

**HOUSE OF REPRESENTATIVES**

**EIGHTY-NINTH SESSION**

**H. F. No. 840**

02/12/2015 Authored by Sanders and Nelson  
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy  
03/19/2015 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices  
03/23/2015 Adoption of Report: Re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance  
03/26/2015 Adoption of Report: Placed on the General Register  
Read Second Time  
By motion, re-referred to the Committee on State Government Finance

1.1 A bill for an act  
1.2 relating to elections; modifying various provisions related to elections  
1.3 administration, including provisions related to school boards, voters, ballots,  
1.4 registration, violations, absentee ballots, candidates, vacancies, recounts,  
1.5 filing fees, and precincts; modifying military and overseas absentee voting  
1.6 provisions; providing the Uniform Faithful Presidential Electors Act; making  
1.7 various technical changes; amending Minnesota Statutes 2014, sections 123B.09,  
1.8 subdivision 1; 200.02, subdivisions 7, 23, by adding subdivisions; 201.071,  
1.9 subdivision 1; 201.158; 201.275; 203B.01, subdivision 3; 203B.07, subdivision  
1.10 1; 203B.08, subdivisions 1, 3; 203B.121, subdivision 2; 203B.16, subdivisions 1,  
1.11 2; 203B.17, subdivisions 1, 2; 204B.06, subdivision 1b; 204B.07, subdivision 2;  
1.12 204B.13, subdivisions 1, 2, 5; 204B.131, subdivision 1; 204B.19, subdivision  
1.13 6; 204B.36, subdivisions 1, 2, 3, 4; 204B.44; 204B.45, subdivision 2; 204C.04,  
1.14 subdivision 2; 204C.08, subdivision 1d; 204C.13, subdivisions 2, 3, 5; 204C.22,  
1.15 subdivisions 3, 4, 7, 10; 204C.35, subdivisions 1, 2; 204C.36, subdivisions 1,  
1.16 2; 204C.40, subdivision 2; 204D.11, subdivision 4; 204D.27, subdivision 11;  
1.17 205.13, subdivision 3; 206.90, subdivision 6; 208.02; 208.03; 208.06; 209.01,  
1.18 subdivision 2; 209.021, subdivisions 2, 3; 209.09, subdivision 2; 365.22,  
1.19 subdivisions 2, 3; 367.31, subdivision 4; 368.85, subdivision 4; 376.04; 412.551,  
1.20 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 208;  
1.21 repealing Minnesota Statutes 2014, sections 204B.14, subdivision 6; 204C.13,  
1.22 subdivision 4; 204C.30, subdivision 1; 208.07; 208.08; 383A.555.

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

1.24 **ARTICLE 1**

1.25 **ELECTION ADMINISTRATION**

1.26 Section 1. Minnesota Statutes 2014, section 123B.09, subdivision 1, is amended to read:

1.27 Subdivision 1. **School board membership.** The care, management, and control of  
1.28 independent districts is vested in a board of directors, to be known as the school board.  
1.29 The term of office of a member shall be four years commencing on the first Monday in  
1.30 January and until a successor qualifies. The membership of the board shall consist of six  
1.31 elected directors together with such ex officio member as may be provided by law. The

2.1 board may submit to the electors at any school election the question whether the board  
2.2 shall consist of seven members. If a majority of those voting on the proposition favor a  
2.3 seven-member board, a seventh member shall be elected at the next election of directors  
2.4 for a four-year term and thereafter the board shall consist of seven members.

2.5 Those districts with a seven-member board may submit to the electors at any school  
2.6 election at least 150 days before the next election of three members of the board the  
2.7 question whether the board shall consist of six members. If a majority of those voting on  
2.8 the proposition favor a six-member board instead of a seven-member board, ~~two~~ three  
2.9 members instead of ~~three~~ four members shall be elected at the next election of the board of  
2.10 directors and thereafter the board shall consist of six members.

2.11 Sec. 2. Minnesota Statutes 2014, section 200.02, subdivision 7, is amended to read:

2.12 Subd. 7. **Major political party.** (a) "Major political party" means a political party  
2.13 that maintains a party organization in the state, political division or precinct in question  
2.14 and that has presented at least one candidate for election to the office of:

2.15 (1) governor and lieutenant governor, secretary of state, state auditor, or attorney  
2.16 general at the last preceding state general election for those offices; or

2.17 (2) presidential elector or U.S. senator at the last preceding state general election for  
2.18 presidential electors; and

2.19 whose candidate received votes in each county in that election and received votes  
2.20 from not less than five percent of the total number of individuals who voted in that election.

2.21 (b) "Major political party" also means a political party that maintains a party  
2.22 organization in the state, political subdivision, or precinct in question and that has  
2.23 presented at least 45 candidates for election to the office of state representative, 23  
2.24 candidates for election to the office of state senator, four candidates for election to  
2.25 the office of representative in Congress, and one candidate for election to each of the  
2.26 following offices: governor and lieutenant governor, attorney general, secretary of state,  
2.27 and state auditor, at the last preceding state general election for those offices.

2.28 (c) "Major political party" also means a political party that maintains a party  
2.29 organization in the state, political subdivision, or precinct in question and whose members  
2.30 present to the secretary of state at any time before the close of filing for the state partisan  
2.31 primary ballot a petition for a place on the state partisan primary ballot, which petition  
2.32 contains valid signatures of a number of the party members equal to at least five percent  
2.33 of the total number of individuals who voted in the preceding state general election. A  
2.34 signature is valid only if signed no more than one year prior to the date the petition was filed.

3.1 (d) A political party whose candidate receives a sufficient number of votes at a state  
3.2 general election described in paragraph (a) or a political party that presents candidates at  
3.3 an election as required by paragraph (b) becomes a major political party as of January  
3.4 1 following that election and retains its major party status for at least two state general  
3.5 elections even if the party fails to present a candidate who receives the number and  
3.6 percentage of votes required under paragraph (a) or fails to present candidates as required  
3.7 by paragraph (b) at subsequent state general elections.

3.8 (e) A major political party whose candidates fail to receive the number and  
3.9 percentage of votes required under paragraph (a) and that fails to present candidates as  
3.10 required by paragraph (b) at each of two consecutive state general elections described by  
3.11 paragraph (a) or (b), respectively, loses major party status as of December 31 following  
3.12 the later of the two consecutive state general elections.

3.13 Sec. 3. Minnesota Statutes 2014, section 200.02, subdivision 23, is amended to read:

3.14 Subd. 23. **Minor political party.** (a) "Minor political party" means a political party  
3.15 that has adopted a state constitution, designated a state party chair, held a state convention  
3.16 in the last two years, filed with the secretary of state no later than December 31 following  
3.17 the most recent state general election a certification that the party has met the foregoing  
3.18 requirements, and met the requirements of paragraph (b) or (e), as applicable.

3.19 (b) To be considered a minor party in all elections statewide, the political party must  
3.20 have presented at least one candidate for election to the office of:

3.21 (1) governor and lieutenant governor, secretary of state, state auditor, or attorney  
3.22 general, at the last preceding state general election for those offices; or

3.23 (2) presidential elector or U.S. senator at the preceding state general election for  
3.24 presidential electors; and

3.25 (3) who received votes in each county that in the aggregate equal at least one percent  
3.26 of the total number of individuals who voted in the election, or its members must have  
3.27 presented to the secretary of state at any time before the close of filing for the state  
3.28 partisan primary ballot a nominating petition in a form prescribed by the secretary of state  
3.29 containing the valid signatures of party members in a number equal to at least one percent  
3.30 of the total number of individuals who voted in the preceding state general election. A  
3.31 signature is valid only if signed no more than one year prior to the date the petition was filed.

3.32 (c) A political party whose candidate receives a sufficient number of votes at a  
3.33 state general election described in paragraph (b) becomes a minor political party as of  
3.34 January 1 following that election and retains its minor party status for at least two state

4.1 general elections even if the party fails to present a candidate who receives the number  
4.2 and percentage of votes required under paragraph (b) at subsequent state general elections.

4.3 (d) A minor political party whose candidates fail to receive the number and  
4.4 percentage of votes required under paragraph (b) at each of two consecutive state general  
4.5 elections described by paragraph (b) loses minor party status as of December 31 following  
4.6 the later of the two consecutive state general elections.

4.7 (e) A minor party that qualifies to be a major party loses its status as a minor party  
4.8 at the time it becomes a major party. Votes received by the candidates of a major party  
4.9 must be counted in determining whether the party received sufficient votes to qualify as a  
4.10 minor party, notwithstanding that the party does not receive sufficient votes to retain its  
4.11 major party status. To be considered a minor party in an election in a legislative district,  
4.12 the political party must have presented at least one candidate for a legislative office in that  
4.13 district who received votes from at least ten percent of the total number of individuals  
4.14 who voted for that office, or its members must have presented to the secretary of state a  
4.15 nominating petition in a form prescribed by the secretary of state containing the valid  
4.16 signatures of party members in a number equal to at least ten percent of the total number of  
4.17 individuals who voted in the preceding state general election for that legislative office. A  
4.18 signature is valid only if signed no more than one year prior to the date the petition was filed.

4.19 Sec. 4. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision  
4.20 to read:

4.21 Subd. 27. **Partisan offices.** "Partisan offices" means federal offices, presidential  
4.22 electors, constitutional offices, and legislative offices.

4.23 Sec. 5. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision  
4.24 to read:

4.25 Subd. 28. **Nonpartisan offices.** "Nonpartisan offices" means all judicial, county,  
4.26 municipal, school district, and special district offices.

4.27 Sec. 6. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

4.28 Subdivision 1. **Form.** Both paper and electronic voter registration applications must  
4.29 contain the same information unless otherwise provided by law. A voter registration  
4.30 application must contain spaces for the following required information: voter's first name,  
4.31 middle name, and last name; voter's previous name, if any; voter's current address; voter's  
4.32 previous address, if any; voter's date of birth; voter's municipality and county of residence;  
4.33 voter's telephone number, if provided by the voter; date of registration; current and valid

5.1 Minnesota driver's license number or Minnesota state identification number, or if the voter  
5.2 has no current and valid Minnesota driver's license or Minnesota state identification, the  
5.3 last four digits of the voter's Social Security number; and voter's signature. The paper  
5.4 registration application may include the voter's e-mail address, if provided by the voter.  
5.5 The electronic voter registration application must include the voter's e-mail address. The  
5.6 registration application may include the voter's interest in serving as an election judge,  
5.7 if indicated by the voter. The application must also contain the following certification  
5.8 of voter eligibility:

5.9 "I certify that I:

5.10 (1) will be at least 18 years old on election day;

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

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

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

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

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

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

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

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

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

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

5.26 And the instruction:

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

5.28 ~~A paper voter registration application must be of suitable size and weight for~~

5.29 ~~mailing.~~ The form of the voter registration application and the certification of voter

5.30 eligibility must be as provided in this subdivision and approved by the secretary of state.

5.31 Voter registration forms authorized by the National Voter Registration Act must also be

5.32 accepted as valid. The federal postcard application form must also be accepted as valid if

5.33 it is not deficient and the voter is eligible to register in Minnesota.

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

6.1 Sec. 7. Minnesota Statutes 2014, section 201.158, is amended to read:

6.2 **201.158 USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

6.3 As required by the Help America Vote Act of 2002, Public Law 107-252, the  
6.4 commissioner of public safety shall make electronic data on citizenship available to the  
6.5 secretary of state. The secretary of state must determine whether the data newly indicates  
6.6 that any individuals who have active records in the statewide voter registration system  
6.7 are not citizens. The secretary of state shall prepare a list of those voters for each county  
6.8 auditor at least monthly. The county auditor shall change the status of those registrants in  
6.9 the statewide voter registration system to reflect that they are challenged based upon their  
6.10 citizenship and must notify the county attorney.

6.11 ~~In 2010, the secretary of state must make the determination and provide lists~~  
6.12 ~~to the county auditors between 30 and 60 days before the general election and again~~  
6.13 ~~between six and ten weeks after the election. In 2011, the secretary of state must make~~  
6.14 ~~this determination again as part of the annual list maintenance. By August 1, 2012, the~~  
6.15 ~~secretary of state must provide electronic lists to the counties at least monthly.~~

6.16 Sec. 8. Minnesota Statutes 2014, section 201.275, is amended to read:

6.17 **201.275 INVESTIGATIONS; PROSECUTIONS.**

6.18 (a) A law enforcement agency that is notified by affidavit of an alleged violation of  
6.19 this chapter shall promptly investigate. Upon receiving an affidavit alleging a violation  
6.20 of this chapter, a county attorney shall promptly forward it to a law enforcement agency  
6.21 with jurisdiction for investigation. If there is probable cause for instituting a prosecution,  
6.22 the county attorney shall proceed by complaint or present the charge, with whatever  
6.23 evidence has been found, to the grand jury according to the generally applicable standards  
6.24 regarding the prosecutorial functions and duties of a county attorney, provided that  
6.25 the county attorney is not required to proceed with the prosecution if the complainant  
6.26 withdraws the allegation. A county attorney who refuses or intentionally fails to faithfully  
6.27 perform this or any other duty imposed by this chapter is guilty of a misdemeanor and  
6.28 upon conviction shall forfeit office. ~~The county attorney, under the penalty of forfeiture of~~  
6.29 ~~office, shall prosecute all violations of this chapter except violations of this section; if,~~  
6.30 ~~however, a complainant withdraws an allegation under this chapter, the county attorney is~~  
6.31 ~~not required to proceed with the prosecution.~~

6.32 (b) Willful violation of this chapter by any public employee constitutes just cause for  
6.33 suspension without pay or dismissal of the public employee.

6.34 (c) Where the matter relates to a voter registration application submitted  
6.35 electronically through the secure Web site established in section 201.061, subdivision 1,

7.1 alleged violations of this chapter may be investigated and prosecuted in the county in  
7.2 which the individual registered or attempted to register.

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

7.4 Sec. 9. Minnesota Statutes 2014, section 203B.07, subdivision 1, is amended to read:

7.5 Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the  
7.6 municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and  
7.7 a copy of the directions for casting an absentee ballot to each applicant whose application  
7.8 for absentee ballots is accepted pursuant to section 203B.04. The county auditor or  
7.9 municipal clerk shall provide first class postage for the return envelope. The directions  
7.10 for casting an absentee ballot shall be printed in at least 14-point bold type with heavy  
7.11 leading and may be printed on the ballot envelope. When a person requests the directions  
7.12 in Braille or on ~~eassette-tape~~ audio file, the county auditor or municipal clerk shall provide  
7.13 them in the form requested. The secretary of state shall prepare Braille and ~~eassette~~ audio  
7.14 file copies and make them available.

7.15 When a voter registration application is sent to the applicant as provided in section  
7.16 203B.06, subdivision 4, the directions or registration application shall include instructions  
7.17 for registering to vote.

7.18 Sec. 10. Minnesota Statutes 2014, section 203B.08, subdivision 1, is amended to read:

7.19 Subdivision 1. **Marking and return by voter.** An eligible voter who receives  
7.20 absentee ballots as provided in this chapter shall mark them in the manner specified in the  
7.21 directions for casting the absentee ballots. The return envelope containing marked ballots  
7.22 may be mailed as provided in the directions for casting the absentee ballots or may be  
7.23 left with the county auditor or municipal clerk who transmitted the absentee ballots to the  
7.24 voter. If delivered in person ~~by an agent~~, the return envelope must be submitted to the  
7.25 county auditor or municipal clerk by 3:00 p.m. on election day.

7.26 The voter may designate an agent to deliver in person the sealed absentee ballot  
7.27 return envelope to the county auditor or municipal clerk or to deposit the return envelope  
7.28 in the mail. An agent may deliver or mail the return envelopes of not more than three  
7.29 voters in any election. Any person designated as an agent who tampers with either the  
7.30 return envelope or the voted ballots or does not immediately mail or deliver the return  
7.31 envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

7.32 Sec. 11. Minnesota Statutes 2014, section 203B.08, subdivision 3, is amended to read:

8.1           Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a  
8.2 county auditor or municipal clerk, that official shall stamp or initial and date the return  
8.3 envelope and place it in a secure location with other return envelopes received by that  
8.4 office. Within five days after receipt, the county auditor or municipal clerk shall deliver to  
8.5 the ballot board all ballots received, except that during the 14 days immediately preceding  
8.6 an election, the county auditor or municipal clerk shall deliver all ballots received to the  
8.7 ballot board within three days. Ballots received on election day either (1) after 3:00 p.m.,  
8.8 if delivered by an agent in person; or (2) after the last mail delivery 8 p.m., if delivered by  
8.9 another method mail or a package delivery service, shall be marked as received late by the  
8.10 county auditor or municipal clerk, and must not be delivered to the ballot board.

8.11           Sec. 12. Minnesota Statutes 2014, section 203B.121, subdivision 2, is amended to read:

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

8.20           (b) The members of the ballot board shall mark the return envelope "Accepted" and  
8.21 initial or sign the return envelope below the word "Accepted" if a majority of the members  
8.22 of the ballot board examining the envelope are satisfied that:

8.23           (1) the voter's name and address on the return envelope are the same as the  
8.24 information provided on the absentee ballot application;

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

8.26           (3) the voter's Minnesota driver's license, state identification number, or the last four  
8.27 digits of the voter's Social Security number are the same as ~~the~~ a number provided on the  
8.28 voter's absentee ballot application for ballots or voter record. If the number does not  
8.29 ~~match the number as submitted on the application, or if a number was not submitted on~~  
8.30 ~~the application~~, the election judges must compare the signature provided by the applicant  
8.31 to determine whether the ballots were returned by the same person to whom they were  
8.32 transmitted;

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



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

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

9.5 The return envelope from accepted ballots must be preserved and returned to the  
9.6 county auditor.

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

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

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

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

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

9.29 (2) the reason for rejection; and

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

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

9.34 Sec. 13. Minnesota Statutes 2014, section 203B.17, subdivision 1, is amended to read:

10.1           Subdivision 1. **Submission of application.** (a) An application for absentee ballots  
10.2 for a voter described in section 203B.16 must be in writing and may be submitted in  
10.3 person, by mail, by electronic facsimile device, by electronic mail, or electronically  
10.4 through a secure Web site that shall be maintained by the secretary of state for this  
10.5 purpose, upon determination by the secretary of state that security concerns have been  
10.6 adequately addressed. An application for absentee ballots for a voter described in section  
10.7 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or  
10.8 child over the age of 18 years. ~~For purposes of an application under this subdivision, a~~  
10.9 ~~person's Social Security number, no matter how it is designated, qualifies as the person's~~  
10.10 ~~military identification number if the person is in the military.~~

10.11           (b) An application for a voter described in section 203B.16, subdivision 1, shall be  
10.12 submitted to the county auditor of the county where the voter maintains residence or  
10.13 through the secure Web site maintained by the secretary of state.

10.14           (c) An application for a voter described in section 203B.16, subdivision 2, shall be  
10.15 submitted to the county auditor of the county where the voter last maintained residence in  
10.16 Minnesota or through the secure Web site maintained by the secretary of state.

10.17           (d) An application for absentee ballots shall be valid for any primary, special  
10.18 primary, general election, or special election from the time the application is received  
10.19 through the end of that calendar year.

10.20           (e) There shall be no limitation of time for filing and receiving applications for  
10.21 ballots under sections 203B.16 to 203B.27.

10.22           Sec. 14. Minnesota Statutes 2014, section 204B.06, subdivision 1b, is amended to read:

10.23           Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must  
10.24 state a telephone number where the candidate can be contacted. An affidavit must also  
10.25 state the candidate's address of residence as determined under section 200.031, or at the  
10.26 candidate's request in accordance with paragraph (c), the candidate's campaign contact  
10.27 address. The form for the affidavit of candidacy must allow the candidate to request, if  
10.28 eligible, that the candidate's address of residence be classified as private data, and to  
10.29 provide the certification required under paragraph (c) for classification of that address.

10.30           (b) For an office whose residency requirement must be satisfied by the close of the  
10.31 filing period, a registered voter in this state may request in writing that the filing officer  
10.32 receiving the affidavit of candidacy review the address as provided in this paragraph, at  
10.33 any time up to one day after the last day for filing for office. If requested, the filing officer  
10.34 must determine whether the address provided in the affidavit of candidacy is within the  
10.35 area represented by the office the candidate is seeking. If the filing officer determines

11.1 that the address is not within the area represented by the office, the filing officer must  
11.2 immediately notify the candidate and the candidate's name must be removed from the  
11.3 ballot for that office. A determination made by a filing officer under this paragraph is  
11.4 subject to judicial review under section 204B.44.

11.5 (c) If the candidate requests that the candidate's address of residence be classified  
11.6 as private data, the candidate must list the candidate's address of residence on a separate  
11.7 form to be attached to the affidavit. The candidate must also certify on the affidavit that  
11.8 a police report has been submitted or an order for protection has been issued in regard  
11.9 to the safety of the candidate or the candidate's family, or that the candidate's address is  
11.10 otherwise private pursuant to Minnesota law. The address of residence provided by a  
11.11 candidate who makes a request for classification on the candidate's affidavit of candidacy  
11.12 and provides the certification required by this paragraph is classified as private data,  
11.13 as defined in section 13.02, subdivision 12, but may be reviewed by the filing officer  
11.14 as provided in this subdivision.

11.15 (d) The requirements of this subdivision do not apply to affidavits of candidacy for a  
11.16 candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.

11.17 Sec. 15. Minnesota Statutes 2014, section 204B.13, subdivision 1, is amended to read:

11.18 Subdivision 1. **Partisan office.** (a) A vacancy in nomination for a partisan office  
11.19 must be filled in the manner provided by this section. A vacancy in nomination exists  
11.20 for a partisan office when a major political party candidate who has been nominated in  
11.21 accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:

11.22 (1) dies;

11.23 (2) ~~withdraws as provided in section 204B.12, subdivision 1; or~~

11.24 (3) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b),  
11.25 at least one day prior to the general election with the same official who received the  
11.26 affidavit of candidacy; or

11.27 (3) is determined to be ineligible to hold the office the candidate is seeking, pursuant  
11.28 to a court order issued under section 204B.44.

11.29 (b) An affidavit of withdrawal filed under paragraph (a), clause (3), must state that  
11.30 the candidate has been diagnosed with a catastrophic illness that will permanently and  
11.31 continuously incapacitate the candidate and prevent the candidate from performing the  
11.32 duties of the office sought, if elected. The affidavit must be accompanied by a certificate  
11.33 verifying the candidate's illness meets the requirements of this paragraph, signed by at  
11.34 least two licensed physicians. The affidavit and certificate may be filed by the candidate  
11.35 or the candidate's legal guardian.

12.1 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
12.2 and applies to elections for which the candidate withdrawal period under section 204B.12,  
12.3 subdivision 1, occurs on or after that date.

12.4 Sec. 16. Minnesota Statutes 2014, section 204B.13, subdivision 2, is amended to read:

12.5 Subd. 2. **Partisan office; nomination by party; special election.** (a) Except as  
12.6 provided in subdivision 5, a major political party may fill a vacancy in nomination of  
12.7 that party's candidate as defined in subdivision 1, clause (1) ~~or~~, (2), or (3), by filing one  
12.8 nomination certificate with the same official who received the affidavits of candidacy  
12.9 for that office.

12.10 A major political party may provide in its governing rules a procedure, including  
12.11 designation of an appropriate committee, to fill a vacancy in nomination for any federal or  
12.12 state partisan office. The nomination certificate shall be prepared under the direction of  
12.13 and executed by the chair and secretary of the political party and filed within the timelines  
12.14 established in this section. When filing the certificate the chair and secretary shall attach  
12.15 an affidavit stating that the newly nominated candidate has been selected under the rules  
12.16 of the party and that the individuals signing the certificate and making the affidavit are the  
12.17 chair and secretary of the party.

12.18 (b) In the case of a vacancy in nomination for partisan office that occurs on or before  
12.19 the 79th day before the general election, the major political party must file the nomination  
12.20 certificate no later than 71 days before the general election. The name of the candidate  
12.21 nominated by the party must appear on the general election ballot.

12.22 (c) Except as provided in subdivision 5, in the case of a vacancy in nomination for  
12.23 a partisan office that occurs after the 79th day before the general election, the general  
12.24 election ballot shall remain unchanged, but the county and state canvassing boards must  
12.25 not certify the vote totals for that office from the general election, and the office must be  
12.26 filled at a special election held in accordance with this section. Except for the vacancy  
12.27 in nomination, all other candidates whose names appeared on the general election ballot  
12.28 for the office must appear on the special election ballot for the office. New affidavits of  
12.29 candidacy or nominating petitions may not be accepted, and there must not be a primary to  
12.30 fill the vacancy in nomination. The major political party may file a nomination certificate  
12.31 as provided in paragraph (a) no later than seven days after the general election. On the  
12.32 date of the general election, the county auditor or municipal clerk shall post a notice in  
12.33 each precinct affected by a vacancy in nomination under this paragraph, informing voters  
12.34 of the reason for the vacancy in nomination and the procedures for filling the vacancy in  
12.35 nomination and conducting a special election as required by this section. The secretary

13.1 of state shall prepare and electronically distribute the notice to county auditors in each  
13.2 county affected by a vacancy in nomination.

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

13.4 Sec. 17. Minnesota Statutes 2014, section 204B.13, subdivision 5, is amended to read:

13.5 Subd. 5. **Candidates for governor and lieutenant governor.** (a) If a vacancy in  
13.6 nomination for a major political party occurs in the race for governor, the political party  
13.7 must nominate the candidates for both governor and lieutenant governor. If a vacancy  
13.8 in nomination for a major political party occurs in the race for lieutenant governor, the  
13.9 candidate for governor shall select the candidate for lieutenant governor.

13.10 (b) For a vacancy in nomination for lieutenant governor that occurs on or before the  
13.11 79th day before the general election, the name of the lieutenant governor candidate must  
13.12 be submitted by the governor candidate to the filing officer no later than 71 days before  
13.13 the general election. If the vacancy in nomination for lieutenant governor occurs after the  
13.14 79th day before the general election, the candidate for governor shall submit the name of  
13.15 the new lieutenant governor candidate to the secretary of state within seven days after the  
13.16 vacancy in nomination occurs, but no changes may be made to the general election ballots.

13.17 (c) When a vacancy in nomination for lieutenant governor occurs after the 79th day  
13.18 before the general election, the county auditor or municipal clerk shall post a notice in  
13.19 each precinct affected by the vacancy in nomination. The secretary of state shall prepare  
13.20 and electronically distribute the notice to county auditors. The county auditor must ensure  
13.21 that each precinct in the county receives the notice prior to the opening of the polls on  
13.22 election day. The notice must include:

13.23 (1) a statement that there is a vacancy in nomination for lieutenant governor and the  
13.24 statutory reason for the vacancy in nomination as provided in subdivision 1, paragraph  
13.25 (a), clauses (1) ~~and~~, (2), or (3);

13.26 (2) a statement that the results for the governor and lieutenant governor will be  
13.27 counted and that no special election will be held for that race; and

13.28 (3) a list of all candidates in the governor and lieutenant governor's race, listed in order  
13.29 of the base rotation. The listing of candidates shall include the name of the candidate to  
13.30 fill the vacancy in nomination for lieutenant governor. If the name of the candidate has not  
13.31 yet been named, then the list must include the date by which the candidate will be named.

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

13.33 Sec. 18. Minnesota Statutes 2014, section 204B.131, subdivision 1, is amended to read:

14.1 Subdivision 1. **Applicability.** A vacancy in nomination for a nonpartisan office  
14.2 must be filled in the manner provided by this section. A vacancy in nomination for a  
14.3 nonpartisan office exists when:

14.4 (1) a candidate for any nonpartisan office, for which one or two candidates filed,  
14.5 withdraws as provided in section 204B.12, subdivision 1; or

14.6 (2) a candidate for any nonpartisan office, for which one or two candidates filed,  
14.7 is determined to be ineligible to hold the office the candidate is seeking, pursuant to a  
14.8 court order issued under section 204B.44; or

14.9 ~~(2)~~ (3) a candidate for any nonjudicial nonpartisan office, for which only one or two  
14.10 candidates filed or who was nominated at a primary, dies on or before the 79th day before  
14.11 the date of the general election.

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

14.13 Sec. 19. Minnesota Statutes 2014, section 204B.19, subdivision 6, is amended to read:

14.14 Subd. 6. **High school students.** Notwithstanding any other requirements of this  
14.15 section, a student enrolled in a high school in Minnesota or who is in a home school  
14.16 in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is  
14.17 eligible to be appointed as a without party affiliation trainee election judge ~~in the county in~~  
14.18 ~~which the student resides.~~ The student must meet qualifications for trainee election judges  
14.19 specified in rules of the secretary of state. A student appointed as a trainee election judge  
14.20 may be excused from school attendance during the hours that the student is serving as a  
14.21 trainee election judge if the student submits a written request signed and approved by the  
14.22 student's parent or guardian to be absent from school and a certificate from the appointing  
14.23 authority stating the hours during which the student will serve as a trainee election judge  
14.24 to the principal of the school at least ten days prior to the election. Students shall not  
14.25 serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the  
14.26 contrary, trainee election judges may be paid not less than two-thirds of the minimum  
14.27 wage for a large employer. The principal of the school may approve a request to be absent  
14.28 from school conditioned on acceptable academic performance at the time of service as  
14.29 a trainee election judge.

14.30 Sec. 20. Minnesota Statutes 2014, section 204B.36, subdivision 1, is amended to read:

14.31 Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient  
14.32 thickness to prevent the printing from being discernible from the back. All ballots shall be  
14.33 printed in easily readable type with suitable lines dividing candidates, offices, instructions

15.1 and other matter printed on ballots. ~~The name of each candidate shall be printed in capital~~  
15.2 ~~letters.~~ The same type shall be used for the names of all candidates on the same ballot.

15.3 Sec. 21. Minnesota Statutes 2014, section 204B.36, subdivision 2, is amended to read:

15.4 Subd. 2. **Candidates and offices.** The name of each candidate shall be printed at a  
15.5 right angle to the length of the ballot. At a general election the name of the political party  
15.6 or the political principle of each candidate for partisan office shall be printed above or  
15.7 below the name of the candidate. The name of a political party or a political principle  
15.8 shall be printed in capital and lowercase letters of the same type, with the capital letters  
15.9 at least one-half the height of the capital letters used for names of the candidates. At a  
15.10 general election, blank lines containing the words "write-in, if any" shall be printed below  
15.11 the name of the last candidate for each office, or below the title of the office if no candidate  
15.12 has filed for that office, so that a voter may write in the names of individuals whose names  
15.13 are not on the ballot. One blank line shall be printed for each officer of that kind to be  
15.14 elected. At a primary election, no blank lines shall be provided for writing in the names of  
15.15 individuals whose names do not appear on the primary ballot.

15.16 On the left side of the ballot at the same level with the name of each candidate and  
15.17 each blank line shall be printed ~~a square~~ an oval or similar target shape in which the  
15.18 voter may designate a vote by ~~a mark (X)~~ filling in the oval or similar mark if a different  
15.19 target shape is used. Each square shall be the same size. Above the first name on each  
15.20 ballot shall be ~~printed the words, "Put an (X) in the square opposite the name of each~~  
15.21 ~~candidate you wish to vote for."~~ At the same level with these words and directly above  
15.22 the squares shall be printed a small arrow pointing downward instructions for voting.  
15.23 Directly underneath the official title of each office shall be printed the words "Vote for  
15.24 one" or "Vote for up to ..." (any greater number to be elected).

15.25 Sec. 22. Minnesota Statutes 2014, section 204B.36, subdivision 3, is amended to read:

15.26 Subd. 3. **Question; form of ballot.** When a question is to be submitted to a vote, a  
15.27 concise statement of the nature of the question shall be printed on the ballot. The words,  
15.28 "YES" "Yes" and "NO" "No" shall be printed to the left of this statement, with ~~a square~~  
15.29 an oval or similar target shape to the left of each word so that the voter may indicate by  
15.30 a mark (X) either a negative or affirmative vote. The ballot shall include instructions  
15.31 directing the voter to ~~put an (X) in the square~~ fill in the oval or similar mark if a different  
15.32 target shape is used before the word "YES" "Yes" if the voter desires to vote for the  
15.33 question, or to ~~put an (X)~~ fill in the oval or similar mark if a different target shape is used  
15.34 before the word "NO" "No" if the voter desires to vote against the question.

16.1 Sec. 23. Minnesota Statutes 2014, section 204B.36, subdivision 4, is amended to read:

16.2 Subd. 4. **Judicial candidates.** The official ballot shall contain the names of all  
 16.3 candidates for each judicial office and shall state the number of those candidates for  
 16.4 whom a voter may vote. Each seat for an associate justice, associate judge, or judge of  
 16.5 the district court must be numbered. The words "~~SUPREME COURT,~~" "~~COURT OF~~  
 16.6 ~~APPEALS,~~" "Supreme Court," "Court of Appeals," and "~~(number) DISTRICT COURT~~"  
 16.7 "(number) District Court" must be printed above the respective judicial office groups on  
 16.8 the ballot. The title of each judicial office shall be printed on the official primary and  
 16.9 general election ballot as follows:

16.10 (a) In the case of the Supreme Court:

16.11 "Chief justice";

16.12 "Associate justice (number)";

16.13 (b) In the case of the Court of Appeals:

16.14 "Judge (number)"; or

16.15 (c) In the case of the district court:

16.16 "Judge (number)."

16.17 Sec. 24. Minnesota Statutes 2014, section 204B.44, is amended to read:

16.18 **204B.44 ERRORS AND OMISSIONS; REMEDY.**

16.19 Any individual may file a petition in the manner provided in this section for the  
 16.20 correction of any of the following errors, omissions, or wrongful acts which have occurred  
 16.21 or are about to occur:

16.22 (a) an error or omission in the placement or printing of the name or description of  
 16.23 any candidate or any question on any official ballot, including the placement of a candidate  
 16.24 on the official ballot who is not eligible to hold the office for which the candidate has filed;

16.25 (b) any other error in preparing or printing any official ballot;

16.26 (c) failure of the chair or secretary of the proper committee of a major political party  
 16.27 to execute or file a certificate of nomination;

16.28 (d) any wrongful act, omission, or error of any election judge, municipal clerk,  
 16.29 county auditor, canvassing board or any of its members, the secretary of state, or any other  
 16.30 individual charged with any duty concerning an election.

16.31 The petition shall describe the error, omission, or wrongful act and the correction  
 16.32 sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in  
 16.33 the case of an election for state or federal office or any judge of the district court in that  
 16.34 county in the case of an election for county, municipal, or school district office. The  
 16.35 petitioner shall serve a copy of the petition on the officer, board or individual charged with



17.1 the error, omission, or wrongful act, on all candidates for the office in the case of an  
17.2 election for state, federal, county, municipal, or school district office, and on any other  
17.3 party as required by the court. Upon receipt of the petition the court shall immediately set  
17.4 a time for a hearing on the matter and order the officer, board or individual charged with  
17.5 the error, omission or wrongful act to correct the error or wrongful act or perform the duty  
17.6 or show cause for not doing so. In the case of a review of a candidate's eligibility to hold  
17.7 office, the court may order the candidate to appear and present sufficient evidence of the  
17.8 candidate's eligibility. The court shall issue its findings and a final order for appropriate  
17.9 relief as soon as possible after the hearing. Failure to obey the order is contempt of court.

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

17.11 Sec. 25. Minnesota Statutes 2014, section 204B.45, subdivision 2, is amended to read:

17.12 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must  
17.13 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14  
17.14 days before a regularly scheduled election and not more than 30 days nor later than 14  
17.15 days before any other election, the auditor shall mail ballots by nonforwardable mail to  
17.16 all voters registered in the town or unorganized territory. No later than 14 days before  
17.17 the election, the auditor must make a subsequent mailing of ballots to those voters who  
17.18 register to vote after the initial mailing but before the 20th day before the election.  
17.19 Eligible voters not registered at the time the ballots are mailed may apply for ballots as  
17.20 provided in chapter 203B. Ballot return envelopes, with return postage provided, must  
17.21 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in  
17.22 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board  
17.23 to examine the mail and absentee ballot return envelopes and mark them "accepted" or  
17.24 "rejected" within three days of receipt if there are 14 or fewer days before election day, or  
17.25 within five days of receipt if there are more than 14 days before election day. The board  
17.26 may consist of deputy county auditors or deputy municipal clerks who have received  
17.27 training in the processing and counting of mail ballots, who need not be affiliated with  
17.28 a major political party. Election judges performing the duties in this section must be of  
17.29 different major political parties, unless they are exempt from that requirement under  
17.30 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at  
17.31 least five days before the election, the ballots in the envelope must remain sealed and the  
17.32 auditor or clerk shall provide the voter with a replacement ballot and return envelope in  
17.33 place of the spoiled ballot. If the ballot is rejected within five days of the election, the  
17.34 envelope must remain sealed and the official in charge of the ballot board must attempt to

18.1 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been  
18.2 rejected. The official must document the attempts made to contact the voter.

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

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

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

18.13 The costs of the mailing shall be paid by the election jurisdiction in which the voter  
18.14 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

18.15 Sec. 26. Minnesota Statutes 2014, section 204C.04, subdivision 2, is amended to read:

18.16 Subd. 2. **Elections covered.** For purposes of this section, "election" means a  
18.17 regularly scheduled ~~state primary or general~~ election, an election to fill a vacancy in the  
18.18 office of United States senator or United States representative, an election to fill a vacancy  
18.19 in nomination for a constitutional office, or an election to fill a vacancy in the office of  
18.20 state senator or state representative.

18.21 Sec. 27. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

18.22 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to  
18.23 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set  
18.24 forth in this section. Before the hours of voting are scheduled to begin, the election judges  
18.25 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill  
18.26 of Rights is as follows:

18.27 "VOTER'S BILL OF RIGHTS

18.28 For all persons residing in this state who meet federal voting eligibility requirements:

18.29 (1) You have the right to be absent from work for the purpose of voting in a state  
18.30 ~~or~~ federal, or regularly scheduled election without reduction to your pay, personal leave,  
18.31 or vacation time on election day for the time necessary to appear at your polling place,  
18.32 cast a ballot, and return to work.

18.33 (2) If you are in line at your polling place any time before 8:00 p.m., you have the  
18.34 right to vote.

19.1 (3) If you can provide the required proof of residence, you have the right to register  
19.2 to vote and to vote on election day.

19.3 (4) If you are unable to sign your name, you have the right to orally confirm your  
19.4 identity with an election judge and to direct another person to sign your name for you.

19.5 (5) You have the right to request special assistance when voting.

19.6 (6) If you need assistance, you may be accompanied into the voting booth by a  
19.7 person of your choice, except by an agent of your employer or union or a candidate.

19.8 (7) You have the right to bring your minor children into the polling place and into  
19.9 the voting booth with you.

19.10 (8) If you have been convicted of a felony but your felony sentence has expired (been  
19.11 completed) or you have been discharged from your sentence, you have the right to vote.

19.12 (9) If you are under a guardianship, you have the right to vote, unless the court  
19.13 order revokes your right to vote.

19.14 (10) You have the right to vote without anyone in the polling place trying to  
19.15 influence your vote.

19.16 (11) If you make a mistake or spoil your ballot before it is submitted, you have the  
19.17 right to receive a replacement ballot and vote.

19.18 (12) You have the right to file a written complaint at your polling place if you are  
19.19 dissatisfied with the way an election is being run.

19.20 (13) You have the right to take a sample ballot into the voting booth with you.

19.21 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting  
19.22 booth with you."

19.23 Sec. 28. Minnesota Statutes 2014, section 204C.13, subdivision 2, is amended to read:

19.24 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the  
19.25 proper method of marking ~~and folding~~ the ballots and, during a primary election, the effect  
19.26 of attempting to vote in more than one party's primary. Except as otherwise provided in  
19.27 section 204C.15, the voter shall retire alone to an unoccupied voting booth or, at the  
19.28 voter's discretion, the voter may choose to use another writing surface. The voter shall  
19.29 mark the ballots without undue delay. The voter may take sample ballots into the booth to  
19.30 assist in voting. The election judges may adopt and enforce reasonable rules governing the  
19.31 amount of time a voter may spend in the voting booth marking ballots.

19.32 Sec. 29. Minnesota Statutes 2014, section 204C.13, subdivision 3, is amended to read:

19.33 Subd. 3. **Marking ballots.** The voter shall mark each ballot in the following manner:

20.1 (a) ~~A mark (X) shall be placed in the square~~ The voter shall fill in the oval or similar  
 20.2 mark if a different target shape is used, opposite the printed name of each candidate for  
 20.3 whom the individual desires to vote, and in the square oval or other target shape before the  
 20.4 "YES" "Yes" or "NO" "No" if the individual desires to vote for or against a question.

20.5 (b) The voter may write in other names on the lines provided under the printed  
 20.6 names of the candidates, except that no names shall be written in on primary ballots.

20.7 (c) At a state primary an individual may vote for candidates of only one major  
 20.8 political party on the partisan primary ballot. If a partisan primary ballot contains votes  
 20.9 for the candidates of more than one major political party, the ballot is totally defective and  
 20.10 no vote on the partisan section of the ballot shall be counted.

20.11 (d) An individual who spoils a ballot may return it to the election judges and receive  
 20.12 another.

20.13 Sec. 30. Minnesota Statutes 2014, section 204C.13, subdivision 5, is amended to read:

20.14 Subd. 5. **Deposit of ballots in ballot boxes** box. The voter shall then withdraw  
 20.15 from the voting booth with the ballots and ~~hand them to the election judge in charge of~~  
 20.16 ~~the ballot boxes. That election judge shall~~ immediately deposit each ballot in the ~~proper~~  
 20.17 ballot box. Ballots that have not been initialed by the election judges as provided in  
 20.18 section 204C.09, shall not be deposited in the ballot box.

20.19 Sec. 31. Minnesota Statutes 2014, section 204C.22, subdivision 3, is amended to read:

20.20 Subd. 3. **Votes for too many candidates.** If a voter places a mark (X) beside the  
 20.21 names of more candidates for an office than are to be elected or nominated, the ballot is  
 20.22 defective with respect only to that office. No vote shall be counted for any candidate for  
 20.23 that office, but the rest of the ballot shall be counted if possible. At a primary, if a voter  
 20.24 has not indicated a party preference and places a mark (X) beside the names of candidates  
 20.25 of more than one party on the partisan ballot, the ballot is totally defective and no votes on  
 20.26 it shall be counted. If a voter has indicated a party preference at a primary, only votes cast  
 20.27 for candidates of that party shall be counted.

20.28 Sec. 32. Minnesota Statutes 2014, section 204C.22, subdivision 4, is amended to read:

20.29 Subd. 4. **Name written in proper place.** If a voter has written the name of an  
 20.30 individual in the proper place on a general or special election ballot a vote shall be counted  
 20.31 for that individual whether or not the voter makes a mark (X) in the ~~square~~ oval or other  
 20.32 target shape opposite the blank.

21.1 Sec. 33. Minnesota Statutes 2014, section 204C.22, subdivision 7, is amended to read:

21.2 Subd. 7. **All written names or marks counted up to limit.** If a number of  
21.3 individuals are to be elected to the same office, the election judges shall count all names  
21.4 written in and all printed names with ~~(X)~~ marks in squares ovals or other target shapes  
21.5 opposite them, not exceeding the whole number to be elected. When fewer names than the  
21.6 number to be elected are marked ~~with an (X)~~ or written in, only the marked or written in  
21.7 names shall be counted. When more names than the number to be elected are marked or  
21.8 written in, the ballot is defective with respect to that office and no vote shall be counted  
21.9 for that office.

21.10 Sec. 34. Minnesota Statutes 2014, section 204C.22, subdivision 10, is amended to read:

21.11 Subd. 10. **Different marks.** If a voter uniformly uses a mark ~~other than (X) which~~  
21.12 that clearly indicates an intent to mark a name or to mark yes or no on a question, and the  
21.13 voter does not use ~~(X)~~ the more standard mark anywhere else on the ballot, a vote shall  
21.14 be counted for each candidate or response to a question marked. If a voter uses two or  
21.15 more distinct marks, such as (X) and some other mark, a vote shall be counted for each  
21.16 candidate or response to a question marked, unless the ballot is marked by distinguishing  
21.17 characteristics that make the entire ballot defective as provided in subdivision 13.

21.18 Sec. 35. Minnesota Statutes 2014, section 204C.35, subdivision 1, is amended to read:

21.19 Subdivision 1. **Publicly funded recounts.** (a) In a state primary when the difference  
21.20 between the votes cast for the candidates for nomination to:

21.21 (1) a state legislative office is less than one-half of one percent of the total number of  
21.22 votes counted for that nomination or is ten votes or less and the total number of votes cast  
21.23 for the nomination is 400 votes or less; or

21.24 (2) a statewide federal office, state constitutional office, statewide judicial office,  
21.25 congressional office, or district judicial office is less than one-quarter of one percent of  
21.26 the total number of votes counted for that nomination or is ten votes or less and the total  
21.27 number of votes cast for the nomination is 400 votes or less;

21.28 and the difference determines the nomination, the canvassing board with responsibility  
21.29 for declaring the results for that office shall manually recount the vote upon receiving a  
21.30 written request from the candidate whose nomination is in question.

21.31 Immediately following the meeting of the board that has responsibility for  
21.32 canvassing the results of the nomination, the filing officer must notify the candidate that  
21.33 the candidate has the option to request a recount of the votes at no cost to the candidate.

22.1 This written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m.  
22.2 on the second day after the canvass of the primary for which the recount is being sought.

22.3 (b) In a state general election when the difference between the votes of a candidate  
22.4 who would otherwise be declared elected to:

22.5 (1) a state legislative office is less than one-half of one percent of the total number of  
22.6 votes counted for that office or is ten votes or less and the total number of votes cast for  
22.7 the office is 400 votes or less; or

22.8 (2) a statewide federal office, state constitutional office, statewide judicial office,  
22.9 congressional office, or district judicial office and the votes of any other candidate for that  
22.10 office is less than one-quarter of one percent of the total number of votes counted for that  
22.11 office or is ten votes or less if the total number of votes cast for the office is 400 votes or less,  
22.12 the canvassing board shall manually recount the votes upon receiving a written request  
22.13 from the candidate whose election is in question.

22.14 Immediately following the meeting of the board that has responsibility for canvassing  
22.15 the results of the general election, the filing officer must notify the candidate that the  
22.16 candidate has the option to request a recount of the votes at no cost to the candidate. This  
22.17 written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m. on  
22.18 the second day after the canvass of the election for which the recount is being sought.

22.19 (c) A recount must not delay any other part of the canvass. The results of the recount  
22.20 must be certified by the canvassing board as soon as possible.

22.21 (d) Time for notice of a contest for an office which is recounted pursuant to this section  
22.22 shall begin to run upon certification of the results of the recount by the canvassing board.

22.23 Sec. 36. Minnesota Statutes 2014, section 204C.35, subdivision 2, is amended to read:

22.24 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate whose  
22.25 name was on the ballot for nomination or election to a statewide federal office, state  
22.26 constitutional office, statewide judicial office, congressional office, state legislative office,  
22.27 or district judicial office may request a recount in a manner provided in this section at the  
22.28 candidate's own expense when the vote difference is greater than the difference required  
22.29 by this section. The votes shall be manually recounted as provided in this section if the  
22.30 candidate files a request during the time for filing notice of contest of the primary or  
22.31 election for which a recount is sought.

22.32 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety in  
22.33 an amount set by the filing officer for the payment of the recount expenses. The requesting  
22.34 candidate is responsible for the following expenses: the compensation of the secretary of  
22.35 state, or designees, and any election judge, municipal clerk, county auditor, administrator,

23.1 or other personnel who participate in the recount; necessary supplies and travel related to  
23.2 the recount; the compensation of the appropriate canvassing board and costs of preparing  
23.3 for the canvass of recount results; and any attorney fees incurred in connection with the  
23.4 recount by the governing body responsible for the recount.

23.5 (c) A discretionary recount of a primary must not delay delivery of the notice of  
23.6 nomination to the winning candidate under section 204C.32.

23.7 (d) The requesting candidate may provide the filing officer with a list of up to three  
23.8 precincts that are to be recounted first and may waive the balance of the recount after these  
23.9 precincts have been counted. If the candidate provides a list, the recount official must  
23.10 determine the expenses for those precincts in the manner provided by paragraph (b).

23.11 (e) The results of the recount must be certified by the canvassing board as soon as  
23.12 possible.

23.13 ~~(d)~~ (f) If the winner of the race is changed by the optional recount, the cost of the  
23.14 recount must be paid by the jurisdiction conducting the recount.

23.15 ~~(e)~~ (g) If a result of the vote counting in the manual recount is different from the  
23.16 result of the vote counting reported on election day by a margin greater than the standard  
23.17 for acceptable performance of voting systems provided in section 206.89, subdivision 4,  
23.18 the cost of the recount must be paid by the jurisdiction conducting the recount.

23.19 Sec. 37. Minnesota Statutes 2014, section 204C.36, subdivision 1, is amended to read:

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

23.29 (b) A losing candidate for nomination or election to a county, municipal, or school  
23.30 district office may request a recount of the votes cast for nomination or election to that  
23.31 office if the difference between the votes cast for that candidate and for a winning  
23.32 candidate for nomination or election is less than one-half of one percent, and the total  
23.33 number of votes cast for the nomination or election of all candidates is more than 400  
23.34 but less than 50,000. In cases of offices where two or more seats are being filled from  
23.35 among all the candidates for the office, the one-half of one percent difference is between

24.1 the elected candidate with the fewest votes and the candidate with the most votes from  
24.2 among the candidates who were not elected.

24.3 (c) A losing candidate for nomination or election to a county, municipal, or school  
24.4 district office may request a recount of the votes cast for nomination or election to that  
24.5 office if the difference between the vote cast for that candidate and for a winning candidate  
24.6 for nomination or election is ten votes or less, and the total number of votes cast for the  
24.7 nomination or election of all candidates is no more than 400. In cases of offices where two  
24.8 or more seats are being filled from among all the candidates for the office, the ten vote  
24.9 difference is between the elected candidate with the fewest votes and the candidate with  
24.10 the most votes from among the candidates who were not elected.

24.11 (d) Candidates for county offices shall file a written request for the recount with the  
24.12 county auditor. Candidates for municipal or school district offices shall file a written  
24.13 request with the municipal or school district clerk as appropriate. All requests shall be  
24.14 filed ~~during the time for notice of contest of the primary or~~ by 5:00 p.m. on the fifth day  
24.15 after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the  
24.16 canvass of a special or general election for which a recount is sought.

24.17 (e) Upon receipt of a request made pursuant to this section, the county auditor shall  
24.18 recount the votes for a county office at the expense of the county, the governing body  
24.19 of the municipality shall recount the votes for a municipal office at the expense of the  
24.20 municipality, and the school board of the school district shall recount the votes for a  
24.21 school district office at the expense of the school district.

24.22 Sec. 38. Minnesota Statutes 2014, section 204C.36, subdivision 2, is amended to read:

24.23 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination  
24.24 or election to a county, municipal, or school district office may request a recount in the  
24.25 manner provided in this section at the candidate's own expense when the vote difference is  
24.26 greater than the difference required by subdivision 1, paragraphs (a) to (e). The votes shall  
24.27 be manually recounted as provided in this section if the requesting candidate files with  
24.28 the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an  
24.29 amount set by the governing body of the jurisdiction or the school board of the school  
24.30 district for the payment of the recount expenses.

24.31 (b) The requesting candidate may provide the filing officer with a list of up to three  
24.32 precincts that are to be recounted first and may waive the balance of the recount after these  
24.33 precincts have been counted. If the candidate provides a list, the recount official must  
24.34 determine the expenses for those precincts in the manner provided by paragraph (b).



25.1 (c) A discretionary recount of a primary must not delay delivery of the notice of  
 25.2 nomination to the winning candidate under section 204C.32.

25.3 (d) The results of the recount must be certified by the canvassing board as soon as  
 25.4 possible.

25.5 (e) If the winner of the race is changed by the optional recount, the cost of the  
 25.6 recount must be paid by the jurisdiction conducting the recount.

25.7 ~~(d)~~ (f) If a result of the vote counting in the manual recount is different from the  
 25.8 result of the vote counting reported on election day by a margin greater than the standard  
 25.9 for acceptable performance of voting systems provided in section 206.89, subdivision 4,  
 25.10 the cost of the recount must be paid by the jurisdiction conducting the recount.

25.11 Sec. 39. Minnesota Statutes 2014, section 204C.40, subdivision 2, is amended to read:

25.12 Subd. 2. **Time of issuance; certain offices.** No certificate of election shall be issued  
 25.13 until seven days after the canvassing board has declared the result of the election. ~~In case~~  
 25.14 ~~of a contest, an election certificate shall not be issued until a court of proper jurisdiction~~  
 25.15 ~~has finally determined the contest. This subdivision shall not apply to candidates elected~~  
 25.16 ~~to the office of state senator or representative.~~

25.17 Sec. 40. Minnesota Statutes 2014, section 204D.27, subdivision 11, is amended to read:

25.18 Subd. 11. **Certificate of legislative election.** A certificate of election in a special  
 25.19 election for state senator or state representative shall be issued by the secretary of state to  
 25.20 the ~~individual declared elected by the county or state canvassing board~~ chief clerk of the  
 25.21 house or the secretary of the senate two days, excluding Sundays and legal holidays, after  
 25.22 the appropriate canvassing board finishes canvassing the returns for the election.

25.23 In case of a contest the certificate shall not be issued until the district court  
 25.24 determines the contest.

25.25 Sec. 41. Minnesota Statutes 2014, section 205.13, subdivision 3, is amended to read:

25.26 Subd. 3. **Filing fees.** Unless the a charter provision or ordinance of a home rule  
 25.27 charter or statutory city provides the amount of the fee for filing an application or affidavit  
 25.28 of candidacy for city office, the filing fee for a municipal office is as follows:

25.29 ~~(a)~~ (1) in first class cities, \$20;

25.30 ~~(b)~~ (2) in second and third class cities, \$5; and

25.31 ~~(c)~~ (3) in fourth class cities and towns, \$2.

25.32 Sec. 42. Minnesota Statutes 2014, section 206.90, subdivision 6, is amended to read:

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

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

26.10 When optical scan ballots are used, the offices to be elected must appear in the  
26.11 following order: federal offices; state legislative offices; constitutional offices; proposed  
26.12 constitutional amendments; county offices and questions; municipal offices and questions;  
26.13 school district offices and questions; special district offices and questions; and judicial  
26.14 offices.

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

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

26.19 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the  
26.20 instructions to voters must include a statement that reads substantially as follows: "~~THIS~~  
26.21 ~~BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN~~  
26.22 ~~BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR~~  
26.23 ~~CANDIDATES OF ONE POLITICAL PARTY ONLY.~~" "This ballot card contains a  
26.24 partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted to vote for  
26.25 candidates of one political party only." If a primary ballot contains political party columns  
26.26 on both sides of the ballot, the instructions to voters must include a statement that reads  
26.27 substantially as follows: "~~ADDITIONAL POLITICAL PARTIES ARE PRINTED ON~~  
26.28 ~~THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY.~~"  
26.29 "Additional political parties are printed on the other side of this ballot. Vote for one  
26.30 political party only." At the bottom of each political party column on the primary ballot,  
26.31 the ballot must contain a statement that reads substantially as follows: "~~CONTINUE~~  
26.32 ~~VOTING ON THE NONPARTISAN BALLOT.~~" "Continue voting on the nonpartisan  
26.33 ballot." The instructions in section 204D.08, subdivision 4, do not apply to optical scan  
26.34 partisan primary ballots. Electronic ballot displays and audio ballot readers must follow  
26.35 the order of offices and questions on the optical scan or paper ballot used in the same  
26.36 precinct, or the sample ballot posted for that precinct.

27.1 Sec. 43. Minnesota Statutes 2014, section 209.021, subdivision 2, is amended to read:

27.2 Subd. 2. **Notice filed with court.** If the contest relates to a nomination or  
27.3 election for statewide office, the contestant shall file the notice of contest with the court  
27.4 administrator of District Court in Ramsey County. For contests relating to any other office,  
27.5 the contestant shall file the notice of contest with the court administrator of district court  
27.6 in the county where the contestee resides.

27.7 If the contest relates to a constitutional amendment ~~or other question voted on~~  
27.8 ~~statewide~~, the contestant shall file the notice of contest with the court administrator  
27.9 of District Court in Ramsey County. If the contest relates to any other question, the  
27.10 contestant shall file the notice of contest with the court administrator of district court for  
27.11 the county or any one of the counties where the question appeared on the ballot.

27.12 Sec. 44. Minnesota Statutes 2014, section 209.021, subdivision 3, is amended to read:

27.13 Subd. 3. **Notice served on parties.** In all contests relating to the nomination or  
27.14 election of a candidate, the notice of contest must be served on the candidate who is  
27.15 the contestee, a copy of the notice must be sent to the contestee's last known address  
27.16 by certified mail, and a copy must be furnished to the official authorized to issue the  
27.17 certificate of election. If personal or substituted service on the contestee cannot be made,  
27.18 an affidavit of the attempt by the person attempting to make service and the affidavit of  
27.19 the person who sent a copy of the notice to the contestee by certified mail is sufficient to  
27.20 confer jurisdiction upon the court to decide the contest.

27.21 If the contest relates to a constitutional amendment ~~or other question voted on~~  
27.22 ~~statewide or voted on in more than one county~~, notice of contest must be served on the  
27.23 secretary of state, who is the contestee. If a contest relates to a question voted on within  
27.24 only one county, school district, or municipality, a copy of the notice of contest must be  
27.25 served on the county auditor, clerk of the school district, or municipal clerk, respectively,  
27.26 who is the contestee. If the contest is upon the question of consolidation or reorganization  
27.27 of a school district, a copy of the notice of contest must be served on the county auditor  
27.28 authorized by law to issue the order.

27.29 Sec. 45. Minnesota Statutes 2014, section 209.09, subdivision 2, is amended to read:

27.30 Subd. 2. **Statewide offices and questions.** Section 209.10, subdivision 4, applies to  
27.31 a contest regarding a statewide office; or a constitutional amendment; ~~or other question~~  
27.32 ~~voted on statewide~~. A copy of the Supreme Court's decision must be forwarded to the  
27.33 contestant and the contestee.

28.1 Sec. 46. Minnesota Statutes 2014, section 365.22, subdivision 2, is amended to read:

28.2 Subd. 2. **Questions, ballot details.** The questions to be voted on must be separately  
28.3 stated on the ballots, as worded in section 365.21. Two ~~squares~~ ovals or similar target  
28.4 shapes, one above the other, must be put just below each question with the word "yes"  
28.5 beside the upper ~~square~~ target shape and the word "no" beside the lower ~~square~~ target shape.

28.6 Sec. 47. Minnesota Statutes 2014, section 365.22, subdivision 3, is amended to read:

28.7 Subd. 3. **Voting.** An elector must vote separately on each question for the elector's  
28.8 vote to be counted on that question. To vote "yes" on a question, the elector shall ~~mark an~~  
28.9 ~~"X" in the square~~ fill in the oval or similar target shape beside the word "yes" just below  
28.10 the question. To vote "no" on a question, the elector shall ~~mark an "X" in the square~~ fill in  
28.11 the oval or similar target shape beside the word "no" just below the question.

28.12 Sec. 48. Minnesota Statutes 2014, section 367.31, subdivision 4, is amended to read:

28.13 Subd. 4. **Election; form of ballot.** The proposals for adoption of the options shall  
28.14 be stated on the ballot substantially as follows:

28.15 "Shall option A, providing for a five-member town board of supervisors, be adopted  
28.16 for the government of the town?"

28.17 "Shall option B, providing for the appointment of the clerk and treasurer by the town  
28.18 board, be adopted for the government of the town?"

28.19 "Shall option C, providing for the appointment of a town administrator by the town  
28.20 board, be adopted for the government of the town?"

28.21 "Shall option D, providing for combining the offices of clerk and treasurer, be  
28.22 adopted for the government of the town?"

28.23 If a proposal under option B is to appoint only the clerk or only the treasurer, or if it  
28.24 is to appoint the combined clerk-treasurer following the adoption of option D or when  
28.25 submitted simultaneously with the ballot question for option D, the ballot question shall be  
28.26 varied to read appropriately. If an option B ballot question is submitted for the combined  
28.27 clerk-treasurer office at the same election in which option D is also on the ballot, the  
28.28 ballot must note that the approval of option B is contingent on the simultaneous approval  
28.29 of option D. In any of these cases, the question shall be followed by the words "Yes"  
28.30 and "No" with an appropriate ~~square~~ oval or similar target shape before each in which  
28.31 an elector may record a choice.

28.32 Sec. 49. Minnesota Statutes 2014, section 368.85, subdivision 4, is amended to read:

29.1 Subd. 4. **Ballot.** The town board shall provide ballots which shall read "Shall  
 29.2 the territory described in the resolution adopted by the town board on the ..... day of  
 29.3 ....., ....., constitute a special fire protection district?" The question shall be followed  
 29.4 with a line with the word "Yes" and ~~a square~~ an oval or similar target shape after it and  
 29.5 another line with the word "No" and ~~a square~~ an oval or similar target shape after it. The  
 29.6 voters shall indicate their choice by placing a ~~cross~~ mark in one of the ~~squares~~ target  
 29.7 shapes, and a direction to so indicate their choice shall be printed on the ballot.

29.8 Sec. 50. Minnesota Statutes 2014, section 376.04, is amended to read:

29.9 **376.04 ELECTION, SEPARATE BALLOT.**

29.10 The question of purchasing and constructing hospital buildings shall be submitted  
 29.11 to the voters of any county at a general election ~~and placed upon a separate ballot~~. This  
 29.12 election must be called by a resolution of the county board. The resolution must state the  
 29.13 time of the election, that a county hospital is proposed to be established, the proposed  
 29.14 location, and the cost, including equipment, for not more than the amount stated in the  
 29.15 resolution. When the resolutions are passed, the county auditor shall immediately notify  
 29.16 each town or city clerk in the county that the question of constructing hospital buildings  
 29.17 will be voted upon at the time stated in the resolution, in the manner provided under the  
 29.18 state election laws.

29.19 The ballot must be in the following form:

29.20 "For the purchase and construction of hospital buildings, including equipment, to  
 29.21 be located at ..... (state location), at a cost not more than ..... (state amount),  
 29.22 pursuant to the resolution of the board of county commissioners passed ..... (state  
 29.23 date).

29.24 Yes .....

29.25 No ..... "

29.26 To the left of each of the last two words, "yes" and "no," shall be followed by a  
 29.27 square in which the voter may indicate by a mark (X) either a negative or affirmative vote  
 29.28 printed an oval or similar target shape so that the voter may indicate by a mark either a  
 29.29 negative or affirmative vote. These votes shall be cast in the same manner as votes cast at  
 29.30 the general election and counted by the same officers. Returns must be made to the county  
 29.31 auditor, and canvassed in the same manner as the returns on county officers.

29.32 Sec. 51. Minnesota Statutes 2014, section 412.551, subdivision 2, is amended to read:

29.33 Subd. 2. **Form of ballot.** The proposals for the adoption of optional plans shall be  
 29.34 stated on the ballot substantially as follows:

30.1 "Shall Optional Plan A, modifying the standard plan of city government by  
30.2 providing for the appointment by the council of the clerk and treasurer be adopted for the  
30.3 government of the city?"

30.4 "Shall Optional Plan B, providing for the council-manager form of city government,  
30.5 be adopted for the government of the city?"

30.6 If the city has combined the offices of clerk and treasurer, the word "clerk-treasurer"  
30.7 shall be substituted for the words "clerk and treasurer" in the question on the ballot on  
30.8 adoption of Optional Plan A. In any of these cases, the question shall be followed by the  
30.9 words, "Yes" and "No" with an appropriate square before each in which a voter may  
30.10 record a choice oval or similar target shape to the left of each word so that the voter may  
30.11 indicate by a mark either a negative or affirmative vote.

30.12 Sec. 52. **REPEALER.**

30.13 Minnesota Statutes 2014, sections 204B.14, subdivision 6; 204C.13, subdivision  
30.14 4; 204C.30, subdivision 1; and 383A.555, are repealed.

## 30.15 ARTICLE 2

### 30.16 MILITARY AND OVERSEAS ABSENTEE VOTING

30.17 Section 1. Minnesota Statutes 2014, section 203B.01, subdivision 3, is amended to read:

30.18 Subd. 3. **Military.** "Military" means the Army, Navy, Air Force, Marine Corps,  
30.19 Coast Guard or Merchant Marine of the United States, ~~and~~ all other uniformed services as  
30.20 defined in United States Code, title 42, ~~section 1973ff-6~~ section 20310, and military  
30.21 forces as defined by section 190.05, subdivision 3.

30.22 Sec. 2. Minnesota Statutes 2014, section 203B.16, subdivision 1, is amended to read:

30.23 Subdivision 1. **Military service; temporary residence outside United States.**

30.24 Sections 203B.16 to 203B.27 provide alternative voting procedures for eligible voters who  
30.25 are absent from the precinct where they maintain residence because they are:

30.26 (1) either in the military or the spouses or dependents of individuals serving in  
30.27 the military; or

30.28 (2) temporarily outside the territorial limits of the United States.

30.29 Sections 203B.16 to 203B.27 are intended to implement the federal Uniformed and  
30.30 Overseas Citizens Absentee Voting Act, United States Code, title 42, ~~section 1973ff~~ section 52,  
30.31 sections 20301 to 20310.

30.32 Sec. 3. Minnesota Statutes 2014, section 203B.16, subdivision 2, is amended to read:

31.1 Subd. 2. **Indefinite residence outside United States.** Sections 203B.16 to  
31.2 203B.27 provide the exclusive voting procedure for United States citizens who are living  
31.3 indefinitely outside the territorial limits of the United States who meet all the qualifications  
31.4 of an eligible voter except residence in Minnesota, but who are authorized by federal law  
31.5 to vote in Minnesota because they or, if they have never resided in the United States,  
31.6 a parent maintained residence in Minnesota for at least 20 days immediately prior to  
31.7 their departure from the United States. Individuals described in this subdivision shall be  
31.8 permitted to vote only for the offices of president, vice-president, senator in Congress,  
31.9 and representative in Congress.

31.10 Sec. 4. Minnesota Statutes 2014, section 203B.17, subdivision 1, is amended to read:

31.11 Subdivision 1. **Submission of application.** (a) An application for absentee ballots  
31.12 for a voter described in section 203B.16 must be in writing and may be submitted in  
31.13 person, by mail, by electronic facsimile device, by electronic mail, or electronically  
31.14 through a secure Web site that shall be maintained by the secretary of state for this  
31.15 purpose, upon determination by the secretary of state that security concerns have been  
31.16 adequately addressed. An application for absentee ballots for a voter described in section  
31.17 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or  
31.18 child over the age of 18 years. ~~For purposes of an application under this subdivision, a~~  
31.19 ~~person's Social Security number, no matter how it is designated, qualifies as the person's~~  
31.20 ~~military identification number if the person is in the military.~~

31.21 (b) An application for a voter described in section 203B.16, subdivision 1, shall be  
31.22 submitted to the county auditor of the county where the voter maintains residence or  
31.23 through the secure Web site maintained by the secretary of state.

31.24 (c) An application for a voter described in section 203B.16, subdivision 2, shall be  
31.25 submitted to the county auditor of the county where the voter or the voter's parent last  
31.26 maintained residence in Minnesota or through the secure Web site maintained by the  
31.27 secretary of state.

31.28 (d) An application for absentee ballots shall be valid for any primary, special  
31.29 primary, general election, or special election from the time the application is received  
31.30 through the end of that calendar year.

31.31 (e) There shall be no limitation of time for filing and receiving applications for  
31.32 ballots under sections 203B.16 to 203B.27.

31.33 Sec. 5. Minnesota Statutes 2014, section 203B.17, subdivision 2, is amended to read:

32.1 Subd. 2. **Required information.** An application shall be accepted if it contains the  
32.2 following information stated under oath:

32.3 (a) the voter's name, birthdate, and present address of residence in Minnesota, or  
32.4 former address of residence or parent's former address of residence in Minnesota if the  
32.5 voter is living permanently outside the United States;

32.6 (b) a statement indicating that the voter is in the military, or is the spouse or  
32.7 dependent of an individual serving in the military, or is temporarily outside the territorial  
32.8 limits of the United States, or is living permanently outside the territorial limits of the  
32.9 United States and voting under federal law;

32.10 (c) a statement that the voter expects to be absent from the precinct at the time  
32.11 of the election;

32.12 (d) the address to which absentee ballots are to be mailed;

32.13 (e) the voter's signature or the signature and relationship of the individual authorized  
32.14 to apply on the voter's behalf;

32.15 (f) the voter's passport number, Minnesota driver's license or state identification card  
32.16 number, or the last four digits of the voter's Social Security number; if the voter does not  
32.17 have access to any of these documents, the voter or other individual requesting absentee  
32.18 ballots may attest to the truthfulness of the contents of the application under penalty  
32.19 of perjury; and

32.20 (g) the voter's e-mail address, if the application was submitted electronically through  
32.21 the secure Web site maintained by the secretary of state.

32.22 Notwithstanding paragraph (f), an application submitted through the secretary of state's  
32.23 Web site must include the voter's verifiable Minnesota driver's license number, Minnesota  
32.24 state identification card number, or the last four digits of the voter's Social Security  
32.25 number, and may only be transmitted to the county auditor for processing if the secretary  
32.26 of state has verified the application information matches the information in a government  
32.27 database associated with the applicant's driver's license number, state identification card  
32.28 number, or Social Security number. The secretary of state must review all unverifiable  
32.29 applications for evidence of suspicious activity and must forward any such application to  
32.30 an appropriate law enforcement agency for investigation.

32.31 Sec. 6. Minnesota Statutes 2014, section 204D.11, subdivision 4, is amended to read:

32.32 Subd. 4. **Special federal ballot.** (a) The names of all candidates for the offices  
32.33 of president and vice-president of the United States and senator and representative in  
32.34 Congress shall be placed on a ballot that shall be known as the "special federal ballot."



33.1 (b) This ballot shall be prepared by the county auditor in the same manner as the  
33.2 state general election ballot and shall be subject to the rules adopted by the secretary of  
33.3 state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance  
33.4 with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States  
33.5 Code, title ~~42, section 1973ff~~ 52, sections 20301 to 20310.

33.6 (c) The special federal ballot shall be the only ballot sent to citizens of the United  
33.7 States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

### 33.8 ARTICLE 3

#### 33.9 UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT

33.10 Section 1. Minnesota Statutes 2014, section 204B.07, subdivision 2, is amended to read:

33.11 Subd. 2. **Petitions for presidential electors and alternates.** This subdivision  
33.12 does not apply to candidates for presidential elector or alternate nominated by major  
33.13 political parties. Major party candidates for presidential elector or alternate are certified  
33.14 under section 208.03. Other presidential electors or alternates are nominated by petition  
33.15 pursuant to this section. On petitions nominating presidential electors or alternates, the  
33.16 names of the candidates for president and vice-president shall be added to the political  
33.17 party or political principle stated on the petition. One petition may be filed to nominate a  
33.18 slate of presidential electors equal in number to the number of electors to which the state  
33.19 is entitled and an alternate for each elector nominee.

33.20 Sec. 2. Minnesota Statutes 2014, section 208.02, is amended to read:

#### 33.21 **208.02 ELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES.**

33.22 Presidential electors and alternates shall be chosen at the state general election held  
33.23 in the year preceding the expiration of the term of the president of the United States.

33.24 Sec. 3. Minnesota Statutes 2014, section 208.03, is amended to read:

#### 33.25 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS AND** 33.26 **ALTERNATES.**

33.27 Presidential electors and alternates for the major political parties of this state shall be  
33.28 nominated by delegate conventions called and held under the supervision of the respective  
33.29 state central committees of the parties of this state. At least 71 days before the general  
33.30 election day the chair of the major political party shall certify to the secretary of state  
33.31 the names of the persons nominated as presidential electors, the names of eight persons  
33.32 nominated as alternate presidential electors, and the names of the party candidates for

34.1 president and vice president. The chair shall also certify that the party candidates for  
 34.2 president and vice president have no affidavit on file as a candidate for any office in  
 34.3 this state at the ensuing general election.

34.4 Sec. 4. Minnesota Statutes 2014, section 208.06, is amended to read:

34.5 **208.06 ELECTORS AND ALTERNATES TO MEET AT STATE CAPITOL;**  
 34.6 **FILLING OF VACANCIES.**

34.7 The presidential electors and alternate presidential electors, before 12:00 M. on the  
 34.8 day before that fixed by Congress for the electors to vote for president and vice president  
 34.9 of the United States, shall notify the governor that they are at the State Capitol and ready  
 34.10 at the proper time to fulfill their duties as electors. The governor shall deliver to the  
 34.11 electors present a certificate of the names of all the electors. ~~If any elector named therein~~  
 34.12 ~~fails to appear before 9:00 a.m. on the day, and at the place, fixed for voting for president~~  
 34.13 ~~and vice president of the United States, an alternate, chosen from among the alternates by~~  
 34.14 ~~lot, shall be appointed to act for that elector. If more than eight alternates are necessary,~~  
 34.15 ~~the electors present shall, in the presence of the governor, immediately elect by ballot a~~  
 34.16 ~~person to fill the vacancy. If more than the number of persons required have the highest~~  
 34.17 ~~and an equal number of votes, the governor, in the presence of the electors attending, shall~~  
 34.18 ~~decide by lot which of those persons shall be elected~~ The electors shall meet at 12:00 p.m.  
 34.19 in the executive chamber of the State Capitol and shall perform all the duties imposed  
 34.20 upon them as electors by the Constitution and laws of the United States and this state  
 34.21 in the manner provided in section 208.46.

34.22 Sec. 5. **[208.40] SHORT TITLE.**

34.23 Sections 208.40 to 208.48 may be cited as the "Uniform Faithful Presidential  
 34.24 Electors Act."

34.25 Sec. 6. **[208.41] DEFINITIONS.**

34.26 (a) The definitions in this section apply to sections 208.40 to 208.48.

34.27 (b) "Cast" means accepted by the secretary of state in accordance with section  
 34.28 208.46, paragraph (b).

34.29 (c) "Elector" means an individual selected as a presidential elector under this chapter.

34.30 (d) "President" means the president of the United States.

34.31 (e) "Unaffiliated presidential candidate" means a candidate for president who  
 34.32 qualifies for the general election ballot in this state by means other than nomination by a  
 34.33 political party.

35.1 (f) "Vice president" means the vice president of the United States.

35.2 **Sec. 7. [208.42] DESIGNATION OF STATE'S ELECTORS.**

35.3 (a) For each elector position in this state, a political party contesting the position, or  
35.4 an unaffiliated presidential candidate, shall submit to the secretary of state the names of  
35.5 two qualified individuals. One of the individuals must be designated "elector nominee"  
35.6 and the other "alternate elector nominee."

35.7 (b) Except as otherwise provided in sections 208.44 to 208.47, this state's electors  
35.8 are the winning elector nominees under the laws of this state.

35.9 **Sec. 8. [208.43] PLEDGE.**

35.10 Each elector nominee and alternate elector nominee of a political party shall execute  
35.11 the following pledge: "If selected for the position of elector, I agree to serve and to mark  
35.12 my ballots for president and vice president for the nominees for those offices of the party  
35.13 that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated  
35.14 presidential candidate shall execute the following pledge: "If selected for the position  
35.15 of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and  
35.16 to mark my ballots for that candidate and for that candidate's vice presidential running  
35.17 mate." The executed pledges must accompany the submission of the corresponding names  
35.18 to the secretary of state.

35.19 **Sec. 9. [208.44] CERTIFICATION OF ELECTORS.**

35.20 In submitting this state's certificate of ascertainment as required by United States  
35.21 Code, title 3, section 6, the governor shall certify this state's electors and state in the  
35.22 certificate that:

35.23 (1) the electors will serve as electors unless a vacancy occurs in the office of elector  
35.24 before the end of the meeting at which elector votes are cast, in which case a substitute  
35.25 elector will fill the vacancy; and

35.26 (2) if a substitute elector is appointed to fill a vacancy, the governor will submit an  
35.27 amended certificate of ascertainment stating the names on the final list of this state's  
35.28 electors.

35.29 **Sec. 10. [208.45] PRESIDING OFFICER; ELECTOR VACANCY.**

35.30 (a) The secretary of state shall preside at the meeting of electors described in section  
35.31 208.06.

36.1 (b) The position of an elector not present to vote is vacant. The secretary of state  
36.2 shall appoint an individual as a substitute elector to fill a vacancy as follows:

36.3 (1) if the alternate elector is present to vote, by appointing the alternate elector  
36.4 for the vacant position;

36.5 (2) if the alternate elector for the vacant position is not present to vote, by appointing  
36.6 an elector chosen by lot from among the alternate electors present to vote who were  
36.7 nominated by the same political party or unaffiliated presidential candidate;

36.8 (3) if the number of alternate electors present to vote is insufficient to fill any  
36.9 vacant position pursuant to clauses (1) and (2), by appointing any immediately available  
36.10 individual who is qualified to serve as an elector and chosen through nomination by a  
36.11 plurality vote of the remaining electors, including nomination and vote by a single elector  
36.12 if only one remains;

36.13 (4) if there is a tie between at least two nominees for substitute elector in a vote  
36.14 conducted under clause (3), by appointing an elector chosen by lot from among those  
36.15 nominees; or

36.16 (5) if all elector positions are vacant and cannot be filled pursuant to clauses (1) to  
36.17 (4), by appointing a single presidential elector, with remaining vacant positions to be filled  
36.18 under clause (3) and, if necessary, clause (4).

36.19 (c) To qualify as a substitute elector under paragraph (b), an individual who has not  
36.20 executed the pledge required under section 208.43 shall execute the following pledge: "I  
36.21 agree to serve and to mark my ballots for president and vice president consistent with the  
36.22 pledge of the individual to whose elector position I have succeeded."

36.23 **Sec. 11. [208.46] ELECTOR VOTING.**

36.24 (a) At the time designated for elector voting in section 208.06, and after all vacant  
36.25 positions have been filled under section 208.45, the secretary of state shall provide each  
36.26 elector with a presidential and a vice presidential ballot. The elector shall mark the  
36.27 elector's presidential and vice presidential ballots with the elector's votes for the offices  
36.28 of president and vice president, respectively, along with the elector's signature and the  
36.29 elector's legibly printed name.

36.30 (b) Except as otherwise provided by law of this state other than this chapter, each  
36.31 elector shall present both completed ballots to the secretary of state, who shall examine  
36.32 the ballots and accept as cast all ballots of electors whose votes are consistent with their  
36.33 pledges executed under section 208.43 or 208.45, paragraph (c). Except as otherwise  
36.34 provided by law of this state other than this chapter, the secretary of state may not accept

37.1 and may not count either an elector's presidential or vice presidential ballot if the elector  
 37.2 has not marked both ballots or has marked a ballot in violation of the elector's pledge.

37.3 (c) An elector who refuses to present a ballot, presents an unmarked ballot, or  
 37.4 presents a ballot marked in violation of the elector's pledge executed under section 208.43  
 37.5 or 208.45, paragraph (c), vacates the office of elector, creating a vacant position to be  
 37.6 filled under section 208.45.

37.7 (d) The secretary of state shall distribute ballots to and collect ballots from a  
 37.8 substitute elector and repeat the process under this section of examining ballots, declaring  
 37.9 and filling vacant positions as required, and recording appropriately completed ballots from  
 37.10 the substituted electors, until all of this state's electoral votes have been cast and recorded.

37.11 **Sec. 12. [208.47] ELECTOR REPLACEMENT; ASSOCIATED CERTIFICATES.**

37.12 (a) After the vote of this state's electors is completed, if the final list of electors  
 37.13 differs from any list that the governor previously included on a certificate of ascertainment  
 37.14 prepared and transmitted under United States Code, title 3, section 6, the secretary of state  
 37.15 immediately shall prepare an amended certificate of ascertainment and transmit it to  
 37.16 the governor for the governor's signature.

37.17 (b) The governor immediately shall deliver the signed amended certificate of  
 37.18 ascertainment to the secretary of state and a signed duplicate original of the amended  
 37.19 certificate of ascertainment to all individuals entitled to receive this state's certificate of  
 37.20 ascertainment, indicating that the amended certificate of ascertainment is to be substituted  
 37.21 for the certificate of ascertainment previously submitted.

37.22 (c) The secretary of state shall prepare a certificate of vote. The electors on the final  
 37.23 list shall sign the certificate. The secretary of state shall process and transmit the signed  
 37.24 certificate with the amended certificate of ascertainment under United States Code, title  
 37.25 3, sections 9, 10, and 11.

37.26 **Sec. 13. [208.48] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

37.27 In applying and construing sections 208.40 to 208.48, consideration must be given  
 37.28 to the need to promote uniformity of the law with respect to their subject matter among  
 37.29 states that enact the Uniform Faithful Presidential Electors Act or similar law.

37.30 **Sec. 14. Minnesota Statutes 2014, section 209.01, subdivision 2, is amended to read:**

37.31 **Subd. 2. Statewide office.** For purposes of this chapter, "statewide office" means the  
 37.32 office of governor, lieutenant governor, attorney general, state auditor, secretary of state,

38.1 chief justice or associate justice of the Supreme Court, judge of the Court of Appeals,  
38.2 United States senator, or presidential elector or alternate.

38.3 Sec. 15. **REPEALER**.

38.4 Minnesota Statutes 2014, sections 208.07; and 208.08, are repealed.

APPENDIX  
Article locations in H0840-1

ARTICLE 1	ELECTION ADMINISTRATION .....	Page.Ln 1.24
ARTICLE 2	MILITARY AND OVERSEAS ABSENTEE VOTING .....	Page.Ln 30.15
ARTICLE 3	UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT .....	Page.Ln 33.8

**204B.14 ELECTION PRECINCTS.**

Subd. 6. **Precinct boundaries to follow physical features.** (a) Unless a precinct consists entirely of unorganized territory or more than one precinct is entirely included within one census block, for the first two years following a decennial census an election precinct boundary must follow a census block line.

(b) The boundaries of election precincts must follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established in the manner provided in the rules of the secretary of state to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

(c) For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

(d) If the secretary of state determines that a precinct boundary does not comply with this subdivision, the secretary of state shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the secretary of state shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken.

(e) If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, an alternate boundary used by the United States Bureau of the Census may be authorized by the secretary of state.

**204C.13 RECEIVING AND MARKING BALLOTS.**

Subd. 4. **Folding ballots.** After marking the ballots, the voter shall fold each of them separately to conceal the face and all marks on it, and to expose only the initials of the election judges on the back of the ballot.

**204C.30 ELECTION RETURNS; ADDITIONAL DUTIES OF COUNTY AUDITOR.**

Subdivision 1. **Delivery of summary statements to secretary of state.** The county auditor shall promptly deliver to the secretary of state one of the sets of summary statements received from each precinct.

**208.07 CERTIFICATE OF ELECTORS.**

Immediately after the vacancies have been filled, the original electors and alternates present shall certify to the governor the names of the persons elected to complete their number, and the governor shall at once cause written notice to be given to each person elected to fill a vacancy. The persons so chosen shall be presidential electors and shall meet and act with the other electors.

**208.08 ELECTORS TO MEET AT STATE CAPITOL.**

The original, alternate, and substituted presidential electors, at 12:00 M., shall meet in the executive chamber at the State Capitol and shall perform all the duties imposed upon them as electors by the Constitution and laws of the United States and this state.

Each elector, as a condition of having been chosen under the name of the party of a presidential and a vice presidential candidate, is obligated to vote for those candidates. The elector shall speak aloud or affirm in a nonverbal manner the name of the candidate for president and for vice president for whom the elector is voting and then confirm that vote by written public ballot.

If an elector fails to cast a ballot for the presidential or vice presidential candidate of the party under whose name the elector was chosen, the elector's vote or abstention is invalidated and an alternate presidential elector, chosen by lot from among the alternates, shall cast a ballot in the name of the elector for the presidential and vice presidential candidate of the party under whose name the elector was chosen. The invalidation of an elector's vote or abstention on the ballot for president or vice president does not apply if the presidential candidate under whose



APPENDIX

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party's name the elector was chosen has without condition released the elector or has died or become mentally disabled.

**383A.555 ELECTION; BALLOT.**

Subdivision 1. **Procedure; notice.** Upon delivery of the proposed charter to the board of county commissioners, the board shall submit it to the voters at the general election in 1990. The election shall be conducted as nearly as possible in accordance with chapter 372, provided that the polls shall remain open until 8:00 p.m. The notice of election must contain the complete charter and must be published once a week for two successive weeks in a qualified newspaper of general circulation within the county.

Subd. 2. **Ballot form.** The ballot must be in the following form:

"Shall the proposed new county charter be adopted?"

Yes .....

No ..... "

The voter shall place an "X" after one of the last two words to express the voter's choice.