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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3024

02/03/2022 Authored by Boldon, Greenman, Bahner and Long
The bill was read for the first time and referred to the Committee on State Government Finance and Elections

1.1 A bill for an act
1.2 relating to elections; authorizing eligible voters to automatically receive an absentee
1.3 ballot prior to each election; establishing a system of early voting; amending
1.4 Minnesota Statutes 2020, sections 203B.001; 203B.01, by adding a subdivision;
1.5 203B.03, subdivision 1; 203B.04, subdivision 5; 203B.05, subdivision 1; 203B.06,
1.6 subdivisions 1, 3; 203B.121, subdivisions 3, 5, by adding a subdivision; 204B.28,
1.7 subdivision 2; 206.82, subdivision 1; 206.83; Minnesota Statutes 2021 Supplement,
1.8 section 203B.121, subdivisions 1, 2, 4; proposing coding for new law in Minnesota
1.9 Statutes, chapter 203B.

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

1.11 Section 1. Minnesota Statutes 2020, section 203B.001, is amended to read:

1.12 203B.001 ELECTION LAW APPLICABILITY.

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

1.15 Sec. 2. Minnesota Statutes 2020, section 203B.01, is amended by adding a subdivision to
1.16 read:

1.17 Subd. 5. Early voting. "Early voting" means voting in person before election day at the
1.18 office of the county auditor or designated municipal clerk, or at any other location designated
1.19 under section 203B.33, within the time period provided in section 203B.31.

1.20 Sec. 3. Minnesota Statutes 2020, section 203B.03, subdivision 1, is amended to read:

1.21 Subdivision 1. Violation. (a) No individual shall intentionally:

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

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

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

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

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

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

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

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

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

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

2.18 Sec. 4. Minnesota Statutes 2020, section 203B.04, subdivision 5, is amended to read:

2.19 Subd. 5. **Permanent absentee voter status.** (a) An eligible voter may apply to a county
2.20 auditor or municipal clerk to automatically receive an absentee ballot ~~application~~ before
2.21 each election, other than an election by mail conducted under section 204B.45, and to have
2.22 the status as a permanent absentee voter indicated on the voter's registration record. An
2.23 eligible voter listed as an ongoing absentee voter as of July 31, 2013, pursuant to laws in
2.24 effect on that date, shall be treated as if the voter applied for status as a permanent absentee
2.25 voter pursuant to this subdivision.

2.26 (b) A voter who applies under paragraph (a) must automatically be provided an absentee
2.27 ballot ~~application~~ for each eligible election. A voter's permanent absentee status ends and
2.28 automatic ballot ~~application~~ delivery must be terminated on:

2.29 (1) the voter's written request;

2.30 (2) the voter's death;

2.31 (3) return of an absentee ballot as undeliverable; or

3.1 (4) a change in the voter's status to "challenged" or "inactive" in the statewide voter
3.2 registration system.

3.3 (c) The secretary of state shall adopt rules governing procedures under this subdivision.

3.4 (d) This subdivision does not apply to a voter residing in a jurisdiction that conducts
3.5 elections entirely by mail under section 204B.45.

3.6 Sec. 5. Minnesota Statutes 2020, section 203B.05, subdivision 1, is amended to read:

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

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

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

3.12 The designation or notice must specify whether the clerk will be responsible for the
3.13 administration of a ballot board as provided in section 203B.121.

3.14 A clerk of a city that is located in more than one county may only administer the
3.15 provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has been
3.16 designated by each of the county auditors or has provided notice to each of the county
3.17 auditors that the city will administer absentee voting. A clerk may only administer the
3.18 provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the
3.19 statewide voter registration system in the secure manner prescribed by the secretary of state.
3.20 The secretary of state must identify hardware, software, security, or other technical
3.21 prerequisites necessary to ensure the security, access controls, and performance of the
3.22 statewide voter registration system. A clerk must receive training approved by the secretary
3.23 of state on the use of the statewide voter registration system before administering this section.
3.24 A clerk may not use the statewide voter registration system until the clerk has received the
3.25 required training. The county auditor must notify the secretary of state of any municipal
3.26 clerk who will be administering the provisions of this section and the duties that the clerk
3.27 will administer.

3.28 Sec. 6. Minnesota Statutes 2020, section 203B.06, subdivision 1, is amended to read:

3.29 Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal
3.30 clerk shall prepare and print a sufficient number of blank application forms for absentee
3.31 ballots. The county auditor or municipal clerk shall deliver a blank application form to any
3.32 voter who requests one pursuant to section 203B.04. ~~Blank application forms must be mailed~~

4.1 ~~to eligible voters who have requested an application pursuant to section 203B.04, subdivision~~
 4.2 ~~5, at least 60 days before:~~

4.3 ~~(1) each regularly scheduled primary for federal, state, county, city, or school board~~
 4.4 ~~office;~~

4.5 ~~(2) each regularly scheduled general election for city or school board office for which~~
 4.6 ~~a primary is not held; and~~

4.7 ~~(3) a special primary to fill a federal or county office vacancy or special election to fill~~
 4.8 ~~a federal or county office vacancy, if a primary is not required to be held pursuant to section~~
 4.9 ~~204D.03, subdivision 3, or 204D.07, subdivision 3; and~~

4.10 ~~(4) any election held in conjunction with an election described in clauses (1) to (3);~~
 4.11 ~~or at least 45 days before any other primary or other election for which a primary is not~~
 4.12 ~~held.~~

4.13 Sec. 7. Minnesota Statutes 2020, section 203B.06, subdivision 3, is amended to read:

4.14 Subd. 3. **Delivery of ballots.** (a) The county auditor or municipal clerk, or full-time
 4.15 clerk of any city or town administering an election pursuant to section 203B.05, shall mail
 4.16 absentee ballots to voters on the permanent absentee ballot list pursuant to section 203B.04,
 4.17 subdivision 5. Absentee ballots must be mailed:

4.18 (1) at least 46 days before each regularly scheduled primary or general election for
 4.19 federal, state, county, city, or school board office;

4.20 (2) at least 46 days before each special primary or special election to fill a federal, state,
 4.21 county, city, or school board vacancy; and

4.22 (3) at least 30 days before a town general election held in March.

4.23 (b) The commissioner of corrections must provide the secretary of state with a list of
 4.24 the names and mailing addresses of state adult correctional facilities. An application for an
 4.25 absentee ballot that provides an address included on the list provided by the commissioner
 4.26 of corrections must not be accepted and an absentee ballot must not be provided to the
 4.27 applicant. The county auditor or municipal clerk must promptly transmit a copy of the
 4.28 application to the county attorney. The Department of Corrections must implement procedures
 4.29 to ensure that absentee ballots issued under this chapter are not received or mailed by
 4.30 offenders incarcerated at state adult correctional facilities.

4.31 ~~(b)~~ (c) If an application for absentee ballots is accepted at a time when absentee ballots
 4.32 are not yet available for distribution, the county auditor, or municipal clerk accepting the

5.1 application shall file it and as soon as absentee ballots are available for distribution shall
5.2 mail them to the address specified in the application. If an application for absentee ballots
5.3 is accepted when absentee ballots are available for distribution, the county auditor or
5.4 municipal clerk accepting the application shall promptly:

5.5 (1) mail the ballots to the voter whose signature appears on the application if the
5.6 application is submitted by mail and does not request commercial shipping under clause
5.7 (2);

5.8 (2) ship the ballots to the voter using a commercial shipper requested by the voter at the
5.9 voter's expense;

5.10 (3) deliver the absentee ballots directly to the voter if the application is submitted in
5.11 person; or

5.12 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been
5.13 designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter
5.14 who would have difficulty getting to the polls because of incapacitating health reasons, or
5.15 who is disabled, or who is a patient in a health care facility, a resident of a facility providing
5.16 assisted living services governed by chapter 144G, a participant in a residential program
5.17 for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for
5.18 battered women as defined in section 611A.37, subdivision 4.

5.19 ~~(e)~~ (d) If an application does not indicate the election for which absentee ballots are
5.20 sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the
5.21 next election occurring after receipt of the application. Only one set of ballots may be mailed,
5.22 shipped, or delivered to an applicant for any election, except as provided in section 203B.121,
5.23 subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that
5.24 has been spoiled or lost in transit.

5.25 Sec. 8. Minnesota Statutes 2021 Supplement, section 203B.121, subdivision 1, is amended
5.26 to read:

5.27 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county,
5.28 municipality, and school district with responsibility to accept and reject absentee ballots or
5.29 to administer early voting must, by ordinance or resolution, establish a ballot board. The
5.30 board must consist of a sufficient number of election judges appointed as provided in sections
5.31 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks
5.32 who have received training in the processing and counting of absentee ballots. Each member
5.33 of the ballot board must be provided adequate training on the processing and counting of

6.1 absentee ballots, including but not limited to instruction on accepting and rejecting absentee
6.2 ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board,
6.3 procedures for opening absentee ballot envelopes, procedures for counting absentee ballots,
6.4 and procedures for reporting absentee ballot totals.

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

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

6.9 Sec. 9. Minnesota Statutes 2021 Supplement, section 203B.121, subdivision 2, is amended
6.10 to read:

6.11 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
6.12 shall take possession of all signature envelopes delivered to them in accordance with section
6.13 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
6.14 two or more members of the ballot board shall examine each signature envelope and shall
6.15 mark it accepted or rejected in the manner provided in this subdivision. Election judges
6.16 performing the duties in this section must be of different major political parties, unless they
6.17 are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10,
6.18 subdivision 2.

6.19 (b) The members of the ballot board shall mark the signature envelope "Accepted" and
6.20 initial or sign the signature envelope below the word "Accepted" if a majority of the members
6.21 of the ballot board examining the envelope are satisfied that:

6.22 (1) the voter's name and address on the signature envelope are the same as the information
6.23 provided on the absentee ballot application or voter record;

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

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

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

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

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

7.5 The signature envelope from accepted ballots must be preserved and returned to the
7.6 county auditor.

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

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

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

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

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

7.29 (2) the reason for rejection; and

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

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

8.1 Sec. 10. Minnesota Statutes 2020, section 203B.121, is amended by adding a subdivision
8.2 to read:

8.3 Subd. 2a. **Duties of ballot board; early voting.** The members of the ballot board shall
8.4 administer the process of early voting as prescribed in section 203B.35 and shall make a
8.5 record of voters who cast ballots early and count those ballots as provided in subdivisions
8.6 4 and 5.

8.7 Sec. 11. Minnesota Statutes 2020, section 203B.121, subdivision 3, is amended to read:

8.8 Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk
8.9 must immediately record that a voter's absentee ballot has been accepted or that the voter
8.10 has cast a ballot pursuant to the early voting procedures provided in this chapter. A voter
8.11 whose record indicates that the voter has cast an early ballot must not be permitted to cast
8.12 another ballot in that election. After the close of business on the ~~seventh day before the~~
8.13 ~~election~~ day prior to the beginning of the early voting period as provided in section 203B.31,
8.14 a voter whose record indicates that an absentee ballot has been accepted must not be permitted
8.15 to cast another ballot at that election. In a state primary, general, or state special election
8.16 for federal ~~or~~ state, or county office, the auditor or clerk must also record this information
8.17 in the statewide voter registration system.

8.18 (b) The roster must be marked, and a supplemental report of absentee and early voters
8.19 who submitted a voter registration application with their ballot must be created, no later
8.20 than the start of voting on election day to indicate the voters that have already cast a ballot
8.21 at the election. The roster may be marked either:

8.22 (1) by the county auditor or municipal clerk before election day;

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

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

8.25 The record of a voter whose absentee ballot was received after the close of business on
8.26 the seventh day before the election is not required to be marked on the roster or contained
8.27 in a supplemental report as required by this paragraph.

8.28 Sec. 12. Minnesota Statutes 2021 Supplement, section 203B.121, subdivision 4, is amended
8.29 to read:

8.30 Subd. 4. **Opening of envelopes.** After the close of business on the ~~seventh day before~~
8.31 ~~the election~~ day prior to the beginning of the early voting period as provided in section
8.32 203B.31, the ballots from secrecy envelopes within the signature envelopes marked

9.1 "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86,
9.2 subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate
9.3 ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must
9.4 be returned in the manner provided by section 204C.25 for return of spoiled ballots, and
9.5 may not be counted.

9.6 Sec. 13. Minnesota Statutes 2020, section 203B.121, subdivision 5, is amended to read:

9.7 Subd. 5. **Storage and counting of absentee and early voting ballots.** (a) On a day on
9.8 which absentee or early voting ballots are inserted into a ballot box, two members of the
9.9 ballot board must:

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

9.11 (2) without inspecting the ballots, ensure that the number of ballots removed from the
9.12 ballot box is equal to the number of voters who cast early votes and whose absentee ballots
9.13 were accepted that day; and

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

9.16 (b) After the polls have closed on election day, two members of the ballot board must
9.17 count the ballots, tabulating the vote in a manner that indicates each vote of the voter and
9.18 the total votes cast for each candidate or question. In state primary and state general elections,
9.19 the results must indicate the total votes cast for each candidate or question in each precinct
9.20 and report the vote totals tabulated for each precinct. The count must be recorded on a
9.21 summary statement in substantially the same format as provided in section 204C.26. The
9.22 ballot board shall submit at least one completed summary statement to the county auditor
9.23 or municipal clerk. The county auditor or municipal clerk may require the ballot board to
9.24 submit a sufficient number of completed summary statements to comply with the provisions
9.25 of section 204C.27, or the county auditor or municipal clerk may certify reports containing
9.26 the details of the ballot board summary statement to the recipients of the summary statements
9.27 designated in section 204C.27.

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

9.32 The count shall be public. No vote totals from ballots may be made public before the
9.33 close of voting on election day.

10.1 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been
10.2 completed previously, the members of the ballot board must verify as soon as possible, but
10.3 no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots
10.4 arrived after the rosters were marked or supplemental reports were generated and whose
10.5 ballots were accepted did not vote in person on election day. An absentee ballot submitted
10.6 by a voter who has voted in person on election day must be rejected. All other accepted
10.7 absentee ballots must be opened, duplicated if necessary, and counted by members of the
10.8 ballot board. The vote totals from these ballots must be incorporated into the totals with the
10.9 other absentee ballots and handled according to paragraph (b).

10.10 Sec. 14. **[203B.30] EARLY VOTING; APPLICABILITY.**

10.11 (a) Any eligible voter may vote in person in a federal, state, or county election prior to
10.12 the date of the election, in the manner provided in sections 203B.31 to 203B.35.

10.13 (b) Subject to paragraph (c), for city elections not held in conjunction with a federal,
10.14 state, or county election, the city may authorize eligible voters to vote in the manner provided
10.15 in sections 203B.31 to 203B.35 upon resolution of the governing body of the city, adopted
10.16 prior to the first day for filing affidavits of candidacy for the election. In the case of a home
10.17 rule charter city, authorization may alternatively be made by amendment to the city's charter
10.18 for this purpose.

10.19 (c) A city may only authorize voting under sections 203B.31 to 203B.35 if the municipal
10.20 clerk has the technical capacity to access the statewide voter registration system in the secure
10.21 manner prescribed by the secretary of state. The secretary of state must identify hardware,
10.22 software, security, or other technical prerequisites necessary to ensure the security, access
10.23 controls, and performance of the statewide voter registration system. The clerk must receive
10.24 training approved by the secretary of state on the use of the statewide voter registration
10.25 system before administering voting authorized under paragraph (b). The clerk may not use
10.26 the statewide voter registration system until the clerk has received the required training.
10.27 The secretary of state may adopt rules using the exempt rulemaking procedure in section
10.28 14.386 as necessary to implement these requirements.

10.29 Sec. 15. **[203B.31] TIME PERIOD FOR EARLY VOTING.**

10.30 Early voting must be available to any eligible voter as provided in section 203B.32 for
10.31 every primary, general, and special election subject to early voting under section 203B.30
10.32 from 30 days before the election through 5:00 p.m. on the day before the election. All voters

11.1 in line at 5:00 p.m. on the day before the election must be allowed to vote in the same manner
11.2 as provided in section 204C.05, subdivision 2.

11.3 **Sec. 16. [203B.32] HOURS FOR EARLY VOTING.**

11.4 Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each
11.5 weekday during the time period provided in section 203B.31, from 8:00 a.m. to 8:00 p.m.
11.6 on at least one weekday, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays before the
11.7 election.

11.8 **Sec. 17. [203B.33] LOCATIONS FOR EARLY VOTING.**

11.9 (a) Early voting must be made available at polling places designated in the county
11.10 auditor's offices in county-owned or operated buildings, at the municipal clerk's office in
11.11 every municipality that has been delegated the responsibility to administer absentee voting
11.12 as provided in section 203B.05 or that is conducting an election that includes early voting
11.13 as authorized in section 203B.30, and at any other county or city-owned or operated buildings
11.14 designated by the county auditor or municipal clerk. The county auditor or municipal clerk
11.15 must designate a sufficient number of locations to ensure that one polling place exists for
11.16 every 50,000 people in the county and that locations are geographically distributed to ensure
11.17 a reasonable opportunity for all eligible voters in the county to vote early. If a sufficient
11.18 number of county or city-owned buildings are not suitable for use as early voting locations,
11.19 the county auditor or municipal clerk may contract for the use of other suitable locations
11.20 that meet the standards required by law for operation of a polling place. At least one voting
11.21 station and one ballot marking device for disabled voters must be made available in each
11.22 polling place.

11.23 (b) The county auditor or municipal clerk must make an electronic ballot counter available
11.24 in each polling place.

11.25 (c) This section does not prohibit the county auditor from establishing additional polling
11.26 places, other than those required by paragraph (a), that are open for fewer than 46 days. If
11.27 a polling place is open fewer than 46 days before the election, the county auditor or municipal
11.28 clerk must post the polling place location and hours of operation on the jurisdiction's website
11.29 and must inform the secretary of state of the polling place's location and hours.

11.30 **Sec. 18. [203B.34] NOTICE TO VOTERS.**

11.31 The county auditor or municipal clerk must prepare a notice to the voters of the days,
11.32 times, and locations for early voting. This notice must be posted on the county's website,

12.1 if applicable, and the website for each municipality in the county where an early voting
 12.2 location is designated for the election at least 14 days before the first day for early voting.
 12.3 If a county or municipality does not have a website, the county auditor or municipal clerk
 12.4 must publish the notice at least once in the jurisdiction's official newspaper at least seven
 12.5 days and not more than 14 days before the first day for early voting.

12.6 Sec. 19. **[203B.35] PROCEDURES FOR EARLY VOTING.**

12.7 Subdivision 1. **Voting procedure.** (a) Each voter shall sign the certificate provided in
 12.8 section 204C.10. An individual who is not registered to vote must register in the manner
 12.9 provided in section 201.061, subdivision 3.

12.10 (b) After the voter has signed the certificate, a member of the ballot board must provide
 12.11 a ballot to the voter. Ballots must be prepared and distributed by members of the ballot
 12.12 board in the manner provided in section 204C.09. The voter must mark the ballot and deposit
 12.13 it in either a precinct voting system or a sealed ballot box. A voter may not leave the polling
 12.14 place with the ballot.

12.15 Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35
 12.16 must be processed and counted by a ballot board.

12.17 Sec. 20. Minnesota Statutes 2020, section 204B.28, subdivision 2, is amended to read:

12.18 Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as
 12.19 otherwise provided for absentee ballots in this section and in section 204B.35, subdivision
 12.20 4, the county auditor shall complete the preparation of the election materials for which the
 12.21 auditor is responsible at least four days before every state primary and state general election.
 12.22 At any time after all election materials are available from the county auditor but not later
 12.23 than four days before the election each municipal clerk shall secure from the county auditor:

12.24 ~~(a)~~ (1) the forms that are required for the conduct of the election;

12.25 ~~(b)~~ (2) any printed voter instruction materials furnished by the secretary of state;

12.26 ~~(c)~~ (3) any other instructions for election officers; and

12.27 ~~(d)~~ (4) a sufficient quantity of the official ballots, registration files, envelopes for ballot
 12.28 returns, and other supplies and materials required for each precinct in order to comply with
 12.29 the provisions of the Minnesota Election Law. The county auditor may furnish the election
 12.30 supplies to the municipal clerks in the same manner as the supplies are furnished to precincts
 12.31 in unorganized territory pursuant to section 204B.29, subdivision 1.

13.1 (b) The county auditor must prepare and make available election materials for early
 13.2 voting to city clerks designated to administer early voting under section 203B.05 at least
 13.3 one day prior to the beginning of the early voting period as provided in section 203B.31.

13.4 Sec. 21. Minnesota Statutes 2020, section 206.82, subdivision 1, is amended to read:

13.5 Subdivision 1. **Program.** A program or programs for use in an election conducted by
 13.6 means of an electronic voting system or using an electronic ballot marker shall be prepared
 13.7 at the direction of the county auditor or municipal clerk who is responsible for the conduct
 13.8 of the election and shall be independently verified by a competent person designated by
 13.9 that official. The term "competent person" as used in this section means a person who can
 13.10 demonstrate knowledge as a computer programmer and who is other than and wholly
 13.11 independent of any person operating or employed by the counting center or the corporation
 13.12 or other preparer of the program. A test deck prepared by a competent person shall be used
 13.13 for independent verification of the program; it shall test the maximum digits used in totaling
 13.14 the returns and shall be usable by insertion during the tabulation process as well as prior to
 13.15 tabulation. A test deck must also be prepared using the electronic ballot marker program
 13.16 and must also be used to verify that all valid votes counted by the vote tabulator may be
 13.17 selected using the electronic ballot marker. The computer program for any election and an
 13.18 exact duplicate of the program for use as backup must be completed and delivered to the
 13.19 election jurisdiction or the county auditor in charge of a common central counting center
 13.20 at least 40 days prior to the election. The secretary of state shall adopt rules further specifying
 13.21 test procedures.

13.22 Sec. 22. Minnesota Statutes 2020, section 206.83, is amended to read:

13.23 **206.83 TESTING OF VOTING SYSTEMS.**

13.24 ~~Within 14~~ At least 37 days before election day, the official in charge of elections shall
 13.25 have the voting system tested to ascertain that the system will correctly mark ballots using
 13.26 all methods supported by the system, including through assistive technology, and count the
 13.27 votes cast for all candidates and on all questions. Public notice of the time and place of the
 13.28 test must be given at least two days in advance by publication once in official newspapers.
 13.29 The test must be observed by at least two election judges, who are not of the same major
 13.30 political party, and must be open to representatives of the political parties, candidates, the
 13.31 press, and the public. The test must be conducted by (1) processing a preaudited group of
 13.32 ballots punched or marked to record a predetermined number of valid votes for each candidate
 13.33 and on each question, and must include for each office one or more ballot cards which have

14.1 votes in excess of the number allowed by law in order to test the ability of the voting system
14.2 tabulator and electronic ballot marker to reject those votes; and (2) processing an additional
14.3 test deck of ballots marked using the electronic ballot marker for the precinct, including
14.4 ballots marked using the electronic ballot display, audio ballot reader, and any assistive
14.5 voting technology used with the electronic ballot marker. If any error is detected, the cause
14.6 must be ascertained and corrected and an errorless count must be made before the voting
14.7 system may be used in the election. After the completion of the test, the programs used and
14.8 ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

14.9 **Sec. 23. EFFECTIVE DATE; APPLICABILITY.**

14.10 Except where otherwise provided, this act is effective and applies to elections held on
14.11 or after August 1, 2022. The provisions of this act related to early voting are effective when
14.12 the secretary of state has certified that:

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

14.16 (2) precinct voting equipment that can tabulate at least 30 different ballot styles has been
14.17 certified for use in this state. Upon certification pursuant to this section, the provisions of
14.18 this act related to early voting apply to all federal, state, and county elections held on August
14.19 1, 2022, and thereafter. A jurisdiction may implement the requirements of this act prior to
14.20 the date provided in this section if the secretary of state has made the required certifications
14.21 at least 90 days prior to the date of the election at which early voting will be used.