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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3683

02/21/2022 Authored by Gruenhagen, Davids, Urdahl, Boe, Erickson and others
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; modifying certain voting and election record provisions;
1.3 amending Minnesota Statutes 2020, sections 201.091, subdivision 5; 201.171;
1.4 204C.32, subdivision 1; 204C.33, subdivision 1; 209.021, subdivisions 1, 3;
1.5 Minnesota Statutes 2021 Supplement, sections 203B.08, subdivision 1; 204B.40;
1.6 repealing Minnesota Statutes 2021 Supplement, section 203B.082.

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

1.8 Section 1. Minnesota Statutes 2020, section 201.091, subdivision 5, is amended to read:

1.9 Subd. 5. Copy of list to registered voter. The county auditors and the secretary of state
1.10 shall provide copies of the public information lists in electronic or other media to any voter
1.11 registered in Minnesota within ten days of receiving a written or electronic request
1.12 accompanied by payment of the cost of reproduction. The county auditors and the secretary
1.13 of state shall make a copy of the list of active and inactive registrations available for public
1.14 inspection without cost. An individual who inspects or acquires a copy of a public information
1.15 list may not use any information contained in it for purposes unrelated to elections, political
1.16 activities, or law enforcement.

1.17 Sec. 2. Minnesota Statutes 2020, section 201.171, is amended to read:

1.18 201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION
1.19 REMOVED.

1.20 Within ~~six weeks~~ three days after every election, the county auditor shall post the voting
1.21 history for every person who voted in the election. After the close of the calendar year, the
1.22 secretary of state shall determine if any registrants have not voted during the preceding four
1.23 years. The secretary of state shall perform list maintenance by changing the status of those

2.1 registrants to "inactive" in the statewide registration system. The list maintenance performed
2.2 must be conducted in a manner that ensures that the name of each registered voter appears
2.3 in the official list of eligible voters in the statewide registration system. A voter must not
2.4 be removed from the official list of eligible voters unless the voter is not eligible or is not
2.5 registered to vote. List maintenance must include procedures for eliminating duplicate names
2.6 from the official list of eligible voters.

2.7 The secretary of state shall also prepare a report to the county auditor containing the
2.8 names of all registrants whose status was changed to "inactive."

2.9 Registrants whose status was changed to "inactive" must register in the manner specified
2.10 in section 201.054 before voting in any primary, special primary, general, school district,
2.11 or special election, as required by section 201.018.

2.12 Although not counted in an election, a late or rejected absentee or mail ballot must be
2.13 considered a vote for the purpose of continuing registration under this section, but is not
2.14 considered voting history for the purpose of public information lists available under section
2.15 201.091, subdivision 4.

2.16 Sec. 3. Minnesota Statutes 2021 Supplement, section 203B.08, subdivision 1, is amended
2.17 to read:

2.18 Subdivision 1. **Marking and return by voter.** (a) An eligible voter who receives absentee
2.19 ballots as provided in this chapter shall mark them in the manner specified in the directions
2.20 for casting the absentee ballots. The return envelope containing marked ballots may be
2.21 mailed as provided in the directions for casting the absentee ballots, or may be left with the
2.22 county auditor or municipal clerk who transmitted the absentee ballots to the voter, ~~or may~~
2.23 ~~be left in a drop box as provided in section 203B.082.~~ If delivered in person, the return
2.24 envelope must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election
2.25 day.

2.26 (b) The voter may designate an agent to deliver in person the sealed absentee ballot
2.27 return envelope to the county auditor or municipal clerk or to deposit the return envelope
2.28 in the mail. An agent may deliver or mail the return envelopes of not more than three voters
2.29 in any election. Any person designated as an agent who tampers with either the return
2.30 envelope or the voted ballots or does not immediately mail or deliver the return envelope
2.31 to the county auditor or municipal clerk is guilty of a misdemeanor.

3.1 Sec. 4. Minnesota Statutes 2021 Supplement, section 204B.40, is amended to read:

3.2 **204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS;**
3.3 **DISPOSITION; INSPECTION OF BALLOTS.**

3.4 The county auditors, municipal clerks, and school district clerks shall retain all election
3.5 materials returned to them after any election for at least 22 months from the date of that
3.6 election. All records and materials must be stored in a locked container or other secured
3.7 and locked space. All election materials involved in a contested election must be retained
3.8 for 22 months or until the contest has been finally determined, whichever is later. Abstracts
3.9 filed by canvassing boards shall be retained permanently by any officer with whom those
3.10 abstracts are filed. Election materials no longer required to be retained pursuant to this
3.11 section shall be ~~disposed of in accordance with sections 138.163 to 138.21~~ transferred to
3.12 the Minnesota Historical Society for public access and review. Sealed envelopes containing
3.13 voted ballots must be retained unopened, except as provided in this section, in a secure
3.14 location. The county auditor, municipal clerk, or school district clerk shall not permit any
3.15 voted ballots to be tampered with or defaced.

3.16 After the time for filing a notice of contest for an election has passed, the secretary of
3.17 state may, for the purpose of monitoring and evaluating election procedures: (1) open the
3.18 sealed ballot envelopes and inspect the ballots for that election maintained by the county
3.19 auditors, municipal clerks, or school district clerks; (2) inspect the polling place rosters and
3.20 completed voter registration applications; or (3) examine other forms required in the
3.21 Minnesota election laws for use in the polling place. No inspected ballot or document may
3.22 be marked or identified in any manner. After inspection, all ballots must be returned to the
3.23 ballot envelope and the ballot envelope must be securely resealed. Any other election
3.24 materials inspected or examined must be secured or resealed. No polling place roster may
3.25 be inspected until the voting history for that precinct has been posted. No voter registration
3.26 application may be inspected until the information on it has been entered into the statewide
3.27 registration system.

3.28 Sec. 5. Minnesota Statutes 2020, section 204C.32, subdivision 1, is amended to read:

3.29 Subdivision 1. **County canvass.** The county canvassing board shall meet at the county
3.30 auditor's office on either the second or third day following the state primary. After taking
3.31 the oath of office, the canvassing board shall publicly canvass the election returns delivered
3.32 to the county auditor. The board shall complete the canvass by the third day following the
3.33 state primary and shall promptly prepare and file with the county auditor a report that states:

4.1 (a) ~~the number of individuals voting at the election in the county, and in each precinct~~
 4.2 the name and address of all individuals voting in the election, sorted and counted for each
 4.3 precinct, except that a Safe at Home participant under chapter 5B must be designated as
 4.4 "Protected Voter, Nondisclosed Address";

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

4.7 (c) for each major political party, the names of the candidates running for each partisan
 4.8 office and the number of votes received by each candidate in the county and in each precinct;

4.9 (d) the names of the candidates of each major political party who are nominated; and

4.10 (e) the number of votes received by each of the candidates for nonpartisan office in each
 4.11 precinct in the county and the names of the candidates nominated for nonpartisan office.

4.12 Upon completion of the canvass, the county auditor shall mail or deliver a notice of
 4.13 nomination to each nominee for county office voted for only in that county. The county
 4.14 auditor shall transmit one of the certified copies of the county canvassing board report for
 4.15 state and federal offices to the secretary of state by express mail or similar service
 4.16 immediately upon conclusion of the county canvass. The secretary of state shall mail a
 4.17 notice of nomination to each nominee for state or federal office.

4.18 Sec. 6. Minnesota Statutes 2020, section 204C.33, subdivision 1, is amended to read:

4.19 Subdivision 1. **County canvass.** The county canvassing board shall meet at the county
 4.20 auditor's office between the third and tenth days following the state general election. After
 4.21 taking the oath of office, the board shall promptly and publicly canvass the general election
 4.22 returns delivered to the county auditor. Upon completion of the canvass, the board shall
 4.23 promptly prepare and file with the county auditor a report which states:

4.24 (a) ~~the number of individuals voting at the election in the county and in each precinct~~
 4.25 the name and address of all individuals voting in the election, sorted and counted for each
 4.26 precinct, except that a Safe at Home participant under chapter 5B must be designated as
 4.27 "Protected Voter, Nondisclosed Address";

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

4.30 (c) the names of the candidates for each office and the number of votes received by each
 4.31 candidate in the county and in each precinct;

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

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

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

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

5.21 Sec. 7. Minnesota Statutes 2020, section 209.021, subdivision 1, is amended to read:

5.22 Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made
 5.23 in the same manner as the service of summons in civil actions. The notice of contest must
 5.24 specify the grounds on which the contest will be made. The contestant shall serve notice of
 5.25 the contest on the parties enumerated in this section. Except as provided in section 204D.27,
 5.26 notice must be served and filed within ~~five~~ 14 days after the canvass is completed in the
 5.27 case of a primary or special primary or within ~~seven~~ 14 days after the canvass is completed
 5.28 in the case of a special or general election. If a contest is based on a deliberate, serious, and
 5.29 material violation of the election laws that was discovered from the statements of receipts
 5.30 and disbursements required to be filed by candidates and committees, the action may be
 5.31 commenced and the notice served and filed within ~~ten~~ 14 days after the filing of the
 5.32 statements in the case of a general or special election or within ~~five~~ 14 days after the filing
 5.33 of the statements in the case of a primary or special primary. If a notice of contest questions
 5.34 only which party received the highest number of votes legally cast at the election, a contestee

6.1 who loses may serve and file a notice of contest on any other ground during the three days
6.2 following expiration of the time for appealing the decision on the vote count.

6.3 Sec. 8. Minnesota Statutes 2020, section 209.021, subdivision 3, is amended to read:

6.4 Subd. 3. **Notice served on parties.** ~~In all contests relating to the nomination or election~~
6.5 ~~of a candidate, the notice of contest must be served on the candidate who is the contestee,~~
6.6 ~~a copy of the notice must be sent to the contestee's last known address by certified mail,~~
6.7 ~~and a copy must be furnished to the official authorized to issue the certificate of election.~~
6.8 ~~If personal or substituted service on the contestee cannot be made, an affidavit of the attempt~~
6.9 ~~by the person attempting to make service and the affidavit of the person who sent a copy~~
6.10 ~~of the notice to the contestee by certified mail is sufficient to confer jurisdiction upon the~~
6.11 ~~court to decide the contest.~~

6.12 ~~If the contest relates to a constitutional amendment~~ In all contests, notice of contest must
6.13 be served on the secretary of state, who is the contestee. The secretary of state must notify
6.14 all candidates affected that a notice of contest has been served. If a contest relates to a
6.15 question voted on within only one county, school district, or municipality, a copy of the
6.16 notice of contest must be served on the county auditor, clerk of the school district, or
6.17 municipal clerk, respectively, who is the contestee. If the contest is upon the question of
6.18 consolidation or reorganization of a school district, a copy of the notice of contest must be
6.19 served on the county auditor authorized by law to issue the order.

6.20 Sec. 9. **REPEALER.**

6.21 Minnesota Statutes 2021 Supplement, section 203B.082, is repealed.

203B.082 ABSENTEE BALLOT DROP BOXES; SECURITY AND INTEGRITY.

Subdivision 1. **Definition.** As used in this section, "drop box" means a secure receptacle or container established to receive completed absentee ballots 24 hours per day. Drop box does not include a receptacle or container maintained by the United States Postal Service, or a location at which a voter or an agent may return a completed absentee ballot by providing it directly to an employee of the county auditor or municipal clerk.

Subd. 2. **Minimum security and integrity standards.** The county auditor or municipal clerk may provide locations at which a voter may deposit a completed absentee ballot enclosed in the completed signature envelope in a secure drop box, consistent with the following security and integrity standards:

- (1) each drop box must be continually recorded during the absentee voting period;
- (2) each drop box must be designed to prevent an unauthorized person from moving, removing, or tampering with the drop box;
- (3) each drop box placed in an outdoor location must be fastened to a building, bolted to a concrete pad, or otherwise attached to a similarly secure structure;
- (4) ballots deposited in a drop box must be secured against access by any unauthorized person, and in the case of a drop box located in an outdoor location, the drop box must be secured against damage due to weather or other natural conditions;
- (5) each drop box must contain signage or markings that:
 - (i) clearly identifies the drop box as an official absentee ballot return location; and
 - (ii) include the location and hours where an agent may return an absentee ballot;
- (6) deposited ballots must be collected at least once per business day during the absentee voting period by the county auditor, municipal clerk, or an elections official trained by the county auditor or municipal clerk in the proper maintenance and handling of absentee ballots and absentee ballot drop boxes, and in the security measures used to protect absentee ballots; and
- (7) ballots collected from each drop box must be properly date-stamped and stored in a locked ballot container or other secured and locked space consistent with any applicable laws governing the collection and storage of absentee ballots.

Subd. 3. **Publication of locations required.** (a) The county auditor or municipal clerk must provide a list of designated absentee ballot drop box locations to the secretary of state no later than 40 days prior to the start of the absentee voting period at every regularly scheduled primary or general election. The list must be published on the website of the county or municipality and on the website of the secretary of state at least 35 days prior to the start of the absentee voting period.

(b) The county auditor or municipal clerk must provide an updated list of designated absentee ballot drop box locations to the secretary of state no later than 20 days prior to the start of the absentee voting period at every regularly scheduled primary or general election, if any locations have changed or been added since submission of the list under paragraph (a). The list must be published on the website of the county or municipality and on the website of the secretary of state at least 15 days prior to the start of the absentee voting period.

Subd. 4. **Electioneering prohibited.** Section 211B.11 applies to conduct within 100 feet of an absentee ballot drop box established under this section.