

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3494

(SENATE AUTHORS: KIFFMEYER)

DATE	D-PG	OFFICIAL STATUS
02/24/2020	4880	Introduction and first reading Referred to State Government Finance and Policy and Elections
03/16/2020	5489a	Comm report: To pass as amended
	5504	Second reading
05/06/2020	6273	Rule 45-amend, subst. General Orders HF3429

1.1 A bill for an act

1.2 relating to elections; making technical and policy changes to provisions related to

1.3 elections administration including provisions related to voting, voter registration,

1.4 polling places, ballots, recounts, contests, candidates, and various other

1.5 election-related provisions; extending availability of election equipment grant

1.6 money; amending Minnesota Statutes 2018, sections 201.071, subdivision 2;

1.7 201.121, subdivision 3; 203B.04, subdivision 1; 203B.081, subdivisions 1, 2;

1.8 203B.12, subdivision 7; 203B.121, subdivision 2; 203B.24, subdivision 1; 204B.09,

1.9 subdivision 3; 204B.16, subdivision 1; 204B.36, subdivision 2; 204C.05,

1.10 subdivisions 1a, 1b; 204C.21, subdivision 1; 204C.27; 204C.33, subdivision 3;

1.11 204C.35, subdivision 3; 204C.36, subdivision 1; 204D.08, subdivision 4; 204D.13,

1.12 subdivision 1; 204D.27, subdivision 5; 204D.28, subdivisions 9, 10; 206.805,

1.13 subdivision 1; 206.89, subdivisions 4, 5; 206.90, subdivision 6; 208.03; 211B.11,

1.14 subdivision 1; 367.25, subdivision 1; 412.02, subdivision 2a; Minnesota Statutes

1.15 2019 Supplement, section 203B.121, subdivision 4; Laws 2017, First Special

1.16 Session chapter 4, article 1, section 6, subdivision 5.

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

1.18 Section 1. Minnesota Statutes 2018, section 201.071, subdivision 2, is amended to read:

1.19 Subd. 2. **Instructions.** (a) A registration application shall be accompanied by instructions

1.20 specifying the manner and method of registration, the qualifications for voting, the penalties

1.21 for false registration, and the availability of registration and voting assistance for elderly

1.22 and disabled individuals and residents of health care facilities and hospitals.

1.23 (b) The instructions must indicate that ~~if the voter does not have~~ must provide a valid

1.24 Minnesota driver's license or identification card number, or the last four digits of the voter's

1.25 Social Security number ~~must be provided, unless the voter does not have a Social Security~~

1.26 number, unless the voter has not been issued one of those numbers.

1.27 (c) If, prior to election day, a person requests the instructions in Braille, audio format,

1.28 or in a version printed in 16-point bold type with 24-point leading, the county auditor shall

2.1 provide them in the form requested. The secretary of state shall prepare Braille and audio
2.2 copies and make them available.

2.3 Sec. 2. Minnesota Statutes 2018, section 201.121, subdivision 3, is amended to read:

2.4 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor
2.5 shall send the notice required by subdivision 2 to a random sampling of the individuals
2.6 registered on election day. The random sampling shall be determined in accordance with
2.7 the rules of the secretary of state. As soon as practicable after the election, the county auditor
2.8 shall mail the notice required by subdivision 2 to all other individuals registered on election
2.9 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine
2.10 the reason for the return. A county auditor who does not receive or obtain satisfactory proof
2.11 of an individual's eligibility to vote shall immediately notify the county attorney of all of
2.12 the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor
2.13 must notify the secretary of state of the following information for the previous state general
2.14 election by each precinct:

2.15 (1) the total number of all notices that were returned as nondeliverable;

2.16 (2) the total number of nondeliverable notices that the county auditor was able to
2.17 determine the reason for the return along with the reason for each return; and

2.18 (3) the total number of individuals for whom the county auditor does not receive or
2.19 obtain satisfactory proof of an individual's eligibility to vote.

2.20 (b) By March 1 of every odd-numbered year, the secretary of state shall report to the
2.21 chair and ranking minority members of the legislative committees with jurisdiction over
2.22 elections the following information for the previous state general election by each precinct
2.23 and each county:

2.24 (1) the total number of all notices that were returned as nondeliverable;

2.25 (2) the total number of nondeliverable notices that a county auditor was able to determine
2.26 the reason for the return along with the reason for each return; and

2.27 (3) the total number of individuals for whom the county auditor does not receive or
2.28 obtain satisfactory proof of an individual's eligibility to vote.

2.29 Sec. 3. Minnesota Statutes 2018, section 203B.04, subdivision 1, is amended to read:

2.30 Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision
2.31 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election

3.1 may be submitted at any time not less than one day before the day of that election. The
3.2 county auditor shall prepare absentee ballot application forms in the format provided by the
3.3 secretary of state and shall furnish them to any person on request. By January 1 of each
3.4 even-numbered year, the secretary of state shall make the forms to be used available to
3.5 auditors through electronic means. An application submitted pursuant to this subdivision
3.6 shall be in writing. An application may be submitted in person, by electronic facsimile
3.7 device, by electronic mail, or by mail to:

3.8 (1) the county auditor of the county where the applicant maintains residence; or

3.9 (2) the municipal clerk of the municipality, or school district if applicable, where the
3.10 applicant maintains residence.

3.11 For a federal, state, or county election, an absentee ballot application may alternatively be
3.12 submitted electronically through a secure website that shall be maintained by the secretary
3.13 of state for this purpose. Notwithstanding paragraph (b), the secretary of state must require
3.14 applicants using the website to submit the applicant's e-mail address and verifiable Minnesota
3.15 driver's license number, Minnesota state identification card number, or the last four digits
3.16 of the applicant's Social Security number.

3.17 An application submitted electronically under this paragraph may only be transmitted to
3.18 the county auditor for processing if the secretary of state has verified the application
3.19 information matches the information in a government database associated with the applicant's
3.20 driver's license number, state identification card number, or Social Security number. The
3.21 secretary of state must review all unverifiable applications for evidence of suspicious activity
3.22 and must forward any such application to an appropriate law enforcement agency for
3.23 investigation.

3.24 (b) An application shall be approved if it is timely received, signed and dated by the
3.25 applicant, contains the applicant's name and residence and mailing addresses, date of birth,
3.26 and at least one of the following:

3.27 (1) the applicant's Minnesota driver's license number;

3.28 (2) Minnesota state identification card number;

3.29 (3) the last four digits of the applicant's Social Security number; or

3.30 (4) a statement that the applicant does not have any of these numbers.

3.31 (c) To be approved, the application must contain an oath that the information contained
3.32 on the form is accurate, that the applicant is applying on the applicant's own behalf, and
3.33 that the applicant is signing the form under penalty of perjury.

4.1 (d) An applicant's full date of birth, Minnesota driver's license or state identification
 4.2 number, and the last four digits of the applicant's Social Security number must not be made
 4.3 available for public inspection. An application may be submitted to the county auditor or
 4.4 municipal clerk by an electronic facsimile device. An application mailed or returned in
 4.5 person to the county auditor or municipal clerk on behalf of a voter by a person other than
 4.6 the voter must be deposited in the mail or returned in person to the county auditor or
 4.7 municipal clerk within ten days after it has been dated by the voter and no later than six
 4.8 days before the election. The absentee ballot applications or a list of persons applying for
 4.9 an absentee ballot ~~may~~ must not be made available for public inspection until the close of
 4.10 voting on election day, except as authorized in section 203B.12, and must be available to
 4.11 the public in the same manner as public information lists in section 201.091, subdivisions
 4.12 4, 5, and 9.

4.13 (e) An application under this subdivision may contain an application under subdivision
 4.14 5 to automatically receive an absentee ballot application.

4.15 Sec. 4. Minnesota Statutes 2018, section 203B.081, subdivision 1, is amended to read:

4.16 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the
 4.17 office of the county auditor and at any other polling place designated by the county auditor
 4.18 during the 46 days before the election, except as provided in this section. The county auditor
 4.19 shall make such polling place designations at least 14 weeks before the election. Voters
 4.20 casting absentee ballots in person for a town election held in March may do so during the
 4.21 46 days before the election.

4.22 Sec. 5. Minnesota Statutes 2018, section 203B.081, subdivision 2, is amended to read:

4.23 Subd. 2. ~~Town elections~~ **Voting booth; electronic ballot marker.** ~~Voters casting~~
 4.24 ~~absentee ballots in person for a town election held in March may do so during the 30 days~~
 4.25 ~~before the election. The county auditor shall make such designations at least 14 weeks before~~
 4.26 ~~the election. For purposes of this section, the county auditor must make available in each~~
 4.27 ~~polling place (1) at least one voting booth in each polling place must be made available by~~
 4.28 ~~the county auditor for this purpose. The county auditor must also make available, and (2)~~
 4.29 ~~at least one electronic ballot marker in each polling place that has implemented a voting~~
 4.30 ~~system that is accessible for individuals with disabilities pursuant to section 206.57,~~
 4.31 ~~subdivision 5.~~

5.1 Sec. 6. Minnesota Statutes 2018, section 203B.12, subdivision 7, is amended to read:

5.2 Subd. 7. **Names of persons; rejected absentee ballots.** The names of voters who have
5.3 submitted an absentee ballot to the county auditor or municipal clerk that has not been
5.4 accepted ~~may~~ must not be made available for public inspection until the close of voting on
5.5 election day.

5.6 After the close of voting on election day, the lists must be available to the public in the
5.7 same manner as public information lists in section 201.091, subdivisions 4, 5, and 9.

5.8 Sec. 7. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

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

5.17 (b) The members of the ballot board shall mark the ~~return~~ signature envelope "Accepted"
5.18 and initial or sign the ~~return~~ signature envelope below the word "Accepted" if a majority
5.19 of the members of the ballot board examining the envelope are satisfied that:

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

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

5.23 (3) the voter's Minnesota driver's license, state identification number, or the last four
5.24 digits of the voter's Social Security number are the same as a number on the voter's absentee
5.25 ballot application or voter record. If the number does not match, the election judges must
5.26 compare the signature provided by the applicant to determine whether the ballots were
5.27 returned by the same person to whom they were transmitted;

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

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

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

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

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

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

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

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

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

6.27 (2) the reason for rejection; and

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

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

7.1 Sec. 8. Minnesota Statutes 2019 Supplement, section 203B.121, subdivision 4, is amended
7.2 to read:

7.3 Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before
7.4 the election, the ballots from ~~return~~ secrecy envelopes within the signature envelopes marked
7.5 "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86,
7.6 subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate
7.7 ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must
7.8 be returned in the manner provided by section 204C.25 for return of spoiled ballots, and
7.9 may not be counted.

7.10 Sec. 9. Minnesota Statutes 2018, section 203B.24, subdivision 1, is amended to read:

7.11 Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt
7.12 of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election
7.13 judges shall compare the voter's name with the names recorded under section 203B.19 in
7.14 the statewide registration system to insure that the ballot is from a voter eligible to cast an
7.15 absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return
7.16 envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if
7.17 the election judges are satisfied that:

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

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

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

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

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

7.27 If the identification number described in clause (3) does not match the number as
7.28 submitted on the application, the election judges must make a reasonable effort to satisfy
7.29 themselves through other information provided by the applicant, or by an individual
7.30 authorized to apply on behalf of the voter, that the ballots were returned by the same person
7.31 to whom the ballots were transmitted.

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

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

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

8.12 Sec. 10. Minnesota Statutes 2018, section 204B.09, subdivision 3, is amended to read:

8.13 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who
8.14 wants write-in votes for the candidate to be counted must file a written request with the
8.15 filing office for the office sought not more than 84 days before the primary and no later
8.16 than the seventh day before the general election. The filing officer shall provide copies of
8.17 the form to make the request. No written request shall be accepted later than 5:00 p.m. on
8.18 the last day for filing a written request.

8.19 (b) A candidate for president of the United States who files a request under this
8.20 subdivision must ~~include the name of a candidate for vice president of the United States.~~
8.21 file jointly with another individual seeking nomination as a candidate for vice president of
8.22 the United States. A candidate for vice president of the United States who files a request
8.23 under this subdivision must file jointly with another individual seeking nomination as a
8.24 candidate for president of the United States. The request must also include the name of at
8.25 least one candidate for presidential elector. The total number of names of candidates for
8.26 presidential elector on the request may not exceed the total number of electoral votes to be
8.27 cast by Minnesota in the presidential election.

8.28 (c) A candidate for governor who files a request under this subdivision must ~~include the~~
8.29 ~~name of a candidate for lieutenant governor.~~ file jointly with another individual seeking
8.30 nomination as a candidate for lieutenant governor. A candidate for lieutenant governor who
8.31 files a request under this subdivision must file jointly with another individual seeking
8.32 nomination as a candidate for governor.

9.1 Sec. 11. Minnesota Statutes 2018, section 204B.16, subdivision 1, is amended to read:

9.2 Subdivision 1. **Authority; location.** (a) By December 31 of each year, the governing
 9.3 body of each municipality and of each county with precincts in unorganized territory must
 9.4 designate by ordinance or resolution ~~a polling place for each election precinct. The polling~~
 9.5 ~~places designated in the ordinance or resolution are the polling places for the following~~
 9.6 ~~calendar year, unless a change is made:~~ any changes to a polling place location. A polling
 9.7 place must be maintained for the following calendar year unless changed:

9.8 (1) by ordinance or resolution by December 31 of the previous year;

9.9 ~~(1)~~ (2) pursuant to section 204B.175;

9.10 ~~(2)~~ (3) because a polling place has become unavailable; or

9.11 ~~(3)~~ (4) because a township designates one location for all state, county, and federal
 9.12 elections and one location for all township only elections.

9.13 (b) Polling places must be designated and ballots must be distributed so that no one is
 9.14 required to go to more than one polling place to vote in a school district and municipal
 9.15 election held on the same day. The polling place for a precinct in a city or in a school district
 9.16 located in whole or in part in the metropolitan area defined by section 200.02, subdivision
 9.17 24, shall be located within the boundaries of the precinct or within one mile of one of those
 9.18 boundaries unless a single polling place is designated for a city pursuant to section 204B.14,
 9.19 subdivision 2, or a school district pursuant to section 205A.11. The polling place for a
 9.20 precinct in unorganized territory may be located outside the precinct at a place which is
 9.21 convenient to the voters of the precinct. If no suitable place is available within a town or
 9.22 within a school district located outside the metropolitan area defined by section 200.02,
 9.23 subdivision 24, then the polling place for a town or school district may be located outside
 9.24 the town or school district within five miles of one of the boundaries of the town or school
 9.25 district.

9.26 Sec. 12. Minnesota Statutes 2018, section 204B.36, subdivision 2, is amended to read:

9.27 Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a right
 9.28 angle to the length of the ballot. At a general election the name of the political party or the
 9.29 political principle of each candidate for partisan office shall be printed above or below the
 9.30 name of the candidate. The name of a political party or a political principle shall be printed
 9.31 in capital and lowercase letters of the same type, with the capital letters at least one-half the
 9.32 height of the capital letters used for names of the candidates. At a general or special election,
 9.33 blank lines containing the words "write-in, if any" shall be printed below the name of the

10.1 last candidate for each office, or below the title of the office if no candidate has filed for
10.2 that office, so that a voter may write in the names of individuals whose names are not on
10.3 the ballot. One blank line shall be printed for each officer of that kind to be elected. At a
10.4 primary election, no blank lines shall be provided for writing in the names of individuals
10.5 whose names do not appear on the primary ballot.

10.6 On the left side of the ballot at the same level with the name of each candidate and each
10.7 blank line shall be printed an oval or similar target shape in which the voter may designate
10.8 a vote by filling in the oval or similar mark if a different target shape is used. Each oval or
10.9 target shape shall be the same size. Above the first name on each ballot shall be instructions
10.10 for voting. Directly underneath the official title of each office shall be printed the words
10.11 "Vote for one" or "Vote for up to ..." (any greater number to be elected).

10.12 Sec. 13. Minnesota Statutes 2018, section 204C.05, subdivision 1a, is amended to read:

10.13 Subd. 1a. **Elections; organized town.** The governing body of a town with less than 500
10.14 inhabitants according to the most recent federal decennial census, which is located outside
10.15 the metropolitan area as defined in section 200.02, subdivision 24, may fix a later time for
10.16 voting to begin at state primary, special, or general elections, if approved by a vote of the
10.17 town electors at the annual town meeting. The question of shorter voting hours must be
10.18 included in the notice of the annual town meeting before the question may be submitted to
10.19 the electors at the meeting. The later time may not be later than 10:00 a.m. for special,
10.20 primary, or general elections. The town clerk shall either post or publish notice of the
10.21 changed hours and notify the county auditor and the secretary of state of the change 30 days
10.22 before the election.

10.23 Sec. 14. Minnesota Statutes 2018, section 204C.05, subdivision 1b, is amended to read:

10.24 Subd. 1b. **Elections; unorganized territory.** An unorganized territory or unorganized
10.25 territories which constitute a voting district may have shorter voting hours if at least 20
10.26 percent of the registered voters residing in the voting district sign a petition for shorter hours
10.27 and present it to the county auditor and secretary of state at least 30 days before the election.
10.28 The later time may not be later than 10:00 a.m. for special, primary, or general elections.
10.29 The county auditor shall either post or publish notice of the changed hours, within the voting
10.30 district, 30 days before the election.

11.1 Sec. 15. Minnesota Statutes 2018, section 204C.21, subdivision 1, is amended to read:

11.2 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
 11.3 and count the votes cast for each office or question, beginning with the first office or question
 11.4 on the ballot. They shall make one pile of the ballots for each candidate who received votes
 11.5 for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question.
 11.6 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They
 11.7 shall make a pile of ballots that are not totally defective but are defective with respect to
 11.8 the office or question being counted and a pile of ballots that are not totally blank but are
 11.9 blank with respect to the office or question being counted. After the separation into piles,
 11.10 the election judges shall examine each pile and remove and place in the proper pile any
 11.11 ballots that are found in the wrong pile. The election judges shall count the totally blank
 11.12 and totally defective ballots and set them aside until the counting is over for that ballot. In
 11.13 conducting the count of blank ballots, election judges may presume that the total count
 11.14 provided for prepackaged ballots is correct. The election judges may pile ballots crosswise
 11.15 in groups of 25 in the same pile to facilitate counting. When their counts agree, the election
 11.16 judges shall announce the number of ballots in each pile, and shall write the number in the
 11.17 proper place on the summary statements.

11.18 The election judges shall then return all the counted ballots, and all the partially defective
 11.19 or partially blank ballots, to the original pile to be separated and counted in the same manner
 11.20 for the next office or question.

11.21 Sec. 16. Minnesota Statutes 2018, section 204C.27, is amended to read:

11.22 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

11.23 One or more of the election judges in each precinct shall deliver ~~two sets~~ one set of
 11.24 summary statements; all spoiled ballots; and the envelopes containing the ballots either
 11.25 directly to the municipal clerk for transmittal to the county auditor's office or directly to the
 11.26 county auditor's office as soon as possible after the vote counting is completed but no later
 11.27 than 24 hours after the end of the hours for voting. One or more election judges shall deliver
 11.28 the remaining set of summary statements and returns, all unused and spoiled municipal and
 11.29 school district ballots, the envelopes containing municipal and school district ballots, and
 11.30 all other things furnished by the municipal or school district clerk, to the municipal or school
 11.31 district clerk's office within 24 hours after the end of the hours for voting. The municipal
 11.32 or school district clerk shall return all polling place rosters and completed voter registration
 11.33 cards to the county auditor within 48 hours after the end of the hours for voting.

12.1 Sec. 17. Minnesota Statutes 2018, section 204C.33, subdivision 3, is amended to read:

12.2 Subd. 3. **State canvass.** The State Canvassing Board shall meet at a public meeting
12.3 space located in the Capitol complex area on the third Tuesday following the state general
12.4 election to canvass the certified copies of the county canvassing board reports received from
12.5 the county auditors and shall prepare a report that states:

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

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

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

12.11 Upon completion of the canvass, the State Canvassing Board shall declare the candidates
12.12 duly elected who received the highest number of votes for each federal and state office. All
12.13 members of the State Canvassing Board shall sign the report and certify its correctness. The
12.14 State Canvassing Board shall declare the result within three days after completing the
12.15 canvass.

12.16 Sec. 18. Minnesota Statutes 2018, section 204C.35, subdivision 3, is amended to read:

12.17 Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited
12.18 in scope to the determination of the number of votes validly cast for the office or question
12.19 to be recounted. Only the ballots cast in the election and the summary statements certified
12.20 by the election judges may be considered in the recount process. Original ballots that have
12.21 been duplicated under section 206.86, subdivision 5, are not within the scope of a recount
12.22 and must not be examined except as provided by a court in an election contest under chapter
12.23 209.

12.24 Sec. 19. Minnesota Statutes 2018, section 204C.36, subdivision 1, is amended to read:

12.25 Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and
12.26 (c), a losing candidate for nomination or election to a county, municipal, or school district
12.27 office may request a recount of the votes cast for the nomination or election to that office
12.28 if the difference between the vote cast for that candidate and for a winning candidate for
12.29 nomination or election is less than one-quarter of one percent of the total votes counted for
12.30 that office. In case of offices where two or more seats are being filled from among all the
12.31 candidates for the office, the one-quarter of one percent difference is between the elected

13.1 candidate with the fewest votes and the candidate with the most votes from among the
13.2 candidates who were not elected.

13.3 (b) A losing candidate for nomination or election to a county, municipal, or school
13.4 district office may request a recount of the votes cast for nomination or election to that
13.5 office if the difference between the votes cast for that candidate and for a winning candidate
13.6 for nomination or election is less than one-half of one percent, and the total number of votes
13.7 cast for the nomination or election of all candidates is more than 400 but less than 50,000.
13.8 In cases of offices where two or more seats are being filled from among all the candidates
13.9 for the office, the one-half of one percent difference is between the elected candidate with
13.10 the fewest votes and the candidate with the most votes from among the candidates who
13.11 were not elected.

13.12 (c) A losing candidate for nomination or election to a county, municipal, or school district
13.13 office may request a recount of the votes cast for nomination or election to that office if the
13.14 difference between the vote cast for that candidate and for a winning candidate for nomination
13.15 or election is ten votes or less, and the total number of votes cast for the nomination or
13.16 election of all candidates is no more than 400. In cases of offices where two or more seats
13.17 are being filled from among all the candidates for the office, the ten vote difference is
13.18 between the elected candidate with the fewest votes and the candidate with the most votes
13.19 from among the candidates who were not elected.

13.20 (d) Candidates for county offices shall file a written request for the recount with the
13.21 county auditor. Candidates for municipal or school district offices shall file a written request
13.22 with the municipal or school district clerk as appropriate. All requests under this paragraph
13.23 shall be filed by between the close of the canvass of a primary or special primary and 5:00
13.24 p.m. on the fifth day after the canvass of a primary or special primary or by between the
13.25 close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the
13.26 canvass of a special or general election for which a recount is sought.

13.27 (e) Upon receipt of a request made pursuant to this section, the county auditor shall
13.28 recount the votes for a county office at the expense of the county, the governing body of
13.29 the municipality shall recount the votes for a municipal office at the expense of the
13.30 municipality, and the school board of the school district shall recount the votes for a school
13.31 district office at the expense of the school district.

13.32 Sec. 20. Minnesota Statutes 2018, section 204D.08, subdivision 4, is amended to read:

13.33 Subd. 4. **State partisan primary ballot; party columns.** The state partisan primary
13.34 ballot shall be headed by the words "State Partisan Primary Ballot." The ballot shall be

14.1 printed on white paper. There must be at least three vertical columns on the ballot and each
14.2 major political party shall have a separate column headed by the words "..... Party,"
14.3 giving the party name. Above the party names, the following statement shall be printed.

14.4 "Minnesota Election Law permits you to vote for the candidates of only one political
14.5 party in a state partisan primary election."

14.6 If there are only two major political parties to be listed on the ballot, one party must
14.7 occupy the left-hand column, the other party must occupy the right-hand column, and the
14.8 center column must contain the following statement:

14.9 "Do not vote for candidates of more than one party."

14.10 The names of the candidates seeking the nomination of each major political party shall
14.11 be listed in that party's column. If only one individual files an affidavit of candidacy seeking
14.12 the nomination of a major political party for an office, the name of that individual shall be
14.13 placed on the state partisan primary ballot at the appropriate location in that party's column.

14.14 In each column, the candidates for senator in Congress shall be listed first, candidates
14.15 for representative in Congress second, candidates for state senator third, candidates for state
14.16 representative fourth and then candidates for state office in the order specified by the secretary
14.17 of state. Vacant offices being filled by special election must be listed with other offices of
14.18 that type, but after any office of that type for which a candidate will be elected for a full
14.19 term.

14.20 The party columns shall be substantially the same in width, type, and appearance. The
14.21 columns shall be separated by a 12-point solid line.

14.22 Sec. 21. Minnesota Statutes 2018, section 204D.13, subdivision 1, is amended to read:

14.23 Subdivision 1. **Order of offices.** The candidates for partisan offices shall be placed on
14.24 the state general election ballot in the following order: senator in Congress shall be first;
14.25 representative in Congress, second; state senator, third; and state representative, fourth. The
14.26 candidates for state offices shall follow in the order specified by the secretary of state.
14.27 Candidates for governor and lieutenant governor shall appear so that a single vote may be
14.28 cast for both offices. Vacant offices being filled by special election must be listed with other
14.29 offices of that type, but after any office of that type for which a candidate will be elected
14.30 for a full term.

15.1 Sec. 22. Minnesota Statutes 2018, section 204D.27, subdivision 5, is amended to read:

15.2 Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than
15.3 four days after the returns of the county canvassing boards are certified to the secretary of
15.4 state, the State Canvassing Board shall complete its canvass of the special primary. The
15.5 secretary of state shall then promptly certify to the county auditors the names of the
15.6 nominated individuals, prepare notices of nomination, and notify each nominee of the
15.7 nomination. In case of a contest of a special primary for state senator or state representative,
15.8 the notice of contest must be filed within four days, excluding Sundays and legal holidays,
15.9 after the canvass is completed, and the contest shall otherwise proceed in the manner provided
15.10 by law for contesting elections.

15.11 Sec. 23. Minnesota Statutes 2018, section 204D.28, subdivision 9, is amended to read:

15.12 Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions
15.13 for candidates to fill a vacancy at a special election shall open 12 weeks before the special
15.14 primary or on the day the secretary of state issues notice of the special election, whichever
15.15 occurs later. Filings shall close ten weeks before the special primary. A candidate filing for
15.16 the office of United States senator to fill a vacancy at a special election when both offices
15.17 of United States senator are required to be placed on the same ballot must specify on the
15.18 affidavit of candidacy the expiration date of the term of the office that the candidate is
15.19 seeking.

15.20 Sec. 24. Minnesota Statutes 2018, section 204D.28, subdivision 10, is amended to read:

15.21 Subd. 10. **United States senator; candidates; designation of term.** When the names
15.22 of candidates for both offices of United States senator are required to be placed on the same
15.23 ballot, the expiration date of the term of each office shall be printed on the ballot in the
15.24 office heading opposite the name of each candidate for nomination or election to that office.

15.25 Sec. 25. Minnesota Statutes 2018, section 206.805, subdivision 1, is amended to read:

15.26 Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance of the
15.27 commissioner of administration, must establish one or more state voting systems contracts.
15.28 The contracts should, if practical, include provisions for maintenance of the equipment
15.29 purchased. The voting systems contracts must address precinct-based optical scan voting
15.30 equipment, assistive voting technology, automatic tabulating equipment, and electronic
15.31 roster equipment. The contracts must give the state a perpetual license to use and modify
15.32 the software. The contracts must include provisions to escrow the software source code, as

16.1 ~~provided in subdivision 2.~~ Bids for voting systems and related election services must be
16.2 solicited from each vendor selling or leasing voting systems that have been certified for use
16.3 by the secretary of state. Bids for electronic roster equipment, software, and related services
16.4 must be solicited from each vendor selling or leasing electronic roster equipment that meets
16.5 the requirements of section 201.225, subdivision 2. The contracts must be renewed from
16.6 time to time.

16.7 (b) Counties and municipalities may purchase or lease voting systems and obtain related
16.8 election services from the state contracts. All counties and municipalities are members of
16.9 the cooperative purchasing venture of the Department of Administration for the purpose of
16.10 this section. For the purpose of township elections, counties must aggregate orders under
16.11 contracts negotiated under this section for products and services and may apportion the
16.12 costs of those products and services proportionally among the townships receiving the
16.13 products and services. The county is not liable for the timely or accurate delivery of those
16.14 products or services.

16.15 Sec. 26. Minnesota Statutes 2018, section 206.89, subdivision 4, is amended to read:

16.16 Subd. 4. **Standard of acceptable performance by voting system.** A comparison of the
16.17 results compiled by the voting system with the postelection review described in this section
16.18 must show that the results of the electronic voting system differed by no more than ~~one-half~~
16.19 one-quarter of one percent from the manual count of the offices reviewed. Valid votes that
16.20 have been marked by the voter outside the vote targets or using a manual marking device
16.21 that cannot be read by the voting system must not be included in making the determination
16.22 whether the voting system has met the standard of acceptable performance for any precinct.

16.23 Sec. 27. Minnesota Statutes 2018, section 206.89, subdivision 5, is amended to read:

16.24 Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed precincts
16.25 reveals a difference greater than ~~one-half~~ one-quarter of one percent, or greater than two
16.26 votes in a precinct where 400 or fewer voters cast ballots, the postelection review official
16.27 must, within two days, conduct an additional review of the races indicated in subdivision
16.28 3 in at least three precincts in the same jurisdiction where the discrepancy was discovered.
16.29 If all precincts in that jurisdiction have been reviewed, the county auditor must immediately
16.30 publicly select by lot at least three additional precincts for review. The postelection review
16.31 official must complete the additional review within two days after the precincts are selected
16.32 and report the results immediately to the county auditor. If the second review in any of the
16.33 reviewed precincts also indicates a difference in the vote totals compiled by the voting

17.1 system that is greater than ~~one-half~~ one-quarter of one percent from the result indicated by
17.2 the postelection review, or greater than two votes in a precinct where 400 or fewer voters
17.3 cast ballots, the county auditor must conduct a review of the ballots from all the remaining
17.4 precincts in the county for the races indicated in subdivision 3. This review must be
17.5 completed and the results must be reported to the secretary of state within one week after
17.6 the second review was completed.

17.7 (b) If the results from the countywide reviews from one or more counties comprising in
17.8 the aggregate more than ten percent of the total number of persons voting in the election
17.9 clearly indicate that an error in vote counting has occurred, the secretary of state must notify
17.10 the postelection review official of each county in the district that they must conduct manual
17.11 recounts of all the ballots in the district for the affected office using the procedure outlined
17.12 in section 204C.35. The recount must be completed and the results reported to the appropriate
17.13 canvassing board within two weeks after the postelection review official received notice
17.14 from the secretary of state.

17.15 Sec. 28. Minnesota Statutes 2018, section 206.90, subdivision 6, is amended to read:

17.16 Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on
17.17 which all ballot information is included must be printed in black ink on white colored
17.18 material except that marks not to be read by the automatic tabulating equipment may be
17.19 printed in another color ink. In state elections, a single ballot title must be used, as provided
17.20 in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. ~~In odd-numbered years~~
17.21 When both municipal and school district offices or questions appear on the ballot, the single
17.22 ballot title "City (or Town) and School District Ballot" must be used.

17.23 On the front of the ballot must be printed the words "Official Ballot" and the date of the
17.24 election and lines for the initials of at least two election judges.

17.25 When optical scan ballots are used, the offices to be elected must appear in the following
17.26 order: federal offices; state legislative offices; constitutional offices; proposed constitutional
17.27 amendments; county offices and questions; municipal offices and questions; school district
17.28 offices and questions; special district offices and questions; and judicial offices.

17.29 On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot
17.30 questions must be printed as close to their corresponding vote targets as possible.

17.31 The line on an optical scan ballot for write-in votes must contain the words "write-in,
17.32 if any."

18.1 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions
18.2 to voters must include a statement that reads substantially as follows: "This ballot card
18.3 contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted
18.4 to vote for candidates of one political party only." If a primary ballot contains political party
18.5 columns on both sides of the ballot, the instructions to voters must include a statement that
18.6 reads substantially as follows: "Additional political parties are printed on the other side of
18.7 this ballot. Vote for one political party only." At the bottom of each political party column
18.8 on the primary ballot, the ballot must contain a statement that reads substantially as follows:
18.9 "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision
18.10 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
18.11 ballot readers must follow the order of offices and questions on the optical scan or paper
18.12 ballot used in the same precinct, or the sample ballot posted for that precinct.

18.13 Sec. 29. Minnesota Statutes 2018, section 208.03, is amended to read:

18.14 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

18.15 Presidential electors and alternates for the major political parties of this state shall be
18.16 nominated by delegate conventions called and held under the supervision of the respective
18.17 state central committees of the parties of this state. At least ~~71~~ 67 days before the general
18.18 election day the chair of the major political party shall certify to the secretary of state the
18.19 names of the persons nominated as presidential electors, the names of persons nominated
18.20 as alternate presidential electors, and the names of the party candidates for president and
18.21 vice president. The chair shall also certify that the party candidates for president and vice
18.22 president have no affidavit on file as a candidate for any office in this state at the ensuing
18.23 general election.

18.24 Sec. 30. Minnesota Statutes 2018, section 211B.11, subdivision 1, is amended to read:

18.25 Subdivision 1. **Soliciting near polling places.** A person may not display campaign
18.26 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within
18.27 a polling place or within 100 feet of the building in which a polling place is situated, or
18.28 anywhere on the public property on which a polling place is situated, on primary or election
18.29 day to vote for or refrain from voting for a candidate or ballot question. A person may not
18.30 provide political badges, political buttons, or other political insignia to be worn at or about
18.31 the polling place on the day of a primary or election. A political badge, political button, or
18.32 other political insignia may not be worn at or about the polling place on primary or election

19.1 day. This section applies only during voting hours and to areas established by the county
19.2 auditor or municipal clerk for absentee voting as provided in chapter 203B.

19.3 Nothing in this subdivision prohibits the distribution of "I VOTED" stickers as provided
19.4 in section 204B.49.

19.5 Sec. 31. Minnesota Statutes 2018, section 367.25, subdivision 1, is amended to read:

19.6 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
19.7 a special election, or appointed to a town office, within ten days after receiving a certificate
19.8 or notice of election or appointment, shall take and subscribe the oath required by law.
19.9 Persons elected at a November election shall take their oath before assuming office. If taken
19.10 before the town clerk, the oath shall be administered and certified without fee.

19.11 Sec. 32. Minnesota Statutes 2018, section 412.02, subdivision 2a, is amended to read:

19.12 Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an
19.13 office shall be filled by council appointment until an election is held as provided in this
19.14 subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If
19.15 the vacancy occurs before the first day to file affidavits of candidacy for the next regular
19.16 city election and more than two years remain in the unexpired term, a special election shall
19.17 be held at or before the next regular city election and the appointed person shall serve until
19.18 the qualification of a successor elected at a special election to fill the unexpired portion of
19.19 the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for
19.20 the regular city election or when less than two years remain in the unexpired term, there
19.21 need not be a special election to fill the vacancy and the appointed person shall serve until
19.22 the qualification of a successor. The council must specify by ordinance under what
19.23 circumstances it will hold a special election to fill a vacancy other than a special election
19.24 held at the same time as the regular city election.

19.25 All of the provisions of the Minnesota Election Law are applicable to special elections
19.26 as far as practicable.

19.27 Sec. 33. Laws 2017, First Special Session chapter 4, article 1, section 6, subdivision 5, is
19.28 amended to read:

19.29 **Subd. 5. Elections** 10,580,000 3,909,000

19.30 Of these amounts, \$7,000,000 the first year is
19.31 for election equipment grants under Minnesota

20.1 Statutes, section 206.95. This appropriation is
20.2 available until June 30, ~~2020~~ 2021.

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