on the 21st day preceding any  
57.27 election shall be accepted. An improperly addressed or delivered registration application  
57.28 shall be forwarded within two working days after receipt to the county auditor of the  
57.29 county where the voter maintains residence. A state or local agency or an individual that  
57.30 accepts completed voter registration applications from a voter must submit the completed  
57.31 applications to the secretary of state or the appropriate county auditor within ten days  
57.32 after the applications are dated by the voter.

57.33 For purposes of this section, mail registration is defined as a voter registration  
57.34 application delivered to the secretary of state, county auditor, or municipal clerk by the  
57.35 United States Postal Service or a commercial carrier.

Sec. 3. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence.

An individual may prove residence for purposes of registering by:

(1) presenting a current, valid driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 ~~and certified to the county auditor~~ or in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential

59.1 facility. The operator shall certify the list and provide it to the appropriate county auditor  
59.2 no less than 20 days before each election for use in election day registration.

59.3 (c) "Residential facility" means transitional housing as defined in section 256E.33,  
59.4 subdivision 1; a supervised living facility licensed by the commissioner of health under  
59.5 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision  
59.6 5; a residence registered with the commissioner of health as a housing with services  
59.7 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by  
59.8 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence  
59.9 licensed by the commissioner of human services to provide a residential program as  
59.10 defined in section 245A.02, subdivision 14; a residential facility for persons with a  
59.11 developmental disability licensed by the commissioner of human services under section  
59.12 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter  
59.13 for battered women as defined in section 611A.37, subdivision 4; or a supervised  
59.14 publicly or privately operated shelter or dwelling designed to provide temporary living  
59.15 accommodations for the homeless.

59.16 (d) For tribal band members, an individual may prove residence for purposes of  
59.17 registering by:

59.18 (1) presenting an identification card issued by the tribal government of a tribe  
59.19 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that  
59.20 contains the name, address, signature, and picture of the individual; or

59.21 (2) presenting an identification card issued by the tribal government of a tribe  
59.22 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that  
59.23 contains the name, signature, and picture of the individual and also presenting one of the  
59.24 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

59.25 (e) A county, school district, or municipality may require that an election judge  
59.26 responsible for election day registration initial each completed registration application.

59.27 Sec. 4. Minnesota Statutes 2008, section 201.071, subdivision 1, is amended to read:

59.28 Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and~~  
59.29 ~~weight for mailing and~~ contain spaces for the following required information: voter's first  
59.30 name, middle name, and last name; voter's previous name, if any; voter's current address;  
59.31 voter's previous address, if any; voter's date of birth; voter's municipality and county of  
59.32 residence; voter's telephone number, if provided by the voter; date of registration; current  
59.33 and valid Minnesota driver's license number or Minnesota state identification number,  
59.34 or if the voter has no current and valid Minnesota driver's license or Minnesota state  
59.35 identification, and the last four digits of the voter's Social Security number, ~~and voter's~~

signature. The registration application may include the voter's e-mail address, if provided by the voter, and the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain the following certification of voter eligibility:

"I certify that I:

(1) will be at least 18 years old on election day;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under court-ordered guardianship in which the court order revokes my right to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and

(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

The form of the voter registration application and the certification of voter eligibility must be as provided in this subdivision and approved by the secretary of state. Voter registration forms authorized by the National Voter Registration Act must also be accepted as valid. The federal postcard application form must also be accepted as valid if it is not deficient and the voter is eligible to register in Minnesota.

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

A paper voter registration application must include space for the voter's signature. Paper voter registration applications, other than those used for election day registration, must be of suitable size and weight for mailing.

Sec. 5. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision to read:

61.1           Subd. 5a. **Registration confirmation to registered voter.** The secretary of state  
61.2 must ensure that the secretary of state's Web site is capable of providing voter registration  
61.3 confirmation to a registered voter. An individual requesting registration confirmation must  
61.4 provide the individual's name, address, and date of birth. If the information provided by  
61.5 the individual completely matches an active voter record in the statewide voter registration  
61.6 system, the Web site must inform the individual that the individual is a registered voter and  
61.7 must provide the individual with the individual's polling place location. If the information  
61.8 provided by the individual does not completely match an active voter record in the  
61.9 statewide voter registration system, the Web site must inform the individual that a voter  
61.10 record with that name and date of birth at the address provided cannot be confirmed and the  
61.11 Web site must advise the individual to contact the county auditor for further information.

61.12           **EFFECTIVE DATE.** This section is not effective until the secretary of state has  
61.13 certified that the Web site has been tested, has been shown to properly retrieve information  
61.14 from the correct voter's record, and can handle the expected volume of use.

61.15           Sec. 6. **[201.35] REPORT TO LEGISLATURE; UNDELIVERABLE**  
61.16 **REGISTRATION NOTICES.**

61.17           By January 15 of each odd-numbered year, the secretary of state shall report to the  
61.18 chair and ranking minority members of the house of representatives and senate committees  
61.19 with jurisdiction over election issues on the number of registration notices returned as  
61.20 undeliverable. The report must include the total number of notices returned statewide,  
61.21 organized by county and by precinct, and indicate the reasons provided by the postal  
61.22 service for return of the notices. Each county auditor must cooperate with the secretary of  
61.23 state in providing the data required by this section in a timely manner.

61.24           Sec. 7. Minnesota Statutes 2008, section 203B.12, subdivision 2, is amended to read:

61.25           Subd. 2. **Examination of return envelopes.** Two or more election judges shall  
61.26 examine each return envelope and shall mark it accepted or rejected in the manner  
61.27 provided in this subdivision. ~~If a ballot has been prepared under section 204B.12,~~  
61.28 ~~subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes~~  
61.29 ~~from the return envelopes until 8:00 p.m. on election day, either in the polling place or at~~  
61.30 ~~an absentee ballot board established under section 203B.13.~~

61.31           The election judges shall mark the return envelope "Accepted" and initial or sign  
61.32 the return envelope below the word "Accepted" if the election judges or a majority  
61.33 of them are satisfied that:

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

(2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot, except that if a person other than the voter applied for the absentee ballot under applicable Minnesota Rules, the signature is not required to match;

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

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

There is no other reason for rejecting an absentee ballot. In particular, failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

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

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 8. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

Subd. 2. **Candidates seeking nomination by primary.** No individual who seeks nomination for any partisan or nonpartisan office at a primary shall be nominated for the same office by nominating petition, except as otherwise provided for partisan offices in section 204D.10, subdivision 2, ~~and for nonpartisan offices in section 204B.13, subdivision 4.~~

Sec. 9. Minnesota Statutes 2008, section 204B.04, subdivision 3, is amended to read:

Subd. 3. **Nomination for nonpartisan office.** No individual shall be nominated by nominating petition for any nonpartisan office ~~except in the event of a vacancy in nomination as provided in section 204B.13.~~

Sec. 10. Minnesota Statutes 2008, section 204B.07, subdivision 1, is amended to read:

Subdivision 1. **Form of petition.** A nominating petition may consist of one or more separate pages each of which shall state:

63.1 (a) the office sought;

63.2 (b) the candidate's name and residence address, including street and number if  
63.3 any; and

63.4 (c) the candidate's political party or political principle expressed in not more than  
63.5 three words. No candidate who files for a partisan office by nominating petition shall use  
63.6 the term "nonpartisan" as a statement of political principle or the name of the candidate's  
63.7 political party. No part of the name of a major political party may be used to designate the  
63.8 political party or principle of a candidate who files for a partisan office by nominating  
63.9 petition, except that the word "independent" may be used to designate the party or  
63.10 principle. ~~A candidate who files by nominating petition to fill a vacancy in nomination for~~  
63.11 ~~a nonpartisan office pursuant to section 204B.13, shall not state any political principle or~~  
63.12 ~~the name of any political party on the petition.~~

63.13 Sec. 11. Minnesota Statutes 2008, section 204B.09, subdivision 1, is amended to read:

63.14 Subdivision 1. **Candidates in state and county general elections.** (a) Except as  
63.15 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions  
63.16 for county, state, and federal offices filled at the state general election shall be filed not  
63.17 more than 70 days nor less than 56 days before the state primary. The affidavit may  
63.18 be prepared and signed at any time between 60 days before the filing period opens and  
63.19 the last day of the filing period.

63.20 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be  
63.21 signed in the presence of a notarial officer or an individual authorized to administer oaths  
63.22 under section 358.10.

63.23 (c) This provision does not apply to candidates for presidential elector nominated by  
63.24 major political parties. Major party candidates for presidential elector are certified under  
63.25 section 208.03. Other candidates for presidential electors may file petitions on or before  
63.26 the state primary day pursuant to section 204B.07. ~~Nominating petitions to fill vacancies~~  
63.27 ~~in nominations shall be filed as provided in section 204B.13.~~ No affidavit or petition shall  
63.28 be accepted later than 5:00 p.m. on the last day for filing.

63.29 (d) Affidavits and petitions for county offices must be filed with the county auditor  
63.30 of that county. Affidavits and petitions for federal offices must be filed with the secretary  
63.31 of state. Affidavits and petitions for state offices must be filed with the secretary of state or  
63.32 with the county auditor of the county in which the candidate resides.

63.33 (e) Affidavits other than those filed pursuant to subdivision 1a must be submitted  
63.34 by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and  
63.35 must be received by 5:00 p.m. on the last day for filing.

Sec. 12. Minnesota Statutes 2008, section 204B.11, subdivision 2, is amended to read:

Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by any individual eligible to vote for the candidate. A nominating petition filed pursuant to section 204B.07 ~~or 204B.13, subdivision 4~~, is effective as a petition in place of a filing fee if the nominating petition includes a prominent statement informing the signers of the petition that it will be used for that purpose.

The number of signatures on a petition in place of a filing fee shall be as follows:

(a) for a state office voted on statewide, or for president of the United States, or United States senator, 2,000;

(b) for a congressional office, 1,000;

(c) for a county or legislative office, or for the office of district judge, 500; and

(d) for any other office which requires a filing fee as prescribed by law, municipal charter, or ordinance, the lesser of 500 signatures or five percent of the total number of votes cast in the municipality, ward, or other election district at the preceding general election at which that office was on the ballot.

An official with whom petitions are filed shall make sample forms for petitions in place of filing fees available upon request.

Sec. 13. Minnesota Statutes 2008, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. **Death or withdrawal.** A vacancy in nomination may be filled in the manner provided by this section. A vacancy in nomination exists when:

~~(a) (1) a major political party candidate or nonpartisan candidate who was nominated at a primary dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 2a; or~~

~~(b) a candidate for a nonpartisan office, for which one or two candidates filed, dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 1; (2) a major political party candidate for state constitutional office or the candidate's legal guardian files an affidavit of vacancy at least one day prior to the general election with the same official who received the affidavit of candidacy that states that:~~

~~(i) the candidate has a catastrophic illness that was diagnosed after the deadline for withdrawal; and~~

~~(ii) the candidate's illness will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought.~~

~~The affidavit must be accompanied by a certificate verifying that the candidate's illness meets the requirements of this clause, signed by at least two licensed physicians.~~



Sec. 14. Minnesota Statutes 2008, section 204B.13, subdivision 2, is amended to read:

Subd. 2. ~~Partisan office; nomination by party.~~ (a) A vacancy in nomination for ~~partisan office shall be filled as provided in this subdivision~~ effectively remove that office from the ballot. Votes cast at the general election for that office are invalid and the office must be filled in a special election held in accordance with section 204D.17, except as provided by this section.

Except for the vacancy in nomination, all other candidates whose names would have appeared on the general election ballot for this race must appear on the special election ballot for this race. There must not be a primary to fill the vacancy in nomination.

A major political party has the authority to fill a vacancy in nomination of that party's candidate by filing a nomination certificate with the same official who received the affidavits of candidacy for that office.

(b) A major political party may provide in its governing rules a procedure, including designation of an appropriate committee, to fill vacancies in nomination for all federal and state offices ~~elected statewide~~. The nomination certificate shall be prepared under the direction of and executed by the chair and secretary of the political party and filed within seven days after the vacancy in nomination occurs ~~or before the 14th day before the general election, whichever is sooner. If the vacancy in nomination occurs through the candidate's death or catastrophic illness, the nomination certificate must be filed within seven days after the vacancy in nomination occurs but no later than four days before the general election.~~ The chair and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected under the rules of the party and that the individuals signing the certificate and making the affidavit are the chair and secretary of the party.

Sec. 15. Minnesota Statutes 2008, section 204B.13, is amended by adding a subdivision to read:

Subd. 7. **Date of special election.** The special election must be held on the second Tuesday in December.

Sec. 16. Minnesota Statutes 2008, section 204B.13, is amended by adding a subdivision to read:

Subd. 8. **Absentee voters.** All applicants for absentee ballots for the general election must be sent ballots for the special election, without submission of a new absentee ballot application.

66.1       Sec. 17. Minnesota Statutes 2008, section 204B.13, is amended by adding a  
66.2       subdivision to read:

66.3             Subd. 9. **Subsequent vacancy in nomination.** (a) A vacancy in nomination that  
66.4       occurs prior to a special election scheduled as a result of an earlier vacancy in nomination  
66.5       must be filled in the same manner as provided in this section, except that the previously  
66.6       scheduled special election must be canceled and a new special election held.

66.7             (b) A special election required by this subdivision must be held on the second  
66.8       Tuesday of the month following the month during which the prior special election was  
66.9       scheduled to be held, provided that if the new special election date falls on a federal  
66.10       holiday, the special election must be held on the next following Tuesday after the holiday.

66.11       Sec. 18. Minnesota Statutes 2008, section 205.075, subdivision 1, is amended to read:

66.12             Subdivision 1. **Date of election.** The general election in a town must be held on the  
66.13       second Tuesday in March, except as provided in subdivision 2 or when moved for bad  
66.14       weather as provided in section 365.51, subdivision 1.

66.15       Sec. 19. Minnesota Statutes 2008, section 205.075, is amended by adding a subdivision  
66.16       to read:

66.17             Subd. 2a. **Return to March election.** The town board of a town that has adopted  
66.18       the alternative November election date under subdivision 2 may, after having conducted  
66.19       at least two elections on the alternative date, adopt a resolution designating the second  
66.20       Tuesday in March as the date of the town general election. The resolution must be  
66.21       adopted by a unanimous vote of the town supervisors and must include a plan to shorten  
66.22       or lengthen the terms of office to provide an orderly transition to the March election  
66.23       schedule. The resolution becomes effective upon an affirmative vote of the electors at  
66.24       the next town general election.

66.25       Sec. 20. Minnesota Statutes 2008, section 367.03, subdivision 4, is amended to read:

66.26             Subd. 4. **Officers; November election.** Except as provided in subdivision 4a,  
66.27       supervisors and other town officers in towns that hold the town general election in  
66.28       November shall be elected for terms of four years commencing on the first Monday in  
66.29       January and until their successors are elected and qualified. The clerk and treasurer shall  
66.30       be elected in alternate years.

66.31       Sec. 21. Minnesota Statutes 2008, section 367.03, is amended by adding a subdivision  
66.32       to read:

67.1           Subd. 4a. **Optional six-year terms.** The resolution required under section 205.075,  
67.2 subdivision 2, to adopt the alternative November date for town general election may  
67.3 include the proposal and corresponding transition plan to provide for a six-year term for  
67.4 town supervisors. A town that has adopted the alternative November date for general town  
67.5 elections using the four-year terms provided under subdivision 4 may adopt a resolution  
67.6 establishing six-year terms for supervisors as provided under this subdivision. The  
67.7 resolution must include a plan to provide an orderly transition to six-year terms. The  
67.8 resolution adopting the six-year term for town supervisors may be proposed by the town  
67.9 board or by a resolution of the electors adopted at the annual town meeting and is effective  
67.10 upon an affirmative vote of the electors at the next town general election.

67.11           Sec. 22. **REPEALER.**

67.12           Minnesota Statutes 2008, sections 204B.12, subdivision 2a; 204B.13, subdivisions  
67.13 4, 5, and 6; 204B.41; and 204D.169, are repealed.

67.14           Sec. 23. **EXPIRATION.**

67.15           Sections 7 to 17 and 22 expire on June 30, 2013.