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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3221**

- 03/01/2018 Authored by O'Driscoll, Nelson and Backer
- The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 03/19/2018 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/14/2018 Calendar for the Day, Amended
- Read Third Time as Amended
- Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to elections; making technical and policy changes to various election and

1.3 election administration provisions; amending Minnesota Statutes 2016, sections

1.4 201.225, subdivision 2; 203B.081, subdivisions 1, 2; 203B.121, subdivision 4;

1.5 204B.35, by adding a subdivision; 204B.45, subdivision 1; 204B.46; 204C.21,

1.6 subdivision 1; 204C.24, subdivision 1; 204C.36, subdivision 1; 204D.19, by adding

1.7 a subdivision; 204D.21, subdivision 3; 204D.27, subdivision 5; 206.80; 206.86,

1.8 by adding a subdivision; 206.90, subdivision 6; 207A.14, subdivision 2; 367.25,

1.9 subdivision 1; Minnesota Statutes 2017 Supplement, sections 201.121, subdivision

1.10 3; 204B.09, subdivision 3; 204B.16, subdivision 1.

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

1.12 Section 1. Minnesota Statutes 2017 Supplement, section 201.121, subdivision 3, is amended

1.13 to read:

1.14 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor

1.15 shall send the notice required by subdivision 2 to a random sampling of the individuals

1.16 registered on election day. The random sampling shall be determined in accordance with

1.17 the rules of the secretary of state. As soon as practicable after the election, the county auditor

1.18 shall mail the notice required by subdivision 2 to all other individuals registered on election

1.19 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine

1.20 the reason for the return. A county auditor who does not receive or obtain satisfactory proof

1.21 of an individual's eligibility to vote shall immediately notify the county attorney of all of

1.22 the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor

1.23 must notify the secretary of state of the following information for the previous state general

1.24 election by each precinct:

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

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

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

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

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

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

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

2.14 Sec. 2. Minnesota Statutes 2016, section 201.225, subdivision 2, is amended to read:

2.15 Subd. 2. **Technology requirements.** An electronic roster must:

2.16 (1) be able to be loaded with a data file that includes voter registration data in a file
2.17 format prescribed by the secretary of state;

2.18 (2) allow for data to be exported in a file format prescribed by the secretary of state;

2.19 (3) allow for data to be entered manually or by scanning a Minnesota driver's license or
2.20 identification card to locate a voter record or populate a voter registration application that
2.21 would be printed and signed and dated by the voter. The printed registration application
2.22 can be either a printed form, labels printed with voter information to be affixed to a preprinted
2.23 form, ~~or~~ a combination of both, or an electronic record that the voter signs electronically
2.24 and is printed following its completion at the polling place;

2.25 (4) allow an election judge to update data that was populated from a scanned driver's
2.26 license or identification card;

2.27 (5) cue an election judge to ask for and input data that is not populated from a scanned
2.28 driver's license or identification card that is otherwise required to be collected from the voter
2.29 or an election judge;

2.30 (6) immediately alert the election judge if the voter has provided information that indicates
2.31 that the voter is not eligible to vote;

3.1 (7) immediately alert the election judge if the electronic roster indicates that a voter has
3.2 already voted in that precinct, the voter's registration status is challenged, or it appears the
3.3 voter resides in a different precinct;

3.4 (8) provide immediate instructions on how to resolve a particular type of challenge when
3.5 a voter's record is challenged;

3.6 (9) provide for a printed voter signature certificate, containing the voter's name, address
3.7 of residence, date of birth, voter identification number, the oath required by section 204C.10,
3.8 and a space for the voter's original signature. The printed voter signature certificate can be
3.9 either a printed form or a label printed with the voter's information to be affixed to the oath,
3.10 or an electronic record that the voter signs electronically and is printed following its
3.11 completion at the polling place;

3.12 (10) contain only preregistered voters within the precinct, and not contain preregistered
3.13 voter data on voters registered outside of the precinct;

3.14 (11) be only networked within the polling location on election day, except for the purpose
3.15 of updating absentee ballot records;

3.16 (12) meet minimum security, reliability, and networking standards established by the
3.17 Office of the Secretary of State in consultation with the Office of MN.IT Services;

3.18 (13) be capable of providing a voter's correct polling place; and

3.19 (14) perform any other functions necessary for the efficient and secure administration
3.20 of the participating election, as determined by the secretary of state.

3.21 Electronic rosters used only for election day registration do not need to comply with clauses
3.22 (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need
3.23 to comply with clauses (4) and (5).

3.24 Sec. 3. Minnesota Statutes 2016, section 203B.081, subdivision 1, is amended to read:

3.25 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the
3.26 office of the county auditor and at any other polling place designated by the county auditor
3.27 during the 46 days before the election, except as provided in this section. The county auditor
3.28 shall make such polling place designations at least 14 weeks before the election. Voters
3.29 casting absentee ballots in person for a town election held in March may do so during the
3.30 30 days before the election.

4.1 Sec. 4. Minnesota Statutes 2016, section 203B.081, subdivision 2, is amended to read:

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

4.11 Sec. 5. Minnesota Statutes 2016, section 203B.121, subdivision 4, is amended to read:

4.12 Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before
4.13 the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated
4.14 as needed in the manner provided in section 206.86, subdivision 5, initialed by the members
4.15 of the ballot board, and deposited in the appropriate ballot box. If more than one voted ballot
4.16 is enclosed in the ballot envelope, the ballots must be returned in the manner provided by
4.17 section 204C.25 for return of spoiled ballots, and may not be counted.

4.18 Sec. 6. Minnesota Statutes 2017 Supplement, section 204B.09, subdivision 3, is amended
4.19 to read:

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

4.26 (b) The governing body of a statutory or home rule charter city may require by resolution
4.27 that a candidate for local elective office file a written request with the chief election official
4.28 at least seven days before the city election if the candidate wishes to have the candidate's
4.29 write-in votes individually recorded; or a governing body of a statutory or home rule charter
4.30 city may require by resolution that write-in votes for an individual candidate only be
4.31 individually recorded if the total number of write-in votes for that office is equal to or greater
4.32 than the fewest number of non-write-in votes for a ballot candidate. The governing body
4.33 of the statutory or home rule charter city must adopt a resolution authorized by this paragraph

5.1 before the first day of filing for office. A resolution adopted under this paragraph remains
 5.2 in effect until a subsequent resolution on the same subject is adopted by the governing body
 5.3 of the statutory or home rule charter city.

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

5.9 ~~(e)~~ (d) A candidate for governor who files a request under this subdivision must include
 5.10 the name of a candidate for lieutenant governor.

5.11 Sec. 7. Minnesota Statutes 2017 Supplement, section 204B.16, subdivision 1, is amended
 5.12 to read:

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

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

5.20 ~~(1)~~ (2) pursuant to section 204B.175;

5.21 ~~(2)~~ (3) because a polling place has become unavailable; or

5.22 ~~(3)~~ (4) because a township designates one location for all state, county, and federal
 5.23 elections and one location for all township only elections.

5.24 (b) Polling places must be designated and ballots must be distributed so that no one is
 5.25 required to go to more than one polling place to vote in a school district and municipal
 5.26 election held on the same day. The polling place for a precinct in a city or in a school district
 5.27 located in whole or in part in the metropolitan area defined by section 200.02, subdivision
 5.28 24, shall be located within the boundaries of the precinct or within one mile of one of those
 5.29 boundaries unless a single polling place is designated for a city pursuant to section 204B.14,
 5.30 subdivision 2, or a school district pursuant to section 205A.11. The polling place for a
 5.31 precinct in unorganized territory may be located outside the precinct at a place which is
 5.32 convenient to the voters of the precinct. If no suitable place is available within a town or
 5.33 within a school district located outside the metropolitan area defined by section 200.02,

6.1 subdivision 24, then the polling place for a town or school district may be located outside
6.2 the town or school district within five miles of one of the boundaries of the town or school
6.3 district.

6.4 Sec. 8. Minnesota Statutes 2016, section 204B.35, is amended by adding a subdivision to
6.5 read:

6.6 Subd. 6. **Electronic voting systems.** Notwithstanding sections 204B.35 to 204B.44 and
6.7 chapter 204D, a jurisdiction may prepare blank paper ballots, if the jurisdiction employs an
6.8 electronic voting system and the required information is instead displayed on a touch screen
6.9 or other electronic device in a format that substantially meets the requirements of law.

6.10 Sec. 9. Minnesota Statutes 2016, section 204B.45, subdivision 1, is amended to read:

6.11 Subdivision 1. **Authorization.** A town of any size ~~not located in a metropolitan county~~
6.12 ~~as defined by section 473.121~~, or a city having fewer than 400 registered voters on June 1
6.13 of an election year ~~and not located in a metropolitan county as defined by section 473.121~~,
6.14 may provide balloting by mail at any municipal, county, or state election with no polling
6.15 place other than the office of the auditor or clerk or other locations designated by the auditor
6.16 or clerk. The governing body may apply to the county auditor for permission to conduct
6.17 balloting by mail. The county board may provide for balloting by mail in unorganized
6.18 territory. The governing body of any municipality may designate for mail balloting any
6.19 precinct having fewer than 100 registered voters, subject to the approval of the county
6.20 auditor.

6.21 Voted ballots may be returned in person to any location designated by the county auditor
6.22 or municipal clerk.

6.23 **EFFECTIVE DATE.** This section is effective January 1, 2019, and applies to elections
6.24 conducted on or after that date.

6.25 Sec. 10. Minnesota Statutes 2016, section 204B.46, is amended to read:

6.26 **204B.46 MAIL ELECTIONS; QUESTIONS.**

6.27 A county, municipality, or school district submitting questions to the voters at a special
6.28 election may conduct an election by mail with no polling place other than the office of the
6.29 auditor or clerk. No offices may be voted on at a mail election-, except in overlapping school
6.30 and municipality jurisdictions, where a mail election may include an office when one of the
6.31 jurisdictions also has a question on the ballot. Notice of the election must be given to the
6.32 county auditor at least 74 days prior to the election. This notice shall also fulfill the

7.1 requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must
7.2 be posted at least six weeks prior to the election. Not more than 46 nor later than 14 days
7.3 prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all
7.4 voters registered in the county, municipality, or school district. No later than 14 days before
7.5 the election, the auditor or clerk must make a subsequent mailing of ballots to those voters
7.6 who register to vote after the initial mailing but before the 20th day before the election.
7.7 Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant
7.8 to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and
7.9 absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days
7.10 of receipt if there are 14 or fewer days before election day, or within five days of receipt if
7.11 there are more than 14 days before election day. The board may consist of deputy county
7.12 auditors, deputy municipal clerks, or deputy school district clerks who have received training
7.13 in the processing and counting of mail ballots, who need not be affiliated with a major
7.14 political party. Election judges performing the duties in this section must be of different
7.15 major political parties, unless they are exempt from that requirement under section 205.075,
7.16 subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before
7.17 the election, the ballots in the envelope must remain sealed and the auditor or clerk must
7.18 provide the voter with a replacement ballot and return envelope in place of the spoiled ballot.
7.19 If the ballot is rejected within five days of the election, the envelope must remain sealed
7.20 and the official in charge of the ballot board must attempt to contact the voter by telephone
7.21 or e-mail to notify the voter that the voter's ballot has been rejected. The official must
7.22 document the attempts made to contact the voter.

7.23 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
7.24 indicate that the voter has already cast a ballot in that election. After the close of business
7.25 on the seventh day before the election, the ballots from return envelopes marked "Accepted"
7.26 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision
7.27 5, initialed by the ballot board, and deposited in the appropriate ballot box.

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

7.30 The mail and absentee ballots for a precinct must be counted together and reported as
7.31 one vote total. No vote totals from ballots may be made public before the close of voting
7.32 on election day.

8.1 Sec. 11. Minnesota Statutes 2016, section 204C.21, subdivision 1, is amended to read:

8.2 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
8.3 and count the votes cast for each office or question, beginning with the first office or question
8.4 on the ballot. They shall make one pile of the ballots for each candidate who received votes
8.5 for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question.
8.6 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They
8.7 shall make a pile of ballots that are not totally defective but are defective with respect to
8.8 the office or question being counted and a pile of ballots that are not totally blank but are
8.9 blank with respect to the office or question being counted. After the separation into piles,
8.10 the election judges shall examine each pile and remove and place in the proper pile any
8.11 ballots that are found in the wrong pile. The election judges shall count the totally blank
8.12 and totally defective ballots and set them aside until the counting is over for that ballot. In
8.13 conducting the count of blank ballots, election judges may presume that the total count
8.14 provided for prepackaged ballots is correct. The election judges may pile ballots crosswise
8.15 in groups of 25 in the same pile to facilitate counting. When their counts agree, the election
8.16 judges shall announce the number of ballots in each pile, and shall write the number in the
8.17 proper place on the summary statements.

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

8.21 Sec. 12. Minnesota Statutes 2016, section 204C.24, subdivision 1, is amended to read:

8.22 Subdivision 1. **Information requirements.** Precinct summary statements shall be
8.23 submitted by the election judges in every precinct. For all elections, the election judges
8.24 shall complete three or more copies of the summary statements, and each copy shall contain
8.25 the following information for each kind of ballot:

8.26 (1) the number of ballots delivered to the precinct as adjusted by the actual count made
8.27 by the election judges, the number of unofficial ballots made, and the number of absentee
8.28 ballots delivered to the precinct;

8.29 (2) the number of votes each candidate received or the number of yes and no votes on
8.30 each question, the number of undervotes, the number of overvotes, and the number of
8.31 defective ballots with respect to each office or question;

9.1 (3) the number of spoiled ballots, the number of duplicate ballots made, the number of
9.2 absentee ballots rejected, and the number of unused ballots, presuming that the total count
9.3 provided on each package of unopened prepackaged ballots is correct;

9.4 (4) the number of voted ballots indicating only a voter's choices as provided by section
9.5 206.80, paragraph (b), clause (3);

9.6 (5) the number of individuals who voted at the election in the precinct which must equal
9.7 the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86,
9.8 subdivision 1;

9.9 ~~(5)~~ (6) the number of voters registering on election day in that precinct; and

9.10 ~~(6)~~ (7) the signatures of the election judges who counted the ballots certifying that all
9.11 of the ballots cast were properly piled, checked, and counted; and that the numbers entered
9.12 by the election judges on the summary statements correctly show the number of votes cast
9.13 for each candidate and for and against each question.

9.14 At least two copies of the summary statement must be prepared for elections not held
9.15 on the same day as the state elections.

9.16 Sec. 13. Minnesota Statutes 2016, section 204C.36, subdivision 1, is amended to read:

9.17 Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and
9.18 (c), a losing candidate for nomination or election to a county, municipal, or school district
9.19 office may request a recount of the votes cast for the nomination or election to that office
9.20 if the difference between the vote cast for that candidate and for a winning candidate for
9.21 nomination or election is less than one-quarter of one percent of the total votes counted for
9.22 that office. In case of offices where two or more seats are being filled from among all the
9.23 candidates for the office, the one-quarter of one percent difference is between the elected
9.24 candidate with the fewest votes and the candidate with the most votes from among the
9.25 candidates who were not elected.

9.26 (b) A losing candidate for nomination or election to a county, municipal, or school
9.27 district office may request a recount of the votes cast for nomination or election to that
9.28 office if the difference between the votes cast for that candidate and for a winning candidate
9.29 for nomination or election is less than one-half of one percent, and the total number of votes
9.30 cast for the nomination or election of all candidates is more than 400 but less than 50,000.
9.31 In cases of offices where two or more seats are being filled from among all the candidates
9.32 for the office, the one-half of one percent difference is between the elected candidate with

10.1 the fewest votes and the candidate with the most votes from among the candidates who
10.2 were not elected.

10.3 (c) A losing candidate for nomination or election to a county, municipal, or school district
10.4 office may request a recount of the votes cast for nomination or election to that office if the
10.5 difference between the vote cast for that candidate and for a winning candidate for nomination
10.6 or election is ten votes or less, and the total number of votes cast for the nomination or
10.7 election of all candidates is no more than 400. In cases of offices where two or more seats
10.8 are being filled from among all the candidates for the office, the ten vote difference is
10.9 between the elected candidate with the fewest votes and the candidate with the most votes
10.10 from among the candidates who were not elected.

10.11 (d) Candidates for county offices shall file a written request for the recount with the
10.12 county auditor. Candidates for municipal or school district offices shall file a written request
10.13 with the municipal or school district clerk as appropriate. All requests under this paragraph
10.14 shall be filed by between the close of the canvass of a primary or special primary and 5:00
10.15 p.m. on the fifth day after the canvass of a primary or special primary or by between the
10.16 close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the
10.17 canvass of a special or general election for which a recount is sought.

10.18 (e) Upon receipt of a request made pursuant to this section, the county auditor shall
10.19 recount the votes for a county office at the expense of the county, the governing body of
10.20 the municipality shall recount the votes for a municipal office at the expense of the
10.21 municipality, and the school board of the school district shall recount the votes for a school
10.22 district office at the expense of the school district.

10.23 Sec. 14. Minnesota Statutes 2016, section 204D.19, is amended by adding a subdivision
10.24 to read:

10.25 Subd. 4a. **Special election; Tuesday.** A special election required under subdivision 2,
10.26 3, or 4 must be held on a Tuesday.

10.27 Sec. 15. Minnesota Statutes 2016, section 204D.21, subdivision 3, is amended to read:

10.28 **Subd. 3. Nomination at special primary on other day.** In all cases other than those
10.29 provided in subdivisions 1 and 2, a special primary for the nomination of candidates shall
10.30 be held on a Tuesday and not later than the 14th day before the special election.

11.1 Sec. 16. Minnesota Statutes 2016, section 204D.27, subdivision 5, is amended to read:

11.2 Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than
11.3 four days after the returns of the county canvassing boards are certified to the secretary of
11.4 state, the State Canvassing Board shall complete its canvass of the special primary. The
11.5 secretary of state shall then promptly certify to the county auditors the names of the
11.6 nominated individuals, prepare notices of nomination, and notify each nominee of the
11.7 nomination. In case of a contest of a special primary for state senator or state representative,
11.8 the notice of contest shall be filed within two days, excluding Sundays and legal holidays,
11.9 after the canvass is completed, and the contest shall otherwise proceed in the manner provided
11.10 by law for contesting elections.

11.11 Sec. 17. Minnesota Statutes 2016, section 206.80, is amended to read:

11.12 **206.80 ELECTRONIC VOTING SYSTEMS.**

11.13 (a) An electronic voting system may not be employed unless it:

11.14 (1) permits every voter to vote in secret;

11.15 (2) permits every voter to vote for all candidates and questions for whom or upon which
11.16 the voter is legally entitled to vote;

11.17 (3) provides for write-in voting when authorized;

11.18 (4) automatically rejects, except as provided in section 206.84 with respect to write-in
11.19 votes, all votes for an office or question when the number of votes cast on it exceeds the
11.20 number which the voter is entitled to cast;

11.21 (5) permits a voter at a primary election to select secretly the party for which the voter
11.22 wishes to vote;

11.23 (6) automatically rejects all votes cast in a primary election by a voter when the voter
11.24 votes for candidates of more than one party; and

11.25 (7) provides every voter an opportunity to verify votes recorded on the permanent paper
11.26 ballot, either visually or using assistive voting technology, and to change votes or correct
11.27 any error before the voter's ballot is cast and counted, produces an individual, discrete,
11.28 permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record
11.29 available for use in any recount.

11.30 (b) An electronic voting system purchased on or after June 4, 2005, may not be employed
11.31 unless it:

12.1 ~~(1)~~ accepts and tabulates, in the polling place or at a counting center, a marked optical
12.2 scan ballot; ~~or~~ and either:

12.3 ~~(2)~~ (1) creates a marked optical scan ballot that can be tabulated in the polling place or
12.4 at a counting center by automatic tabulating equipment certified for use in this state; or

12.5 (2) creates a marked paper ballot indicating, at a minimum, the date of the election, the
12.6 name of the precinct, an electronically readable precinct identifier or ballot style indicator,
12.7 and the voter's votes for each office or question, generated from the voter's use of a touch
12.8 screen or other electronic device on which a complete ballot meeting the information
12.9 requirements of any applicable law was displayed electronically.

12.10 (c) The use of multiple ballot formats of electronic voting systems in a jurisdiction is
12.11 not a violation of a voter's right to vote in secret, provided that a record of the ballot formats
12.12 of electronic voting system used by a voter is not recorded by the election judges or any
12.13 other elections official in any form.

12.14 Sec. 18. Minnesota Statutes 2016, section 206.86, is amended by adding a subdivision to
12.15 read:

12.16 Subd. 5a. **Ballots in precincts with multiple styles of voting system.** (a) This subdivision
12.17 applies to precincts using a ballot format as provided by section 206.80, paragraph (b),
12.18 clause (3), which was used by ten or fewer voters.

12.19 (b) In the event the results of a precinct are subject to a recount under section 204C.35
12.20 or 204C.36, or are subject to a postelection review under section 206.89, a ballot format as
12.21 provided in section 206.80, paragraph (b), clause (3), that was used by ten or fewer voters
12.22 in the precinct, the election judges from that precinct are not eligible to participate in
12.23 conducting a recount or postelection review in that precinct.

12.24 Sec. 19. Minnesota Statutes 2016, section 206.90, subdivision 6, is amended to read:

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

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

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

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

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

13.11 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions
13.12 to voters must include a statement that reads substantially as follows: "This ballot card
13.13 contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted
13.14 to vote for candidates of one political party only." If a primary ballot contains political party
13.15 columns on both sides of the ballot, the instructions to voters must include a statement that
13.16 reads substantially as follows: "Additional political parties are printed on the other side of
13.17 this ballot. Vote for one political party only." At the bottom of each political party column
13.18 on the primary ballot, the ballot must contain a statement that reads substantially as follows:
13.19 "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision
13.20 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
13.21 ballot readers must follow the order of offices and questions on the optical scan or paper
13.22 ballot used in the same precinct, or the sample ballot posted for that precinct.

13.23 Sec. 20. Minnesota Statutes 2016, section 207A.14, subdivision 2, is amended to read:

13.24 Subd. 2. **Sample Example ballots.** No later than 70 days before the presidential
13.25 nomination primary, the secretary of state must supply each county auditor with ~~sample~~
13.26 example ballots to be used at the presidential nomination primary. The ~~sample~~ example
13.27 ballots must illustrate the format required for the ballots used in the presidential nomination
13.28 primary.

13.29 Sec. 21. Minnesota Statutes 2016, section 367.25, subdivision 1, is amended to read:

13.30 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
13.31 a special election, or appointed to a town office, within ten days after receiving a certificate
13.32 or notice of election or appointment, shall take and subscribe the oath required by law.

- 14.1 Persons elected at a November election shall take their oath before assuming office. If taken
- 14.2 before the town clerk, the oath shall be administered and certified without fee.