

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 1331

1.2 A bill for an act

1.3 relating to elections; moving the state primary from September to June and
1.4 making conforming changes; updating certain ballot and voting system
1.5 requirements; changing certain election administration provisions; authorizing
1.6 early voting; expanding requirements and authorizations for postsecondary
1.7 institutions to report resident student information to the secretary of state for
1.8 voter registration purposes; changing certain absentee ballot requirements and
1.9 provisions; requiring a special election for certain vacancies in nomination;
1.10 changing the special election requirements for vacancies in Congressional
1.11 offices; requiring an affidavit of candidacy to state the candidate's residence
1.12 address and telephone number; changing municipal precinct and ward boundary
1.13 requirements for certain cities; imposing additional requirements on polling
1.14 place challengers; changing certain caucus and campaign provisions; amending
1.15 Minnesota Statutes 2008, sections 10A.31, subdivision 6; 10A.321; 10A.322,
1.16 subdivision 1; 10A.323; 103C.305, subdivisions 1, 3; 135A.17, subdivision
1.17 2; 201.016, subdivisions 1a, 2; 201.022, subdivision 1; 201.056; 201.061,
1.18 subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision;
1.19 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.001; 203B.01, by adding
1.20 a subdivision; 203B.02, subdivision 3; 203B.03, subdivision 1; 203B.04,
1.21 subdivisions 1, 6; 203B.05; 203B.06, subdivisions 3, 5; 203B.07, subdivisions 2,
1.22 3; 203B.08, subdivisions 2, 3, by adding a subdivision; 203B.081; 203B.085;
1.23 203B.11, subdivision 1; 203B.12; 203B.125; 203B.16, subdivision 2; 203B.17,
1.24 subdivision 1; 203B.19; 203B.21, subdivision 2; 203B.22; 203B.225, subdivision
1.25 1; 203B.227; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.04,
1.26 subdivisions 2, 3; 204B.06, by adding a subdivision; 204B.07, subdivision 1;
1.27 204B.09, subdivisions 1, 3; 204B.11, subdivision 2; 204B.13, subdivisions 1, 2,
1.28 by adding subdivisions; 204B.135, subdivisions 1, 3, 4; 204B.14, subdivisions
1.29 2, 3, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18; 204B.21,
1.30 subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3;
1.31 204B.28, subdivision 2; 204B.33; 204B.35, subdivision 4; 204B.44; 204B.45,
1.32 subdivision 2; 204B.46; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision
1.33 1; 204C.07, subdivisions 3a, 4; 204C.08; 204C.10; 204C.12, subdivision 2;
1.34 204C.13, subdivisions 2, 3, 5, 6; 204C.17; 204C.19, subdivision 2; 204C.20,
1.35 subdivisions 1, 2; 204C.21; 204C.22, subdivisions 3, 4, 6, 7, 10, 13; 204C.24,
1.36 subdivision 1; 204C.25; 204C.26; 204C.27; 204C.28, subdivision 3; 204C.30,
1.37 by adding subdivisions; 204C.33, subdivisions 1, 3; 204C.35, subdivisions 1,
1.38 2, by adding a subdivision; 204C.36, subdivisions 1, 3, 4; 204C.37; 204D.03,
1.39 subdivisions 1, 3; 204D.04, subdivision 2; 204D.05, subdivision 3; 204D.07;
1.40 204D.08; 204D.09, subdivision 2; 204D.10, subdivisions 1, 3; 204D.11,
1.41 subdivision 1; 204D.12; 204D.13; 204D.16; 204D.165; 204D.17; 204D.19;
1.42 204D.20, subdivision 1; 204D.25, subdivision 1; 205.065, subdivisions 1, 2;

2.1 205.07, by adding a subdivision; 205.075, subdivision 1; 205.13, subdivisions
2.2 1, 1a, 2; 205.16, subdivisions 2, 3, 4; 205.17, subdivisions 1, 3, 4, 5; 205.185,
2.3 subdivision 3, by adding a subdivision; 205.84, subdivisions 1, 2; 205A.03,
2.4 subdivisions 1, 2; 205A.05, subdivisions 1, 2; 205A.06, subdivision 1a; 205A.07,
2.5 subdivisions 2, 3; 205A.08, subdivisions 1, 3, 4; 205A.10, subdivisions 2, 3, by
2.6 adding a subdivision; 205A.11, subdivision 3; 206.56, subdivision 3; 206.57,
2.7 subdivision 6; 206.82, subdivision 2; 206.83; 206.84, subdivision 3; 206.86,
2.8 subdivision 6; 206.89, subdivisions 2, 3; 206.90, subdivisions 9, 10; 208.03;
2.9 208.04; 211B.045; 211B.11, by adding a subdivision; 211B.20, subdivisions
2.10 1, 2; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6;
2.11 414.0325, subdivisions 1, 4; 414.033, subdivision 7; 447.32, subdivision 4; Laws
2.12 2005, chapter 162, section 34, subdivision 2; proposing coding for new law
2.13 in Minnesota Statutes, chapters 202A; 203B; 204B; 204C; 204D; 205; 205A;
2.14 repealing Minnesota Statutes 2008, sections 3.22; 201.096; 203B.04, subdivision
2.15 5; 203B.10; 203B.11, subdivision 2; 203B.13, subdivisions 1, 2, 3, 4; 203B.25;
2.16 204B.12, subdivision 2a; 204B.13, subdivisions 4, 5, 6; 204B.22, subdivision 3;
2.17 204B.36; 204B.37; 204B.38; 204B.39; 204B.41; 204B.42; 204C.07, subdivision
2.18 3; 204C.13, subdivision 4; 204C.20, subdivision 3; 204C.23; 204D.05,
2.19 subdivisions 1, 2; 204D.10, subdivision 2; 204D.11, subdivisions 2, 3, 4, 5, 6;
2.20 204D.14, subdivisions 1, 3; 204D.15, subdivisions 1, 3; 204D.169; 204D.28;
2.21 205.17, subdivision 2; 206.56, subdivision 5; 206.57, subdivision 7; 206.61,
2.22 subdivisions 1, 3, 4, 5; 206.62; 206.805, subdivision 2; 206.84, subdivisions 1, 6,
2.23 7; 206.86, subdivisions 1, 2, 3, 4, 5; 206.90, subdivisions 3, 5, 6, 7, 8; 206.91;
2.24 Minnesota Rules, part 8230.4365, subpart 5.

2.25 May 17, 2009

2.26 The Honorable James P. Metzen
2.27 President of the Senate

2.28 The Honorable Margaret Anderson Kelliher
2.29 Speaker of the House of Representatives

2.30 We, the undersigned conferees for S.F. No. 1331 report that we have agreed upon
2.31 the items in dispute and recommend as follows:

2.32 That the House recede from its amendments and that S.F. No. 1331 be further
2.33 amended as follows:

2.34 Delete everything after the enacting clause and insert:

2.35 **"ARTICLE 1**
2.36 **ELECTIONS AND VOTING**

2.37 Section 1. Minnesota Statutes 2008, section 10A.31, subdivision 6, is amended to read:

2.38 Subd. 6. **Distribution of party accounts.** As soon as the board has obtained from
2.39 the secretary of state the results of the primary election, but no later than one week after
2.40 certification by the State Canvassing Board of the results of the primary, the board must
2.41 distribute the available money in each party account, as certified by the commissioner of
2.42 revenue ~~on September 1~~ one week before the state primary, to the candidates of that party
2.43 who have signed a spending limit agreement under section 10A.322 and filed the affidavit
2.44 of contributions required by section 10A.323, who were opposed in either the primary
2.45 election or the general election, and whose names are to appear on the ballot in the general

3.1 election, according to the allocations set forth in subdivisions 5 and 5a. The public subsidy
3.2 from the party account may not be paid in an amount greater than the expenditure limit
3.3 of the candidate or the expenditure limit that would have applied to the candidate if the
3.4 candidate had not been freed from expenditure limits under section 10A.25, subdivision
3.5 10. ~~If a candidate files the affidavit required by section 10A.323 after September 1 of the~~
3.6 ~~general election year, the board must pay the candidate's allocation to the candidate at the~~
3.7 ~~next regular payment date for public subsidies for that election cycle that occurs at least~~
3.8 ~~15 days after the candidate files the affidavit.~~

3.9 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
3.10 thereafter.

3.11 Sec. 2. Minnesota Statutes 2008, section 10A.321, is amended to read:

3.12 **10A.321 ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.**

3.13 Subdivision 1. **Calculation and certification of estimates.** The commissioner of
3.14 revenue must calculate and certify to the board one week before ~~July 1~~ the first day for
3.15 filing for office in each election year an estimate of the total amount in the state general
3.16 account of the state elections campaign fund and the amount of money each candidate
3.17 who qualifies, as provided in section 10A.31, subdivisions 6 and 7, may receive from the
3.18 candidate's party account in the state elections campaign fund. This estimate must be
3.19 based upon the allocations and formulas in section 10A.31, subdivisions 5 and 5a, any
3.20 necessary vote totals provided by the secretary of state to apply the formulas in section
3.21 10A.31, subdivisions 5 and 5a, and the amount of money expected to be available after
3.22 100 percent of the tax returns have been processed.

3.23 Subd. 2. **Publication, certification, and notification procedures.** Before the
3.24 first day of filing for office, the board must publish and forward to all filing officers
3.25 the estimates calculated and certified under subdivision 1 along with a copy of section
3.26 10A.25, subdivision 10. Within ~~seven days~~ one week after the last day for filing for
3.27 office, the secretary of state must certify to the board the name, address, office sought, and
3.28 party affiliation of each candidate who has filed with that office an affidavit of candidacy
3.29 or petition to appear on the ballot. The auditor of each county must certify to the board
3.30 the same information for each candidate who has filed with that county an affidavit of
3.31 candidacy or petition to appear on the ballot. ~~By August 15~~ Within two weeks after the last
3.32 day for filing for office, the board must notify all candidates of their estimated minimum
3.33 amount. The board must include with the notice a form for the agreement provided in
3.34 section 10A.322 along with a copy of section 10A.25, subdivision 10.

4.1 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
4.2 thereafter.

4.3 Sec. 3. Minnesota Statutes 2008, section 10A.322, subdivision 1, is amended to read:

4.4 Subdivision 1. **Agreement by candidate.** (a) As a condition of receiving a public
4.5 subsidy, a candidate must sign and file with the board a written agreement in which the
4.6 candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision
4.7 10; 10A.31, subdivision 7, paragraph (c); 10A.324; and 10A.38.

4.8 (b) Before the first day of filing for office, the board must forward agreement forms
4.9 to all filing officers. The board must also provide agreement forms to candidates on
4.10 request at any time. The candidate must file the agreement with the board ~~by September 1~~
4.11 ~~preceding the candidate's general election or a special election held at the general election~~
4.12 at least three weeks before the candidate's state primary. An agreement may not be filed
4.13 after that date. An agreement once filed may not be rescinded.

4.14 (c) The board must notify the commissioner of revenue of any agreement signed
4.15 under this subdivision.

4.16 (d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means
4.17 of a special election and the filing period does not coincide with the filing period for the
4.18 general election, a candidate may sign and submit a spending limit agreement not later
4.19 than the day after the candidate files the affidavit of candidacy or nominating petition
4.20 for the office.

4.21 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
4.22 thereafter.

4.23 Sec. 4. Minnesota Statutes 2008, section 10A.323, is amended to read:

4.24 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

4.25 In addition to the requirements of section 10A.322, to be eligible to receive a public
4.26 subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit
4.27 with the board stating that ~~during that calendar year~~ between January 1 of the election year
4.28 and the cutoff date for transactions included in the report of receipts and expenditures due
4.29 before the primary election, the candidate has accumulated contributions from persons
4.30 eligible to vote in this state in at least the amount indicated for the office sought, counting
4.31 only the first \$50 received from each contributor:

4.32 (1) candidates for governor and lieutenant governor running together, \$35,000;

4.33 (2) candidates for attorney general, \$15,000;

4.34 (3) candidates for secretary of state and state auditor, separately, \$6,000;

- 5.1 (4) candidates for the senate, \$3,000; and
- 5.2 (5) candidates for the house of representatives, \$1,500.

5.3 The affidavit must state the total amount of contributions that have been received
5.4 from persons eligible to vote in this state, disregarding the portion of any contribution in
5.5 excess of \$50.

5.6 The candidate or the candidate's treasurer must submit the affidavit required by this
5.7 section to the board in writing by the ~~cutoff date~~ deadline for reporting of receipts and
5.8 expenditures before a primary under section 10A.20, subdivision 4.

5.9 A candidate for a vacancy to be filled at a special election for which the filing period
5.10 does not coincide with the filing period for the general election must submit the affidavit
5.11 required by this section to the board within five days after filing the affidavit of candidacy.

5.12 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
5.13 thereafter.

5.14 Sec. 5. Minnesota Statutes 2008, section 13.607, subdivision 7, is amended to read:

5.15 Subd. 7. **Absentee ballots.** Disclosure of names of voters submitting absentee
5.16 ballots is governed by section ~~203B.12, subdivision 7~~ 203B.121, subdivision 2.

5.17 Sec. 6. Minnesota Statutes 2008, section 135A.17, subdivision 2, is amended to read:

5.18 Subd. 2. ~~Residential housing list~~ **List of enrolled students.** ~~All postsecondary~~
5.19 ~~institutions that enroll students accepting state or federal financial aid may~~ (a) Institutions
5.20 within the Minnesota State Colleges and Universities must prepare a current list of
5.21 students enrolled in the institution and residing in the institution's housing or within
5.22 ten miles of the institution's campus in Minnesota. The list ~~shall~~ must include each
5.23 student's name and current address, unless the name or address is not designated as public
5.24 data under section 13.32, subdivision 5. The list ~~shall~~ must be certified and sent to the
5.25 ~~appropriate county auditor or auditors~~ secretary of state no earlier than 30 and no later than
5.26 25 days before the November general election, in an electronic format specified by the
5.27 secretary of state, for use in election day registration as provided under section 201.061,
5.28 subdivision 3. The certification must be dated and signed by the chief officer or designee
5.29 of the postsecondary educational institution, or for institutions within the Minnesota State
5.30 Colleges and Universities, by the chancellor, and must state that the list is current and
5.31 accurate and includes only the names of currently enrolled students residing in Minnesota
5.32 as of the date of certification. The secretary of state must combine the data received from
5.33 each postsecondary educational institution under this subdivision and must process the
5.34 data to locate the precinct in which the address provided for each student is located. If the

6.1 data submitted by the postsecondary educational institution is insufficient for the secretary
6.2 of state to locate the proper precinct, the associated student name must not appear in any
6.3 list forwarded to a county auditor under this subdivision.

6.4 At least 14 days before the November general election, the secretary of state
6.5 must forward to the appropriate county auditor lists of students containing the students'
6.6 names and addresses for which precinct determinations have been made along with their
6.7 postsecondary educational institutions. The list must be sorted by precinct and student
6.8 last name and must be forwarded in an electronic format specified by the secretary of
6.9 state or other mutually agreed upon medium, if a written agreement specifying the
6.10 medium is signed by the secretary of state and the county auditor at least 90 days before
6.11 the November general election. A written agreement is effective for all elections until
6.12 rescinded by either the secretary of state or the county auditor.

6.13 (b) Other postsecondary institutions may provide lists as provided by this subdivision
6.14 or as provided by the rules of the secretary of state. The University of Minnesota is
6.15 requested to comply with this subdivision.

6.16 (c) A residential housing list provided under this subdivision may not be used or
6.17 disseminated by a county auditor or the secretary of state for any other purpose.

6.18 Sec. 7. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to read:

6.19 Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice
6.20 to any voter who the county auditor can determine has ~~voted~~: (1) provided the address at
6.21 which the voter maintains residence, but was allowed to vote in a precinct other than the
6.22 precinct in which the voter maintains residence; and (2) not voted in the wrong precinct
6.23 previously. The notice must be in the form provided by the secretary of state.

6.24 (b) The county auditor shall mail a violation notice to any voter who otherwise voted
6.25 in a precinct in which the voter did not maintain residence on election day. The county
6.26 auditor shall also change the status of the voter in the statewide registration system to
6.27 "challenged" and the voter shall be required to provide proof of residence to either the
6.28 county auditor or to the election judges in the voter's precinct before voting in the next
6.29 election. Any of the forms authorized by section 201.061 for registration at the polling
6.30 place may be used for this purpose.

6.31 ~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the
6.32 voter maintains residence after receiving an initial violation notice as provided in this
6.33 subdivision is guilty of a petty misdemeanor.

7.1 ~~(e)~~ (d) A voter who votes in a precinct other than the precinct in which the voter
7.2 maintains residence after having been found to have committed a petty misdemeanor
7.3 under paragraph (b) is guilty of a misdemeanor.

7.4 ~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of
7.5 the voter's polling place provided by the state, county, or municipality is an affirmative
7.6 defense to a prosecution under this subdivision.

7.7 Sec. 8. Minnesota Statutes 2008, section 201.016, subdivision 2, is amended to read:

7.8 Subd. 2. **Duration of residence.** The governing body of any city by resolution may
7.9 require an eligible voter to maintain residence in a precinct for a period of 30 days prior
7.10 to voting on any question affecting only that precinct or voting to elect public officials
7.11 representing only that precinct. The governing body of any town by resolution may
7.12 require an eligible voter to maintain residence in that town for a period of 30 days prior
7.13 to voting in a town election. The school board of any school district by resolution may
7.14 require an eligible voter to maintain residence in that school district for a period of 30 days
7.15 prior to voting in a school district election. If a political boundary, including a precinct,
7.16 municipal, or school district boundary, is redrawn within the 30 days prior to an election
7.17 in a manner that places an eligible voter in a new jurisdiction and the eligible voter has
7.18 not changed residence during the 30 days prior to the election, the eligible voter meets
7.19 any residency requirement imposed under this subdivision.

7.20 Sec. 9. Minnesota Statutes 2008, section 201.056, is amended to read:

7.21 **201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.**

7.22 An individual who is unable to write the individual's name shall be required to sign
7.23 a registration application in the manner provided by section 645.44, subdivision 14. If
7.24 the individual registers in person and signs by making a mark, the clerk or election judge
7.25 accepting the registration shall certify the mark by signing the individual's name. If the
7.26 individual registers by mail and signs by making a mark, the mark shall be certified by
7.27 having a voter registered in the individual's precinct sign the individual's name and the
7.28 voter's own name and give the voter's own address. An individual who has power of
7.29 attorney for another person may not sign election-related documents for that person,
7.30 except as provided by this section.

7.31 Sec. 10. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

7.32 Subdivision 1. **Prior to election day.** At any time except during the 20 days
7.33 immediately preceding any regularly scheduled election, an eligible voter or any

8.1 individual who will be an eligible voter at the time of the next election may register to vote
8.2 in the precinct in which the voter maintains residence by completing a voter registration
8.3 application as described in section 201.071, subdivision 1, and submitting it in person
8.4 or by mail to the county auditor of that county or to the Secretary of State's Office.
8.5 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
8.6 election shall be accepted. An improperly addressed or delivered registration application
8.7 shall be forwarded within two working days after receipt to the county auditor of the
8.8 county where the voter maintains residence. A state or local agency or an individual that
8.9 accepts completed voter registration applications from a voter must submit the completed
8.10 applications to the secretary of state or the appropriate county auditor within ten business
8.11 days after the applications are dated by the voter.

8.12 For purposes of this section, mail registration is defined as a voter registration
8.13 application delivered to the secretary of state, county auditor, or municipal clerk by the
8.14 United States Postal Service or a commercial carrier.

8.15 Sec. 11. Minnesota Statutes 2008, section 201.061, subdivision 3, is amended to read:

8.16 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may
8.17 register on election day by appearing in person at the polling place for the precinct in
8.18 which the individual maintains residence, by completing a registration application, making
8.19 an oath in the form prescribed by the secretary of state and providing proof of residence.
8.20 An individual may prove residence for purposes of registering by:

8.21 (1) presenting a current, valid driver's license or Minnesota identification card issued
8.22 pursuant to section 171.07;

8.23 (2) presenting any document approved by the secretary of state as proper
8.24 identification;

8.25 (3) presenting one of the following:

8.26 (i) a current valid student identification card from a postsecondary educational
8.27 institution in Minnesota, if a list of students from that institution has been prepared under
8.28 section 135A.17 ~~and certified to the county auditor~~ or in the manner provided in rules of
8.29 the secretary of state; or

8.30 (ii) a current student fee statement that contains the student's valid address in the
8.31 precinct together with a picture identification card; or

8.32 (4) having a voter who is registered to vote in the precinct, or who is an employee
8.33 employed by and working in a residential facility in the precinct and vouching for a
8.34 resident in the facility, sign an oath in the presence of the election judge vouching that the
8.35 voter or employee personally knows that the individual is a resident of the precinct. A

9.1 voter who has been vouched for on election day may not sign a proof of residence oath
9.2 vouching for any other individual on that election day. A voter who is registered to vote in
9.3 the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation
9.4 does not apply to an employee of a residential facility described in this clause. The
9.5 secretary of state shall provide a form for election judges to use in recording the number
9.6 of individuals for whom a voter signs proof-of-residence oaths on election day. The
9.7 form must include space for the maximum number of individuals for whom a voter may
9.8 sign proof-of-residence oaths. For each proof-of-residence oath, the form must include
9.9 a statement that the voter is registered to vote in the precinct, personally knows that the
9.10 individual is a resident of the precinct, and is making the statement on oath. The form must
9.11 include a space for the voter's printed name, signature, telephone number, and address.

9.12 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be
9.13 attached to the voter registration application.

9.14 (b) The operator of a residential facility shall prepare a list of the names of its
9.15 employees currently working in the residential facility and the address of the residential
9.16 facility. The operator shall certify the list and provide it to the appropriate county auditor
9.17 no less than 20 days before each election for use in election day registration.

9.18 (c) "Residential facility" means transitional housing as defined in section 256E.33,
9.19 subdivision 1; a supervised living facility licensed by the commissioner of health under
9.20 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision
9.21 5; a residence registered with the commissioner of health as a housing with services
9.22 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by
9.23 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence
9.24 licensed by the commissioner of human services to provide a residential program as
9.25 defined in section 245A.02, subdivision 14; a residential facility for persons with a
9.26 developmental disability licensed by the commissioner of human services under section
9.27 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter
9.28 for battered women as defined in section 611A.37, subdivision 4; or a supervised
9.29 publicly or privately operated shelter or dwelling designed to provide temporary living
9.30 accommodations for the homeless.

9.31 (d) For tribal band members, an individual may prove residence for purposes of
9.32 registering by:

9.33 (1) presenting an identification card issued by the tribal government of a tribe
9.34 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
9.35 contains the name, address, signature, and picture of the individual; or

10.1 (2) presenting an identification card issued by the tribal government of a tribe
10.2 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that
10.3 contains the name, signature, and picture of the individual and also presenting one of the
10.4 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

10.5 (e) A county, school district, or municipality may require that an election judge
10.6 responsible for election day registration initial each completed registration application.

10.7 Sec. 12. Minnesota Statutes 2008, section 201.091, is amended by adding a subdivision
10.8 to read:

10.9 Subd. 5a. **Registration confirmation to registered voter.** The secretary of state
10.10 must ensure that the secretary of state's Web site is capable of providing voter registration
10.11 confirmation to a registered voter. An individual requesting registration confirmation must
10.12 provide the individual's name, address, and date of birth. If the information provided by
10.13 the individual completely matches an active voter record in the statewide voter registration
10.14 system, the Web site must inform the individual that the individual is a registered voter and
10.15 must provide the individual with the individual's polling place location. If the information
10.16 provided by the individual does not completely match an active voter record in the
10.17 statewide voter registration system, the Web site must inform the individual that a voter
10.18 record with that name and date of birth at the address provided cannot be confirmed and the
10.19 Web site must advise the individual to contact the county auditor for further information.

10.20 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
10.21 certified that the Web site has been tested, has been shown to properly retrieve information
10.22 from the correct voter's record, and can handle the expected volume of use.

10.23 Sec. 13. Minnesota Statutes 2008, section 201.11, is amended to read:

10.24 **201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS**
10.25 **CHANGED, CHANGE OF FILES.**

10.26 Subdivision 1. **Precinct boundaries changed.** When the boundaries of a precinct
10.27 are changed, the county auditor shall immediately update the voter records for that
10.28 precinct in the statewide voter registration system to accurately reflect those changes.

10.29 Subd. 2. **House number or street address changed.** If a municipality
10.30 administratively changes the number or name of a street address of an existing residence,
10.31 the municipal clerk shall promptly notify the county auditor and the county auditor
10.32 shall immediately update the voter records of registered voters in the statewide voter
10.33 registration system to accurately reflect that change. A municipality must not make a

11.1 change to the number or name of a street address of an existing residence effective during
11.2 the 45 days prior to any election in a jurisdiction which includes the affected residence.

11.3 Sec. 14. Minnesota Statutes 2008, section 201.12, is amended to read:

11.4 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**
11.5 **CHALLENGES.**

11.6 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate
11.7 excess names, the county auditor may mail to any registered voter a notice stating the
11.8 voter's name and address as they appear in the registration files. The notice shall request
11.9 the voter to notify the county auditor if there is any mistake in the information.

11.10 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
11.11 official is returned as undeliverable but with a permanent forwarding address in this state,
11.12 the county auditor may change the voter's status to "inactive" in the statewide registration
11.13 system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which
11.14 the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to occur
11.15 in the precinct in which the voter resides in the next 47 days, the county auditor shall
11.16 promptly update the voter's address in the statewide voter registration system ~~and~~. If there
11.17 is not an election scheduled, the auditor may wait to update the voter's address until after
11.18 the next list of address changes is received from the secretary of state. Once updated, the
11.19 county auditor shall mail to the voter a notice stating the voter's name, address, precinct,
11.20 and polling place. The notice must advise the voter that the voter's voting address has
11.21 been changed and that the voter must notify the county auditor within 21 days if the
11.22 new address is not the voter's address of residence. The notice must state that it must be
11.23 returned if it is not deliverable to the voter at the named address.

11.24 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
11.25 official is returned as undeliverable but with a permanent forwarding address outside this
11.26 state, the county auditor shall promptly mail to the voter at the voter's new address a notice
11.27 advising the voter that the voter's status in the statewide voter registration system will be
11.28 changed to "inactive" unless the voter notifies the county auditor within 21 days that the
11.29 voter is retaining the former address as the voter's address of residence. If the notice is
11.30 not received by the deadline, ~~the county auditor shall change~~ the voter's status shall be
11.31 changed to "inactive" in the statewide voter registration system.

11.32 Subd. 4. **Challenges.** If any nonforwardable mailing from an election official
11.33 is returned as undeliverable but with no forwarding address, the county auditor shall
11.34 change the registrant's status to "challenged" in the statewide voter registration system.

12.1 An individual challenged in accordance with this subdivision shall comply with the
12.2 provisions of section 204C.12, before being allowed to vote. If a notice mailed at least
12.3 60 days after the return of the first nonforwardable mailing is also returned by the postal
12.4 service, the county auditor shall change the registrant's status to "inactive" in the statewide
12.5 voter registration system.

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

12.7 Sec. 15. Minnesota Statutes 2008, section 201.13, is amended to read:

12.8 **201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER**
12.9 **RECORDS.**

12.10 Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant
12.11 to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health
12.12 shall report monthly by electronic means to the secretary of state the name, address, date
12.13 of birth, and county of residence of each individual 18 years of age or older who has died
12.14 while maintaining residence in Minnesota since the last previous report. The secretary of
12.15 state shall determine if any of the persons listed in the report are registered to vote and
12.16 shall prepare a list of those registrants for each county auditor. Within 60 days after
12.17 receiving the list from the secretary of state, the county auditor shall change the status of
12.18 those registrants to "deceased" in the statewide voter registration system.

12.19 Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has
12.20 died outside the county, the county auditor shall change the voter's status to "deceased."
12.21 Notice must be in the form of a printed obituary or a written statement signed by a
12.22 registered voter ~~of the county.~~

12.23 Subd. 3. **Use of change of address system.** (a) At least once each month the
12.24 secretary of state shall obtain a list of individuals registered to vote in this state who have
12.25 filed with the United States Postal Service a change of their permanent address. However,
12.26 the secretary of state shall not obtain this list within the 47 days before the state primary or
12.27 47 days before a November general election.

12.28 (b) If the address is changed to another address in this state, the secretary of state
12.29 shall locate the precinct in which the voter resides, if possible. If the secretary of state
12.30 is able to locate the precinct in which the voter resides, the secretary must transmit the
12.31 information about the changed address by electronic means to the county auditor of the
12.32 county in which the new address is located. If the voter has not voted or submitted a
12.33 voter registration application since the address change, upon receipt of the information,
12.34 the county auditor shall update the voter's address in the statewide voter registration

13.1 system ~~and~~. The county auditor shall mail to the voter a notice stating the voter's name,
13.2 address, precinct, and polling place, unless the voter's record is challenged due to a felony
13.3 conviction, noncitizenship, name change, incompetence, or a court's revocation of voting
13.4 rights of individuals under guardianship, in which case the auditor must not mail the
13.5 notice. The notice must advise the voter that the voter's voting address has been changed
13.6 and that the voter must notify the county auditor within 21 days if the new address is not
13.7 the voter's address of residence. The notice must state that it must be returned if it is not
13.8 deliverable to the voter at the named address.

13.9 ~~(b)~~ (c) If the change of permanent address is to an address outside this state, the
13.10 secretary of state shall notify by electronic means the auditor of the county where the
13.11 voter formerly resided that the voter has moved to another state. If the voter has not voted
13.12 or submitted a voter registration application since the address change, the county auditor
13.13 shall promptly mail to the voter at the voter's new address a notice advising the voter that
13.14 the voter's status in the statewide voter registration system will be changed to "inactive"
13.15 unless the voter notifies the county auditor within 21 days that the voter is retaining the
13.16 former address as the voter's address of residence, except that if the voter's record is
13.17 challenged due to a felony conviction, noncitizenship, name change, incompetence, or
13.18 a court's revocation of voting rights of individuals under guardianship, the auditor must
13.19 not mail the notice. If the notice is not received by the deadline, the county auditor shall
13.20 change the voter's status to "inactive" in the statewide voter registration system.

13.21 Subd. 4. **Request for removal of voter record.** If a voter makes a written request
13.22 for removal of the voter's record, the county auditor shall remove the record of the voter
13.23 from the statewide voter registration system.

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

13.25 Sec. 16. **[201.35] REPORT TO LEGISLATURE; UNDELIVERABLE**
13.26 **REGISTRATION NOTICES.**

13.27 By January 15 of each odd-numbered year, the secretary of state shall report to the
13.28 chair and ranking minority members of the house of representatives and senate committees
13.29 with jurisdiction over election issues on the number of registration notices returned as
13.30 undeliverable. The report must include the total number of notices returned statewide,
13.31 organized by county and by precinct. Each county auditor must cooperate with the
13.32 secretary of state in providing the data required by this section in a timely manner.

13.33 Sec. 17. Minnesota Statutes 2008, section 202A.14, subdivision 3, is amended to read:

14.1 Subd. 3. **Notice.** The county or legislative district chair shall give at least six days'
14.2 published notice of the holding of the precinct caucus, stating the place, date, and time for
14.3 holding the caucus, ~~and~~. The state party chair shall deliver the same information to the
14.4 ~~municipal clerk and county auditor~~ secretary of state in an electronic format designated
14.5 by the secretary of state at least 20 30 days before the precinct caucus. The county
14.6 ~~auditor~~ secretary of state shall make this information available in electronic format via
14.7 the secretary of state Web site at least ten days before the date of the caucuses to persons
14.8 ~~who request it.~~

14.9 Sec. 18. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

14.10 Subdivision 1. **Application procedures.** Except as otherwise allowed by
14.11 subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots
14.12 for any election may be submitted at any time not less than one day before the day of
14.13 that election. The county auditor shall prepare absentee ballot application forms in the
14.14 format provided by the secretary of state, ~~notwithstanding rules on absentee ballot forms,~~
14.15 and shall furnish them to any person on request. By January 1 of each even-numbered
14.16 year, the secretary of state shall make the forms to be used available to auditors through
14.17 electronic means. An application submitted pursuant to this subdivision shall be in writing
14.18 and shall be submitted to:

14.19 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or
14.20 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where
14.21 the applicant maintains residence.

14.22 An application shall be approved if it is timely received, signed and dated by the
14.23 applicant, contains the applicant's name and residence and mailing addresses, and states
14.24 that the applicant is eligible to vote by absentee ballot for one of the reasons specified in
14.25 section 203B.02. The application ~~may~~ must contain a request for the ~~voter's~~ applicant's
14.26 date of birth, which the applicant's Minnesota driver's license or state identification card
14.27 number, and the last four digits of the applicant's Social Security number, if the applicant
14.28 has these numbers, an oath that the information contained on the form is accurate, that the
14.29 applicant is applying on the applicant's own behalf, and that the applicant is signing the
14.30 form under penalty of perjury. An applicant's full date of birth, driver's license or state
14.31 identification number, and the last four digits of the applicant's Social Security number
14.32 must not be made available for public inspection. An application may be submitted to
14.33 the county auditor or municipal clerk by an electronic facsimile device. An application
14.34 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter
14.35 by a person other than the voter must be deposited in the mail or returned in person to

15.1 the county auditor or municipal clerk within ten days after it has been dated by the voter
15.2 and no later than six days before the election. The absentee ballot applications or a list of
15.3 persons applying for an absentee ballot may not be made available for public inspection
15.4 until the close of voting on election day.

15.5 An application under this subdivision may contain an application under subdivision
15.6 ~~5 6~~ to automatically receive an absentee ballot ~~application~~.

15.7 Sec. 19. Minnesota Statutes 2008, section 203B.04, subdivision 6, is amended to read:

15.8 Subd. 6. **Ongoing absentee status; termination.** (a) An eligible voter may apply to
15.9 a county auditor or municipal clerk for status as an ongoing absentee voter who reasonably
15.10 expects to meet the requirements of section 203B.02, subdivision 1. The voter may
15.11 decline to receive an absentee ballot for one or more elections if that request is received
15.12 by the county auditor or municipal clerk at least five days before the deadline in section
15.13 204B.35 for delivering ballots for the election to which it applies. Sixty days before each
15.14 state primary, the county auditor must send each voter with ongoing absentee ballot status
15.15 a nonforwardable postcard to notify the voter when the voter can expect to receive the
15.16 ballots. Each applicant must automatically be provided with an absentee ballot ~~application~~
15.17 for each ensuing election other than an election by mail conducted under section 204B.45,
15.18 or as otherwise requested by the voter, and must have the status of ongoing absentee voter
15.19 indicated on the voter's registration record.

15.20 (b) Ongoing absentee voter status ends on:

15.21 (1) the voter's written request;

15.22 (2) the voter's death;

15.23 (3) return of an ongoing absentee ballot as undeliverable;

15.24 (4) a change in the voter's status so that the voter is not eligible to vote under section
15.25 201.15 or 201.155; or

15.26 (5) placement of the voter's registration on inactive status under section 201.171.

15.27 By May 1, 2010, each county auditor shall mail an explanation of the changes to the
15.28 ongoing absentee balloting process and an updated ongoing absentee voter application to
15.29 every voter with ongoing absentee ballot status in their county. A voter must return the
15.30 application to maintain the voter's status as an ongoing absentee voter. Upon receipt of
15.31 a completed application, the county auditor shall scan an image of the application and
15.32 update the voter's record with any new or changed information.

15.33 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
15.34 certified that the statewide voter registration system has been tested and shown to properly
15.35 allow for the issuance of ballots to ongoing absentee voters.

16.1 Sec. 20. Minnesota Statutes 2008, section 203B.05, is amended to read:

16.2 **203B.05 DESIGNATION OF MUNICIPAL CLERKS TO ADMINISTER**
16.3 **ABSENTEE VOTING LAWS.**

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

16.6 ~~(a)~~ (1) the county auditor of that county has designated the clerk to administer
16.7 them; or

16.8 ~~(b)~~ (2) the clerk has given the county auditor of that county notice of intention
16.9 to administer them.

16.10 A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the
16.11 clerk has technical capacity to access the statewide voter registration system in the secure
16.12 manner prescribed by the secretary of state. The secretary of state must identify hardware,
16.13 software, security, or other technical prerequisites necessary to ensure the security,
16.14 access controls, and performance of the statewide voter registration system. A clerk
16.15 must receive training approved by the secretary of state on the use of the statewide voter
16.16 registration system before administering this section. A clerk may not use the statewide
16.17 voter registration system until the clerk has received the required training.

16.18 Subd. 2. **City, school district, and town elections.** For city, town, and school
16.19 district elections not held on the same day as a statewide election, applications for
16.20 absentee ballots shall be filed with the city, school district, or town clerk and the duties
16.21 prescribed by this chapter for the county auditor shall be performed by the city, school
16.22 district, or town clerk unless the county auditor agrees to perform those duties on behalf
16.23 of the city, school district, or town clerk. The costs incurred to provide absentee ballots
16.24 and perform the duties prescribed by this subdivision shall be paid by the city, town, or
16.25 school district holding the election.

16.26 Notwithstanding any other law, this chapter applies to school district elections held
16.27 on the same day as a statewide election or an election for a county or municipality wholly
16.28 or partially within the school district.

16.29 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
16.30 certified that the statewide voter registration system has been tested, shown to properly
16.31 allow municipal clerks to update absentee voting records, and to be able to handle the
16.32 expected volume of use.

16.33 Sec. 21. Minnesota Statutes 2008, section 203B.06, subdivision 3, is amended to read:

17.1 Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted
17.2 at a time when absentee ballots are not yet available for distribution, the county auditor,
17.3 or municipal clerk accepting the application shall file it and as soon as absentee ballots
17.4 are available for distribution shall mail them to the address specified in the application.

17.5 If an application for absentee ballots is accepted when absentee ballots are available for
17.6 distribution, the county auditor or municipal clerk accepting the application shall promptly:

17.7 (1) mail the ballots to the voter whose signature appears on the application if the
17.8 application is submitted by mail and does not request commercial shipping under clause
17.9 (2);

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

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

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

17.21 (b) If an application does not indicate the election for which absentee ballots are
17.22 sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the
17.23 next election occurring after receipt of the application. Only one set of ballots may be
17.24 mailed, shipped, or delivered to an applicant for any election, except as provided in section
17.25 ~~203B.13~~ 203B.121, subdivision 2, or when a replacement ballot has been requested by the
17.26 voter for a ballot that has been spoiled or lost in transit.

17.27 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
17.28 certified that the statewide voter registration system has been tested, shown to properly
17.29 allow municipal clerks to update absentee voting records, and to be able to handle the
17.30 expected volume of use.

17.31 Sec. 22. **[203B.065] RECORDING APPLICATIONS.**

17.32 Upon accepting an application for a state primary or state general election, the
17.33 county auditor or municipal clerk shall record in the statewide registration system the
17.34 voter's name, address of residence in Minnesota, mailing address, Minnesota driver's
17.35 license or state identification number, or the last four digits of the voter's Social Security

18.1 number, if provided by the voter, that an absentee ballot has been transmitted to the voter,
18.2 the method of transmission, and the date of transmission.

18.3 Upon receipt of a returned absentee ballot for a state primary or state general
18.4 election, the county auditor or municipal clerk shall record in the statewide voter
18.5 registration system that the voter has returned the ballot.

18.6 Upon receipt of notice that the ballot board has accepted or rejected the absentee
18.7 ballot for a state primary or state general election, the county auditor or municipal clerk
18.8 shall record in the statewide voter registration system whether the ballot was accepted or
18.9 rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to
18.10 the voter, the county auditor or municipal clerk shall record this in the statewide voter
18.11 registration system.

18.12 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
18.13 certified that the statewide voter registration system has been tested, shown to properly
18.14 allow municipal clerks to update absentee voting records, and to be able to handle the
18.15 expected volume of use.

18.16 Sec. 23. Minnesota Statutes 2008, section 203B.07, subdivision 2, is amended to read:

18.17 Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to
18.18 conveniently enclose and contain the ballot envelope and a folded voter registration
18.19 application. The return envelope shall be designed to open on the left-hand end. ~~If the~~
18.20 ~~voter was not previously registered,~~ The return envelope must be designed in one of
18.21 the following ways:

18.22 (1) it must be of sufficient size to contain an additional envelope that when sealed,
18.23 conceals the signature, identification, and other information; or

18.24 (2) it must provide an additional flap that when sealed, conceals the signature,
18.25 identification, and other information.

18.26 Election officials may open the flap or the additional envelope at any time after
18.27 receiving the returned ballot to inspect the returned certificate for completeness or to
18.28 ascertain other information.

18.29 Sec. 24. Minnesota Statutes 2008, section 203B.07, subdivision 3, is amended to read:

18.30 Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot
18.31 shall be printed on the back of the return envelope. The certificate shall contain space for
18.32 the voter's Minnesota driver's license, state identification number, or the last four digits of
18.33 the voter's Social Security number or to indicate that they do not have one, and a statement
18.34 to be signed and sworn by the voter indicating that the voter meets all of the requirements

19.1 established by law for voting by absentee ballot, that the ballots were unmarked when
19.2 received by the voter, and that the voter personally marked the ballots without showing
19.3 how they were marked, or, if the voter was physically unable to mark them, that the voter
19.4 directed another individual to mark them. If the voter was not previously registered at that
19.5 address, the certificate shall also contain space for a statement signed by a person who
19.6 is registered to vote in Minnesota or by a notary public or other individual authorized to
19.7 administer oaths a United States citizen of voting age stating that:

19.8 (1) ~~the ballots were displayed to that individual unmarked;~~

19.9 (2) ~~the voter marked the ballots in that individual's presence without showing how~~
19.10 ~~they were marked, or, if the voter was physically unable to mark them, that the voter~~
19.11 ~~directed another individual to mark them; and~~

19.12 (3) ~~if the voter was not previously registered;~~ the voter has provided proof of
19.13 residence as required by section 201.061, subdivision 3.

19.14 Sec. 25. Minnesota Statutes 2008, section 203B.08, subdivision 2, is amended to read:

19.15 Subd. 2. **Address on return envelopes.** The county auditor or municipal clerk shall
19.16 address return envelopes to allow direct mailing of the absentee ballots to:

19.17 (a) ~~the county auditor or municipal clerk who sent the ballots to the voter;~~ has the
19.18 responsibility to accept and reject the absentee ballots.

19.19 (b) ~~the clerk of the town or city in which the absent voter is eligible to vote; or~~

19.20 (c) ~~the appropriate election judges.~~

19.21 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
19.22 certified that the statewide voter registration system has been tested, shown to properly
19.23 allow municipal clerks to update absentee voting records, and to be able to handle the
19.24 expected volume of use.

19.25 Sec. 26. Minnesota Statutes 2008, section 203B.08, subdivision 3, is amended to read:

19.26 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a
19.27 county auditor or municipal clerk, that official shall stamp or initial and date the return
19.28 envelope and place it in a secure location with other return envelopes received by that
19.29 office. Within five days after receipt, the county auditor or municipal clerk shall deliver
19.30 to the ~~appropriate election judges on election day all ballots received before or with the~~
19.31 ~~last mail delivery by the United States Postal Service on election day. A town clerk may~~
19.32 ~~request the United States Postal Service to deliver absentee ballots to the polling place~~
19.33 ~~on election day instead of to the official address of the town clerk~~ ballot board all ballots
19.34 received, except that during the 14 days immediately preceding an election, the county

20.1 auditor or municipal clerk shall deliver all ballots received to the ballot board within
20.2 three days.

20.3 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
20.4 certified that the statewide voter registration system has been tested, shown to properly
20.5 allow municipal clerks to update absentee voting records, and shown to be able to handle
20.6 the expected volume of use.

20.7 Sec. 27. Minnesota Statutes 2008, section 203B.08, is amended by adding a
20.8 subdivision to read:

20.9 Subd. 5. **Absentee ballot status.** The secretary of state must ensure that the
20.10 secretary of state's Web site is capable of providing voters with information about the
20.11 status of their absentee ballots. An individual requesting the status of the individual's
20.12 absentee ballot must provide the individual's name, address, date of birth, Minnesota
20.13 driver's license number, state identification number, or the last four digits of the
20.14 individual's Social Security number. If the information provided by the individual
20.15 completely matches an absentee voter record in the statewide voter registration system,
20.16 the Web site must provide the individual with the status of the individual's absentee ballot.
20.17 If the information provided by the individual does not completely match an absentee voter
20.18 record in the statewide voter registration system, the Web site must inform the individual
20.19 that a voter record with that name and date of birth at the address provided cannot be
20.20 confirmed and the Web site must advise the individual how to obtain further information.

20.21 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
20.22 certified that the Web site has been tested and shown to properly retrieve information from
20.23 the correct voter's record, and can handle the expected volume of use.

20.24 Sec. 28. Minnesota Statutes 2008, section 203B.081, is amended to read:

20.25 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

20.26 An eligible voter may vote by absentee ballot during the 30 days before the election
20.27 up until the fourth day before the election in the office of the county auditor and at any
20.28 other polling place designated by the county auditor. On the day before the election,
20.29 voters who had planned on voting in person in the polling place and only learned of
20.30 circumstances in the last four days that will prevent them from doing so may vote by
20.31 absentee ballot. The county auditor shall make such designations at least 90 days before
20.32 the election. At least one voting booth in each polling place must be made available by the
20.33 county auditor for this purpose. The county auditor must also make available at least one

21.1 electronic ballot marker in each polling place that has implemented a voting system that is
21.2 accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

21.3 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
21.4 certified that the statewide voter registration system has been tested, shown to properly
21.5 allow municipal clerks to update absentee voting records, and shown to be able to handle
21.6 the expected volume of use.

21.7 Sec. 29. Minnesota Statutes 2008, section 203B.085, is amended to read:

21.8 **203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO**
21.9 **REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.**

21.10 The county auditor's office in each county and the clerk's office in each city or
21.11 town authorized under section 203B.05 to administer absentee balloting must be open for
21.12 acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m.
21.13 to 3:00 p.m. on Saturday and until 5:00 p.m. on the fourth day immediately preceding a
21.14 primary, special, or general election unless that day falls on a Saturday or Sunday. On
21.15 the day before the election, the office must be open for acceptance of absentee ballot
21.16 applications and to allow a voter to cast an absentee ballot if the voter provides additional
21.17 certification stating that the voter had planned on voting in person at the polling place but
21.18 became aware of circumstances within the four days preceding the day before the election
21.19 that prevent the voter from voting in person at the polling place. Town clerks' offices must
21.20 be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town
21.21 general election held in March. The school district clerk, when performing the county
21.22 auditor's election duties, need not comply with this section.

21.23 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
21.24 certified that the statewide voter registration system has been tested, shown to properly
21.25 allow municipal clerks to update absentee voting records, and shown to be able to handle
21.26 the expected volume of use.

21.27 Sec. 30. **[203B.121] BALLOT BOARDS.**

21.28 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each
21.29 county, municipality, and school district with responsibility to accept and reject absentee
21.30 ballots must, by ordinance or resolution, establish a ballot board. The board must consist
21.31 of a sufficient number of election judges appointed as provided in sections 204B.19 to
21.32 204B.22. The board may consist of staff trained as election judges, in which case the
21.33 board is exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party
21.34 balance in the appointment of judges, and is also exempt from the duties otherwise

22.1 required to be performed by ballot board members or election judges of two different
22.2 major political parties.

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

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

22.7 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot
22.8 board shall take possession of all return envelopes delivered to them in accordance
22.9 with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school
22.10 district clerk, two or more members of the ballot board of different major political parties
22.11 shall examine each return envelope and shall mark it accepted or rejected in the manner
22.12 provided in this subdivision.

22.13 (b) The members of the ballot board shall mark the return envelope "accepted" and
22.14 initial or sign the return envelope below the word "accepted" if a majority of the members
22.15 of the ballot board are satisfied that:

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

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

22.19 (3) the voter's Minnesota driver's license, state identification number, or the last four
22.20 digits of the voter's Social Security number are the same as the number provided on the
22.21 voter's application for ballots. If the number does not match the number as submitted on
22.22 the application, or if a number was not submitted on the application, the election judges
22.23 must make a reasonable effort to determine through other information provided by the
22.24 applicant that the ballots were returned by the same person to whom the ballots were
22.25 transmitted;

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

22.28 (5) the voter has not already voted at that election, either in person or by absentee
22.29 ballot.

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

22.32 The ballots from return envelopes marked "accepted" shall be opened, duplicated as
22.33 needed in the manner provided in section 206.86, subdivision 5, initialed by the members
22.34 of the ballot board, and deposited in the appropriate ballot box. These duties must be
22.35 performed by ballot board members of two different major political parties. If more than

23.1 one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner
23.2 provided by section 204C.25 for return of spoiled ballots, and may not be counted.

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

23.10 (2) If an envelope has been rejected at least five days before the election, the
23.11 envelope must remain sealed and the official in charge of the ballot board shall provide
23.12 the voter with a replacement absentee ballot and return envelope in place of the rejected
23.13 ballot. Notwithstanding any rule to the contrary, the official in charge of the election is not
23.14 required to write "replacement" on the replacement ballot.

23.15 (3) If an envelope is rejected within five days of the election, the envelope must
23.16 remain sealed and the official in charge of the ballot board must attempt to contact the
23.17 voter by telephone or electronic mail to notify the voter that the voter's ballot has been
23.18 rejected. The official must document the attempts made to contact the voter.

23.19 (d) The names of voters who have submitted an absentee ballot return envelope to
23.20 the county auditor or municipal clerk that has not been accepted by a ballot board may not
23.21 be made available for public inspection until the close of voting on election day.

23.22 Subd. 3. **Record of voting.** (a) The county auditor or municipal clerk must
23.23 immediately record that a voter's absentee ballot has been accepted in order to prevent
23.24 the voter from casting more than one ballot at an election. After a voter's record has
23.25 been marked, the individual must not be allowed to vote again at that election. In a state
23.26 primary, state general, or state special election, the auditor or clerk must also record in the
23.27 statewide voter registration system that the voter has cast a ballot.

23.28 (b) The roster must be marked, or a supplemental report created, no later than the
23.29 start of voting on election day to indicate the voters that have already cast a ballot at the
23.30 election. The roster may be marked either:

23.31 (1) by the municipal clerk before election day;

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

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

23.34 The record of a voter who cast an absentee ballot in person on the day prior to the
23.35 election, or whose absentee ballot was received by the county auditor on the day of, or

24.1 the day prior to the election, is not required to be marked on the roster or contained in a
24.2 supplemental report as required by this paragraph.

24.3 Subd. 4. **Storage and counting of absentee ballots.** (a) On a day on which
24.4 absentee ballots are inserted into a ballot box, two members of the ballot board of different
24.5 major political parties must:

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

24.7 (2) without inspecting the ballots, ensure that the number of ballots removed from
24.8 the ballot box is equal to the number of voters whose absentee ballots were accepted
24.9 that day; and

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

24.12 (b) After the polls have closed on election day, two members of the ballot board of
24.13 different major political parties must count the ballots, tabulating the vote in a manner that
24.14 indicates each vote of the voter and the total votes cast for each candidate or question. In
24.15 state primary and state general elections, the results must indicate the total votes cast for
24.16 each candidate or question in each precinct and report the vote totals tabulated for each
24.17 precinct. The count shall be public. No vote totals from ballots may be made public
24.18 before the close of voting on election day.

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

24.23 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been
24.24 completed previously, the members of the ballot board must verify within 48 hours after
24.25 election day that voters whose absentee ballots arrived after the rosters were marked or
24.26 supplemental reports were generated and whose ballots were accepted did not vote in
24.27 person on election day. This task must be completed before the members of the ballot
24.28 board take any additional steps to process and count these ballots.

24.29 **EFFECTIVE DATE.** The provisions of this section are effective when the secretary
24.30 of state has certified that the statewide voter registration system has been tested, shown
24.31 to properly allow municipal clerks to update absentee voting records, and to be able to
24.32 handle the expected volume of use.

24.33 Sec. 31. Minnesota Statutes 2008, section 203B.125, is amended to read:

24.34 **203B.125 SECRETARY OF STATE TO MAKE RULES.**

25.1 The secretary of state shall adopt rules establishing methods and procedures for
25.2 issuing ballot cards and related absentee forms to be used as provided in section 203B.08,
25.3 subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under
25.4 section ~~203B.12~~ 204C.20, subdivision 1.

25.5 Sec. 32. Minnesota Statutes 2008, section 203B.23, subdivision 1, is amended to read:

25.6 Subdivision 1. **Establishment.** The county auditor must establish an absentee ballot
25.7 board for ballots issued under sections 203B.16 to 203B.27. The board may consist of
25.8 staff trained and certified as election judges, in which case, the board is exempt from
25.9 sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment
25.10 of judges and to duties to be performed by judges or members of the ballot board of
25.11 different major political parties.

25.12 Sec. 33. Minnesota Statutes 2008, section 203B.23, subdivision 2, is amended to read:

25.13 Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee
25.14 ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject
25.15 the absentee ballots in the manner provided in section 203B.24. If the certificate of voter
25.16 eligibility is not printed on the return or administrative envelope, the certificate must
25.17 be attached to the ballot secrecy envelope.

25.18 The absentee ballot board must immediately examine the return envelopes and mark
25.19 them "accepted" or "rejected" during the 30 days before the election. If an envelope has
25.20 been rejected at least five days before the election, the ballots in the envelope must be
25.21 considered spoiled ballots and the official in charge of the absentee ballot board must
25.22 provide the voter with a replacement absentee ballot and return envelope in place of
25.23 the spoiled ballot.

25.24 Except for federal write-in absentee ballots, the ballots from return envelopes
25.25 marked "Accepted" must be opened, duplicated as needed in the manner provided by
25.26 section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited
25.27 in the appropriate ballot box. These duties must be performed by two members of the
25.28 ballot board of different major political parties.

25.29 Federal write-in absentee ballots marked "Accepted" must be opened, duplicated as
25.30 needed in the manner provided by section 206.86, subdivision 5, initialed by the members
25.31 of the ballot board, and deposited in the appropriate ballot box after 5:00 p.m. on the
25.32 fourth day before the election, unless the voter has submitted another absentee ballot with
25.33 a later postmark that has been accepted by the board.

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

26.3 No vote totals from absentee ballots may be made public before the close of voting
26.4 on election day.

26.5 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
26.6 certified that the statewide voter registration system has been tested, shown to properly
26.7 allow municipal clerks to update absentee voting records, and to be able to handle the
26.8 expected volume of use.

26.9 Sec. 34. Minnesota Statutes 2008, section 203B.24, subdivision 1, is amended to read:

26.10 Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon
26.11 receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the
26.12 ~~election judges~~ members of the ballot board shall compare the voter's name with the
26.13 names recorded under section 203B.19 in the statewide registration system to insure
26.14 that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16
26.15 to 203B.27. ~~The election judges~~ Two members of the ballot board of different major
26.16 political parties shall mark the return envelope "Accepted" and initial or sign the return
26.17 envelope below the word "Accepted" if ~~the election judges~~ a majority of the members of
26.18 the ballot board are satisfied that:

26.19 (1) the voter's name on the return envelope appears in substantially the same form as
26.20 on the application records provided to the election judges by the county auditor;

26.21 (2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of
26.22 the Help America Vote Act, Public Law 107-252;

26.23 (3) the voter has set forth the same voter's passport number, or Minnesota driver's
26.24 license or state identification card number, or the last four digits of the voter's Social
26.25 Security number as submitted on the application, if the voter has one of these documents;
26.26 ~~and~~

26.27 (4) the voter is not known to have died; and

26.28 (5) the voter has not already voted at that election, either in person or by absentee
26.29 ballot.

26.30 If the identification number described in clause (3) does not match the number
26.31 as submitted on the application, the ~~election judges~~ members of the ballot board must
26.32 make a reasonable effort to satisfy themselves through other information provided by the
26.33 applicant, or by an individual authorized to apply on behalf of the voter, that the ballots
26.34 were returned by the same person to whom the ballots were transmitted.

27.1 An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be
27.2 rejected for the lack of one of clauses (1) to ~~(4)~~ (5). In particular, failure to place the
27.3 ballot within the security envelope before placing it in the outer white envelope is not a
27.4 reason to reject an absentee ballot.

27.5 ~~Election judges~~ Members of the ballot board must note the reason for rejection on
27.6 the back of the envelope in the space provided for that purpose.

27.7 Failure to return unused ballots shall not invalidate a marked ballot, but a ballot
27.8 shall not be counted if the certificate on the return envelope is not properly executed. In
27.9 all other respects the provisions of the Minnesota Election Law governing deposit and
27.10 counting of ballots shall apply. Notwithstanding other provisions of this section, the
27.11 counting of the absentee ballot of a deceased voter does not invalidate the election.

27.12 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
27.13 certified that the statewide voter registration system has been tested, shown to properly
27.14 allow municipal clerks to update absentee voting records, and to be able to handle the
27.15 expected volume of use.

27.16 Sec. 35. Minnesota Statutes 2008, section 203B.26, is amended to read:

27.17 **203B.26 SEPARATE RECORD.**

27.18 A separate record of the ballots of absent voters cast under sections 203B.16 to
27.19 203B.27 must be generated from the statewide registration system for each precinct
27.20 and ~~provided to the election judges in the polling place on election day, along with the~~
27.21 ~~returned envelopes marked "accepted" by the absentee ballot board. The content of the~~
27.22 ~~record must be in a form prescribed by the secretary of state. The election judges in the~~
27.23 ~~polling place must note on the record any envelopes that had been marked "accepted" by~~
27.24 ~~the absentee ballot board but were not counted. The election judges must preserve the~~
27.25 ~~record and return it to the county auditor or municipal clerk with the election day~~ retained
27.26 with the other election materials.

27.27 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
27.28 certified that the statewide voter registration system has been tested, shown to properly
27.29 allow municipal clerks to update absentee voting records, and to be able to handle the
27.30 expected volume of use.

27.31 Sec. 36. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

27.32 Subd. 2. **Candidates seeking nomination by primary.** No individual who
27.33 seeks nomination for any partisan or nonpartisan office at a primary shall be nominated
27.34 for the same office by nominating petition, except as otherwise provided for partisan

28.1 offices in section 204D.10, subdivision 2, ~~and for nonpartisan offices in section 204B.13,~~
28.2 ~~subdivision 4.~~

28.3 Sec. 37. Minnesota Statutes 2008, section 204B.04, subdivision 3, is amended to read:

28.4 Subd. 3. **Nomination for nonpartisan office.** No individual shall be nominated
28.5 by nominating petition for any nonpartisan office ~~except in the event of a vacancy in~~
28.6 ~~nomination as provided in section 204B.13.~~

28.7 Sec. 38. Minnesota Statutes 2008, section 204B.07, subdivision 1, is amended to read:

28.8 Subdivision 1. **Form of petition.** A nominating petition may consist of one or more
28.9 separate pages each of which shall state:

28.10 (a) the office sought;

28.11 (b) the candidate's name and residence address, including street and number if
28.12 any; and

28.13 (c) the candidate's political party or political principle expressed in not more than
28.14 three words. No candidate who files for a partisan office by nominating petition shall use
28.15 the term "nonpartisan" as a statement of political principle or the name of the candidate's
28.16 political party. No part of the name of a major political party may be used to designate the
28.17 political party or principle of a candidate who files for a partisan office by nominating
28.18 petition, except that the word "independent" may be used to designate the party or
28.19 principle. ~~A candidate who files by nominating petition to fill a vacancy in nomination for~~
28.20 ~~a nonpartisan office pursuant to section 204B.13, shall not state any political principle or~~
28.21 ~~the name of any political party on the petition.~~

28.22 Sec. 39. Minnesota Statutes 2008, section 204B.09, subdivision 1, is amended to read:

28.23 Subdivision 1. **Candidates in state and county general elections.** (a) Except as
28.24 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions
28.25 for county, state, and federal offices filled at the state general election shall be filed not
28.26 more than ~~70~~ 84 days nor less than ~~56~~ 70 days before the state primary. The affidavit may
28.27 be prepared and signed at any time between 60 days before the filing period opens and
28.28 the last day of the filing period.

28.29 (b) Notwithstanding other law to the contrary, the affidavit of candidacy must be
28.30 signed in the presence of a notarial officer or an individual authorized to administer oaths
28.31 under section 358.10.

28.32 (c) This provision does not apply to candidates for presidential elector nominated by
28.33 major political parties. Major party candidates for presidential elector are certified under

29.1 section 208.03. Other candidates for presidential electors may file petitions on or before
29.2 the state primary day pursuant to section 204B.07. ~~Nominating petitions to fill vacancies~~
29.3 ~~in nominations shall be filed as provided in section 204B.13.~~ No affidavit or petition shall
29.4 be accepted later than 5:00 p.m. on the last day for filing.

29.5 (d) Affidavits and petitions for county offices must be filed with the county auditor
29.6 of that county. Affidavits and petitions for federal offices must be filed with the secretary
29.7 of state. Affidavits and petitions for state offices must be filed with the secretary of state or
29.8 with the county auditor of the county in which the candidate resides.

29.9 (e) Affidavits other than those filed pursuant to subdivision 1a must be submitted
29.10 by mail or by hand, notwithstanding chapter 325L, or any other law to the contrary and
29.11 must be received by 5:00 p.m. on the last day for filing.

29.12 **EFFECTIVE DATE.** The amendment to paragraph (a) is effective for the state
29.13 primary in 2010 and thereafter.

29.14 Sec. 40. Minnesota Statutes 2008, section 204B.09, subdivision 3, is amended to read:

29.15 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office
29.16 who wants write-in votes for the candidate to be counted must file a written request with
29.17 the filing office for the office sought no later than the seventh day before the general
29.18 election. The filing officer shall provide copies of the form to make the request.

29.19 (b) A candidate for president of the United States who files a request under this
29.20 subdivision must include the name of a candidate for vice-president of the United States.
29.21 The request must also include the name of at least one candidate for presidential elector.
29.22 The total number of names of candidates for presidential elector on the request may not
29.23 exceed the total number of electoral votes to be cast by Minnesota in the presidential
29.24 election.

29.25 (c) A candidate for governor who files a request under this subdivision must include
29.26 the name of a candidate for lieutenant governor.

29.27 (d) A candidate who files a request under this subdivision must also pay the filing
29.28 fee for that office or submit a petition in place of a filing fee, as provided in section
29.29 204B.11. The fee for a candidate for president of the United States is equal to that of
29.30 the office of senator in Congress.

29.31 Sec. 41. Minnesota Statutes 2008, section 204B.11, subdivision 2, is amended to read:

29.32 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of
29.33 candidacy, a candidate may present a petition in place of the filing fee. The petition may
29.34 be signed by any individual eligible to vote for the candidate. A nominating petition filed

30.1 pursuant to section 204B.07 ~~or 204B.13, subdivision 4~~, is effective as a petition in place of
30.2 a filing fee if the nominating petition includes a prominent statement informing the signers
30.3 of the petition that it will be used for that purpose.

30.4 The number of signatures on a petition in place of a filing fee shall be as follows:

30.5 (a) for a state office voted on statewide, or for president of the United States, or
30.6 United States senator, 2,000;

30.7 (b) for a congressional office, 1,000;

30.8 (c) for a county or legislative office, or for the office of district judge, 500; and

30.9 (d) for any other office which requires a filing fee as prescribed by law, municipal
30.10 charter, or ordinance, the lesser of 500 signatures or five percent of the total number of
30.11 votes cast in the municipality, ward, or other election district at the preceding general
30.12 election at which that office was on the ballot.

30.13 An official with whom petitions are filed shall make sample forms for petitions in
30.14 place of filing fees available upon request.

30.15 Sec. 42. Minnesota Statutes 2008, section 204B.13, subdivision 1, is amended to read:

30.16 Subdivision 1. **Death or withdrawal.** A vacancy in nomination may be filled in the
30.17 manner provided by this section. A vacancy in nomination exists when:

30.18 ~~(a) (1) a major political party candidate or nonpartisan candidate who was nominated~~
30.19 ~~at a primary dies or files an affidavit of withdrawal as provided in section 204B.12,~~
30.20 ~~subdivision 2a before election day; or~~

30.21 ~~(b) a candidate for a nonpartisan office, for which one or two candidates filed, dies or~~
30.22 ~~files an affidavit of withdrawal as provided in section 204B.12, subdivision 1. (2) a major~~
30.23 political party candidate for state constitutional office or the candidate's legal guardian
30.24 files an affidavit of vacancy at least one day prior to the general election with the same
30.25 official who received the affidavit of candidacy that states that:

30.26 (i) the candidate has a catastrophic illness that was diagnosed after the deadline
30.27 for withdrawal; and

30.28 (ii) the candidate's illness will permanently and continuously incapacitate the
30.29 candidate and prevent the candidate from performing the duties of the office sought.

30.30 The affidavit must be accompanied by a certificate verifying that the candidate's
30.31 illness meets the requirements of this clause, signed by at least two licensed physicians.

30.32 Sec. 43. Minnesota Statutes 2008, section 204B.13, subdivision 2, is amended to read:

30.33 Subd. 2. **Partisan office; nomination by party.** (a) A vacancy in nomination ~~for~~
30.34 ~~partisan office shall be filled as provided in this subdivision~~ effectively remove that office

31.1 from the ballot. Votes cast at the general election for that office are invalid and the office
31.2 must be filled in a special election held in accordance with section 204D.17, except as
31.3 provided by this section.

31.4 Except for the vacancy in nomination, all other candidates whose names would have
31.5 appeared on the general election ballot for this race must appear on the special election
31.6 ballot for this race. There must not be a primary to fill the vacancy in nomination.

31.7 A major political party has the authority to fill a vacancy in nomination of that
31.8 party's candidate by filing a nomination certificate with the same official who received
31.9 the affidavits of candidacy for that office.

31.10 (b) A major political party may provide in its governing rules a procedure, including
31.11 designation of an appropriate committee, to fill vacancies in nomination for all federal
31.12 and state offices ~~elected statewide~~. The nomination certificate shall be prepared under the
31.13 direction of and executed by the chair and secretary of the political party and filed within
31.14 ~~seven~~ 14 days after the vacancy in nomination occurs ~~or before the 14th day before the~~
31.15 ~~general election, whichever is sooner. If the vacancy in nomination occurs through the~~
31.16 ~~candidate's death or catastrophic illness, the nomination certificate must be filed within~~
31.17 ~~seven days after the vacancy in nomination occurs but no later than four days before~~
31.18 ~~the general election~~ but no later than seven days after the general election. The chair
31.19 and secretary when filing the certificate shall attach an affidavit stating that the newly
31.20 nominated candidate has been selected under the rules of the party and that the individuals
31.21 signing the certificate and making the affidavit are the chair and secretary of the party.

31.22 Sec. 44. Minnesota Statutes 2008, section 204B.13, is amended by adding a
31.23 subdivision to read:

31.24 Subd. 7. **Date of special election.** The special election must be held on the second
31.25 Tuesday in December.

31.26 Sec. 45. Minnesota Statutes 2008, section 204B.13, is amended by adding a
31.27 subdivision to read:

31.28 Subd. 8. **Absentee voters.** The county auditor shall transmit an absentee ballot for
31.29 the special election under this section to each applicant for an absentee ballot whose
31.30 application for an absentee ballot for the preceding general election was recorded under
31.31 section 203B.04 or 203B.17. If the vacancy in nomination is filled before the general
31.32 election, the county auditor shall transmit the ballot no earlier than the general election
31.33 and no later than five days after the general election. If the vacancy is filled after the

32.1 general election, the county auditor must transmit the ballot no later than five days after
32.2 the vacancy is filled.

32.3 Sec. 46. Minnesota Statutes 2008, section 204B.13, is amended by adding a
32.4 subdivision to read:

32.5 Subd. 9. **Appropriation.** The secretary of state shall reimburse the counties and
32.6 municipalities for expenses incurred in the administration of a special election held under
32.7 section 204B.13, subdivision 2. The following expenses are eligible for reimbursement:
32.8 preparation and printing of ballots; postage for absentee ballots; publication of the
32.9 sample ballot; preparation of polling places; preparation of electronic voting equipment;
32.10 compensation for temporary staff or overtime payments; salaries of election judges; and
32.11 compensation of county canvassing board members.

32.12 Within 60 days after the special election, the county auditor and municipal clerk
32.13 shall submit to the secretary of state a request for payment accompanied by an itemized
32.14 description of actual costs incurred for the special election. The secretary of state must not
32.15 reimburse expenses unless the request for reimbursement has been submitted as required
32.16 by this subdivision. The secretary of state shall complete the issuance of reimbursements
32.17 to the counties and municipalities no later than 90 days after the special election.

32.18 When a special election is held under section 204B.13, subdivision 2, the secretary
32.19 of state shall reimburse local election officials for costs incurred as provided in this
32.20 subdivision. The amount necessary to make the payments under this subdivision is
32.21 appropriated to the secretary of state from the general fund. No payment shall be made
32.22 under this section until the secretary of state has given the commissioner of finance an
32.23 estimate of the cost of the special election, the commissioner of finance has reported the
32.24 estimate to the chairs and ranking minority members of the Committee on Finance of the
32.25 senate and the Committee on Ways and Means of the house of representatives, and the
32.26 commissioner of finance has approved the payment. After all reimbursements have been
32.27 paid, the commissioner of finance shall report the actual cost to the chairs and ranking
32.28 minority members of the Committee on Finance of the senate and the Committee on Ways
32.29 and Means of the house of representatives.

32.30 Sec. 47. Minnesota Statutes 2008, section 204B.13, is amended by adding a
32.31 subdivision to read:

32.32 Subd. 10. **Subsequent vacancy in nomination.** (a) A vacancy in nomination that
32.33 occurs prior to a special election scheduled as a result of an earlier vacancy in nomination

33.1 must be filled in the same manner as provided in this section, except that the previously
33.2 scheduled special election must be canceled and a new special election held.

33.3 (b) A special election required by this subdivision must be held on the second
33.4 Tuesday of the month following the month during which the prior special election was
33.5 scheduled to be held, provided that if the new special election date falls on a federal
33.6 holiday, the special election must be held on the next following Tuesday after the holiday.

33.7 Sec. 48. Minnesota Statutes 2008, section 204B.135, subdivision 1, is amended to read:

33.8 Subdivision 1. **Cities with wards.** Except as provided in this subdivision, a city that
33.9 elects its council members by wards may not redistrict those wards before the legislature
33.10 has been redistricted in a year ending in one or two. The wards must be redistricted within
33.11 60 days after the legislature has been redistricted or at least 19 weeks before the state
33.12 primary election in the year ending in two, whichever is first.

33.13 In a city electing council members by wards in a year ending in one, if the legislature
33.14 has not been redistricted by June 1 of that year, the ward boundaries must be reestablished
33.15 no later than 14 days before the first day to file affidavits of candidacy for city council
33.16 members. The ward boundaries may be modified after the legislature has been redistricted
33.17 for the purpose of establishing precinct boundaries as provided in section 204B.14,
33.18 subdivision 3, but no modification in ward boundaries may result in a change of the
33.19 population of any ward of more than five percent, plus or minus.

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

33.21 Sec. 49. Minnesota Statutes 2008, section 204B.135, subdivision 3, is amended to read:

33.22 Subd. 3. **Voters rights.** (a) An eligible voter may apply to the district court for
33.23 either a writ of mandamus requiring the redistricting of wards or local government election
33.24 districts or to revise any plan adopted by the governing body responsible for redistricting
33.25 of wards or local government election districts.

33.26 (b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a
33.27 year ending in two, an application for revision of the plan that seeks to affect elections
33.28 held in the year ending in two must be filed with the district court within three weeks
33.29 but no later than 18 weeks before the state primary election in the year ending in two,
33.30 notwithstanding any charter provision. If a city adopts a ward redistricting plan less than
33.31 19 weeks before either the municipal primary in a year ending in one or before the state
33.32 primary in a year ending in two, an application for revision of the plan that seeks to affect
33.33 elections held in ~~the that year ending in two~~ must be filed with the district court no later
33.34 than one week after the plan has been adopted, notwithstanding any charter provision.

34.1 (c) If a plan for redistricting of a local government election district is adopted at least
34.2 15 weeks before the state primary election in a year ending in two, an application for
34.3 revision of the plan that seeks to affect elections held in the year ending in two must be
34.4 filed with the district court within three weeks but no later than 14 weeks before the state
34.5 primary election in the year ending in two. If a plan for redistricting of a local government
34.6 election district is adopted less than 15 weeks before the state primary election in a year
34.7 ending in two, an application for revision of the plan that seeks to affect elections held
34.8 in the year ending in two must be filed with the district court no later than one week
34.9 after the plan has been adopted.

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

34.11 Sec. 50. Minnesota Statutes 2008, section 204B.14, subdivision 2, is amended to read:

34.12 Subd. 2. **Separate precincts; combined polling place.** (a) The following shall
34.13 constitute at least one election precinct:

- 34.14 (1) each city ward; and
34.15 (2) each town and each statutory city.

34.16 (b) A single, accessible, combined polling place may be established no later than
34.17 June 1 of ~~any~~ an odd-numbered year and no later than 14 weeks before the state primary in
34.18 an even-numbered year:

- 34.19 (1) for any city of the third or fourth class, any town, or any city having territory in
34.20 more than one county, in which all the voters of the city or town shall cast their ballots;
34.21 (2) for two contiguous precincts in the same municipality that have a combined
34.22 total of fewer than 500 registered voters;
34.23 (3) for up to four contiguous municipalities located entirely outside the metropolitan
34.24 area, as defined by section 200.02, subdivision 24, that are contained in the same county; or
34.25 (4) for noncontiguous precincts located in one or more counties.

34.26 A copy of the ordinance or resolution establishing a combined polling place must
34.27 be filed with the county auditor within 30 days after approval by the governing body. A
34.28 polling place combined under clause (3) must be approved by the governing body of each
34.29 participating municipality. A polling place combined under clause (4) must be approved
34.30 by the governing body of each participating municipality and the secretary of state and
34.31 may be located outside any of the noncontiguous precincts. A municipality withdrawing
34.32 from participation in a combined polling place must do so by filing a resolution of
34.33 withdrawal with the county auditor no later than May 1 of ~~any~~ an odd-numbered year and
34.34 no later than 18 weeks before the state primary in an even-numbered year.

35.1 The secretary of state shall provide a separate polling place roster for each precinct
35.2 served by the combined polling place. A single set of election judges may be appointed
35.3 to serve at a combined polling place. The number of election judges required must be
35.4 based on the total number of persons voting at the last similar election in all precincts to
35.5 be voting at the combined polling place. Separate ballot boxes must be provided for the
35.6 ballots from each precinct. The results of the election must be reported separately for each
35.7 precinct served by the combined polling place, except in a polling place established under
35.8 clause (2) where one of the precincts has fewer than ten registered voters, in which case the
35.9 results of that precinct must be reported in the manner specified by the secretary of state.

35.10 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
35.11 thereafter.

35.12 Sec. 51. Minnesota Statutes 2008, section 204B.14, subdivision 3, is amended to read:

35.13 Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other
35.14 law or charter provisions to the contrary, during the period from January 1 in any year
35.15 ending in zero to the time when the legislature has been redistricted in a year ending in
35.16 one or two, no changes may be made in the boundaries of any election precinct except
35.17 as provided in this subdivision.

35.18 (a) If a city annexes an unincorporated area located in the same county as the city
35.19 and adjacent to the corporate boundary, the annexed area may be included in an election
35.20 precinct immediately adjacent to it.

35.21 (b) A municipality or county may establish new election precincts lying entirely
35.22 within the boundaries of any existing precinct and shall assign names to the new precincts
35.23 which include the name of the former precinct.

35.24 (c) Precinct boundaries in a city electing council members by wards may be
35.25 reestablished within 14 days after the adoption of ward boundaries in a year ending in one,
35.26 as provided in section 204B.135, subdivision 1.

35.27 (d) Precinct boundaries must be reestablished within 60 days of the time when the
35.28 legislature has been redistricted, or at least 19 weeks before the state primary election
35.29 in a year ending in two, whichever comes first. The adoption of reestablished precinct
35.30 boundaries becomes effective on the date of the state primary election in the year ending
35.31 in two.

35.32 Precincts must be arranged so that no precinct lies in more than one legislative
35.33 or congressional district.

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

36.1 Sec. 52. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

36.2 Subd. 4. **Administrative boundary change procedure.** Any change in the
36.3 boundary of an election precinct ~~shall~~ must be adopted at least ~~90~~ 60 days before the date
36.4 of the next election and, for the state primary and general election, no later than ~~June 1~~
36.5 14 weeks before the state primary in the year of the state general election. The precinct
36.6 boundary change shall not take effect until notice of the change has been posted in the
36.7 office of the municipal clerk or county auditor for at least ~~60~~ 42 days.

36.8 The county auditor must publish a notice illustrating or describing the congressional,
36.9 legislative, and county commissioner district boundaries in the county in one or more
36.10 qualified newspapers in the county at least 14 days prior to the first day to file affidavits of
36.11 candidacy for the state general election in the year ending in two.

36.12 Alternate dates for adopting changes in precinct boundaries, posting notices
36.13 of boundary changes, and notifying voters affected by boundary changes pursuant
36.14 to this subdivision, and procedures for coordinating precinct boundary changes with
36.15 reestablishing local government election district boundaries may be established in the
36.16 manner provided in the rules of the secretary of state.

36.17 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
36.18 thereafter.

36.19 Sec. 53. Minnesota Statutes 2008, section 204B.14, is amended by adding a
36.20 subdivision to read:

36.21 Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary
36.22 of an election precinct that has occurred as a result of a municipal boundary adjustment
36.23 made under chapter 414 that is effective more than 21 days before a regularly scheduled
36.24 election takes effect at the scheduled election.

36.25 A change in the boundary of an election precinct that has occurred as a result of a
36.26 municipal boundary adjustment made under chapter 414 that is effective less than 21 days
36.27 before a regularly scheduled election takes effect the day after the scheduled election.

36.28 Sec. 54. Minnesota Statutes 2008, section 204B.16, subdivision 1, is amended to read:

36.29 Subdivision 1. **Authority; location.** The governing body of each municipality and
36.30 of each county with precincts in unorganized territory shall designate by ordinance or
36.31 resolution a polling place for each election precinct. Polling places must be designated and
36.32 ballots must be distributed so that no one is required to go to more than one polling place
36.33 to vote in a school district and municipal election held on the same day. The polling place
36.34 for a precinct in a city ~~or in a school district located in whole or in part in the metropolitan~~

37.1 ~~area defined by section 200.02, subdivision 24,~~ shall be located within the boundaries of
 37.2 the precinct or within one mile of one of those boundaries unless a single polling place
 37.3 is designated for a city pursuant to section 204B.14, subdivision 2, or a school district
 37.4 pursuant to section 205A.11. The polling place for a precinct in unorganized territory may
 37.5 be located outside the precinct at a place which is convenient to the voters of the precinct.
 37.6 If no suitable place is available within a town or within a school district located outside
 37.7 the metropolitan area defined by section 200.02, subdivision 24, then the polling place for
 37.8 a town or school district may be located outside the town or school district within five
 37.9 miles of one of the boundaries of the town or school district.

37.10 **EFFECTIVE DATE.** This section is effective June 1, 2010.

37.11 Sec. 55. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

37.12 Subdivision 1. **Booths; voting stations.** Each polling place must contain a number
 37.13 of voting booths or voting stations in proportion to the number of individuals eligible
 37.14 to vote in the precinct. Each booth or station must be at least six feet high, three feet
 37.15 deep and two feet wide with a shelf at least two feet long and one foot wide placed at a
 37.16 convenient height for writing. The booth or station shall permit the voter to vote privately
 37.17 and independently. Each polling place must have at least one accessible voting booth
 37.18 or other accessible voting station and beginning with federal and state elections held
 37.19 after December 31, 2005, and county, municipal, and school district elections held after
 37.20 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help
 37.21 America Vote Act, Public Law 107-252. Local officials must make accessible voting
 37.22 stations purchased with funds provided from the Help America Vote Act account available
 37.23 to other local jurisdictions holding stand-alone elections. Local officials who purchased
 37.24 the equipment may charge the other local jurisdictions for the costs of programming
 37.25 the equipment, as well as a prorated cost of maintenance on the equipment. Any funds
 37.26 received for use of the accessible voting equipment must be treated as program income
 37.27 and deposited into the jurisdiction's Help America Vote Act account. All booths or
 37.28 stations must be constructed so that a voter is free from observation while marking ballots.
 37.29 During the hours of voting, the booths or stations must have instructions, a pencil, and
 37.30 other supplies needed to mark the ballots. A chair must be provided for elderly voters
 37.31 and voters with disabilities to use while voting or waiting to vote. Stable flat writing
 37.32 surfaces must also be made available to voters who are completing election-related forms.
 37.33 All ballot boxes, voting booths, voting stations, and election judges must be in open
 37.34 public view in the polling place.

38.1 Sec. 56. Minnesota Statutes 2008, section 204B.19, subdivision 2, is amended to read:

38.2 Subd. 2. **Individuals not qualified to be election judges.** (a) Except as provided in
38.3 paragraph (b), no individual shall be appointed as an election judge for any precinct if
38.4 that individual:

38.5 ~~(a)~~ (1) is unable to read, write, or speak the English language;

38.6 ~~(b)~~ (2) is the spouse, parent, child, including a stepchild, or sibling, including a
38.7 stepsibling, of any election judge serving in the same precinct or of any candidate at
38.8 that election; or

38.9 ~~(c)~~ (3) is a candidate at that election.

38.10 (b) Individuals who are related to each other as provided in paragraph (a), clause (2),
38.11 may serve as election judges in the same precinct, provided that they serve on separate
38.12 shifts that do not run concurrently.

38.13 Sec. 57. Minnesota Statutes 2008, section 204B.21, subdivision 1, is amended to read:

38.14 Subdivision 1. **Appointment lists; duties of political parties and county auditor.**

38.15 ~~On June 1~~ Within two weeks after the precinct caucuses in a year in which there is an
38.16 election for a partisan political office, the county or legislative district chairs of each major
38.17 political party, whichever is designated by the state party, shall prepare a list of eligible
38.18 voters to act as election judges in each election precinct in the county or legislative
38.19 district. The chairs shall furnish the lists to the county auditor of the county in which the
38.20 precinct is located.

38.21 ~~By June 15~~ Within four weeks after the precinct caucuses, the county auditor shall
38.22 furnish to the appointing authorities a list of the appropriate names for each election
38.23 precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by
38.24 the county auditor for each major political party.

38.25 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
38.26 thereafter.

38.27 Sec. 58. Minnesota Statutes 2008, section 204B.21, subdivision 1, is amended to read:

38.28 Subdivision 1. **Appointment lists; duties of political parties and ~~county auditor~~**
38.29 **secretary of state.** ~~On June 1~~ in a year in which there is an election for a partisan political
38.30 office, ~~the county or legislative district chairs of each major political party, whichever~~
38.31 ~~is designated by the state party,~~ shall prepare a list of eligible voters to act as election
38.32 judges in each election precinct ~~in the county or legislative district.~~ The ~~chairs~~ political
38.33 parties shall furnish the lists electronically to the ~~county auditor of the county in which~~
38.34 ~~the precinct is located~~ secretary of state, in a format specified by the secretary of state.

39.1 The secretary of state must combine the data received from each political party under this
39.2 subdivision and must process the data to locate the precinct in which the address provided
39.3 for each potential election judge is located. If the data submitted by a political party is
39.4 insufficient for the secretary of state to locate the proper precinct, the associated name
39.5 must not appear in any list forwarded to an appointing authority under this subdivision.
39.6 The secretary of state shall notify political parties of any proposed election judges with
39.7 addresses that could not be located in a precinct.

39.8 By June 15, the ~~county auditor~~ secretary of state shall furnish electronically to the
39.9 ~~appointing authorities~~ county auditor a list of the appropriate names for each ~~election~~
39.10 ~~precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted~~
39.11 ~~by the county auditor for each major political party~~ county, noting the political party
39.12 affiliation of each individual on the list. The county auditor must promptly forward the
39.13 appropriate names to the appropriate municipal clerk.

39.14 Sec. 59. Minnesota Statutes 2008, section 204B.21, subdivision 2, is amended to read:

39.15 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts
39.16 in a municipality shall be appointed by the governing body of the municipality. Election
39.17 judges for precincts in unorganized territory and for performing election-related duties
39.18 assigned by the county auditor shall be appointed by the county board. Election judges for
39.19 a precinct composed of two or more municipalities must be appointed by the governing
39.20 body of the municipality or municipalities responsible for appointing election judges as
39.21 provided in the agreement to combine for election purposes. Except as otherwise provided
39.22 in this section, appointments shall be made from lists furnished pursuant to subdivision 1
39.23 subject to the eligibility requirements and other qualifications established or authorized
39.24 under section 204B.19. At least two election judges in each precinct must be affiliated with
39.25 different major political parties. If no lists have been furnished or if additional election
39.26 judges are required after all listed names in that municipality have been exhausted, the
39.27 appointing authority may appoint other individuals who meet the qualifications to serve as
39.28 an election judge, including persons who are not affiliated with a major political party.
39.29 The appointments shall be made at least 25 days before the election at which the election
39.30 judges will serve, except that the appointing authority may pass a resolution authorizing
39.31 the appointment of additional election judges within the 25 days before the election if the
39.32 appointing authority determines that additional election judges will be required.

39.33 Sec. 60. Minnesota Statutes 2008, section 204B.24, is amended to read:

39.34 **204B.24 ELECTION JUDGES; OATH.**

40.1 Each election judge shall sign the following oath before assuming the duties of
40.2 the office:

40.3 "I solemnly swear (or affirm) that I will perform the duties of election judge
40.4 according to law and the best of my ability and will diligently endeavor to prevent fraud,
40.5 deceit and abuse in conducting this election. I will perform my duties in a fair and impartial
40.6 manner and not attempt to create an advantage for my party or for any candidate."

40.7 The oath shall be attached to the summary statement of the election returns of that
40.8 precinct. If there is no individual present who is authorized to administer oaths, the
40.9 election judges may administer the oath to each other.

40.10 Sec. 61. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

40.11 Subd. 2. **Election law and instructions.** The secretary of state shall prepare and
40.12 publish a volume containing all state general laws relating to elections. The attorney
40.13 general shall provide annotations to the secretary of state for this volume. On or before
40.14 ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall
40.15 furnish to the county auditors and municipal clerks enough copies of this volume so that
40.16 each county auditor and municipal clerk will have at least one copy. On or before July 1
40.17 of every even-numbered year, the secretary of state shall prepare and make an electronic
40.18 copy available on the office's Web site. The secretary of state may prepare and transmit
40.19 to the county auditors and municipal clerks detailed written instructions for complying
40.20 with election laws relating to the conduct of elections, conduct of voter registration and
40.21 voting procedures.

40.22 Sec. 62. Minnesota Statutes 2008, section 204B.33, is amended to read:

40.23 **204B.33 NOTICE OF FILING.**

40.24 (a) ~~Between June 1 and July 1 in each even-numbered year~~ At least 15 weeks before
40.25 the state primary, the secretary of state shall notify each county auditor of the offices to be
40.26 voted for in that county at the next state general election for which candidates file with the
40.27 secretary of state. The notice shall include the time and place of filing for those offices.
40.28 Within ten days after notification by the secretary of state, each county auditor shall notify
40.29 each municipal clerk in the county of all the offices to be voted for in the county at that
40.30 election and the time and place for filing for those offices. The county auditors and
40.31 municipal clerks shall promptly post a copy of that notice in their offices and post a notice
40.32 of the offices that will be on the ballot on their Web site, if one is available.

40.33 (b) At least two weeks before the first day to file an affidavit of candidacy, the
40.34 county auditor shall publish a notice stating the first and last dates on which affidavits of

41.1 candidacy may be filed in the county auditor's office and the closing time for filing on the
41.2 last day for filing. The county auditor shall post a similar notice at least ten days before
41.3 the first day to file affidavits of candidacy.

41.4 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
41.5 thereafter.

41.6 Sec. 63. **[204B.335] ELECTION RESULTS REPORTING SYSTEM;**
41.7 **CANDIDATE FILING.**

41.8 For state primary and general elections, the county auditor must enter the offices
41.9 and questions to be voted on in the county and the list of candidates for each office into
41.10 the election results reporting system provided by the secretary of state no later than 46
41.11 days prior to the election.

41.12 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
41.13 certified that the election reporting system has been tested and shown to properly allow
41.14 for the entry of candidate names and for election results to be uploaded, and to be able to
41.15 handle the expected volume of use.

41.16 Sec. 64. Minnesota Statutes 2008, section 204B.35, subdivision 4, is amended to read:

41.17 Subd. 4. **Absentee ballots; preparation; delivery.** At least 45 days before a state
41.18 primary or the state general election and at least 30 days before other elections, ballots
41.19 necessary to fill applications of absentee voters shall be prepared and delivered ~~at least 30~~
41.20 ~~days before the election~~ to the officials who administer the provisions of chapter 203B.

41.21 This section applies to school district elections held on the same day as a statewide
41.22 election or an election for a county or municipality located partially or wholly within
41.23 the school district.

41.24 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
41.25 thereafter.

41.26 Sec. 65. Minnesota Statutes 2008, section 204B.38, is amended to read:

41.27 **204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

41.28 When the similarity of surnames of two or more candidates for the same office
41.29 at the same election may cause confusion to voters because the candidates also have
41.30 similar first names, up to three additional words may be printed on the ballot after each
41.31 surname to indicate the candidate's occupation, office, residence or any combination

42.1 of them if the candidate furnishes the identifying words to the filing officer by the last
42.2 day for withdrawal of candidacy.

42.3 Sec. 66. Minnesota Statutes 2008, section 204B.44, is amended to read:

42.4 **204B.44 ERRORS AND OMISSIONS; REMEDY.**

42.5 (a) Any individual may file a petition in the manner provided in this section for
42.6 the correction of any of the following errors, omissions, or wrongful acts which have
42.7 occurred or are about to occur:

42.8 ~~(a)~~ (1) an error or omission in the placement or printing of the name or description of
42.9 any candidate or any question on any official ballot;

42.10 ~~(b)~~ (2) any other error in preparing or printing any official ballot;

42.11 ~~(c)~~ (3) failure of the chair or secretary of the proper committee of a major political
42.12 party to execute or file a certificate of nomination; or

42.13 ~~(d)~~ (4) any wrongful act, omission, or error of any election judge, municipal clerk,
42.14 county auditor, canvassing board or any of its members, the secretary of state, or any other
42.15 individual charged with any duty concerning an election.

42.16 (b) The petition shall describe the error, omission, or wrongful act and the correction
42.17 sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in
42.18 the case of an election for state or federal office or any judge of the district court in that
42.19 county in the case of an election for county, municipal, or school district office. The
42.20 petitioner shall serve a copy of the petition on the officer, board or individual charged with
42.21 the error, omission, or wrongful act, and on any other party as required by the court. Upon
42.22 receipt of the petition the court shall immediately set a time for a hearing on the matter
42.23 and order the officer, board or individual charged with the error, omission or wrongful act
42.24 to correct the error or wrongful act or perform the duty or show cause for not doing so.
42.25 The court shall issue its findings and a final order for appropriate relief as soon as possible
42.26 after the hearing. Failure to obey the order is contempt of court.

42.27 (c) An order issued under this section may not authorize the candidates in an election
42.28 to determine whether an absentee ballot envelope was improperly rejected.

42.29 Sec. 67. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

42.30 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be
42.31 given at least six weeks prior to the election. Not more than 30 days nor later than 14 days
42.32 prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters
42.33 registered in the town or unorganized territory. No later than 14 days before the election,
42.34 the auditor must make a subsequent mailing of ballots to those voters who register to vote

43.1 after the initial mailing but before the 20th day before the election. Eligible voters not
 43.2 registered at the time the ballots are mailed may apply for ballots as provided in chapter
 43.3 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the
 43.4 auditor or clerk and the voter may return the ballot by mail or in person to the office of
 43.5 the auditor or clerk. The auditor or clerk ~~may~~ must appoint ~~election judges~~ a ballot board
 43.6 to examine the return envelopes and mark them "accepted" or "rejected" ~~during the 30~~
 43.7 ~~days before the election.~~ within three days of receipt if there are 14 or fewer days before
 43.8 election day, or within five days of receipt if there are more than 14 days before election
 43.9 day. The board may consist of staff trained as election judges, in which case, the board is
 43.10 exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in
 43.11 appointment of judges and to duties to be performed by judges or members of a ballot
 43.12 board of different major political parties. If an envelope has been rejected at least five days
 43.13 before the election, the ballots in the envelope must ~~be considered spoiled ballots~~ remain
 43.14 sealed and the auditor or clerk shall provide the voter with a replacement ballot and return
 43.15 envelope in place of the spoiled ballot. If the ballot is rejected within five days of the
 43.16 election, the envelope must remain sealed and the official in charge of the ballot board must
 43.17 attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot
 43.18 has been rejected. The official must document the attempts made to contact the voter.

43.19 The ballots from return envelopes marked "Accepted" must be promptly opened,
 43.20 uplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by
 43.21 the members of the ballot board, and deposited in the ballot box. These duties must be
 43.22 performed by two members of the ballot board of different major political parties.

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

43.25 No vote totals from mail or absentee ballots may be made public before the close
 43.26 of voting on election day.

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

43.29 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
 43.30 certified that the statewide voter registration system has been tested, shown to properly
 43.31 allow municipal clerks to update absentee voting records, and to be able to handle the
 43.32 expected volume of use.

43.33 Sec. 68. Minnesota Statutes 2008, section 204B.46, is amended to read:

43.34 **204B.46 MAIL ELECTIONS; QUESTIONS.**

44.1 A county, municipality, or school district submitting questions to the voters at a
 44.2 special election may conduct an election by mail with no polling place other than the
 44.3 office of the auditor or clerk. No more than two questions may be submitted at a mail
 44.4 election and no offices may be voted on. Notice of the election must be given to the county
 44.5 auditor at least 53 days prior to the election. This notice shall also fulfill the requirements
 44.6 of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at
 44.7 least six weeks prior to the election. No earlier than ~~20~~ or 30 nor later than 14 days prior
 44.8 to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters
 44.9 registered in the county, municipality, or school district. No later than 14 days before the
 44.10 election, the auditor or clerk must make a subsequent mailing of ballots to those voters
 44.11 who register to vote after the initial mailing but before the 20th day before the election.
 44.12 Eligible voters not registered at the time the ballots are mailed may apply for ballots
 44.13 pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the
 44.14 return envelopes and mark them "Accepted" or "Rejected" within three days of receipt
 44.15 if there are 14 or fewer days before election day, or within five days of receipt if there
 44.16 are more than 14 days before election day. The board may consist of staff trained as
 44.17 election judges, in which case, the board is exempt from sections 204B.19, subdivision
 44.18 5, and 204C.15, relating to party balance in appointment of judges and to duties to be
 44.19 performed by judges or members of a ballot board of different major political parties. If an
 44.20 envelope has been rejected at least five days before the election, the ballots in the envelope
 44.21 must remain sealed and the auditor or clerk must provide the voter with a replacement
 44.22 ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within
 44.23 five days of the election, the envelope must remain sealed and the official in charge of
 44.24 the ballot board must attempt to contact the voter by telephone or e-mail to notify the
 44.25 voter that the voter's ballot has been rejected. The official must document the attempts
 44.26 made to contact the voter.

44.27 The ballots from return envelopes marked "Accepted" must be promptly opened,
 44.28 uplicated as needed in the manner provided by section 206.86, subdivision 5, initialed
 44.29 by the ballot board, and deposited in the appropriate ballot box. These duties must be
 44.30 performed by two members of the ballot board of different major political parties.

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

44.33 No vote totals from ballots may be made public before the close of voting on
 44.34 election day.

44.35 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
 44.36 certified that the statewide voter registration system has been tested, shown to properly

45.1 allow municipal clerks to update absentee voting records, and to be able to handle the
45.2 expected volume of use.

45.3 Sec. 69. Minnesota Statutes 2008, section 204C.02, is amended to read:

45.4 **204C.02 APPLICATION.**

45.5 This chapter applies to all elections held in this state except as otherwise provided
45.6 by law.

45.7 An individual who is unable to write the individual's name must sign election-related
45.8 documents in the manner provided by section 645.44, subdivision 14. An individual who
45.9 has power of attorney for another person may not sign election-related documents for that
45.10 person, except as provided by this section.

45.11 Sec. 70. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

45.12 Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an
45.13 election has the right to be absent from work ~~for the purpose of voting during the morning~~
45.14 ~~of~~ for the time necessary to appear at the employee's polling place, cast a ballot, and return
45.15 to work on the day of that election, without penalty or deduction from salary or wages
45.16 because of the absence. An employer or other person may not directly or indirectly refuse,
45.17 abridge, or interfere with this right or any other election right of an employee.

45.18 Sec. 71. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

45.19 Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go
45.20 to and from the polling place for the purpose of voting without unlawful interference. No
45.21 one except an election official or an individual who is waiting to register or to vote or a
45.22 representative of the press who is conducting exit polling shall stand within 100 feet of
45.23 the building in which a polling place is located. "Exit polling" is defined as approaching
45.24 voters in a predetermined pattern as they leave the polling place after they have voted and
45.25 asking voters to fill out an anonymous questionnaire.

45.26 Sec. 72. Minnesota Statutes 2008, section 204C.08, is amended to read:

45.27 **204C.08 OPENING OF POLLING PLACES.**

45.28 Subdivision 1. **Arrival; ballots.** The election judges shall meet at the polling place
45.29 at least one hour before the time for opening the polls. Before the polls open, the election
45.30 judges shall compare the ballots used with the sample ballots, electronic ballot displays,
45.31 and audio ballot reader furnished to see that the names, numbers, and letters on both agree

46.1 and shall certify to that fact on forms provided for that purpose. The certification must
46.2 be filed with the election returns.

46.3 Subd. 1a. **Display of flag.** Upon their arrival at the polling place on the day of
46.4 election, the election judges shall cause the national flag to be displayed on a suitable
46.5 staff at the entrance to the polling place. The flag shall be displayed continuously during
46.6 the hours of voting and the election judges shall attest to that fact by signing the flag
46.7 certification statement on the precinct summary statement. The election judges shall
46.8 receive no compensation for any time during which they intentionally fail to display
46.9 the flag as required by this subdivision.

46.10 Subd. ~~1a.~~ **1b. Voter's Bill of Rights.** The county auditor shall prepare and provide
46.11 to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as
46.12 set forth in this section. Before the hours of voting are scheduled to begin, the election
46.13 judges shall post it in a conspicuous location or locations in the polling place. The Voter's
46.14 Bill of Rights is as follows:

46.15 "VOTER'S BILL OF RIGHTS

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

46.17 (1) You have the right to be absent from work for the purpose of voting ~~during the~~
46.18 ~~morning of~~ without reduction to your pay, personal leave, or vacation time on election day.

46.19 (2) If you are in line at your polling place any time ~~between 7:00 a.m. and before~~
46.20 8:00 p.m., you have the right to vote.

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

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

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

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

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

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

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

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

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

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

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

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

47.8 Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled
47.9 to begin, the election judges shall post any official voter instruction posters furnished to
47.10 them in a conspicuous location or locations in the polling place.

47.11 Subd. 2a. **Sample ballots.** ~~At least two sample ballot ballots~~ must be posted in a
47.12 conspicuous location in the polling place and must remain open to inspection by the voters
47.13 throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices,
47.14 candidates, and rotation sequence on the ballots used in that polling place. The sample
47.15 ballots may be either in full or reduced size.

47.16 Subd. 3. **Locking of ballot boxes box.** Immediately before the time when voting
47.17 is scheduled to begin, one of the election judges shall open the ballot ~~boxes~~ box in the
47.18 presence of the individuals assembled at the polling place, ~~turn the boxes upside down to~~
47.19 demonstrate that it is empty ~~them,~~ lock ~~them~~ it, and deliver the key to another election
47.20 judge. Except as provided by this subdivision, the boxes box shall not be reopened
47.21 ~~except to count the ballots~~ until after the hours for voting have ended and all voting has
47.22 been concluded. The ~~boxes~~ box shall be kept in public view at all times during voting
47.23 hours. After locking the ballot ~~boxes~~ box, the election judges shall proclaim that voting
47.24 may begin, and shall post outside the polling place conspicuous written or printed notices
47.25 of the time when voting is scheduled to end.

47.26 Two election judges of different major political parties may open the ballot box as
47.27 needed to straighten the ballots or remove voted ballots to prevent the box from becoming
47.28 full. The election judges shall not count or inspect the ballots.

47.29 If the election judges remove any ballots from the box, the election judges shall put
47.30 the ballots into containers and seal them. The judges shall put any ballots taken from the
47.31 ballot box's write-in compartment into containers separate from the other ballots and seal
47.32 them. The judges shall label the ballot containers and secure them.

47.33 The judges shall note on the incident report that the ballot box was opened, the time
47.34 the box was opened, and, if any ballots were removed, the number of any seals used to
47.35 seal the ballot containers.

48.1 Subd. 4. ~~Ballot boxes, box~~ **boxcar seals**. The governing body of a municipality or
48.2 school district by resolution may direct the municipal or school district clerk to furnish
48.3 a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a
48.4 numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap
48.5 so that the other end may be inserted and securely locked in the seal. No two ~~metal~~ straps
48.6 shall bear the same number.

48.7 **EFFECTIVE DATE.** The amendment to subdivision 1b is effective for the state
48.8 primary in 2010 and thereafter.

48.9 Sec. 73. Minnesota Statutes 2008, section 204C.10, is amended to read:

48.10 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**
48.11 **REGISTRATION.**

48.12 (a) An individual seeking to vote shall sign a polling place roster ~~which states~~
48.13 ~~that the individual is at least 18 years of age, a citizen of the United States, has resided~~
48.14 ~~in Minnesota for 20 days immediately preceding the election, maintains residence at~~
48.15 ~~the address shown, is not under a guardianship in which the court order revokes the~~
48.16 ~~individual's right to vote, has not been found by a court of law to be legally incompetent~~
48.17 ~~to vote or has the right to vote because, if the individual was convicted of a felony, the~~
48.18 ~~felony sentence has expired or been completed or the individual has been discharged from~~
48.19 ~~the sentence, is registered and has not already voted in the election. The roster must also~~
48.20 ~~state: "~~. The polling place roster must state: "I certify that I have not already voted in
48.21 this election. I certify that I am at least 18 years of age and a citizen of the United States;
48.22 that I reside at the address shown and have resided in Minnesota for 20 days immediately
48.23 preceding this election; that I am not under guardianship of the person in which the court
48.24 order revokes my right to vote, have not been found by a court to be legally incompetent
48.25 to vote, and that if convicted of a felony, my felony sentence has expired (been completed)
48.26 or I have been discharged from my sentence; and that I am registered and will be voting
48.27 only in this precinct. I understand that deliberately providing false information is a felony
48.28 punishable by not more than five years imprisonment and a fine of not more than \$10,000,
48.29 or both." The words "I have not already voted in this election" and "I understand that
48.30 deliberately providing false information is a felony" must be in bold type.

48.31 (b) A judge may, before the applicant signs the roster, confirm the applicant's name,
48.32 address, and date of birth. If the ballot board has not marked the roster in accordance with
48.33 section 203B.121, the election judge must review the supplemental list of those who have
48.34 already voted to ensure that the voter's name is not on the list. If a voter's name is on the
48.35 list, the voter must not be allowed to sign the roster or to vote on election day.

49.1 (c) After the applicant signs the roster, the judge shall give the applicant a voter's
49.2 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof
49.3 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The
49.4 voters' receipts must be maintained during the time for notice of filing an election contest.

49.5 EFFECTIVE DATE. This section is not effective until the secretary of state has
49.6 certified that the statewide voter registration system has been tested, shown to properly
49.7 allow municipal clerks to update absentee voting records, and to be able to handle the
49.8 expected volume of use.

49.9 Sec. 74. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

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

49.18 Sec. 75. Minnesota Statutes 2008, section 204C.13, subdivision 6, is amended to read:

49.19 Subd. 6. **Challenge of voter; time limits; disposition of ballots.** At any time
49.20 before the ballots of any voter are deposited in the ballot boxes, the election judges or any
49.21 individual who was not present at the time the voter procured the ballots, but not otherwise,
49.22 may challenge the eligibility of that voter ~~and the deposit of any received absentee ballots~~
49.23 ~~in the ballot boxes.~~ The election judges shall determine the eligibility of any voter who is
49.24 present in the polling place in the manner provided in section 204C.12, and if the voter is
49.25 found to be not eligible to vote, shall place the ballots of that voter unopened among the
49.26 spoiled ballots. ~~The election judges shall determine whether to receive or reject the ballots~~
49.27 ~~of an absent voter and whether to deposit received absentee ballots in the ballot boxes in~~
49.28 ~~the manner provided in sections 203B.12, 203B.24, and 203B.25, and shall dispose of any~~
49.29 ~~absentee ballots not received or deposited in the manner provided in section 203B.12.~~ A
49.30 violation of this subdivision by an election judge is a gross misdemeanor.

49.31 EFFECTIVE DATE. This section is not effective until the secretary of state has
49.32 certified that the statewide voter registration system has been tested, shown to properly
49.33 allow municipal clerks to update absentee voting records, and to be able to handle the
49.34 expected volume of use.

50.1 Sec. 76. Minnesota Statutes 2008, section 204C.17, is amended to read:

50.2 **204C.17 VOTING; SECRECY.**

50.3 Except as authorized by section 204C.15, a voter shall not reveal to anyone in the
50.4 polling place the name of any candidate for whom the voter intends to vote or has voted. A
50.5 voter shall not ask for or receive assistance in the marking of a ballot from anyone within
50.6 the polling place except as authorized by section 204C.15. If a voter, after marking a ballot,
50.7 shows it to anyone except as authorized by law or takes a picture of the voter's ballot, the
50.8 election judges shall refuse to deposit the ballot in any ballot box and shall place it among
50.9 the spoiled ballots. Unless the showing of the ballot was clearly intentional, the voter shall
50.10 receive another ballot as provided in section 204C.13, subdivision 3, ~~clause~~ paragraph (d).

50.11 Sec. 77. Minnesota Statutes 2008, section 204C.27, is amended to read:

50.12 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

50.13 Subdivision 1. Election supplies. One or more of the election judges in each
50.14 precinct shall deliver two sets of summary statements; all spoiled white, pink, canary, and
50.15 gray ballots; and the envelopes containing the white, pink, canary, and gray ballots either
50.16 directly to the municipal clerk for transmittal to the county auditor's office or directly to
50.17 the county auditor's office as soon as possible after the vote counting is completed but
50.18 no later than 24 hours after the end of the hours for voting. One or more election judges
50.19 shall deliver the remaining set of summary statements and returns, all unused and spoiled
50.20 municipal and school district ballots, the envelopes containing municipal and school
50.21 district ballots, and all other things furnished by the municipal or school district clerk, to
50.22 the municipal or school district clerk's office within 24 hours after the end of the hours
50.23 for voting. The municipal or school district clerk shall return all polling place rosters and
50.24 completed voter registration cards to the county auditor within 48 hours after the end
50.25 of the hours for voting.

50.26 Subd. 2. Rejected absentee ballots. All absentee ballots that were rejected and
50.27 their accompanying absentee ballot applications must be delivered to the county auditor
50.28 within 48 hours after the end of the hours for voting.

50.29 Sec. 78. Minnesota Statutes 2008, section 204C.30, is amended by adding a
50.30 subdivision to read:

50.31 Subd. 3. Review of rejected absentee ballots. Prior to the meeting of the county
50.32 canvassing board to canvass the results of the state general election, the county auditor
50.33 must review any absentee ballots that were marked rejected to determine whether any

51.1 were rejected in error. If the county canvassing board agrees that any ballots were rejected
51.2 in error, the board must publicly open the return and ballot envelopes and initial and
51.3 count the ballots to include the votes in all races in the results canvassed by the board.
51.4 The county canvassing board must protect the privacy of voters' choices to the extent
51.5 practicable. Except as provided in this subdivision, a rejected absentee ballot may not be
51.6 reviewed outside of an election contest under chapter 209.

51.7 Sec. 79. Minnesota Statutes 2008, section 204C.30, is amended by adding a
51.8 subdivision to read:

51.9 Subd. 4. **Election results reporting; state primary and general elections.** For
51.10 state primary and general elections, the county auditor shall enter the votes in each
51.11 precinct for the questions and offices voted on into the election results reporting system
51.12 provided by the secretary of state.

51.13 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
51.14 certified that the election reporting system has been tested and shown to properly allow
51.15 for the entry of candidate names and for election results to be uploaded, and to be able to
51.16 handle the expected volume of use.

51.17 Sec. 80. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

51.18 Subdivision 1. **County canvass.** The county canvassing board shall meet at the
51.19 county auditor's office ~~on or before the seventh day~~ between the third and tenth days
51.20 following the state general election. After taking the oath of office, the board shall
51.21 promptly and publicly canvass the general election returns delivered to the county auditor.
51.22 Upon completion of the canvass, the board shall promptly prepare and file with the county
51.23 auditor a report which states:

51.24 (a) the number of individuals voting at the election in the county and in each precinct;

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

51.27 (c) the names of the candidates for each office and the number of votes received
51.28 by each candidate in the county and in each precinct, ~~including write-in candidates for~~
51.29 ~~state and federal office who have requested under section 204B.09 that votes for those~~
51.30 ~~candidates be tallied;~~

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

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

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

52.12 Upon completion of the canvass, the county canvassing board shall declare the
52.13 candidate duly elected who received the highest number of votes for each county and state
52.14 office voted for only within the county. The county auditor shall transmit ~~one of the a~~
52.15 certified ~~copies~~ copy of the county canvassing board report for state and federal offices to
52.16 the secretary of state by messenger, express mail, or similar service immediately upon
52.17 conclusion of the county canvass.

52.18 Sec. 81. Minnesota Statutes 2008, section 204C.33, subdivision 3, is amended to read:

52.19 Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of
52.20 state's office on the ~~second~~ third Tuesday following the state general election to canvass
52.21 the certified copies of the county canvassing board reports received from the county
52.22 auditors and shall prepare a report that states:

- 52.23 (a) the number of individuals voting in the state and in each county;
- 52.24 (b) the number of votes received by each of the candidates, specifying the counties
52.25 in which they were cast; and
- 52.26 (c) the number of votes counted for and against each constitutional amendment,
52.27 specifying the counties in which they were cast.

52.28 All members of the State Canvassing Board shall sign the report and certify its
52.29 correctness. The State Canvassing Board shall declare the result within three days after
52.30 completing the canvass.

52.31 Sec. 82. Minnesota Statutes 2008, section 204C.37, is amended to read:

52.32 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
52.33 **STATE.**

53.1 ~~Two copies~~ A copy of the reports report required by sections 204C.32, subdivision
53.2 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county
53.3 auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary
53.4 of state, with the county auditor's name and official address and the words "Election
53.5 Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by~~
53.6 ~~express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail
53.7 or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary
53.8 of state within ten days following the applicable election, the secretary of state shall
53.9 immediately notify the county auditor, who shall deliver another copy to the secretary of
53.10 state by special messenger.

53.11 Sec. 83. Minnesota Statutes 2008, section 204D.03, subdivision 1, is amended to read:

53.12 Subdivision 1. **State primary.** The state primary shall be held on the ~~first~~ second
53.13 Tuesday ~~after the second Monday in September~~ August in each even-numbered year to
53.14 select the nominees of the major political parties for partisan offices and the nominees for
53.15 nonpartisan offices to be filled at the state general election, other than presidential electors.

53.16 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
53.17 thereafter.

53.18 Sec. 84. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

53.19 Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with
53.20 the preparation and distribution of the ballots shall prepare instructions to the printer for
53.21 rotation of the names of candidates and for layout of the ballot.

53.22 (b) Except as provided in paragraph (c), the instructions shall be approved by the
53.23 legal advisor of the official before delivery to the printer.

53.24 (c) The legal advisor of a town official is not required to approve instructions
53.25 regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

53.26 (d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer
53.27 shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified
53.28 check, acceptable to the official responsible for printing the ballots, conditioned on
53.29 printing the ballots in conformity with the Minnesota Election Law and the instructions
53.30 delivered. The official responsible for printing the ballots shall set the amount of the bond,
53.31 letter of credit, or certified check in an amount equal to the value of the purchase.

53.32 Sec. 85. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

54.1 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county
54.2 auditor shall prepare a sample state partisan primary ballot and a sample state and county
54.3 nonpartisan primary ballot for public inspection. The names of all of the candidates to
54.4 be voted for in the county shall be placed on the sample ballots, with the names of the
54.5 candidates for each office arranged ~~alphabetically according to the surname~~ in the base
54.6 rotation as determined by section 206.61, subdivision 5. Only one sample state partisan
54.7 primary ballot and one sample state and county nonpartisan ballot shall be prepared for
54.8 any county. The county auditor shall post the sample ballots in a conspicuous place in the
54.9 auditor's office and shall cause them to be published at least one week before the state
54.10 primary in at least one newspaper of general circulation in the county.

54.11 Sec. 86. Minnesota Statutes 2008, section 204D.28, subdivision 5, is amended to read:

54.12 Subd. 5. **Regular state primary.** "Regular state primary" means:

54.13 (a) the state primary at which candidates are nominated for offices elected at the
54.14 state general election; or

54.15 (b) a primary held ~~four weeks before~~ on the first Tuesday after the first second
54.16 Monday in November September of odd-numbered years.

54.17 Sec. 87. Minnesota Statutes 2008, section 204D.28, subdivision 6, is amended to read:

54.18 Subd. 6. **Special election required; exception; when held.** Every vacancy shall be
54.19 filled for the remainder of the term by a special election held pursuant to this subdivision;
54.20 except that no special election shall be held in the year before the term expires.

54.21 The special election shall be held at the next November election if the vacancy
54.22 occurs at least ~~six~~ nine weeks before the regular state primary preceding that election. If
54.23 the vacancy occurs less than ~~six~~ nine weeks before the regular state primary preceding
54.24 the next November election, the special election shall be held at the second November
54.25 election after the vacancy occurs.

54.26 Sec. 88. Minnesota Statutes 2008, section 204D.28, subdivision 8, is amended to read:

54.27 Subd. 8. **Notice of special election.** The secretary of state shall issue an official
54.28 notice of any special election required to be held pursuant to this section not later than
54.29 ~~ten~~ 12 weeks before the special primary, except that if the vacancy occurs ~~ten~~ 12 weeks or
54.30 less before the special primary, the secretary of state shall issue the notice no later than
54.31 two days after the vacancy occurs. The notice shall state the office to be filled, the opening
54.32 and closing dates for filing of candidacy and the dates of the special primary and special

55.1 election. For the purposes of those provisions of sections 204D.17 to 204D.27 that apply
55.2 generally to special elections, this notice shall be used in place of the writ of the governor.

55.3 Sec. 89. Minnesota Statutes 2008, section 204D.28, subdivision 9, is amended to read:

55.4 Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating
55.5 petitions for candidates to fill a vacancy at a special election shall open ~~six~~ ten weeks
55.6 before the special primary or on the day the secretary of state issues notice of the special
55.7 election, whichever occurs later. Filings shall close ~~four~~ eight weeks before the special
55.8 primary.

55.9 Sec. 90. [204D.29] CONTINUITY OF CONGRESS.

55.10 Subdivision 1. In general. (a) If the speaker of the United States House of
55.11 Representatives announces that vacancies in the representation from the states in the
55.12 House of Representatives exceed 100 and one of those vacancies is in this state, the
55.13 governor shall issue a writ of election to fill such vacancy by special election.

55.14 (b) As used in this section, "speaker" means the speaker of the United States House
55.15 of Representatives.

55.16 Subd. 2. Timing of special election. A special election held under this section
55.17 to fill a vacancy shall take place not later than 49 days after the speaker announces
55.18 that the vacancy exists, unless, during the 75-day period which begins on the date of
55.19 the announcement of the vacancy:

55.20 (1) a regularly scheduled general election for the office involved is to be held; or

55.21 (2) another special election for the office involved is to be held, pursuant to a writ
55.22 for a special election issued by the governor prior to the date of the announcement of the
55.23 vacancy by the speaker.

55.24 Subd. 3. Nominations by parties. If a special election is to be held under this
55.25 section, the chairs of the political parties of the state shall, not later than ten days after the
55.26 speaker announces that the vacancy exists, certify to the secretary of state the name of
55.27 the person nominated to fill this vacancy.

55.28 Subd. 4. Nominating petitions. Other candidates must file an affidavit of candidacy
55.29 and a nominating petition under section 204B.07 not later than ten days after the speaker
55.30 announces that the vacancy exists.

55.31 Subd. 5. Protecting ability of absent military and overseas voters to participate
55.32 in special elections. (a) Deadline for transmittal of absentee ballots. In conducting
55.33 a special election held under this section to fill a vacancy in its representation, the state

56.1 shall ensure to the greatest extent practicable that absentee ballots for the election are
56.2 transmitted to voters who vote under the procedure outlined in sections 203B.16 to
56.3 203B.27 not later than 15 days after the speaker announces that the vacancy exists.

56.4 (b) **Period for ballot transit time.** Notwithstanding the other deadlines in this
56.5 section, in the case of voters who vote under the procedure outlined in sections 203B.16
56.6 to 203B.27, any otherwise valid ballot or other election material must be processed and
56.7 accepted so long as the ballot or other material is received by the county auditor not later
56.8 than 45 days after the ballot or other material was transmitted to the voter.

56.9 Sec. 91. Minnesota Statutes 2008, section 205.065, subdivision 1, is amended to read:

56.10 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
56.11 nominating elective officers may be held in any city on the first Tuesday after the second
56.12 Monday in September of ~~any~~ an odd-numbered year or on the date of the state primary in
56.13 an even-numbered year. The municipal primary must be held in the same year in which a
56.14 municipal general election is to be held for the purpose of electing officers.

56.15 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
56.16 thereafter.

56.17 Sec. 92. Minnesota Statutes 2008, section 205.065, subdivision 2, is amended to read:

56.18 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance
56.19 or resolution adopted ~~at least three months before the next~~ by April 15 in the year when
56.20 a municipal general election, is held, elect to choose nominees for municipal offices by
56.21 a primary as provided in this section. The resolution or ordinance, when adopted, is
56.22 effective for all ensuing municipal elections until it is revoked. The municipal clerk shall
56.23 notify the secretary of state and the county auditor within 30 days after the adoption of the
56.24 resolution or ordinance.

56.25 Sec. 93. Minnesota Statutes 2008, section 205.075, subdivision 1, is amended to read:

56.26 Subdivision 1. **Date of election.** The general election in a town must be held on the
56.27 second Tuesday in March, except as provided in subdivision 2 or when moved for bad
56.28 weather as provided in section 365.51, subdivision 1.

56.29 Sec. 94. Minnesota Statutes 2008, section 205.075, is amended by adding a subdivision
56.30 to read:

56.31 Subd. 2a. **Return to March election.** The town board of a town that has adopted
56.32 the alternative November election date under subdivision 2 may, after having conducted

57.1 at least two elections on the alternative date, adopt a resolution designating the second
57.2 Tuesday in March as the date of the town general election. The resolution must be
57.3 adopted by a unanimous vote of the town supervisors and must include a plan to shorten
57.4 or lengthen the terms of office to provide an orderly transition to the March election
57.5 schedule. The resolution becomes effective upon an affirmative vote of the electors at
57.6 the next town general election.

57.7 Sec. 95. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

57.8 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
57.9 become a candidate for an office to be voted for at the municipal general election shall file
57.10 an affidavit of candidacy with the municipal clerk. Candidates for a special election to
57.11 fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit
57.12 of candidacy for the specific office to fill the unexpired portion of the term. Subject to
57.13 the approval of the county auditor, the town clerk may authorize candidates for township
57.14 offices to file affidavits of candidacy with the county auditor. The affidavit shall be in
57.15 substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk
57.16 shall also accept an application signed by not less than five voters and filed on behalf of an
57.17 eligible voter in the municipality whom they desire to be a candidate, if service of a copy
57.18 of the application has been made on the candidate and proof of service is endorsed on the
57.19 application being filed. Upon receipt of the proper filing fee, the clerk shall place the name
57.20 of the candidate on the official ballot without partisan designation.

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

57.22 Sec. 96. Minnesota Statutes 2008, section 205.13, subdivision 1a, is amended to read:

57.23 Subd. 1a. **Filing period.** In ~~municipalities~~ a city nominating candidates at a
57.24 ~~municipal~~ primary, an affidavit of candidacy for a city office ~~or town office~~ voted on in
57.25 November of an even-numbered year must be filed not more than ~~70~~ 84 days nor less than
57.26 ~~56~~ 70 days before the ~~first Tuesday after the second Monday in September preceding the~~
57.27 ~~municipal general election~~ city primary and an affidavit of candidacy for an office voted
57.28 on in November of an odd-numbered year must be filed not more than 70 days nor less
57.29 than 56 days before the city primary. In ~~all other~~ municipalities that do not hold a primary,
57.30 an affidavit of candidacy must be filed not more than 70 days and not less than 56 days
57.31 before the municipal general election held in March in any year or in November in an
57.32 odd-numbered year, or a special election not held in conjunction with another election,
57.33 and no more than 84 days and no less than 70 days before the municipal general election
57.34 held in November in an even-numbered year.

58.1 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
58.2 thereafter.

58.3 Sec. 97. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

58.4 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file
58.5 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last
58.6 dates on which affidavits of candidacy may be filed in the clerk's office and the closing
58.7 time for filing on the last day for filing. The clerk shall post a similar notice at least ten
58.8 days before the first day to file affidavits of candidacy. The notice must separately list
58.9 any office for which affidavits of candidacy may be filed to fill the unexpired portion
58.10 of a term when a special election is being held to fill a vacancy as provided in section
58.11 412.02, subdivision 2a.

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

58.13 Sec. 98. **[205.135] ELECTION RESULTS REPORTING SYSTEM; CANDIDATE**
58.14 **FILING.**

58.15 Subdivision 1. **Even-numbered year.** For regularly scheduled municipal elections
58.16 held in an even-numbered year, the municipal clerk must provide the offices and questions
58.17 to be voted on in the municipality and the list of candidates for each office to the county
58.18 auditor for entry into the election results reporting system provided by the secretary of
58.19 state no later than 46 days prior to the election. With the consent of the municipal clerk,
58.20 the county auditor may delegate the duty to enter the information into the system to the
58.21 municipal clerk.

58.22 Subd. 2. **Odd-numbered year.** For regularly scheduled municipal elections held in
58.23 an odd-numbered year, the county auditor and municipal clerk may mutually decide to
58.24 use the election reporting system for the election. The mutual agreement must specify
58.25 whether the county auditor or the municipal clerk will enter into the election results
58.26 reporting system the offices and questions to be voted on in the municipality and the list of
58.27 candidates for each office, and, after the election, the votes in each precinct for the offices
58.28 and questions voted on in the municipality. The county auditor must notify the secretary of
58.29 state of the intent to use the election reporting system at least 90 days before the election,
58.30 of who will be entering the data, and, if the municipal clerk will be entering the data, that
58.31 the office of the municipal clerk has the technological capacity to enter the data. Under
58.32 the agreement, either the county auditor or the municipal clerk must enter the offices and
58.33 questions to be voted on in the municipality and the list of candidates for each office into
58.34 the election results reporting system no later than 46 days before the election.

59.1 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
59.2 certified that the election reporting system has been tested and shown to properly allow
59.3 for the entry of candidate names and for election results to be uploaded, and to be able to
59.4 handle the expected volume of use.

59.5 Sec. 99. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

59.6 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal
59.7 clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the
59.8 official newspaper of the municipality, except that the governing body of a fourth class
59.9 city or a town not located within a metropolitan county as defined in section 473.121
59.10 may dispense with publication.

59.11 Sec. 100. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

59.12 Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal
59.13 clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot
59.14 for the municipality, make them available for public inspection in the clerk's office ~~for~~
59.15 ~~public inspection~~, and post a sample ballot in each polling place on election day.

59.16 Sec. 101. Minnesota Statutes 2008, section 205.185, subdivision 3, is amended to read:

59.17 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a)
59.18 ~~Within seven~~ Between 11 and 17 days after ~~an election~~, a state general election, and within
59.19 17 days after any other election, the governing body of a city conducting any election
59.20 including a special municipal election, or the governing body of a town conducting the
59.21 general election in November shall act as the canvassing board, canvass the returns, and
59.22 declare the results of the election. The governing body of a town conducting the general
59.23 election in March shall act as the canvassing board, canvass the returns, and declare the
59.24 results of the election within two days after an election.

59.25 (b) After the time for contesting elections has passed, the municipal clerk shall issue a
59.26 certificate of election to each successful candidate. In case of a contest, the certificate shall
59.27 not be issued until the outcome of the contest has been determined by the proper court.

59.28 (c) In case of a tie vote, the canvassing board having jurisdiction over the
59.29 municipality shall determine the result by lot. The clerk of the canvassing board shall
59.30 certify the results of the election to the county auditor, and the clerk shall be the final
59.31 custodian of the ballots and the returns of the election.

60.1 Sec. 102. Minnesota Statutes 2008, section 205.185, is amended by adding a
60.2 subdivision to read:

60.3 Subd. 5. **Review of rejected absentee ballots.** Before an election not held
60.4 in conjunction with a state election, a clerk may arrange to have a certified election
60.5 administrator from a county or another city review all ballots that were marked rejected to
60.6 determine whether any were rejected in error. These arrangements must be made at least
60.7 seven days before the date of the election. If no arrangements are made, rejected absentee
60.8 ballots must not be reviewed outside of an election contest under chapter 209. If the
60.9 certified election administrator determines that any were rejected in error, the canvassing
60.10 board must publicly open the return and ballot envelopes and initial and count the ballots
60.11 to include the votes in all races in the results canvassed by the board. The canvassing board
60.12 must protect the privacy of the voters' choices to the extent practicable. If the number of
60.13 rejected absentee ballots could not possibly change the outcome in any of the elections or
60.14 questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

60.15 Sec. 103. **[205.187] ELECTION RESULTS REPORTING SYSTEM; PRECINCT**
60.16 **VOTES.**

60.17 For regularly scheduled municipal elections held in November of an even-numbered
60.18 year, the county auditor shall enter the votes in each precinct for the questions and offices
60.19 voted on in the municipal election into the election results reporting system provided
60.20 by the secretary of state.

60.21 If a county auditor has notified the secretary of state under section 205.135,
60.22 subdivision 2, of intent to use the election results reporting system for a municipal election,
60.23 the county auditor or the municipal clerk must enter the votes in each precinct for the
60.24 offices and questions voted on in the municipality into the election results reporting system.

60.25 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
60.26 certified that the election reporting system has been tested and shown to properly allow
60.27 for the entry of candidate names and for election results to be uploaded, and to be able to
60.28 handle the expected volume of use.

60.29 Sec. 104. Minnesota Statutes 2008, section 205.84, subdivision 2, is amended to read:

60.30 Subd. 2. **Effective date.** After the official certification of the federal decennial
60.31 or special census, the governing body of the city shall either confirm the existing ward
60.32 boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries
60.33 to conform to those standards as provided in section 204B.135, subdivision 1. If the
60.34 governing body of the city fails to take either action within the time required, no further

61.1 compensation shall be paid to the mayor or council member until the wards of the city
61.2 are either reconfirmed or redefined as required by this section. An ordinance establishing
61.3 new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective on
61.4 the date of the state primary election in the year ending in two, except that new ward
61.5 boundaries established by a municipality in a year ending in one are effective on the date
61.6 of the municipal primary election in the year ending in one.

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

61.8 Sec. 105. Minnesota Statutes 2008, section 205A.03, subdivision 2, is amended to read:

61.9 Subd. 2. **Date.** The school district primary must be held on the first Tuesday after
61.10 the second Monday in September of an odd-numbered year or on the date of the state
61.11 primary in an even-numbered year. The primary must be held in the year when the school
61.12 district general election is held. The clerk shall give notice of the primary in the manner
61.13 provided in section 205A.07.

61.14 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
61.15 thereafter.

61.16 Sec. 106. **[205A.075] ELECTION RESULTS REPORTING SYSTEM;**
61.17 **CANDIDATE FILING.**

61.18 Subdivision 1. **Even-numbered year.** For regularly scheduled school district
61.19 elections held in an even-numbered year, the school district clerk must provide the offices
61.20 and questions to be voted on in the school district and the list of candidates for each office
61.21 to the county auditor for entry into the election results reporting system provided by the
61.22 secretary of state no later than 46 days prior to the election.

61.23 Subd. 2. **Odd-numbered year.** For regularly scheduled school district elections
61.24 held in an odd-numbered year, the county auditor and school district clerk may mutually
61.25 decide to use the election reporting system for the election. If so, the county auditor must
61.26 notify the secretary of state of intent to use the election reporting system at least 90 days
61.27 before the election. The county auditor must enter the offices and questions to be voted
61.28 on in the school district and the list of candidates for each office into the election results
61.29 reporting system no later than 46 days prior to the election.

61.30 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
61.31 certified that the election reporting system has been tested and shown to properly allow
61.32 for the entry of candidate names and for election results to be uploaded, and to be able to
61.33 handle the expected volume of use.

62.1 Sec. 107. **[205A.076] ELECTION RESULTS REPORTING SYSTEM;**
62.2 **PRECINCT VOTES.**

62.3 For regularly scheduled school district elections held in an even-numbered year, the
62.4 county auditor shall enter the votes in each precinct for the questions and offices voted
62.5 on in the school district election into the election results reporting system provided by
62.6 the secretary of state.

62.7 If a county auditor has notified the secretary of state under section 205A.075,
62.8 subdivision 2, of intent to use the election results reporting system for a school district
62.9 election, the county auditor must enter the votes in each precinct for the offices and
62.10 questions voted on in the school district into the election results reporting system.

62.11 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
62.12 certified that the election reporting system has been tested and shown to properly allow
62.13 for the entry of candidate names and for election results to be uploaded, and to be able to
62.14 handle the expected volume of use.

62.15 Sec. 108. Minnesota Statutes 2008, section 205A.10, subdivision 2, is amended to read:

62.16 Subd. 2. **Election, conduct.** A school district election must be by secret ballot and
62.17 must be held and the returns made in the manner provided for the state general election, as
62.18 far as practicable. The vote totals from ~~an absentee~~ a ballot board established pursuant
62.19 to section ~~203B.13~~ 203B.121 may be tabulated and reported by the school district as a
62.20 whole rather than by precinct. For school district elections not held in conjunction with a
62.21 statewide election, the school board shall appoint election judges as provided in section
62.22 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21,
62.23 subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party
62.24 balance in appointment of judges and to duties to be performed by judges of different
62.25 major political parties do not apply to school district elections not held in conjunction
62.26 with a statewide election.

62.27 **EFFECTIVE DATE.** This section is not effective until the secretary of state has
62.28 certified that the statewide voter registration system has been tested, shown to properly
62.29 allow municipal clerks to update absentee voting records, and to be able to handle the
62.30 expected volume of use.

62.31 Sec. 109. Minnesota Statutes 2008, section 205A.10, subdivision 3, is amended to read:

62.32 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** ~~Within~~
62.33 ~~seven~~ Between 11 and 17 days after a school district election held concurrently with a
62.34 state general election, and within seven days after a school district election held on any

63.1 other date, other than a recount of a special election conducted under section 126C.17,
63.2 subdivision 9, or 475.59, the school board shall canvass the returns and declare the
63.3 results of the election. After the time for contesting elections has passed, the school
63.4 district clerk shall issue a certificate of election to each successful candidate. If there is a
63.5 contest, the certificate of election to that office must not be issued until the outcome of the
63.6 contest has been determined by the proper court. If there is a tie vote, the school board
63.7 shall determine the result by lot. The clerk shall deliver the certificate of election to the
63.8 successful candidate by personal service or certified mail. The successful candidate shall
63.9 file an acceptance and oath of office in writing with the clerk within 30 days of the date
63.10 of mailing or personal service. A person who fails to qualify prior to the time specified
63.11 shall be deemed to have refused to serve, but that filing may be made at any time before
63.12 action to fill the vacancy has been taken. The school district clerk shall certify the results
63.13 of the election to the county auditor, and the clerk shall be the final custodian of the ballots
63.14 and the returns of the election.

63.15 A school district canvassing board shall perform the duties of the school board
63.16 according to the requirements of this subdivision for a recount of a special election
63.17 conducted under section 126C.17, subdivision 9, or 475.59.

63.18 Sec. 110. Minnesota Statutes 2008, section 205A.10, is amended by adding a
63.19 subdivision to read:

63.20 Subd. 6. **Review of rejected absentee ballots.** Prior to an election not held
63.21 in conjunction with a state election, a clerk may arrange to have a certified election
63.22 administrator from a county or another city review all ballots that were marked rejected to
63.23 determine whether any were rejected in error. These arrangements must be made at least
63.24 seven days before the date of the election. If no arrangements are made, rejected absentee
63.25 ballots must not be reviewed outside of an election contest under chapter 209. If the
63.26 certified election administrator determines that any were rejected in error, the canvassing
63.27 board must publicly open the return and ballot envelopes and initial and count the ballots
63.28 to include the votes in all races in the results canvassed by the board. The canvassing board
63.29 must protect the privacy of the voters' choices to the extent practicable. If the number of
63.30 rejected absentee ballots could not possibly change the outcome in any of the elections or
63.31 questions on the ballot, the clerk may cancel the review of the rejected absentee ballots.

63.32 Sec. 111. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

63.33 Subd. 6. **Required certification.** In addition to the requirements in subdivision
63.34 1, a voting system must be certified by an independent testing authority ~~approved~~

64.1 ~~accredited by the secretary of state and conform to current standards for voting equipment~~
64.2 Election Assistance Commission at the time of submission of the application required by
64.3 subdivision 1 to be in conformity with voluntary voting system guidelines issued by the
64.4 ~~Federal Election Commission or its successor,~~ the Election Assistance Commission.
64.5 The application must be accompanied by the certification report of the voting systems
64.6 test laboratory. A certification under this section from an independent testing authority
64.7 accredited by the Election Assistance Commission meets the requirement of Minnesota
64.8 Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the
64.9 voting system to the secretary of state. A chair of a major political party or the secretary of
64.10 state may select, in consultation with the vendor, an independent third-party evaluator to
64.11 examine the source code to ensure that it functions as represented by the vendor and that
64.12 the code is free from defects. A major political party that elects to have the source code
64.13 examined must pay for the examination. Except as provided by this subdivision, a source
64.14 code that is trade secret information must be treated as nonpublic information, according
64.15 to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

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

64.17 Sec. 112. Minnesota Statutes 2008, section 206.82, subdivision 2, is amended to read:

64.18 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting
64.19 system is used and the county auditor of a county in which an electronic voting system is
64.20 used in more than one municipality and the county auditor of a county in which a counting
64.21 center serving more than one municipality is located shall prepare a plan which indicates
64.22 acquisition of sufficient facilities, computer time, and professional services and which
64.23 describes the proposed manner of complying with section 206.80. The plan must be
64.24 signed, notarized, and submitted to the secretary of state more than 60 days before the first
64.25 election at which the municipality uses an electronic voting system. Prior to July 1 of each
64.26 odd-numbered year, and at least ten weeks before the date of the state primary in each
64.27 subsequent general election year, the clerk or auditor shall submit to the secretary of state
64.28 notification of any changes to the plan on file with the secretary of state. The secretary of
64.29 state shall review each plan for its sufficiency and may request technical assistance from
64.30 the Department of Administration or other agency which may be operating as the central
64.31 computer authority. The secretary of state shall notify each reporting authority of the
64.32 sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney
64.33 general, upon request of the secretary of state, may seek a district court order requiring
64.34 an election official to fulfill duties imposed by this subdivision or by rules promulgated
64.35 pursuant to this section.

65.1 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
65.2 thereafter.

65.3 Sec. 113. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

65.4 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the
65.5 county canvassing board in each county must set the date, time, and place for the
65.6 postelection review of the state general election to be held under this section.

65.7 At the canvass of the state general election, the county canvassing boards must select
65.8 the precincts to be reviewed by lot. Ballots counted centrally by a ballot board shall be
65.9 considered one precinct eligible to be selected for purposes of this subdivision. The county
65.10 canvassing board of a county with fewer than 50,000 registered voters must conduct a
65.11 postelection review of a total of at least two precincts. The county canvassing board of a
65.12 county with between 50,000 and 100,000 registered voters must conduct a review of a total
65.13 of at least three precincts. The county canvassing board of a county with over 100,000
65.14 registered voters must conduct a review of a total of at least four precincts, or three percent
65.15 of the total number of precincts in the county, whichever is greater. At least one precinct
65.16 selected in each county must have had more than 150 votes cast at the general election.

65.17 The county auditor must notify the secretary of state of the precincts that have been
65.18 chosen for review and the time and place the postelection review for that county will be
65.19 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
65.20 in the selection of at least four precincts in each congressional district, the secretary of state
65.21 may require counties to select by lot additional precincts to meet the congressional district
65.22 requirement. The secretary of state must post this information on the office Web site.

65.23 Sec. 114. Minnesota Statutes 2008, section 208.03, is amended to read:

65.24 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS.**

65.25 Presidential electors for the major political parties of this state shall be nominated
65.26 by delegate conventions called and held under the supervision of the respective state
65.27 central committees of the parties of this state. ~~On or before primary~~ At least 70 days
65.28 before the general election day the chair of the major political party shall certify to the
65.29 secretary of state the names of the persons nominated as presidential electors, the names
65.30 of eight alternate presidential electors, and the names of the party candidates for president
65.31 and vice president. The chair shall also certify that the party candidates for president and
65.32 vice president have no affidavit on file as a candidate for any office in this state at the
65.33 ensuing general election.

66.1 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
66.2 thereafter.

66.3 Sec. 115. Minnesota Statutes 2008, section 208.05, is amended to read:

66.4 **208.05 STATE CANVASSING BOARD.**

66.5 The State Canvassing Board at its meeting on the ~~second Tuesday after each state~~
66.6 ~~general election~~ date provided in section 204C.33 shall open and canvass the returns
66.7 made to the secretary of state for presidential electors and alternates, prepare a statement
66.8 of the number of votes cast for the persons receiving votes for these offices, and declare
66.9 the person or persons receiving the highest number of votes for each office duly elected.
66.10 When it appears that more than the number of persons to be elected as presidential electors
66.11 or alternates have the highest and an equal number of votes, the secretary of state, in the
66.12 presence of the board shall decide by lot which of the persons shall be declared elected.
66.13 The governor shall transmit to each person declared elected a certificate of election, signed
66.14 by the governor, sealed with the state seal, and countersigned by the secretary of state.

66.15 Sec. 116. Minnesota Statutes 2008, section 211B.045, is amended to read:

66.16 **211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

66.17 In any municipality, whether or not the municipality has an ordinance that regulates
66.18 the size or number of noncommercial signs, all noncommercial signs of any size may be
66.19 posted in any number from ~~August 1~~ 45 days before the state primary in a state general
66.20 election year until ten days following the state general election.

66.21 **EFFECTIVE DATE.** This section is effective for the state primary in 2010 and
66.22 thereafter.

66.23 Sec. 117. Minnesota Statutes 2008, section 211B.11, is amended by adding a
66.24 subdivision to read:

66.25 Subd. 3a. **Labels prohibited.** Write-in candidates must not distribute labels to
66.26 voters to be affixed to optical scan ballots in precincts in which ballots are tabulated by
66.27 precinct or central count optical scan tabulators. A violation of this subdivision by a
66.28 candidate is subject to a civil penalty of up to \$5,000 per precinct in the district. The civil
66.29 penalty is payable to the jurisdiction that owns the ballot tabulators for use in election
66.30 equipment repair and maintenance. Notwithstanding section 211B.37, the costs of a
66.31 complaint alleging violation of this subdivision shall be assessed against the candidate.

66.32 Sec. 118. Minnesota Statutes 2008, section 367.03, subdivision 4, is amended to read:

67.1 Subd. 4. **Officers; November election.** Except as provided in subdivision 4a,
67.2 supervisors and other town officers in towns that hold the town general election in
67.3 November shall be elected for terms of four years commencing on the first Monday in
67.4 January and until their successors are elected and qualified. The clerk and treasurer shall
67.5 be elected in alternate years.

67.6 Sec. 119. Minnesota Statutes 2008, section 367.03, is amended by adding a subdivision
67.7 to read:

67.8 Subd. 4a. **Optional six-year terms.** The resolution required under section 205.075,
67.9 subdivision 2, to adopt the alternative November date for town general election may
67.10 include the proposal and corresponding transition plan to provide for a six-year term for
67.11 town supervisors. A town that has adopted the alternative November date for general town
67.12 elections using the four-year terms provided under subdivision 4 may adopt a resolution
67.13 establishing six-year terms for supervisors as provided under this subdivision. The
67.14 resolution must include a plan to provide an orderly transition to six-year terms. The
67.15 resolution adopting the six-year term for town supervisors may be proposed by the town
67.16 board or by a resolution of the electors adopted at the annual town meeting and is effective
67.17 upon an affirmative vote of the electors at the next town general election.

67.18 Sec. 120. Minnesota Statutes 2008, section 447.32, subdivision 4, is amended to read:

67.19 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a
67.20 candidate for the hospital board shall file an affidavit of candidacy for the election either
67.21 as member at large or as a member representing the city or town where the candidate
67.22 resides. The affidavit of candidacy must be filed with the city or town clerk not more
67.23 than ~~70~~ 84 days nor less than ~~56~~ 70 days before the first Tuesday after the first Monday
67.24 in November of the year in which the general election is held and no more than 70 days
67.25 and no less than 56 days before the election in an odd-numbered year. The city or town
67.26 clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the
67.27 first election, the clerk of the most populous city or town immediately after the last day of
67.28 the filing period. A candidate may withdraw from the election by filing an affidavit of
67.29 withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last
67.30 day to file affidavits of candidacy.

67.31 Voting must be by secret ballot. The clerk shall prepare, at the expense of the
67.32 district, necessary ballots for the election of officers. Ballots must be printed on ~~tan~~ paper
67.33 and prepared as provided in the rules of the secretary of state. In hospital district elections
67.34 not held in conjunction with other elections, ballots shall be prepared in the same manner

68.1 as state primary and state general election ballots, to the extent practicable. The ballots
68.2 must be marked and initialed by at least two judges as official ballots and used exclusively
68.3 at the election. Any proposition to be voted on may be printed on the ballot provided for
68.4 the election of officers. The hospital board may also authorize the use of voting systems
68.5 subject to chapter 206. Enough election judges may be appointed to receive the votes at
68.6 each polling place. The election judges shall act as clerks of election, count the ballots
68.7 cast, and submit them to the board for canvass.

68.8 After canvassing the election, the board shall issue a certificate of election to the
68.9 candidate who received the largest number of votes cast for each office. The clerk shall
68.10 deliver the certificate to the person entitled to it in person or by certified mail. Each person
68.11 certified shall file an acceptance and oath of office in writing with the clerk within 30
68.12 days after the date of delivery or mailing of the certificate. The board may fill any office
68.13 as provided in subdivision 1 if the person elected fails to qualify within 30 days, but
68.14 qualification is effective if made before the board acts to fill the vacancy.

68.15 Sec. 121. **REPEALER.**

68.16 (a) Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.12;
68.17 203B.13; and 203B.25, are repealed.

68.18 (b) Minnesota Statutes 2008, sections 201.096; and 206.805, subdivision 2, are
68.19 repealed.

68.20 **ARTICLE 2**
68.21 **CAMPAIGN FINANCE**

68.22 Section 1. Minnesota Statutes 2008, section 10A.01, subdivision 9, is amended to read:

68.23 Subd. 9. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means
68.24 a purchase or payment of money or anything of value, or an advance of credit, made or
68.25 incurred for the purpose of influencing the nomination or election of a candidate or for
68.26 the purpose of promoting or defeating a ballot question.

68.27 An expenditure is considered to be made in the year in which the candidate made the
68.28 purchase of goods or services or incurred an obligation to pay for goods or services.

68.29 An expenditure made for the purpose of defeating a candidate is considered made
68.30 for the purpose of influencing the nomination or election of that candidate or any opponent
68.31 of that candidate.

68.32 Except as provided in clause (1), "expenditure" includes the dollar value of a
68.33 donation in kind.

68.34 "Expenditure" does not include:

- 69.1 (1) noncampaign disbursements as defined in subdivision 26;
- 69.2 (2) services provided without compensation by an individual volunteering personal
69.3 time on behalf of a candidate, ballot question, political committee, political fund, principal
69.4 campaign committee, or party unit; ~~or~~
- 69.5 (3) the publishing or broadcasting of news items or editorial comments by the news
69.6 media; or
- 69.7 (4) an individual's unreimbursed personal use of an automobile owned by the
69.8 individual and used by the individual while volunteering personal time.

69.9 Sec. 2. Minnesota Statutes 2008, section 10A.01, subdivision 11, is amended to read:

69.10 Subd. 11. **Contribution.** (a) "Contribution" means money, a negotiable instrument,
69.11 or a donation in kind that is given to a political committee, political fund, principal
69.12 campaign committee, or party unit.

69.13 (b) "Contribution" includes a loan or advance of credit to a political committee,
69.14 political fund, principal campaign committee, or party unit, if the loan or advance of credit
69.15 is: (1) forgiven; or (2) repaid by an individual or an association other than the political
69.16 committee, political fund, principal campaign committee, or party unit to which the loan
69.17 or advance of credit was made. If an advance of credit or a loan is forgiven or repaid as
69.18 provided in this paragraph, it is a contribution in the year in which the loan or advance
69.19 of credit was made.

69.20 (c) "Contribution" does not include services provided without compensation by an
69.21 individual volunteering personal time on behalf of a candidate, ballot question, political
69.22 committee, political fund, principal campaign committee, or party unit, ~~or~~ the publishing
69.23 or broadcasting of news items or editorial comments by the news media; or an individual's
69.24 unreimbursed personal use of an automobile owned by the individual while volunteering
69.25 personal time.

69.26 Sec. 3. Minnesota Statutes 2008, section 10A.01, subdivision 18, is amended to read:

69.27 Subd. 18. **Independent expenditure.** "Independent expenditure" means an
69.28 expenditure expressly advocating the election or defeat of a clearly identified candidate,
69.29 if the expenditure is made without the express or implied consent, authorization, or
69.30 cooperation of, and not in concert with or at the request or suggestion of, any candidate or
69.31 any candidate's principal campaign committee or agent. An independent expenditure is
69.32 not a contribution to that candidate. ~~An expenditure by a political party or political party~~
69.33 ~~unit in a race where the political party has a candidate on the ballot is not an independent~~
69.34 ~~expenditure.~~

70.1 Sec. 4. Minnesota Statutes 2008, section 10A.01, subdivision 26, is amended to read:

70.2 Subd. 26. **Noncampaign disbursement.** "Noncampaign disbursement" means
70.3 a purchase or payment of money or anything of value made, or an advance of credit
70.4 incurred, or a donation in kind received, by a principal campaign committee for any of
70.5 the following purposes:

70.6 (1) payment for accounting and legal services;

70.7 (2) return of a contribution to the source;

70.8 (3) repayment of a loan made to the principal campaign committee by that
70.9 committee;

70.10 (4) return of a public subsidy;

70.11 (5) payment for food, beverages, and necessary utensils and supplies, entertainment,
70.12 and facility rental for a fund-raising event;

70.13 (6) services for a constituent by a member of the legislature or a constitutional officer
70.14 in the executive branch, including the costs of preparing and distributing a suggestion or
70.15 idea solicitation to constituents, performed from the beginning of the term of office to
70.16 adjournment sine die of the legislature in the election year for the office held, and half
70.17 the cost of services for a constituent by a member of the legislature or a constitutional
70.18 officer in the executive branch performed from adjournment sine die to 60 days after
70.19 adjournment sine die;

70.20 (7) payment for food and beverages consumed by a candidate or volunteers while
70.21 they are engaged in campaign activities;

70.22 (8) payment for food or a beverage consumed while attending a reception or meeting
70.23 directly related to legislative duties;

70.24 (9) payment of expenses incurred by elected or appointed leaders of a legislative
70.25 caucus in carrying out their leadership responsibilities;

70.26 (10) payment by a principal campaign committee of the candidate's expenses for
70.27 serving in public office, other than for personal uses;

70.28 (11) costs of child care for the candidate's children when campaigning;

70.29 (12) fees paid to attend a campaign school;

70.30 (13) costs of a postelection party during the election year when a candidate's name
70.31 will no longer appear on a ballot or the general election is concluded, whichever occurs
70.32 first;

70.33 (14) interest on loans paid by a principal campaign committee on outstanding loans;

70.34 (15) filing fees;

70.35 (16) post-general election thank-you notes or advertisements in the news media;

71.1 (17) the cost of campaign material purchased to replace defective campaign material,
71.2 if the defective material is destroyed without being used;

71.3 (18) contributions to a party unit;

71.4 (19) payments for funeral gifts or memorials;

71.5 (20) the cost of a magnet less than six inches in diameter containing legislator
71.6 contact information and distributed to constituents;

71.7 (21) costs associated with a candidate attending a political party state or national
71.8 convention in this state; and

71.9 (22) other purchases or payments specified in board rules or advisory opinions as
71.10 being for any purpose other than to influence the nomination or election of a candidate
71.11 or to promote or defeat a ballot question.

71.12 The board must determine whether an activity involves a noncampaign disbursement
71.13 within the meaning of this subdivision.

71.14 A noncampaign disbursement is considered to be made in the year in which the
71.15 candidate made the purchase of goods or services or incurred an obligation to pay for
71.16 goods or services.

71.17 Sec. 5. Minnesota Statutes 2008, section 10A.04, subdivision 5, is amended to read:

71.18 Subd. 5. **Late filing.** ~~The board must send a notice by certified mail to any lobbyist~~
71.19 ~~or principal who fails after seven days after a filing date imposed by this section to file a~~
71.20 ~~report or statement or to pay a fee required by this section.~~ If a lobbyist or principal fails to
71.21 file a report or pay a fee required by this section within ten business days after the ~~notice~~
71.22 ~~was sent~~ report was due, the board may impose a late filing fee of \$5 per day, not to exceed
71.23 \$100, commencing with the 11th day after the ~~notice was sent~~ report was due. The board
71.24 must send ~~an additional~~ notice by certified mail to any lobbyist or principal who fails to file
71.25 a report ~~or pay a fee~~ within ~~14 days after the first notice was sent by the board~~ ten business
71.26 days after the report was due that the lobbyist or principal may be subject to a civil penalty
71.27 for failure to file the report or pay the fee. A lobbyist or principal who fails to file a report
71.28 or statement or pay a fee within seven days after the ~~second~~ certified mail notice was sent
71.29 by the board is subject to a civil penalty imposed by the board of up to \$1,000.

71.30 Sec. 6. Minnesota Statutes 2008, section 10A.071, subdivision 3, is amended to read:

71.31 Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

71.32 (1) a contribution as defined in section 10A.01, subdivision 11;

- 72.1 (2) services to assist an official in the performance of official duties, including
72.2 but not limited to providing advice, consultation, information, and communication in
72.3 connection with legislation, and services to constituents;
- 72.4 (3) services of insignificant monetary value;
- 72.5 (4) a plaque with a resale value of \$5 or less;
- 72.6 (5) a trinket or memento costing \$5 or less;
- 72.7 (6) informational material of ~~unexceptional value~~ with a resale value of \$5 or less; or
- 72.8 (7) food or a beverage given at a reception, meal, or meeting away from the
72.9 recipient's place of work by an organization before whom the recipient appears to make a
72.10 speech or answer questions as part of a program.
- 72.11 (b) The prohibitions in this section do not apply if the gift is given:
- 72.12 (1) because of the recipient's membership in a group, a majority of whose members
72.13 are not officials, and an equivalent gift is given to the other members of the group; or
- 72.14 (2) by a lobbyist or principal who is a member of the family of the recipient, unless
72.15 the gift is given on behalf of someone who is not a member of that family.

72.16 Sec. 7. Minnesota Statutes 2008, section 10A.08, is amended to read:

72.17 **10A.08 REPRESENTATION DISCLOSURE.**

72.18 A public official who represents a client for a fee before an individual, board,
72.19 commission, or agency that has rulemaking authority in a hearing conducted under chapter
72.20 14, must disclose the official's participation in the action to the board within 14 days after
72.21 the appearance. ~~The board must send a notice by certified mail to any public official
72.22 who fails to disclose the participation within 14 days after the appearance.~~ If the public
72.23 official fails to disclose the participation within ten business days after the ~~notice was sent~~
72.24 disclosure required by this section was due, the board may impose a late filing fee of \$5
72.25 per day, not to exceed \$100, starting on the 11th day after the ~~notice was sent~~ disclosure
72.26 was due. The board must send ~~an additional~~ notice by certified mail to a public official
72.27 who fails to disclose the participation within ~~14~~ ten days after the ~~first notice was sent by~~
72.28 ~~the board~~ disclosure was due that the public official may be subject to a civil penalty for
72.29 failure to disclose the participation. A public official who fails to disclose the participation
72.30 within seven days after the ~~second~~ certified mail notice was sent by the board is subject
72.31 to a civil penalty imposed by the board of up to \$1,000.

72.32 Sec. 8. Minnesota Statutes 2008, section 10A.09, subdivision 7, is amended to read:

72.33 Subd. 7. **Late filing.** ~~The board must send a notice by certified mail to any
72.34 individual who fails within the prescribed time to file a statement of economic interest~~

73.1 ~~required by this section.~~ If an individual fails to file a statement of economic interest
73.2 required by this section within ten business days after the notice was sent, the board may
73.3 impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the 11th day
73.4 after the ~~notice was sent~~ statement was due. The board must send ~~an additional~~ notice by
73.5 certified mail to any individual who fails to file a statement within ~~14~~ ten days after the
73.6 ~~first notice was sent by the board~~ statement was due that the individual may be subject to
73.7 a civil penalty for failure to file a statement. An individual who fails to file a statement
73.8 within seven days after the ~~second~~ certified mail notice was sent by the board is subject to
73.9 a civil penalty imposed by the board up to \$1,000.

73.10 Sec. 9. Minnesota Statutes 2008, section 10A.14, subdivision 2, is amended to read:

73.11 Subd. 2. **Form.** The statement of organization must include:

73.12 (1) the name and address of the committee, fund, or party unit;

73.13 (2) the name ~~and~~ address, and e-mail address of the chair of a political committee,
73.14 principal campaign committee, or party unit;

73.15 (3) the name and address of any supporting association of a political fund;

73.16 (4) the name ~~and~~ address, and e-mail address of the treasurer and any deputy
73.17 treasurers;

73.18 (5) the name, address, and e-mail address of the candidate of a principal campaign
73.19 committee;

73.20 (6) a listing of all depositories or safety deposit boxes used; and

73.21 ~~(6)~~ (7) for the state committee of a political party only, a list of its party units.

73.22 Sec. 10. Minnesota Statutes 2008, section 10A.14, subdivision 4, is amended to read:

73.23 Subd. 4. **Failure to file; penalty.** ~~The board must send a notice by certified mail to~~
73.24 ~~any individual who fails to file a statement required by this section.~~ If the individual fails
73.25 to file a statement required by this section within ten business days after the ~~notice was~~
73.26 ~~sent~~ statement was due, the board may impose a late filing fee of \$5 per day, not to exceed
73.27 \$100, commencing with the 11th day after the ~~notice was sent~~ statement was due.

73.28 The board must send ~~an additional~~ notice by certified mail to any individual who
73.29 fails to file a statement within ~~14~~ ten days after the ~~first notice was sent by the board~~
73.30 statement was due that the individual may be subject to a civil penalty for failure to file
73.31 the ~~report~~ statement. An individual who fails to file the statement within seven days
73.32 after the ~~second~~ certified mail notice was sent by the board is subject to a civil penalty
73.33 imposed by the board of up to \$1,000.

74.1 Sec. 11. Minnesota Statutes 2008, section 10A.14, is amended by adding a subdivision
74.2 to read:

74.3 Subd. 5. Exemptions. For good cause shown, the board must grant exemptions to
74.4 the requirement that e-mail addresses be provided.

74.5 Sec. 12. Minnesota Statutes 2008, section 10A.20, subdivision 1, is amended to read:

74.6 Subdivision 1. **First filing; duration.** The treasurer of a political committee,
74.7 political fund, principal campaign committee, or party unit must begin to file the reports
74.8 required by this section in the first year it receives contributions or makes expenditures
74.9 in excess of \$100 and must continue to file until the committee, fund, or party unit is
74.10 terminated. The reports must be filed electronically in a standards-based open format
74.11 specified by the board. For good cause shown, the board must grant exemptions to the
74.12 requirement that reports be filed electronically.

74.13 EFFECTIVE DATE. This section is effective January 1, 2012, and applies to
74.14 reports for election years on or after that date.

74.15 Sec. 13. Minnesota Statutes 2008, section 10A.20, is amended by adding a subdivision
74.16 to read:

74.17 Subd. 1b. Release of reports. Except as provided in subdivision 1c, a report filed
74.18 under this section is nonpublic data until 8:00 a.m. on the day following the day the
74.19 report was due.

74.20 Sec. 14. Minnesota Statutes 2008, section 10A.20, is amended by adding a subdivision
74.21 to read:

74.22 Subd. 1c. Reports of certain political party units. (a) This subdivision applies to
74.23 the following party units:

74.24 (1) the two state party units of major political parties that received the highest level
74.25 of contributions in the last election year;

74.26 (2) the two party units established by members of a major party in the house of
74.27 representatives that received the highest level of contributions in the last election year; and

74.28 (3) the two party units established by members of a major party in the senate that
74.29 received the highest level of contributions in the last election year.

74.30 (b) A report filed under this section by a member of one of the party units listed in
74.31 paragraph (a) is nonpublic data until the reports of each of the party units in that group
74.32 have been filed.

75.1 (c) A report filed electronically under this section by a member of one of the party
75.2 units listed in paragraph (a) is nonpublic data unless the reports of each of the party
75.3 units in that group are filed electronically or until the board has created electronic data
75.4 from the nonelectronic report so that data from each report are available in the same
75.5 electronic form. The board may produce a viewable image of an electronic report after the
75.6 requirements of paragraph (b) have been met.

75.7 (d) A party unit may waive the restrictions on publication of data established in this
75.8 section through a written statement signed by the treasurer.

75.9 (e) Nothing in this subdivision prevents the board from publicly disclosing that an
75.10 entity subject to this section has filed a report and the date the report was filed.

75.11 (f) Each group listed in paragraph (a) is exempt from the electronic filing requirement
75.12 unless both members of the group have approved the filing format specified by the board.

75.13 Sec. 15. Minnesota Statutes 2008, section 10A.20, subdivision 12, is amended to read:

75.14 Subd. 12. **Failure to file; penalty.** ~~The board must send a notice by certified mail~~
75.15 ~~to any individual who fails to file a statement required by this section.~~ If an individual
75.16 fails to file a statement report required by this section that is due January 31 within ten
75.17 business days after the ~~notice was sent~~ report was due, the board may impose a late filing
75.18 fee of \$5 per day, not to exceed \$100, commencing with the 11th day after the ~~notice~~
75.19 ~~was sent~~ report was due.

75.20 If an individual fails to file a statement report required by this section that is due
75.21 before a primary or election within three days after the date due, regardless of whether the
75.22 individual has received any notice, the board may impose a late filing fee of \$50 per day,
75.23 not to exceed \$500, commencing on the fourth day after the date the statement was due.

75.24 The board must send ~~an additional~~ notice by certified mail to an individual who fails
75.25 to file a statement report within 14 days after the ~~first notice was sent by the board~~ report
75.26 was due that the individual may be subject to a civil penalty for failure to file ~~a statement~~
75.27 the report. An individual who fails to file the statement report within seven days after the
75.28 ~~second~~ certified mail notice was sent by the board is subject to a civil penalty imposed by
75.29 the board of up to \$1,000.

75.30 Sec. 16. Minnesota Statutes 2008, section 10A.20, subdivision 13, is amended to read:

75.31 Subd. 13. **Third-party reimbursement.** An individual or association filing a
75.32 report disclosing an expenditure or noncampaign disbursement that must be reported and
75.33 itemized under subdivision 3, paragraph (g) or (l), that is a reimbursement to a third
75.34 party must report the purpose of each expenditure or disbursement for which the third

76.1 party is being reimbursed. In the alternative, the reporting individual or association may
76.2 report individually each of the underlying expenditures being reimbursed. An expenditure
76.3 or disbursement is a reimbursement to a third party if it is for goods or services that
76.4 were not directly provided by the individual or association to whom the expenditure
76.5 or disbursement is made. Third-party reimbursements include payments to credit card
76.6 companies and reimbursement of individuals for expenses they have incurred.

76.7 Sec. 17. Minnesota Statutes 2008, section 10A.31, subdivision 6, is amended to read:

76.8 Subd. 6. **Distribution of party accounts.** As soon as the board has obtained from
76.9 the secretary of state the results of the primary election, but no later than one week after
76.10 certification by the State Canvassing Board of the results of the primary, the board must
76.11 distribute the available money in each party account, as certified by the commissioner of
76.12 revenue on September 1, to the candidates of that party who have signed a spending
76.13 limit agreement under section 10A.322 and filed the affidavit of contributions required
76.14 by section 10A.323, who were opposed in either the primary election or the general
76.15 election, and whose names are to appear on the ballot in the general election, according
76.16 to the allocations set forth in subdivisions 5 and 5a. The public subsidy from the party
76.17 account may not be paid in an amount greater than the expenditure limit of the candidate
76.18 or the expenditure limit that would have applied to the candidate if the candidate had not
76.19 been freed from expenditure limits under section 10A.25, subdivision 10. ~~If a candidate~~
76.20 ~~files the affidavit required by section 10A.323 after September 1 of the general election~~
76.21 ~~year, the board must pay the candidate's allocation to the candidate at the next regular~~
76.22 ~~payment date for public subsidies for that election cycle that occurs at least 15 days after~~
76.23 ~~the candidate files the affidavit.~~

76.24 Sec. 18. Minnesota Statutes 2008, section 10A.31, is amended by adding a subdivision
76.25 to read:

76.26 Subd. 7a. **Withholding of public subsidy.** If a candidate who is eligible for
76.27 payment of public subsidy under this section has not filed the report of receipts and
76.28 expenditures required under section 10A.20 before a primary election, any public subsidy
76.29 for which that candidate is eligible must be withheld by the board until the candidate
76.30 complies with the filing requirements of section 10A.20 and the board has sufficient time
76.31 to review or audit the report. If a candidate who is eligible for public subsidy does not file
76.32 the report due before the primary election under section 10A.20 by the date that the report
76.33 of receipts and expenditures filed before the general election is due, that candidate shall
76.34 not be paid public subsidy for that election.

77.1 Sec. 19. Minnesota Statutes 2008, section 10A.322, subdivision 1, is amended to read:

77.2 Subdivision 1. **Agreement by candidate.** (a) As a condition of receiving a public
77.3 subsidy, a candidate must sign and file with the board a written agreement in which the
77.4 candidate agrees that the candidate will comply with sections 10A.25; 10A.27, subdivision
77.5 10; 10A.31, subdivision 7, paragraph (c); 10A.324; and 10A.38.

77.6 (b) Before the first day of filing for office, the board must forward agreement forms to
77.7 all filing officers. The board must also provide agreement forms to candidates on request at
77.8 any time. The candidate must file the agreement with the board by September 1 preceding
77.9 the candidate's general election or a special election held at the general election. An
77.10 agreement may not be filed after that date. An agreement once filed may not be rescinded.

77.11 (c) The board must notify the commissioner of revenue of any agreement signed
77.12 under this subdivision.

77.13 (d) Notwithstanding paragraph (b), if a vacancy occurs that will be filled by means
77.14 of a special election and the filing period does not coincide with the filing period for the
77.15 general election, a candidate may sign and submit a spending limit agreement not later
77.16 than the day after the ~~candidate files the affidavit of candidacy or nominating petition for~~
77.17 ~~the office~~ close of the filing period for the special election for which the candidate filed.

77.18 Sec. 20. Minnesota Statutes 2008, section 10A.323, is amended to read:

77.19 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

77.20 In addition to the requirements of section 10A.322, to be eligible to receive a public
77.21 subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit
77.22 with the board stating that during that calendar year the candidate has accumulated
77.23 contributions from persons eligible to vote in this state in at least the amount indicated for
77.24 the office sought, counting only the first \$50 received from each contributor:

77.25 (1) candidates for governor and lieutenant governor running together, \$35,000;

77.26 (2) candidates for attorney general, \$15,000;

77.27 (3) candidates for secretary of state and state auditor, separately, \$6,000;

77.28 (4) candidates for the senate, \$3,000; and

77.29 (5) candidates for the house of representatives, \$1,500.

77.30 The affidavit must state the total amount of contributions that have been received
77.31 from persons eligible to vote in this state, disregarding the portion of any contribution in
77.32 excess of \$50.

77.33 The candidate or the candidate's treasurer must submit the affidavit required by this
77.34 section to the board in writing by the cutoff date for reporting of receipts and expenditures
77.35 before a primary under section 10A.20, subdivision 4.

78.1 A candidate for a vacancy to be filled at a special election for which the filing period
78.2 does not coincide with the filing period for the general election must submit the affidavit
78.3 required by this section to the board within five days after ~~filing the affidavit of candidacy~~
78.4 the close of the filing period for the special election for which the candidate filed.

78.5 Sec. 21. Minnesota Statutes 2008, section 10A.35, is amended to read:

78.6 **10A.35 COMMERCIAL USE OF INFORMATION PROHIBITED.**

78.7 Information copied from reports and statements filed with the board, other than
78.8 reports and statements filed by lobbyists and lobbyist principals, may not be sold or used
78.9 by an individual or association for a commercial purpose. Purposes related to elections,
78.10 political activities, or law enforcement are not commercial purposes. An individual or
78.11 association who violates this section is subject to a civil penalty of up to \$1,000. An
78.12 individual who knowingly violates this section is guilty of a misdemeanor.

78.13 Sec. 22. Minnesota Statutes 2008, section 13.607, is amended by adding a subdivision
78.14 to read:

78.15 Subd. 5a. **Campaign reports.** Certain reports filed with the Campaign Finance and
78.16 Public Disclosure Board are classified under section 10A.20.

78.17 Sec. 23. Minnesota Statutes 2008, section 211A.02, subdivision 2, is amended to read:

78.18 Subd. 2. **Information required.** The report to be filed by a candidate or committee
78.19 must include:

78.20 (1) the name of the candidate or ballot question;

78.21 (2) the printed name, address, telephone number, signature, and e-mail address, if
78.22 available, of the person responsible for filing the report;

78.23 (3) the total cash on hand;

78.24 (4) the total amount of receipts and expenditures for the period from the last previous
78.25 report to five days before the current report is due;

78.26 ~~(4)~~ (5) the amount, date, and purpose for each expenditure; and

78.27 ~~(5)~~ (6) the name, address, and employer, or occupation if self-employed, of any
78.28 individual or committee that during the year has made one or more contributions that in
78.29 the aggregate exceed \$100, and the amount and date of each contribution. The filing
78.30 officer must restrict public access to the address of any individual who has made a
78.31 contribution that exceeds \$100 and who has filed with the filing officer a written statement
78.32 signed by the individual that withholding the individual's address from the financial report
78.33 is required for the safety of the individual or the individual's family.

79.1 **EFFECTIVE DATE.** This section is effective June 1, 2010.

79.2 Sec. 24. Minnesota Statutes 2008, section 211A.05, subdivision 2, is amended to read:

79.3 Subd. 2. **Notice of failure to file.** If a candidate or committee has filed an initial
79.4 report, but fails to file a subsequent report on the date it is due, the filing officer shall
79.5 immediately notify the candidate or committee of the failure to file. If a report is not filed
79.6 within ten days after the notification is mailed, the filing officer shall file a complaint
79.7 under section 211B.32.

79.8 Sec. 25. Minnesota Statutes 2008, section 211B.12, is amended to read:

79.9 **211B.12 LEGAL EXPENDITURES.**

79.10 Use of money collected for political purposes is prohibited unless the use is
79.11 reasonably related to the conduct of election campaigns, or is a noncampaign disbursement
79.12 as defined in section 10A.01, subdivision 26. The following are permitted expenditures
79.13 when made for political purposes:

79.14 (1) salaries, wages, and fees;

79.15 (2) communications, mailing, transportation, and travel;

79.16 (3) campaign advertising;

79.17 (4) printing;

79.18 (5) office and other space and necessary equipment, furnishings, and incidental
79.19 supplies;

79.20 (6) charitable contributions of not more than \$100 to any charity organized
79.21 under section 501(c)(3) of the Internal Revenue Code annually, except that the amount
79.22 contributed by a principal campaign committee or from the campaign fund of a candidate
79.23 for political subdivision office that dissolves within one year after the contribution is made
79.24 is not limited by this clause; and

79.25 (7) other expenses, not included in clauses (1) to (6), that are reasonably related to
79.26 the conduct of election campaigns. In addition, expenditures made for the purpose of
79.27 providing information to constituents, whether or not related to the conduct of an election,
79.28 are permitted expenses. Money collected for political purposes and assets of a political
79.29 committee or political fund may not be converted to personal use.

79.30 Sec. 26. **CAMPAIGN FINANCE BOARD; FUNDING OPTION.**

79.31 The Campaign Finance Board shall analyze the potential use of funds collected
79.32 under Minnesota Statutes, section 10A.31, as the exclusive source of funding for the
79.33 operations of the board.

81.1 We request the adoption of this report and repassage of the bill.

81.2 Senate Conferees: (Signed)

81.3
81.4 Katie Sieben Ann H. Rest

81.5
81.6 Sandra Pappas Linda Higgins

81.7
81.8 Terri Bonoff

81.9 House Conferees: (Signed)

81.10
81.11 Ryan Winkler Phyllis Kahn

81.12
81.13 Steve Simon Jeff Hayden

81.14
81.15 Morrie Lanning