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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **477**

01/17/2023 Authored by Wolgamott and Curran

The bill was read for the first time and referred to the Committee on Elections Finance and Policy

01/30/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

- 1.1 A bill for an act
- 1.2 relating to elections; allowing voters to join a permanent absentee voter list;
- 1.3 requiring absentee ballots to automatically be sent before election to voters on
- 1.4 permanent absentee voter list; amending Minnesota Statutes 2022, sections 201.071,
- 1.5 subdivision 1; 201.091, subdivision 4; 203B.04, subdivision 5; 203B.06,
- 1.6 subdivisions 1, 3; 203B.121, subdivision 2.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2022, section 201.071, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
- 1.10 contain the same information unless otherwise provided by law. A voter registration
- 1.11 application must contain spaces for the following required information: voter's first name,
- 1.12 middle name, and last name; voter's previous name, if any; voter's current address; voter's
- 1.13 previous address, if any; voter's date of birth; voter's municipality and county of residence;
- 1.14 voter's telephone number, if provided by the voter; date of registration; current and valid
- 1.15 Minnesota driver's license number or Minnesota state identification number, or if the voter
- 1.16 has no current and valid Minnesota driver's license or Minnesota state identification, the
- 1.17 last four digits of the voter's Social Security number; a box to indicate a voter's preference
- 1.18 to join the permanent absentee voter list; and voter's signature. The paper registration
- 1.19 application may include the voter's email address, if provided by the voter. The electronic
- 1.20 voter registration application must include the voter's email address. The registration
- 1.21 application may include the voter's interest in serving as an election judge, if indicated by
- 1.22 the voter. The application must also contain the following certification of voter eligibility:
- 1.23 "I certify that I:
- 1.24 (1) will be at least 18 years old on election day;

2.1 (2) am a citizen of the United States;

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

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

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

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

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

2.9 (8) have read and understand the following statement: that giving false information is a
2.10 felony punishable by not more than five years imprisonment or a fine of not more than
2.11 \$10,000, or both."

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

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

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

2.15 And the instruction:

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

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

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

2.24 Sec. 2. Minnesota Statutes 2022, section 201.091, subdivision 4, is amended to read:

2.25 Subd. 4. **Public information lists.** The county auditor shall make available for inspection
2.26 a public information list which must contain the name, address, year of birth, and voting
2.27 history of each registered voter in the county. The public information list must also identify
2.28 whether a voter is designated as a permanent absentee voter under section 203B.04,
2.29 subdivision 5. The list must not include the party choice of any voter who voted in a
2.30 presidential nomination primary. The telephone number must be included on the list if
2.31 provided by the voter. The public information list may also include information on voting

3.1 districts. The county auditor may adopt reasonable rules governing access to the list. No
3.2 individual inspecting the public information list shall tamper with or alter it in any manner.
3.3 No individual who inspects the public information list or who acquires a list of registered
3.4 voters prepared from the public information list may use any information contained in the
3.5 list for purposes unrelated to elections, political activities, or law enforcement. The secretary
3.6 of state may provide copies of the public information lists and other information from the
3.7 statewide registration system for uses related to elections, political activities, or in response
3.8 to a law enforcement inquiry from a public official concerning a failure to comply with any
3.9 criminal statute or any state or local tax statute.

3.10 Before inspecting the public information list or obtaining a list of voters or other
3.11 information from the list, the individual shall provide identification to the public official
3.12 having custody of the public information list and shall state in writing that any information
3.13 obtained from the list will not be used for purposes unrelated to elections, political activities,
3.14 or law enforcement. Requests to examine or obtain information from the public information
3.15 lists or the statewide registration system must be made and processed in the manner provided
3.16 in the rules of the secretary of state.

3.17 Upon receipt of a statement signed by the voter that withholding the voter's name from
3.18 the public information list is required for the safety of the voter or the voter's family, the
3.19 secretary of state and county auditor must withhold from the public information list the
3.20 name of a registered voter.

3.21 Sec. 3. Minnesota Statutes 2022, section 203B.04, subdivision 5, is amended to read:

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

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

3.32 (1) the voter's written request;

3.33 (2) the voter's death;

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

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

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

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

4.7 Sec. 4. Minnesota Statutes 2022, section 203B.06, subdivision 1, is amended to read:

4.8 Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal
4.9 clerk shall prepare and print a sufficient number of blank application forms for absentee
4.10 ballots. The county auditor or municipal clerk shall deliver a blank application form to any
4.11 voter who requests one pursuant to section 203B.04. ~~Blank application forms must be mailed~~
4.12 ~~to eligible voters who have requested an application pursuant to section 203B.04, subdivision~~
4.13 ~~5, at least 60 days before:~~

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

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

4.18 ~~(3) a special primary to fill a federal or county office vacancy or special election to fill~~
4.19 ~~a federal or county office vacancy, if a primary is not required to be held pursuant to section~~
4.20 ~~204D.03, subdivision 3, or 204D.07, subdivision 3; and~~

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

4.24 Sec. 5. Minnesota Statutes 2022, section 203B.06, subdivision 3, is amended to read:

4.25 Subd. 3. **Delivery of ballots.** (a) The county auditor, municipal clerk, school district
4.26 clerk, or full-time clerk of any city or town administering an election pursuant to section
4.27 203B.05, shall mail absentee ballots to voters on the permanent absentee ballot list pursuant
4.28 to section 203B.04, subdivision 5, at least 46 days before:

4.29 (1) each regularly scheduled primary or general election for federal, state, county, city,
4.30 or school board office;

5.1 (2) each special primary or special election to fill a federal, state, county, city, or school
5.2 board vacancy; except

5.3 (3) town clerks administering absentee ballots for a town general election held in March
5.4 shall deliver absentee ballots at least 30 days before the election.

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

5.13 ~~(b)~~ (c) If an application for absentee ballots is accepted at a time when absentee ballots
5.14 are not yet available for distribution, the county auditor, or municipal clerk accepting the
5.15 application shall file it and as soon as absentee ballots are available for distribution shall
5.16 mail them to the address specified in the application. If an application for absentee ballots
5.17 is accepted when absentee ballots are available for distribution, the county auditor or
5.18 municipal clerk accepting the application shall promptly:

5.19 (1) mail the ballots to the voter whose signature appears on the application if the
5.20 application is submitted by mail and does not request commercial shipping under clause
5.21 (2);

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

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

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

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

6.7 Sec. 6. Minnesota Statutes 2022, section 203B.121, subdivision 2, is amended to read:

6.8 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
6.9 shall take possession of all signature envelopes delivered to them in accordance with section
6.10 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
6.11 two or more members of the ballot board shall examine each signature envelope and shall
6.12 mark it accepted or rejected in the manner provided in this subdivision. Election judges
6.13 performing the duties in this section must be of different major political parties, unless they
6.14 are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10,
6.15 subdivision 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.25 (2) the reason for rejection; and

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

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

7.30 **Sec. 7. EFFECTIVE DATE.**

7.31 This act is effective June 1, 2024, and applies to absentee voting at the 2024 state primary
7.32 election and all elections conducted thereafter.