

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2381

(SENATE AUTHORS: SIEBEN and Carlson)

DATE	D-PG	OFFICIAL STATUS
03/08/2016	4911	Introduction and first reading Referred to Rules and Administration
03/30/2016	5356a	Comm report: To pass as amended and re-refer to State and Local Government
03/31/2016	5422	Comm report: To pass and re-referred to Finance
04/21/2016	5935a	Comm report: To pass as amended
	5937	Second reading
04/26/2016	6470a	Special Order: Amended
	6481	Third reading Passed
05/21/2016	7280	Returned from House with amendment
	7280	Senate concurred and repassed bill
	7280	Third reading
		Presentment date 05/22/16
	8183	Governor's action Approval 05/22/16
	8184	Secretary of State Chapter 161 05/22/16
		Effective date Various Dates

A bill for an act

1.1 relating to elections; modifying provisions related to elections and election
1.2 administration, including provisions related to absentee voting, ballots, voting,
1.3 and school board vacancies; providing an alternative meeting location for
1.4 presidential electors; authorizing alternative method for submitting certain
1.5 in-person absentee ballots; providing for elections emergency preparedness and
1.6 response; amending Minnesota Statutes 2014, sections 123B.09, by adding a
1.7 subdivision; 202A.13; 203B.081; 204B.04, by adding a subdivision; 204B.14,
1.8 subdivisions 2, 7; 204B.146, subdivision 3; 204B.18, subdivision 1; 204C.05,
1.9 subdivision 2; 204C.07, subdivision 3; 204C.37; 204C.39, subdivision 4;
1.10 204D.22, subdivision 2; 205.065, subdivision 4; 205.10, subdivision 6; 205A.03,
1.11 subdivision 3; 205A.05, subdivision 2; 205A.06, subdivision 1; 205A.11,
1.12 subdivision 2a; 209.021, subdivision 1; Minnesota Statutes 2015 Supplement,
1.13 sections 203B.17, subdivision 1; 204B.45, subdivision 2; proposing coding for
1.14 new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes
1.15 2014, section 204B.17; Minnesota Statutes 2015 Supplement, sections 123B.09,
1.16 subdivision 5a; 123B.095.
1.17

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

ARTICLE 1

ELECTIONS ADMINISTRATION

1.21 Section 1. Minnesota Statutes 2014, section 202A.13, is amended to read:

202A.13 COMMITTEES, CONVENTIONS.

1.23 The rules of each major political party shall provide that for each congressional
1.24 district and each county or legislative district a convention shall be held at least once
1.25 every state general election year. Each major political party shall also provide for each
1.26 congressional district and each county or legislative district an executive committee
1.27 consisting of a chair and such other officers as may be necessary. The party rules may

2.1 provide for only one executive committee and one convention where any county and
 2.2 congressional district have the same territorial limits.

2.3 A delegate or alternate who is deaf, deafblind, or hard-of-hearing who needs
 2.4 interpreter services at a county, legislative district, congressional district, or state
 2.5 convention shall so notify the executive committee of the major political party unit whose
 2.6 convention the delegate or alternate plans to attend. Written notice must be given by
 2.7 certified mail or electronic mail to the executive committee at least 30 days before the
 2.8 convention date. The major political party, not later than 14 days before the convention
 2.9 date, shall secure the services of one or more interpreters if available and shall assume
 2.10 responsibility for the cost of the services. The state central committee of the major
 2.11 political party shall determine the process for reimbursing interpreters.

2.12 A visually impaired delegate or alternate to a county, legislative district,
 2.13 congressional district, or state convention may notify the executive committee of the major
 2.14 political party unit that the delegate or alternate requires convention materials in audio
 2.15 tape, Braille, or large print format. Upon receiving the request, the executive committee
 2.16 shall provide all official written convention materials as soon as they are available, so
 2.17 that the visually impaired individual may have them converted to audio tape, Braille, or
 2.18 large print format, prior to the convention.

2.19 Sec. 2. Minnesota Statutes 2014, section 203B.081, is amended to read:

2.20 **203B.081 LOCATIONS AND METHODS FOR ABSENTEE VOTING IN**
 2.21 **PERSON.**

2.22 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in
 2.23 the office of the county auditor and at any other polling place designated by the county
 2.24 auditor during the 46 days before the election, except as provided in this section.

2.25 Subd. 2. **Town elections.** Voters casting absentee ballots in person for a town
 2.26 election held in March may do so during the 30 days before the election. The county
 2.27 auditor shall make such designations at least 14 weeks before the election. At least one
 2.28 voting booth in each polling place must be made available by the county auditor for
 2.29 this purpose. The county auditor must also make available at least one electronic ballot
 2.30 marker in each polling place that has implemented a voting system that is accessible for
 2.31 individuals with disabilities pursuant to section 206.57, subdivision 5.

2.32 Subd. 3. **Alternative procedure.** (a) The county auditor may make available a
 2.33 ballot counter and ballot box for use by the voters during the seven days before the
 2.34 election. If a ballot counter and ballot box is provided, a voter must be given the option

3.1 either (1) to vote using the process provided in section 203B.08, subdivision 1, or (2) to
3.2 vote in the manner provided in this subdivision.

3.3 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter
3.4 must state the voter's name, address, and date of birth to the county auditor or municipal
3.5 clerk. The voter shall sign a voter's certificate, which must include the voter's name,
3.6 identification number, and the certification required by section 201.071, subdivision 1.
3.7 The signature of an individual on the voter's certificate and the issuance of a ballot to the
3.8 individual is evidence of the intent of the individual to vote at that election.

3.9 (c) After signing the voter's certificate, the voter shall be issued a ballot and
3.10 immediately retire to a voting station or other designated location in the polling place to
3.11 mark the ballot. The ballot must not be taken from the polling place. If the voter spoils the
3.12 ballot, the voter may return it to the election official in exchange for a new ballot. After
3.13 completing the ballot, the voter shall deposit the ballot into the ballot box.

3.14 (d) The election official must immediately record that the voter has voted in the
3.15 manner provided in section 203B.121, subdivision 3.

3.16 (e) The election duties required by this subdivision must be performed by the county
3.17 auditor, municipal clerk, or a deputy of the auditor or clerk.

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

3.19 Sec. 3. Minnesota Statutes 2015 Supplement, section 203B.17, subdivision 1, is
3.20 amended to read:

3.21 Subdivision 1. **Submission of application.** (a) An application for absentee ballots
3.22 for a voter described in section 203B.16 must be in writing and may be submitted in
3.23 person, by mail, by electronic facsimile device, by electronic mail, or electronically
3.24 through a secure Web site that shall be maintained by the secretary of state for this
3.25 purpose, upon determination by the secretary of state that security concerns have been
3.26 adequately addressed. An application for absentee ballots for a voter described in section
3.27 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother,
3.28 or child over the age of 18 years.

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

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

4.1 (d) An application for absentee ballots shall be valid for any primary, special
4.2 primary, general election, or special election from the time the application is received
4.3 through the end of that calendar year or through the next regularly scheduled state general
4.4 election, whichever is later.

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

4.7 Sec. 4. Minnesota Statutes 2014, section 204B.04, is amended by adding a subdivision
4.8 to read:

4.9 Subd. 5. **Ballots; candidates who file by nominating petition.** Candidates who
4.10 were filed as a team by nominating petition under section 204B.07, subdivision 2, shall not
4.11 appear on the ballot as minor party or independent candidates if either candidate is certified
4.12 as a major party candidate for president or vice president pursuant to section 208.03.

4.13 Sec. 5. Minnesota Statutes 2014, section 204B.14, subdivision 7, is amended to read:

4.14 Subd. 7. **Application to municipalities.** Notwithstanding the provisions of
4.15 section 410.21, or any other law, ordinance or charter to the contrary, the provisions of
4.16 subdivisions 1, and 3 ~~and 6~~ apply to all municipalities.

4.17 Sec. 6. Minnesota Statutes 2014, section 204B.146, subdivision 3, is amended to read:

4.18 Subd. 3. **Correction to election district boundaries.** When a municipal boundary
4.19 ~~that has changed and~~ is coterminous with (1) a congressional, legislative, or county
4.20 commissioner district boundary has changed, or (2) a soil and water conservation district
4.21 supervisor district boundary elected by district under section 103C.311, subdivision 2,
4.22 and the affected territory contains 50 or fewer registered voters, the secretary of state may
4.23 order corrections to move the affected election district boundaries so they the boundaries
4.24 are again will be coterminous with the municipal boundary. The election district boundary
4.25 change is effective 28 days after the date that the order is issued. The secretary of state
4.26 shall immediately notify the municipal clerk and county auditor affected by the boundary
4.27 change and the Legislative Coordinating Commission. The municipal clerk shall send
4.28 a nonforwardable notice stating the location of the polling place to every household
4.29 containing a registered voter affected by the boundary change at least 25 days before the
4.30 next election.

4.31 Sec. 7. Minnesota Statutes 2014, section 204B.18, subdivision 1, is amended to read:

5.1 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a
5.2 number of voting booths or voting stations in proportion to the number of individuals
5.3 eligible to vote in the precinct. ~~Each booth or station must be at least six feet high,~~
5.4 ~~three feet deep and two feet wide with a shelf at least two feet long and one foot wide~~
5.5 ~~placed at a convenient height for writing.~~ The booth or station shall permit the voter to
5.6 vote privately and independently.

5.7 (b) Each polling place must have at least one accessible voting booth or other
5.8 accessible voting station and beginning with federal and state elections held after
5.9 December 31, 2005, and county, municipal, and school district elections held after
5.10 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help
5.11 America Vote Act, Public Law 107-252.

5.12 (c) Local jurisdictions must make accessible voting stations purchased with funds
5.13 provided from the Help America Vote Act account available to other local jurisdictions
5.14 holding stand-alone elections. The jurisdiction providing the equipment may require the
5.15 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result
5.16 of the equipment's use and any prorated indirect costs of maintaining and storing the
5.17 equipment. A rental or other similar use fee may not be charged.

5.18 Any funds received under this paragraph for expenses incurred by that local
5.19 jurisdiction as a direct result of making the equipment available that were not paid for
5.20 in whole or in part with funds from the Help America Vote Act account are not program
5.21 income under the Help America Vote Act, Public Law 107-252.

5.22 Any funds received by a local jurisdiction making the equipment available as
5.23 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,
5.24 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from
5.25 the Help America Vote Act account must be treated as program income and deposited into
5.26 the jurisdiction's Help America Vote Act account in the direct proportion that funds from
5.27 the Help America Vote Act account were used to pay for those "operating costs."

5.28 (d) All booths or stations must be constructed so that a voter is free from observation
5.29 while marking ballots. During the hours of voting, the booths or stations must have
5.30 instructions, a pencil, and other supplies needed to mark the ballots. A chair must be
5.31 provided for elderly voters and voters with disabilities to use while voting or waiting
5.32 to vote. Stable flat writing surfaces must also be made available to voters who are
5.33 completing election-related forms.

5.34 (e) All ballot boxes, voting booths, voting stations, and election judges must be
5.35 in open public view in the polling place.

6.1 Sec. 8. Minnesota Statutes 2015 Supplement, section 204B.45, subdivision 2, is
6.2 amended to read:

6.3 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must
6.4 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14
6.5 days before a regularly scheduled election and not more than 30 days nor later than 14
6.6 days before any other election, the auditor shall mail ballots by nonforwardable mail to
6.7 all voters registered in the city, town, or unorganized territory. No later than 14 days
6.8 before the election, the auditor must make a subsequent mailing of ballots to those voters
6.9 who register to vote after the initial mailing but before the 20th day before the election.
6.10 Eligible voters not registered at the time the ballots are mailed may apply for ballots as
6.11 provided in chapter 203B. Ballot return envelopes, with return postage provided, must
6.12 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in
6.13 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board
6.14 to examine the mail and absentee ballot return envelopes and mark them "accepted" or
6.15 "rejected" within three days of receipt if there are 14 or fewer days before election day, or
6.16 within five days of receipt if there are more than 14 days before election day. The board
6.17 may consist of deputy county auditors or deputy municipal clerks who have received
6.18 training in the processing and counting of mail ballots, who need not be affiliated with
6.19 a major political party. Election judges performing the duties in this section must be of
6.20 different major political parties, unless they are exempt from that requirement under
6.21 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
6.22 least five days before the election, the ballots in the envelope must remain sealed and the
6.23 auditor or clerk shall provide the voter with a replacement ballot and return envelope in
6.24 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
6.25 envelope must remain sealed and the official in charge of the ballot board must attempt to
6.26 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
6.27 rejected. The official must document the attempts made to contact the voter.

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

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

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

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

7.6 Sec. 9. Minnesota Statutes 2014, section 204C.07, subdivision 3, is amended to read:

7.7 Subd. 3. **Elections on a question.** At an election where a question is to be voted
 7.8 upon in an election jurisdiction, the appropriate mayor of a city, ~~or the~~ school board of a
 7.9 school district, or ~~the~~ board of supervisors of a town, upon receiving a written petition
 7.10 signed by at least 25 eligible voters, shall appoint by written certificate one voter for each
 7.11 precinct in the municipality, or school district if applicable, to act as a challenger of voters
 7.12 in the polling place for that precinct. The petition must be delivered to the clerk of the
 7.13 municipality or school conducting the election.

7.14 Sec. 10. Minnesota Statutes 2014, section 204C.37, is amended to read:

7.15 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
 7.16 **STATE.**

7.17 A copy of the report required by sections 204C.32, subdivision 1, and 204C.33,
 7.18 subdivision 1, shall be certified under the official seal of the county auditor. The copy shall
 7.19 be enclosed in an envelope addressed to the secretary of state, with the county auditor's
 7.20 name and official address and the words "Election Returns" endorsed on the envelope.
 7.21 The copy of the canvassing board report ~~and the precinct summary statements~~ must be
 7.22 sent by express mail or delivered to the secretary of state. If the copy is not received by
 7.23 the secretary of state within ten days following the applicable election, the secretary of
 7.24 state shall immediately notify the county auditor, who shall deliver another copy to the
 7.25 secretary of state by special messenger.

7.26 Sec. 11. Minnesota Statutes 2014, section 204C.39, subdivision 4, is amended to read:

7.27 Subd. 4. **Canvassing board; declaration of results; notification.** The canvassing
 7.28 board shall declare the results of the election upon completing the inspection for the
 7.29 office in question. The report and declaration shall be filed by the county auditor, who
 7.30 shall mail a certified copy to each candidate for that office. The county auditor shall
 7.31 promptly notify the secretary of state by ~~certified~~ United States mail and electronic mail of
 7.32 the action of the county canvassing board.

8.1 Sec. 12. Minnesota Statutes 2014, section 204D.22, subdivision 2, is amended to read:

8.2 Subd. 2. **Posting of writ.** Immediately upon receipt of the writ, the secretary of state
8.3 shall send a certified copy of the writ by ~~certified~~ United States mail and electronic mail to
8.4 the county auditor of each county in which candidates to fill the vacancy are to be voted
8.5 upon. The county auditor shall post a copy of the writ in the auditor's office at least five
8.6 days before the close of the time for filing affidavits of candidacy for the special election.

8.7 Sec. 13. Minnesota Statutes 2014, section 205.065, subdivision 4, is amended to read:

8.8 Subd. 4. **Candidates, filing.** The clerk shall place upon the primary ballot without
8.9 partisan designation the names of individuals whose candidacies have been filed and for
8.10 whom the proper filing fee has been paid. When not more than twice the number of
8.11 individuals to be elected to a municipal office file for nomination for the office, their
8.12 names shall not be placed upon the primary ballot and shall be placed on the municipal
8.13 general election ballot as the nominees for that office. When more than one council
8.14 member is to be elected for full terms at the same election, the candidates' names shall be
8.15 placed under one office on the ballot with the number to be elected to the office specified
8.16 directly underneath the title and identification of the office.

8.17 Sec. 14. Minnesota Statutes 2014, section 205.10, subdivision 6, is amended to read:

8.18 Subd. 6. **Cancellation.** A special election ordered by the governing body of the
8.19 municipality on its own motion under subdivision 1 may be canceled by motion of the
8.20 governing body, but not less than ~~46~~ 74 days before the election.

8.21 Sec. 15. Minnesota Statutes 2014, section 205A.03, subdivision 3, is amended to read:

8.22 Subd. 3. **Candidates, filing.** The clerk shall place upon the primary ballot without
8.23 partisan designation the names of individuals whose candidacies have been filed and for
8.24 whom the proper filing fee has been paid. When not more than twice as many school board
8.25 candidates as there are at-large school board positions available file for nomination for the
8.26 office or when not more than two candidates for a specified school board position file for
8.27 nomination for that office, their names must not be placed upon the primary ballot and must
8.28 be placed on the school district general election ballot as the nominees for that office. When
8.29 more than one school board member is to be elected for full terms at the same election, the
8.30 candidates' names shall be placed under one office on the ballot with the number to be
8.31 elected to the office specified directly underneath the title and identification of the office.

8.32 Sec. 16. Minnesota Statutes 2014, section 205A.05, subdivision 2, is amended to read:

9.1 Subd. 2. **Vacancies in school district offices.** Special elections to fill vacancies in
9.2 elective school district offices shall be held in school districts ~~in conjunction with school~~
9.3 ~~district primary and general elections to fill vacancies in elective school district offices~~
9.4 pursuant to section 123B.095. When more than one vacancy exists in an office elected
9.5 at-large, voters must be instructed to vote for up to the number of vacancies to be filled.

9.6 Sec. 17. Minnesota Statutes 2014, section 205A.06, subdivision 1, is amended to read:

9.7 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
9.8 become a candidate for an office to be voted on at the election must file an affidavit of
9.9 candidacy with the school district clerk. The affidavit must be in ~~substantially the same~~
9.10 ~~form as that in~~ prescribed by section 204B.06, ~~subdivision 1~~. The school district clerk
9.11 shall also accept an application signed by at least five voters and filed on behalf of an
9.12 eligible voter in the school district whom they desire to be a candidate, if service of a copy
9.13 of the application has been made on the candidate and proof of service is endorsed on the
9.14 application being filed. No individual shall be nominated by nominating petition for a
9.15 school district elective office. Upon receipt of the proper filing fee, the clerk shall place
9.16 the name of the candidate on the official ballot without partisan designation.

9.17 Sec. 18. Minnesota Statutes 2014, section 205A.11, subdivision 2a, is amended to read:

9.18 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a
9.19 notice to the voters who will be voting in a combined polling place for a school district
9.20 special election. The notice must include the following information: the date of the
9.21 election, the hours of voting, and the location of the voter's polling place. The notice must
9.22 be sent by nonforwardable mail to every affected household in the school district with
9.23 at least one registered voter. The notice must be mailed no later than 14 days before the
9.24 election. The mailed notice is not required for a school district special election that is held
9.25 on the second Tuesday in August, the Tuesday following the first Monday in November,
9.26 or for a special election conducted entirely by mail. ~~In addition, the mailed notice is not~~
9.27 ~~required for voters residing in a township if the school district special election is held on~~
9.28 ~~the second Tuesday in March and the town general election is held on that day.~~ A notice
9.29 that is returned as undeliverable must be forwarded immediately to the county auditor.

9.30 Sec. 19. Minnesota Statutes 2014, section 209.021, subdivision 1, is amended to read:

9.31 Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made
9.32 in the same manner as the service of summons in civil actions. The notice of contest must
9.33 specify the grounds on which the contest will be made. The contestant shall serve notice

10.1 of the contest on the parties enumerated in this section. Except as provided in section
 10.2 204D.27, notice must be served and filed within five days after the canvass is completed in
 10.3 the case of a primary or special primary or within seven days after the canvass is completed
 10.4 in the case of a special or general election; ~~except that~~. If a contest is based on a deliberate,
 10.5 serious, and material violation of the election laws ~~which~~ that was discovered from the
 10.6 statements of receipts and disbursements required to be filed by candidates and committees,
 10.7 the action may be commenced and the notice served and filed within ten days after the
 10.8 filing of the statements in the case of a general or special election or within five days after
 10.9 the filing of the statements in the case of a primary or special primary. If a notice of contest
 10.10 questions only which party received the highest number of votes legally cast at the election,
 10.11 a contestee who loses may serve and file a notice of contest on any other ground during the
 10.12 three days following expiration of the time for appealing the decision on the vote count.

10.13 Sec. 20. **PRESIDENTIAL ELECTORS; 2016 MEETING LOCATION.**

10.14 Notwithstanding Minnesota Statutes, section 208.06, for purposes of the 2016
 10.15 meeting of presidential electors, if the executive chamber of the State Capitol is
 10.16 unavailable, the secretary of state must direct that the meeting be held at the Minnesota
 10.17 History Center or at another suitable space within the State Capitol complex. If the meeting
 10.18 is directed to be held at one of these locations, the secretary of state must post notice of the
 10.19 new location at least 30 days before the meeting is scheduled to occur, and the notice to
 10.20 the governor required by section 208.06 must properly identify the electors' location.

10.21 **ARTICLE 2**

10.22 **SCHOOL BOARD VACANCIES**

10.23 Section 1. Minnesota Statutes 2014, section 123B.09, is amended by adding a
 10.24 subdivision to read:

10.25 Subd. 5b. **Appointments to fill vacancies; special elections.** (a) Any vacancy
 10.26 on the board, other than a vacancy described in subdivision 4, must be filled by board
 10.27 appointment at a regular or special meeting. The appointment shall be evidenced by a
 10.28 resolution entered in the minutes and shall be effective 30 days following adoption of the
 10.29 resolution, subject to paragraph (b). If the appointment becomes effective, it shall continue
 10.30 until an election is held under this subdivision. All elections to fill vacancies shall be for
 10.31 the unexpired term. A special election to fill the vacancy must be held no later than the
 10.32 first Tuesday after the first Monday in November following the vacancy. If the vacancy
 10.33 occurs less than 90 days prior to the first Tuesday after the first Monday in November in
 10.34 the year in which the vacancy occurs, the special election must be held no later than

11.1 the first Tuesday after the first Monday in November of the following calendar year. If
 11.2 the vacancy occurs less than 90 days prior to the first Tuesday after the first Monday in
 11.3 November in the third year of the term, no special election is required.

11.4 (b) An appointment made under paragraph (a) shall not be effective if a petition to
 11.5 reject the appointee is filed with the school district clerk. To be valid, a petition to reject a
 11.6 appointee must be signed by a number of eligible voters residing in the district equal to at
 11.7 least five percent of the total number of voters voting in the district at the most recent state
 11.8 general election, and must be filed within 30 days of the board's adoption of the resolution
 11.9 making the appointment. If a valid petition is filed according to the requirements of this
 11.10 paragraph, the appointment by the school board is ineffective and the board must name a
 11.11 new appointee as provided in paragraph (a).

11.12 **EFFECTIVE DATE.** (a) This section is effective the day following final enactment
 11.13 and applies to vacancies existing or created on or after that date.

11.14 (b) If a vacancy has occurred prior to the effective date but no election has been
 11.15 scheduled, the school board may fill the vacancy by appointment pursuant to this section.
 11.16 If, prior to the effective date, a school board has called a special election pursuant to
 11.17 Minnesota Statutes, section 123B.095, and the absentee voting period has not yet started,
 11.18 the school board may cancel that election and fill the vacancy by appointment or may
 11.19 allow the election to proceed. If the school board decides to cancel the election, the
 11.20 board must adopt a resolution within 14 days of the effective date of this act. The time
 11.21 limitations of Minnesota Statutes, section 205A.05, subdivision 3, do not apply to the
 11.22 cancellation of the election by the school board under this paragraph.

11.23 **Sec. 2. REPEALER.**

11.24 Minnesota Statutes 2015 Supplement, sections 123B.09, subdivision 5a; and
 11.25 123B.095, are repealed.

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

11.27 **ARTICLE 3**

11.28 **ELECTIONS EMERGENCY PLANS**

11.29 Section 1. Minnesota Statutes 2014, section 204B.14, subdivision 2, is amended to read:

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

- 11.32 (1) each city ward; and
 11.33 (2) each town and each statutory city.

12.1 (b) A single, accessible, combined polling place may be established no later than
12.2 May 1 of any year:

12.3 (1) for any city of the third or fourth class, any town, or any city having territory in
12.4 more than one county, in which all the voters of the city or town shall cast their ballots;

12.5 (2) for contiguous precincts in the same municipality;

12.6 (3) for up to four contiguous municipalities located entirely outside the metropolitan
12.7 area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

12.8 (4) for noncontiguous precincts located in one or more counties.

12.9 Subject to the requirements of paragraph (c), a single, accessible, combined polling
12.10 place may be established after May 1 of any year in the event of an emergency.

12.11 A copy of the ordinance or resolution establishing a combined polling place must
12.12 be filed with the county auditor within 30 days after approval by the governing body. A
12.13 polling place combined under clause (3) must be approved by the governing body of each
12.14 participating municipality. A polling place combined under clause (4) must be approved
12.15 by the governing body of each participating municipality and the secretary of state and
12.16 may be located outside any of the noncontiguous precincts. A municipality withdrawing
12.17 from participation in a combined polling place must do so by filing a resolution of
12.18 withdrawal with the county auditor no later than April 1 of any year.

12.19 The secretary of state shall provide a separate polling place roster for each precinct
12.20 served by the combined polling place, except that in a precinct that uses electronic rosters
12.21 the secretary of state shall provide separate data files for each precinct. A single set of
12.22 election judges may be appointed to serve at a combined polling place. The number of
12.23 election judges required must be based on the total number of persons voting at the last
12.24 similar election in all precincts to be voting at the combined polling place. Separate ballot
12.25 boxes must be provided for the ballots from each precinct. The results of the election must
12.26 be reported separately for each precinct served by the combined polling place, except in a
12.27 polling place established under clause (2) where one of the precincts has fewer than ten
12.28 registered voters, in which case the results of that precinct must be reported in the manner
12.29 specified by the secretary of state.

12.30 (c) If a local elections official determines that an emergency situation preventing
12.31 the safe, secure, and full operation of a polling place on election day has occurred or is
12.32 imminent, the local elections official may combine two or more polling places for that
12.33 election pursuant to this subdivision. To the extent possible, the polling places must
12.34 be combined and the election conducted according to the requirements of paragraph
12.35 (b), except that:

13.1 (1) polling places may be combined after May 1 and until the polls close on election
 13.2 day;

13.3 (2) any city or town, regardless of size or location, may establish a combined polling
 13.4 place under this paragraph;

13.5 (3) the governing body is not required to adopt an ordinance or resolution to
 13.6 establish the combined polling place;

13.7 (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved
 13.8 by the local election official of each participating municipality;

13.9 (5) the local elections official must immediately notify the county auditor and the
 13.10 secretary of state of the combination, including the reason for the emergency combination
 13.11 and the location of the combined polling place. As soon as possible, the local elections
 13.12 official must also post a notice stating the reason for the combination and the location of
 13.13 the combined polling place. The notice must also be posted on the governing board's Web
 13.14 site, if one exists. The local elections official must also notify the election judges and
 13.15 request that local media outlets publicly announce the reason for the combination and the
 13.16 location of the combined polling place; and

13.17 (6) on election day, the local elections official must post a notice in large print in a
 13.18 conspicuous place at the polling place where the emergency occurred, if practical, stating
 13.19 the location of the combined polling place. The local election official must also post the
 13.20 notice, if practical, in a location visible by voters who vote from their motor vehicles as
 13.21 provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant
 13.22 to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this
 13.23 paragraph must include a statement that the polling place hours at the combined polling
 13.24 place will be extended until the specified time.

13.25 **Sec. 2. [204B.175] CHANGE OF POLLING PLACE IN AN EMERGENCY.**

13.26 **Subdivision 1. Application.** When an emergency occurs after the deadline to
 13.27 designate a polling place pursuant to section 204B.16 but before the polls close on election
 13.28 day, a new polling place may be designated for that election pursuant to this section. For
 13.29 purposes of this section, an emergency is any situation that prevents the safe, secure, and
 13.30 full operation of a polling place.

13.31 **Subd. 2. Changing polling place.** If a local election official determines that an
 13.32 emergency has occurred or is imminent, the local election official must procure a polling
 13.33 place that is as near the designated polling place as possible and that complies with the
 13.34 requirements of section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new
 13.35 polling place in the precinct, the polling place may be located outside of the precinct

14.1 without regard to the distance limitations in section 204B.16, subdivision 1. The local
 14.2 election official must certify to the appropriate governing body the expenses incurred
 14.3 because of the change. These expenses shall be paid as part of the expenses of the election.

14.4 Subd. 3. **Notice.** (a) Upon making the determination to relocate a polling place,
 14.5 the local election official must immediately notify the county auditor and the secretary of
 14.6 state. The notice must include the reason for the relocation and the reason for the location
 14.7 of the new polling place. As soon as possible, the local election official must also post a
 14.8 notice stating the reason for the relocation and the location of the new polling place. The
 14.9 notice must also be posted on the Web site of the public body, if there is one. The local
 14.10 election official must also notify the election judges and request that local media outlets
 14.11 publicly announce the reason for the relocation and the location of the polling place.

14.12 (b) On election day, the local election official must post a notice in large print in a
 14.13 conspicuous place at the polling place where the emergency occurred, if practical, stating
 14.14 the location of the new polling place. The local election official must also post the notice,
 14.15 if practical, in a location visible by voters who vote from their motor vehicles as provided
 14.16 in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section
 14.17 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must
 14.18 include a statement that the polling place hours at the new polling place will be extended
 14.19 until the specified time.

14.20 **Sec. 3. [204B.181] ELECTION EMERGENCY PLANS.**

14.21 Subdivision 1. **State elections emergency plans.** (a) The secretary of state, in
 14.22 consultation with the Minnesota director of the Department of Public Safety, Division
 14.23 of Homeland Security and Emergency Management, must develop a state elections
 14.24 emergency plan.

14.25 (b) The secretary of state must also coordinate with the governor to incorporate
 14.26 election needs into the state's continuity of government and continuity of operations plans.

14.27 (c) The secretary of state must create a state guide to assist county and local election
 14.28 officials in developing a county elections emergency plan required by subdivision 2.
 14.29 The secretary of state must consult with the Minnesota State Council on Disability in
 14.30 developing the guide. The guide must include a model county elections emergency plan
 14.31 that meets the requirements of this section.

14.32 Subd. 2. **County elections emergency plans.** (a) County election officials, in
 14.33 consultation with the political subdivision's local organization for emergency management
 14.34 established under section 12.25 and the municipalities and school districts within the

15.1 county, must develop a county elections emergency plan to be made available for use in
15.2 all state, county, municipal, and school district elections held in that county.

15.3 (b) In developing the county elections emergency plan, the county must address
15.4 the needs of voters with disabilities in all aspects of the plan. Where ballot security
15.5 is affected, the plan must provide procedures to maintain the security of the ballots.
15.6 When an emergency requires the relocation of the polling place, the plan must include
15.7 procedures for securing the ballots and voting equipment, notifying the public and other
15.8 government officials, and restoring voting activities as soon as possible. If the county
15.9 contains jurisdictions that cross county lines, the affected counties must make efforts
15.10 to ensure that the emergency procedures affecting the local jurisdiction are uniform
15.11 throughout the jurisdiction.

15.12 (c) Cities, towns, and school districts may create a local elections emergency plan
15.13 that meets the requirements of the county elections emergency plan. If a local jurisdiction
15.14 creates a local elections emergency plan, the procedures within the local elections
15.15 emergency plan govern in all election emergencies within that local jurisdiction.

15.16 (d) County election officials and any municipality with a local elections emergency
15.17 plan must review their county or local elections emergency plan prior to each state general
15.18 election. Any revisions to the county or local elections emergency plan must be completed
15.19 and filed with the secretary of state by July 1 prior to the state general election.

15.20 **EFFECTIVE DATE.** This section is effective August 1, 2016, except that the initial
15.21 county elections emergency plans required under subdivision 2 are due September 1, 2016.

15.22 Sec. 4. Minnesota Statutes 2014, section 204C.05, subdivision 2, is amended to read:

15.23 Subd. 2. **Voters in line at closing.** (a) At or before the hour when voting is
15.24 scheduled to begin, the election judges shall agree upon the standard of time they will use
15.25 to determine when voting will begin and end. Voting shall not be allowed after the time
15.26 when it is scheduled to end, unless individuals are waiting in the polling place or waiting in
15.27 line at the door to register or to vote. The voting shall continue until those individuals have
15.28 been allowed to vote. No individual who comes to the polling place or to a line outside the
15.29 polling place after the time when voting is scheduled to end shall be allowed to vote.

15.30 (b) The local election official may extend polling place hours to accommodate
15.31 voters that would have been in line at the regular polling place if the polling place had not
15.32 been combined or moved on election day pursuant to section 204B.14, subdivision 2, or
15.33 204B.175. Polling place hours may be extended at the new polling place for one hour. The
15.34 local election official must immediately provide notice to the county auditor, secretary of
15.35 state, and election judges of the extension in polling place hours. The local election official

16.1 must also request that the local media outlets publicly announce the extended polling place
16.2 hours. Voters in the polling place or waiting in line at the door to register or to vote at the
16.3 end of the extended polling place hours shall be allowed to vote pursuant to paragraph (a).

16.4 Sec. 5. **REPEALER.**

16.5 Minnesota Statutes 2014, section 204B.17, is repealed.

APPENDIX
Article locations in S2381-4

ARTICLE 1	ELECTIONS ADMINISTRATION	Page.Ln 1.19
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123B.09 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.

Subd. 5a. **Vacancies.** A vacancy other than a vacancy described in subdivision 4 must be filled pursuant to section 123B.095.

123B.095 VACANCY IN OFFICE OF SCHOOL BOARD MEMBER.

Subdivision 1. **Option for filling vacancies; special election.** (a) Except as provided in section 123B.09, subdivision 4, a vacancy in the office of school board may be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 3. If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a special election. The school board may by resolution call for a special election to be held according to the earliest of the following time schedules:

- (1) not less than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the date of the next regularly scheduled primary election;
- (2) concurrently with the next regularly scheduled primary election and general election; or
- (3) no sooner than 120 days following the next regularly scheduled general election.

(b) The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term.

Subd. 2. **When victor seated immediately.** If a vacancy for which a special election is required occurs less than 120 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office.

Subd. 3. **Vacancies of less than one year; appointment option.** Except as provided in section 123B.09, subdivision 4, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of school board member may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. If less than one year remains in the unexpired term, the school board may appoint a person to fill the vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next school district general election, in which case an appointment shall not be made and the vacancy must be filled at the general election. The person elected to fill a vacancy at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.

Subd. 4. **School board vacancy appointment; public hearing.** Before making an appointment to fill a vacancy under subdivision 3, the school board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given in the same manner as for a special meeting of the school board. At the public hearing, the board must invite public testimony from persons residing in the district in which the vacancy occurs relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the board also must notify public officials in the school district on the appointment, including county commissioners, town supervisors, and city council members, and must enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified. If, after the public hearing, the board is unable or decides not to make an appointment under subdivision 3, it must hold a special election under subdivision 1, but the time period in which the election must be held begins to run from the date of the public hearing.

204B.17 CHANGE OF POLLING PLACE BY ELECTION JUDGES.

When a designated polling place does not comply with the requirements of this chapter the election judges of that precinct, on or before the opening of the polls on election day and upon approval by the municipal clerk in municipalities or school districts or the county auditor in unorganized territory, shall procure a polling place which is as near the designated polling place as possible and which does comply with those requirements.

When a new polling place is procured by the election judges, they shall meet on election day at the original polling place where they shall fill any vacancies in their number, publicly announce the change in polling place to the voters who are present and post a notice in large print of the change in a conspicuous place. They shall also post a notice in a location visible by

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voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. Upon completing these duties the election judges shall adjourn to the new polling place, where they shall post a similar notice of the change in polling place. The election judges shall certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.