

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3021

(SENATE AUTHORS: KIFFMEYER)

DATE	D-PG	OFFICIAL STATUS
03/05/2018	6279	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
04/09/2018		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to elections; making technical changes to provisions related to elections

1.3 administration; amending Minnesota Statutes 2016, sections 203B.081, subdivisions

1.4 1, 2; 203B.121, subdivision 4; 204B.46; 204C.21, subdivision 1; 204C.36,

1.5 subdivision 1; 204D.27, subdivision 5; 206.90, subdivision 6; 207A.14, subdivision

1.6 2; 367.25, subdivision 1; Minnesota Statutes 2017 Supplement, sections 201.121,

1.7 subdivision 3; 204B.09, subdivision 3; 204B.16, subdivision 1.

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

1.9 Section 1. Minnesota Statutes 2017 Supplement, section 201.121, subdivision 3, is amended

1.10 to read:

1.11 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor

1.12 shall send the notice required by subdivision 2 to a random sampling of the individuals

1.13 registered on election day. The random sampling shall be determined in accordance with

1.14 the rules of the secretary of state. As soon as practicable after the election, the county auditor

1.15 shall mail the notice required by subdivision 2 to all other individuals registered on election

1.16 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine

1.17 the reason for the return. A county auditor who does not receive or obtain satisfactory proof

1.18 of an individual's eligibility to vote shall immediately notify the county attorney of all of

1.19 the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor

1.20 must notify the secretary of state of the following information for the previous state general

1.21 election by each precinct:

1.22 (1) the total number of all notices that were returned as nondeliverable;

1.23 (2) the total number of nondeliverable notices that the county auditor was able to

1.24 determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

(b) By March 1 of every odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the following information for the previous state general election by each precinct and each county:

(1) the total number of all notices that were returned as nondeliverable;

(2) the total number of nondeliverable notices that a county auditor was able to determine the reason for the return along with the reason for each return; and

(3) the total number of individuals for whom the county auditor does not receive or obtain satisfactory proof of an individual's eligibility to vote.

Sec. 2. Minnesota Statutes 2016, section 203B.081, subdivision 1, is amended to read:

Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before the election, except as provided in this section. The county auditor shall make such polling place designations at least 14 weeks before the election. Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before the election.

Sec. 3. Minnesota Statutes 2016, section 203B.081, subdivision 2, is amended to read:

Subd. 2. ~~Town elections~~ **Voting booth; electronic ballot marker.** ~~Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before the election. The county auditor shall make such designations at least 14 weeks before the election. For purposes of this section, the county auditor must make available in each polling place (1) at least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available, and (2) at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.~~

Sec. 4. Minnesota Statutes 2016, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated

as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one voted ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Sec. 5. Minnesota Statutes 2017 Supplement, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought not more than 84 days before the primary and no later than the seventh day before the general election. The filing officer shall provide copies of the form to make the request. No The filing officer shall not accept a written request shall ~~be accepted~~ later than 5:00 p.m. on the last day for filing a written request.

(b) The governing body of a statutory or home rule charter city may require by resolution that a candidate for local elective office file a written request with the chief election official at least seven days before the city election if the candidate wishes to have the candidate's write-in votes individually recorded; or a governing body of a statutory or home rule charter city may require by resolution that write-in votes for an individual candidate only be individually recorded if the total number of write-in votes for that candidate is equal to or greater than the fewest number of non-write-in votes for a ballot candidate. The governing body of the statutory or home rule charter city must adopt a resolution authorized by this paragraph before the first day of filing for office. A resolution adopted under this paragraph remains in effect until a subsequent resolution on the same subject is adopted by the governing body of the statutory or home rule charter city.

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

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

Sec. 6. Minnesota Statutes 2017 Supplement, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** (a) By December 31 of each year, the governing body of each municipality and of each county with precincts in unorganized territory must designate by ordinance or resolution a polling place for each election precinct. The polling places designated in the ordinance or resolution are the polling places for the following calendar year, unless a change is made: any changes to a polling place location. A polling place must be maintained for the following calendar year unless changed:

(1) by ordinance or resolution by December 31 of the previous year;

~~(1)~~ (2) pursuant to section 204B.175;

~~(2)~~ (3) because a polling place has become unavailable; or

~~(3)~~ (4) because a township designates one location for all state, county, and federal elections and one location for all township only elections.

(b) Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24, shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

Sec. 7. Minnesota Statutes 2016, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election; except in overlapping school and municipality jurisdictions, where a mail election may include an office when one of the jurisdictions also has a question on the ballot. Notice of the election must be given to the

county auditor at least 74 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of deputy county auditors, deputy municipal clerks, or deputy school district clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

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

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

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

6.1 Sec. 8. Minnesota Statutes 2016, section 204C.21, subdivision 1, is amended to read:

6.2 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
6.3 and count the votes cast for each office or question, beginning with the first office or question
6.4 on the ballot. They shall make one pile of the ballots for each candidate who received votes
6.5 for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question.
6.6 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They
6.7 shall make a pile of ballots that are not totally defective but are defective with respect to
6.8 the office or question being counted and a pile of ballots that are not totally blank but are
6.9 blank with respect to the office or question being counted. After the separation into piles,
6.10 the election judges shall examine each pile and remove and place in the proper pile any
6.11 ballots that are found in the wrong pile. The election judges shall count the totally blank
6.12 and totally defective ballots and set them aside until the counting is over for that ballot. In
6.13 conducting the count of blank ballots, election judges may presume that the total count
6.14 provided for prepackaged ballots is correct. The election judges may pile ballots crosswise
6.15 in groups of 25 in the same pile to facilitate counting. When their counts agree, the election
6.16 judges shall announce the number of ballots in each pile, and shall write the number in the
6.17 proper place on the summary statements.

6.18 The election judges shall then return all the counted ballots, and all the partially defective
6.19 or partially blank ballots, to the original pile to be separated and counted in the same manner
6.20 for the next office or question.

6.21 Sec. 9. Minnesota Statutes 2016, section 204C.36, subdivision 1, is amended to read:

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

6.31 (b) A losing candidate for nomination or election to a county, municipal, or school
6.32 district office may request a recount of the votes cast for nomination or election to that
6.33 office if the difference between the votes cast for that candidate and for a winning candidate
6.34 for nomination or election is less than one-half of one percent, and the total number of votes

cast for the nomination or election of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

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

(d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests under this paragraph shall be filed by between the close of the canvass of a primary or special primary and 5:00 p.m. on the fifth day after the canvass of a primary or special primary or by between the close of the canvass of a special or general election and 5:00 p.m. on the seventh day of the canvass of a special or general election for which a recount is sought.

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

Sec. 10. Minnesota Statutes 2016, section 204D.27, subdivision 5, is amended to read:

Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than four days after the returns of the county canvassing boards are certified to the secretary of state, the State Canvassing Board shall complete its canvass of the special primary. The secretary of state shall then promptly certify to the county auditors the names of the nominated individuals, prepare notices of nomination, and notify each nominee of the nomination. In case of a contest of a special primary for state senator or state representative, the notice of contest shall be filed within two days, excluding Sundays and legal holidays,

8.1 after the canvass is completed, and the contest shall otherwise proceed in the manner provided
8.2 by law for contesting elections.

8.3 Sec. 11. Minnesota Statutes 2016, section 206.90, subdivision 6, is amended to read:

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

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

8.13 When optical scan ballots are used, the offices to be elected must appear in the following
8.14 order: federal offices; state legislative offices; constitutional offices; proposed constitutional
8.15 amendments; county offices and questions; municipal offices and questions; school district
8.16 offices and questions; special district offices and questions; and judicial offices.

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

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

8.21 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions
8.22 to voters must include a statement that reads substantially as follows: "This ballot card
8.23 contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted
8.24 to vote for candidates of one political party only." If a primary ballot contains political party
8.25 columns on both sides of the ballot, the instructions to voters must include a statement that
8.26 reads substantially as follows: "Additional political parties are printed on the other side of
8.27 this ballot. Vote for one political party only." At the bottom of each political party column
8.28 on the primary ballot, the ballot must contain a statement that reads substantially as follows:
8.29 "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision
8.30 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
8.31 ballot readers must follow the order of offices and questions on the optical scan or paper
8.32 ballot used in the same precinct, or the sample ballot posted for that precinct.

9.1 Sec. 12. Minnesota Statutes 2016, section 207A.14, subdivision 2, is amended to read:

9.2 Subd. 2. **Sample Example ballots.** No later than 70 days before the presidential
9.3 nomination primary, the secretary of state must supply each county auditor with ~~sample~~
9.4 example ballots to be used at the presidential nomination primary. The ~~sample~~ example
9.5 ballots must illustrate the format required for the ballots used in the presidential nomination
9.6 primary.

9.7 Sec. 13. Minnesota Statutes 2016, section 367.25, subdivision 1, is amended to read:

9.8 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
9.9 a special election, or appointed to a town office, within ten days after receiving a certificate
9.10 or notice of election or appointment, shall take and subscribe the oath required by law.
9.11 Persons elected at a November election shall take their oath before assuming office. If taken
9.12 before the town clerk, the oath shall be administered and certified without fee.