

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3275

(SENATE AUTHORS: KIFFMEYER and Jensen)

DATE	D-PG	OFFICIAL STATUS
02/17/2020	4790	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
02/20/2020		Comm report: To pass as amended and re-refer to Finance

- 1.1 A bill for an act
- 1.2 relating to elections; creating a technology and cybersecurity account; providing
- 1.3 for technology and cybersecurity maintenance; requiring election day registrants
- 1.4 to cast provisional ballots; amending the process to register to vote in conjunction
- 1.5 with submitting an absentee ballot; providing a penalty; making conforming
- 1.6 changes; appropriating money; amending Minnesota Statutes 2018, sections
- 1.7 171.072; 201.061, subdivisions 1a, 3, 4; 201.121, subdivision 1; 201.225,
- 1.8 subdivisions 2, 5; 203B.04, subdivision 4; 203B.07, subdivision 3; 203B.08,
- 1.9 subdivision 3; 203B.081, subdivision 3; 203B.121, subdivision 2; 204C.07,
- 1.10 subdivision 3a; 204C.14, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37;
- 1.11 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10,
- 1.12 subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 5;
- 1.13 204C; repealing Minnesota Statutes 2018, sections 135A.17, subdivision 2; 201.061,
- 1.14 subdivision 7; 201.121, subdivision 3.
- 1.15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.16 Section 1. **[5.42] TECHNOLOGY AND CYBERSECURITY ACCOUNT.**
- 1.17 **Subdivision 1. Definitions.** (a) For purposes of this section, the terms in this subdivision
- 1.18 **have the meanings given them.**
- 1.19 (b) "Information and telecommunications technology systems and services" has the
- 1.20 **meaning given in section 16E.03, subdivision 1, paragraph (a).**
- 1.21 (c) "Cybersecurity" has the meaning given in section 16E.03, subdivision 1, paragraph
- 1.22 **(e).**
- 1.23 **Subd. 2. Account.** (a) The secretary of state may retain two percent of all fees collected
- 1.24 **by the secretary of state by law to be used for costs related to the maintenance and**
- 1.25 **enhancement of the secretary of state's (1) information and telecommunications technology**
- 1.26 **systems and services, and (2) for cybersecurity capabilities.**

2.1 (b) Money received under this subdivision must be deposited in an account in the special
 2.2 revenue fund and is annually appropriated to the secretary of state for purposes of this
 2.3 subdivision.

2.4 Sec. 2. Minnesota Statutes 2018, section 171.072, is amended to read:

2.5 **171.072 TRIBAL IDENTIFICATION CARD.**

2.6 (a) If a Minnesota identification card is deemed an acceptable form of identification in
 2.7 Minnesota Statutes or Rules, a tribal identification card is also an acceptable form of
 2.8 identification. A tribal identification card is a primary document for purposes of Minnesota
 2.9 Rules, part 7410.0400, and successor rules, when an applicant applies for a noncompliant
 2.10 license or identification card.

2.11 (b) For purposes of this section, "tribal identification card" means an unexpired
 2.12 identification card issued by a Minnesota tribal government of a tribe recognized by the
 2.13 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal
 2.14 name, date of birth, signature, and picture of the enrolled tribal member.

2.15 (c) The tribal identification card must contain security features that make it as impervious
 2.16 to alteration as is reasonably practicable in its design and quality of material and technology.
 2.17 The security features must use materials that are not readily available to the general public.
 2.18 The tribal identification card must not be susceptible to reproduction by photocopying or
 2.19 simulation and must be highly resistant to data or photograph substitution and other
 2.20 tampering.

2.21 (d) Except as provided in paragraph (a), the requirements of this section do not apply:
 2.22 ~~(1) except as provided in paragraph (a), to an application for a driver's license or Minnesota~~
 2.23 ~~identification card under this chapter; or (2) to tribal identification cards used to prove an~~
 2.24 ~~individual's residence for purposes of section 201.061, subdivision 3.~~

2.25 Sec. 3. Minnesota Statutes 2018, section 201.061, subdivision 1a, is amended to read:

2.26 Subd. 1a. **Incomplete registration by mail.** If the county auditor determines that a voter
 2.27 who has submitted a voter registration application by mail ~~has not previously voted in this~~
 2.28 ~~state for a federal office and has also not presented a document authorized for election day~~
 2.29 ~~registration in section 201.061, subdivision 3,~~ to the auditor, and the county auditor is unable
 2.30 to verify ~~the voter's driver's license, state identification, or last four digits of the voter's~~
 2.31 ~~Social Security number as provided by the voter on the voter registration application~~ whether

3.1 the voter is eligible to vote, then the county auditor must notify the voter that the registration
 3.2 is incomplete and to complete registration by using one of the following methods:

3.3 (1) ~~presenting to the auditor~~ submitting a completed voter registration application more
 3.4 than 20 days before the election ~~a document authorized for election day registration in~~
 3.5 ~~section 201.061, subdivision 3;~~

3.6 (2) registering in person before or on election day; or

3.7 (3) if voting by absentee ballot or by mail, following election day registration procedures
 3.8 for absentee voters as described in section 203B.04, subdivision 4; ~~or.~~

3.9 (4) ~~providing proof of residence by any of the methods authorized for election day~~
 3.10 ~~registration in section 201.061, subdivision 3.~~

3.11 Sec. 4. Minnesota Statutes 2018, section 201.061, subdivision 3, is amended to read:

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

3.17 (1) ~~presenting a driver's license or Minnesota identification card issued pursuant to~~
 3.18 ~~section 171.07;~~

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

3.20 (3) ~~presenting one of the following:~~

3.21 (i) ~~a current valid student identification card from a postsecondary educational institution~~
 3.22 ~~in Minnesota, if a list of students from that institution has been prepared under section~~
 3.23 ~~135A.17 and certified to the county auditor in the manner provided in rules of the secretary~~
 3.24 ~~of state; or~~

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

3.27 (4) ~~having a voter who is registered to vote in the precinct, or an employee employed~~
 3.28 ~~by and working in a residential facility in the precinct and vouching for a resident in the~~
 3.29 ~~facility, sign an oath in the presence of the election judge vouching that the voter or employee~~
 3.30 ~~personally knows that the individual is a resident of the precinct. A voter who has been~~
 3.31 ~~vouched for on election day may not sign a proof of residence oath vouching for any other~~
 3.32 ~~individual on that election day. A voter who is registered to vote in the precinct may sign~~

4.1 ~~up to eight proof-of-residence oaths on any election day. This limitation does not apply to~~
4.2 ~~an employee of a residential facility described in this clause. The secretary of state shall~~
4.3 ~~provide a form for election judges to use in recording the number of individuals for whom~~
4.4 ~~a voter signs proof-of-residence oaths on election day. The form must include space for the~~
4.5 ~~maximum number of individuals for whom a voter may sign proof-of-residence oaths. For~~
4.6 ~~each proof-of-residence oath, the form must include a statement that the individual: (i) is~~
4.7 ~~registered to vote in the precinct or is an employee of a residential facility in the precinct;~~
4.8 ~~(ii) personally knows that the voter is a resident of the precinct, and (iii) is making the~~
4.9 ~~statement on oath. The form must include a space for the voter's printed name, signature,~~
4.10 ~~telephone number, and address.~~

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

4.13 ~~(b) The operator of a residential facility shall prepare a list of the names of its employees~~
4.14 ~~currently working in the residential facility and the address of the residential facility. The~~
4.15 ~~operator shall certify the list and provide it to the appropriate county auditor no less than~~
4.16 ~~20 days before each election for use in election day registration.~~

4.17 ~~(c) "Residential facility" means transitional housing as defined in section 256E.33,~~
4.18 ~~subdivision 1; a supervised living facility licensed by the commissioner of health under~~
4.19 ~~section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision~~
4.20 ~~5; a residence registered with the commissioner of health as a housing with services~~
4.21 ~~establishment as defined in section 144D.01, subdivision 4; a veterans home operated by~~
4.22 ~~the board of directors of the Minnesota Veterans Homes under chapter 198; a residence~~
4.23 ~~licensed by the commissioner of human services to provide a residential program as defined~~
4.24 ~~in section 245A.02, subdivision 14; a residential facility for persons with a developmental~~
4.25 ~~disability licensed by the commissioner of human services under section 252.28; setting~~
4.26 ~~authorized to provide housing support as defined in section 256I.03, subdivision 3; a shelter~~
4.27 ~~for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly~~
4.28 ~~or privately operated shelter or dwelling designed to provide temporary living~~
4.29 ~~accommodations for the homeless.~~

4.30 ~~(d) For tribal band members, an individual may prove residence for purposes of~~
4.31 ~~registering by:~~

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

5.1 ~~(2) presenting an identification card issued by the tribal government of a tribe recognized~~
 5.2 ~~by the Bureau of Indian Affairs, United States Department of the Interior, that contains the~~
 5.3 ~~name, signature, and picture of the individual and also presenting one of the documents~~
 5.4 ~~listed in Minnesota Rules, part 8200.5100, subpart 2, item B. For purposes of registration~~
 5.5 ~~under this subdivision, the voter registration application must be printed on or affixed to a~~
 5.6 ~~provisional ballot envelope and contain the information required by section 201.071,~~
 5.7 ~~subdivision 1. An individual who registers on election day is entitled to cast a provisional~~
 5.8 ~~ballot pursuant to section 204C.135.~~

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

5.11 Sec. 5. Minnesota Statutes 2018, section 201.061, subdivision 4, is amended to read:

5.12 Subd. 4. **Registration by election judges; procedures.** Registration at the polling place
 5.13 on election day shall be conducted by the election judges. Before registering an individual
 5.14 to vote at the polling place, the election judge must review any list of absentee election day
 5.15 registrants provided by the county auditor or municipal clerk to see if the person has already
 5.16 voted by absentee ballot. If the person's name appears on the list, the election judge must
 5.17 not allow the individual to register or to vote in the polling place. The election judge who
 5.18 registers an individual at the polling place on election day shall not handle that voter's ballots
 5.19 at any time prior to the opening of the ballot box after the voting ends. Registration
 5.20 applications and forms for oaths shall be available at each polling place. ~~If an individual~~
 5.21 ~~who registers on election day proves residence by oath of a registered voter, the form~~
 5.22 ~~containing the oath shall be attached to the individual's registration application. Registration~~
 5.23 ~~applications completed on election day shall be forwarded to the county auditor who shall~~
 5.24 ~~add the name of each voter to the registration system unless the information forwarded is~~
 5.25 ~~substantially deficient. A county auditor who finds an election day registration substantially~~
 5.26 ~~deficient shall give written notice to the individual whose registration is found deficient.~~
 5.27 ~~An election day registration shall not be found deficient solely because the individual who~~
 5.28 ~~provided proof of residence was ineligible to do so.~~

5.29 Sec. 6. Minnesota Statutes 2018, section 201.121, subdivision 1, is amended to read:

5.30 Subdivision 1. **Entry of registration information.** (a) At the time a voter registration
 5.31 application is properly completed, submitted, and received in accordance with sections
 5.32 201.061 and 201.071, the county auditor shall enter the information contained on it into the
 5.33 statewide registration system. Voter registration applications completed before election day

6.1 must be entered into the statewide registration system within ten days after they have been
6.2 submitted to the county auditor. Voter registration applications completed on election day
6.3 must be entered into the statewide registration system within ~~42~~ days after the election;
6.4 ~~unless the county auditor notifies the secretary of state before the deadline has expired that~~
6.5 ~~the deadline will not be met. Upon receipt of a notification under this paragraph, the secretary~~
6.6 ~~of state must extend the deadline for that county auditor by an additional 28 days. The~~
6.7 ~~secretary of state may waive a county's obligations under this paragraph if, on good cause~~
6.8 ~~shown, the county demonstrates its permanent inability to comply.~~

6.9 ~~The secretary of state must post data on each county's compliance with this paragraph on~~
6.10 ~~the secretary of state's website including, as applicable, the date each county fully complied~~
6.11 ~~or the deadline by which a county's compliance must be complete.~~

6.12 (b) Upon receiving a completed voter registration application, the secretary of state may
6.13 electronically transmit the information on the application to the appropriate county auditor
6.14 as soon as possible for review by the county auditor before final entry into the statewide
6.15 registration system. The secretary of state may mail the voter registration application to the
6.16 county auditor.

6.17 (c) Within ten days after the county auditor has entered information from a voter
6.18 registration application into the statewide registration system, the secretary of state shall
6.19 compare the voter's name, date of birth, and driver's license number, state identification
6.20 number, or the last four digits of the Social Security number with the same information
6.21 contained in the Department of Public Safety database.

6.22 (d) The secretary of state shall provide a report to the county auditor on a weekly basis
6.23 that includes a list of voters whose name, date of birth, or identification number have been
6.24 compared with the same information in the Department of Public Safety database and cannot
6.25 be verified as provided in this subdivision. The report must list separately those voters who
6.26 have submitted a voter registration application by mail and have not voted in a federal
6.27 election in this state.

6.28 (e) The county auditor shall compile a list of voters for whom the county auditor and
6.29 the secretary of state are unable to conclude that information on the voter registration
6.30 application and the corresponding information in the Department of Public Safety database
6.31 relate to the same person.

6.32 (f) The county auditor shall send a notice of incomplete registration to any voter whose
6.33 name appears on the list and change the voter's status to "incomplete." A voter who receives
6.34 a notice of incomplete registration from the county auditor may either provide the information

7.1 required to complete the registration at least 21 days before the next election or at the polling
7.2 place on election day.

7.3 Sec. 7. Minnesota Statutes 2018, section 201.225, subdivision 2, is amended to read:

7.4 Subd. 2. **Technology requirements.** An electronic roster must:

7.5 (1) be able to be loaded with a data file that includes voter registration data in a file
7.6 format prescribed by the secretary of state;

7.7 (2) allow for data to be exported in a file format prescribed by the secretary of state;

7.8 (3) allow for data to be entered manually or by scanning a Minnesota driver's license or
7.9 identification card to locate a voter record or populate a voter registration application that
7.10 would be printed and signed and dated by the voter. ~~The printed registration application~~
7.11 ~~can be either a printed form, labels printed with voter information to be affixed to a preprinted~~
7.12 ~~form, or a combination of both~~ and affixed to the provisional ballot envelope;

7.13 (4) allow an election judge to update data that was populated from a scanned driver's
7.14 license or identification card;

7.15 (5) cue an election judge to ask for and input data that is not populated from a scanned
7.16 driver's license or identification card that is otherwise required to be collected from the voter
7.17 or an election judge;

7.18 (6) immediately alert the election judge if the voter has provided information that indicates
7.19 that the voter is not eligible to vote;

7.20 (7) immediately alert the election judge if the electronic roster indicates that a voter has
7.21 already voted in that precinct, the voter's registration status is challenged, or it appears the
7.22 voter resides in a different precinct;

7.23 (8) provide immediate instructions on how to resolve a particular type of challenge when
7.24 a voter's record is challenged;

7.25 (9) provide for a printed voter signature certificate, containing the voter's name, address
7.26 of residence, date of birth, voter identification number, the oath required by section 204C.10,
7.27 and a space for the voter's original signature. The printed voter signature certificate can be
7.28 either a printed form or a label printed with the voter's information to be affixed to the oath;

7.29 (10) contain only preregistered voters within the precinct, and not contain preregistered
7.30 voter data on voters registered outside of the precinct;

8.1 (11) be only networked within the polling location on election day, except for the purpose
8.2 of updating absentee ballot records;

8.3 (12) meet minimum security, reliability, and networking standards established by the
8.4 Office of the Secretary of State in consultation with the Office of MN.IT Services;

8.5 (13) be capable of providing a voter's correct polling place; and

8.6 (14) perform any other functions necessary for the efficient and secure administration
8.7 of the participating election, as determined by the secretary of state.

8.8 Electronic rosters used only for election day registration do not need to comply with clauses
8.9 (1), (8), and (10). Electronic rosters used only for preregistered voter processing do not need
8.10 to comply with clauses (4) and (5).

8.11 Sec. 8. Minnesota Statutes 2018, section 201.225, subdivision 5, is amended to read:

8.12 Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day
8.13 registration, to process preregistered voters, or both. ~~The printed election day registration~~
8.14 ~~applications must be reviewed when electronic records are processed in the statewide voter~~
8.15 ~~registration system.~~ The election judges shall determine the number of ballots to be counted
8.16 by counting the number of original voter signature certificates or the number of voter receipts.

8.17 (b) Each precinct using electronic rosters shall have a paper backup system approved
8.18 by the secretary of state present at the polling place to use in the event that the election
8.19 judges are unable to use the electronic roster.

8.20 Sec. 9. Minnesota Statutes 2018, section 203B.04, subdivision 4, is amended to read:

8.21 Subd. 4. **Registration at time of application.** An eligible voter who is not registered
8.22 to vote but who is otherwise eligible to vote by absentee ballot may register by ~~including~~
8.23 submitting a completed voter registration application with the absentee ballot. ~~The individual~~
8.24 ~~shall present proof of residence as required by section 201.061, subdivision 3, to the~~
8.25 ~~individual who witnesses the marking of the absentee ballots. If the absentee ballot and~~
8.26 voter registration application are returned by mail, the voter registration must be placed into
8.27 the return envelope along with the signature envelope. A military voter, as defined in section
8.28 203B.01, may register in this manner if voting pursuant to sections 203B.04 to 203B.15, or
8.29 may register pursuant to sections 203B.16 to 203B.27.

9.1 Sec. 10. Minnesota Statutes 2018, section 203B.07, subdivision 3, is amended to read:

9.2 Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot
 9.3 shall be printed on the back of the return envelope. The certificate shall contain space for
 9.4 the voter's Minnesota driver's license number, state identification number, or the last four
 9.5 digits of the voter's Social Security number, or to indicate that the voter does not have one
 9.6 of these numbers. The space must be designed to ensure that the voter provides the same
 9.7 type of identification as provided on the voter's absentee ballot application for purposes of
 9.8 comparison. The certificate must also contain a statement to be signed and sworn by the
 9.9 voter indicating that the voter meets all of the requirements established by law for voting
 9.10 by absentee ballot and space for a statement signed by a person who is registered to vote in
 9.11 Minnesota or by a notary public or other individual authorized to administer oaths stating
 9.12 that:

9.13 (1) the ballots were displayed to that individual unmarked; and

9.14 (2) the voter marked the ballots in that individual's presence without showing how they
 9.15 were marked, or, if the voter was physically unable to mark them, that the voter directed
 9.16 another individual to mark them; and.

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

9.19 Sec. 11. Minnesota Statutes 2018, section 203B.08, subdivision 3, is amended to read:

9.20 Subd. 3. **Procedures on receipt of ballots.** (a) When absentee ballots are returned to a
 9.21 county auditor or municipal clerk, that official shall stamp or initial and date the return
 9.22 envelope and. The county auditor must open the return envelope to determine if a voter
 9.23 registration application is in the envelope. If a voter registration application is in the envelope,
 9.24 the county auditor must remove the voter registration application. The county auditor must
 9.25 reseal the return envelope, initial across the seal, and note that a voter registration application
 9.26 was removed from the envelope. The county auditor must place it all return envelopes in a
 9.27 secure location with other return envelopes received by that office. Except for voter
 9.28 registration applications removed pursuant to this section, all contents of the return envelope
 9.29 must remain in the return envelope until delivered to the ballot board.

9.30 (b) Within five days after receipt, the county auditor or municipal clerk shall deliver to
 9.31 the ballot board all ballots received, except that during the 14 days immediately preceding
 9.32 an election, the county auditor or municipal clerk shall deliver all ballots received to the
 9.33 ballot board within three days. Ballots received on election day either (1) after 3:00 p.m.,

10.1 if delivered in person; or (2) after 8:00 p.m., if delivered by mail or a package delivery
10.2 service, shall be marked as received late by the county auditor or municipal clerk, and must
10.3 not be delivered to the ballot board.

10.4 (c) Upon removing the voter registration application as required by paragraph (a), the
10.5 county auditor must promptly process the voter registration application as provided in section
10.6 201.121, subdivisions 1 and 2.

10.7 Sec. 12. Minnesota Statutes 2018, section 203B.081, subdivision 3, is amended to read:

10.8 Subd. 3. **Alternative procedure.** (a) The county auditor may make available a ballot
10.9 counter and ballot box for use by ~~the~~ preregistered voters during the seven days before the
10.10 election. If a ballot counter and ballot box is provided, a voter must be given the option
10.11 either (1) to vote using the process provided in section 203B.08, subdivision 1, or (2) to
10.12 vote in the manner provided in this subdivision.

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

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

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

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

10.28 (f) If a person is not registered to vote, the person must not be allowed to cast an absentee
10.29 ballot using the alternative procedure authorized by this subdivision.

10.30 Sec. 13. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

10.31 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
10.32 shall take possession of all return envelopes delivered to them in accordance with section

11.1 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
11.2 two or more members of the ballot board shall examine each ~~return~~ signature envelope and
11.3 shall mark it accepted or rejected in the manner provided in this subdivision. Election judges
11.4 performing the duties in this section must be of different major political parties, unless they
11.5 are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10,
11.6 subdivision 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

12.16 (2) the reason for rejection; and

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

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

12.21 Sec. 14. Minnesota Statutes 2018, section 204C.07, subdivision 3a, is amended to read:

12.22 Subd. 3a. **Residence requirement.** A challenger must be a resident of this state.
 12.23 Appointed challengers seeking admission to a polling place to serve in that capacity must
 12.24 prove their status as a resident of this state by presenting ~~one of the documents listed in~~
 12.25 ~~section 201.061, subdivision 3.~~ a driver's license or Minnesota identification card issued
 12.26 pursuant to section 171.07, any document approved by the secretary of state as proper
 12.27 identification, or one of the following:

12.28 (1) a current valid student identification card from a postsecondary educational institution
 12.29 in Minnesota, if a list of students from that institution has been prepared under section
 12.30 135A.17 and certified to the county auditor in the manner provided in rules of the secretary
 12.31 of state; or

13.1 (2) a current student fee statement that contains the student's valid address in the precinct
13.2 together with a picture identification card.

13.3 Challengers need not prove residence in the precinct in which they seek to act as a challenger.

13.4 Sec. 15. **[204C.135] PROVISIONAL BALLOTS.**

13.5 Subdivision 1. Casting provisional ballots. (a) A voter who registered on election day
13.6 pursuant to section 201.061, subdivision 3, is entitled to cast a provisional ballot.

13.7 (b) A voter seeking to cast a provisional ballot must sign a provisional ballot roster or
13.8 a provisional voter signature certificate and complete the voter registration application on
13.9 the provisional ballot envelope. The voter registration application may be completed by an
13.10 electronic roster and affixed to the provisional ballot envelope. The voter must also swear
13.11 or affirm in writing that the voter is eligible to vote, has not voted previously in the same
13.12 election, and meets the criteria for registering to vote in the precinct in which the voter
13.13 appears.

13.14 (c) Once the voter has completed the provisional ballot envelope, the voter must be
13.15 allowed to cast a provisional ballot. The provisional ballot must be in the same form as the
13.16 official ballot available in the precinct on election day. A completed provisional ballot shall
13.17 be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's
13.18 provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot
13.19 box. Completed provisional ballots must not be combined with other voted ballots in the
13.20 polling place.

13.21 (d) The secretary of state must prescribe the form of the secrecy and provisional ballot
13.22 envelopes. The provisional ballot envelope must be a color other than that provided for
13.23 absentee ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."

13.24 (e) Provisional ballots and related documentation shall be delivered to and securely
13.25 maintained by the county auditor or municipal clerk in the same manner as required for
13.26 other election materials under sections 204C.27 and 204C.28.

13.27 Subd. 2. Accepting or rejecting provisional ballot envelopes. (a) Before the meeting
13.28 of the canvassing board, the county auditor or municipal clerk must process each applicant's
13.29 registration application on the provisional ballot envelopes as provided by section 201.121,
13.30 subdivisions 1 and 2. If the applicant is registered to vote, that voter's provisional ballot
13.31 envelope must be accepted. The county auditor or municipal clerk must mark the provisional
13.32 ballot envelope "Accepted" and initial or sign the envelope below the word "Accepted." If
13.33 the applicant is not registered to vote, the provisional ballot envelope must be rejected. If

14.1 a provisional ballot envelope is rejected, the county auditor or municipal clerk must mark
 14.2 the provisional ballot envelope "Rejected," initial or sign it below the word "Rejected," and
 14.3 list the reason for rejection on the envelope. The county auditor or municipal clerk must
 14.4 promptly record in the statewide voter registration system that a voter's provisional ballot
 14.5 envelope has been accepted or rejected.

14.6 (b) The county auditor or municipal clerk must mail the voter a written notice of
 14.7 provisional ballot rejection between six and ten weeks following the election. The notice
 14.8 must include the reason for rejection and the name of the appropriate election official to
 14.9 whom the voter may direct further questions, along with appropriate contact information.

14.10 (c) A provisional ballot envelope marked "Rejected" may not be opened or subject to
 14.11 further review except in an election contest filed pursuant to chapter 209.

14.12 Subd. 3. **Provisional ballots; reconciliation.** Prior to counting any provisional ballots
 14.13 in the final vote totals from a precinct, the county auditor or municipal clerk must verify
 14.14 that the number of signatures appearing on the provisional ballot roster from that precinct
 14.15 is equal to or greater than the number of provisional ballots submitted by voters in the
 14.16 precinct on election day. Any discrepancy must be resolved before the provisional ballots
 14.17 from the precinct may be counted. Excess provisional ballots to be counted must be randomly
 14.18 withdrawn in the manner required by section 204C.20, subdivision 2.

14.19 Subd. 4. **Counting provisional ballots.** Accepted provisional ballot envelopes must be
 14.20 opened; duplicated as needed in the manner provided in section 206.86, subdivision 5;
 14.21 initialed by the members of the ballot board; and deposited in the appropriate ballot box. If
 14.22 more than one ballot is enclosed in the ballot envelope, the ballots must be spoiled and must
 14.23 not be counted.

14.24 Sec. 16. Minnesota Statutes 2018, section 204C.14, subdivision 1, is amended to read:

14.25 Subdivision 1. **Violations; penalty.** (a) No individual shall intentionally:

14.26 ~~(a)~~ (1) misrepresent the individual's identity in applying for a ballot, depositing a ballot
 14.27 in a ballot box, requesting a provisional ballot or requesting that a provisional ballot be
 14.28 counted, or attempting to vote by means of a voting machine or electronic voting system;

14.29 ~~(b)~~ (2) vote more than once at the same election;

14.30 ~~(c)~~ (3) put a ballot in a ballot box for any illegal purpose;

14.31 ~~(d)~~ (4) give more than one ballot of the same kind to an election judge to be placed in a
 14.32 ballot box;

15.1 ~~(e)~~ (5) aid, abet, counsel or procure another to go into any precinct for the purpose of
 15.2 voting in that precinct, knowing that the other individual is not eligible to vote in that
 15.3 precinct; or

15.4 ~~(f)~~ (6) aid, abet, counsel or procure another to do any act in violation of this section.

15.5 (b) A violation of this section is a felony.

15.6 Sec. 17. Minnesota Statutes 2018, section 204C.32, is amended to read:

15.7 **204C.32 CANVASS OF STATE PRIMARIES.**

15.8 Subdivision 1. **County canvass.** The county canvassing board shall meet at the county
 15.9 auditor's office on ~~either the second or third~~ the day following the state primary. After
 15.10 taking the oath of office, the canvassing board shall publicly canvass the election returns
 15.11 delivered to the county auditor. The board shall complete the canvass by the ~~third~~ eighth
 15.12 day following the state primary and shall promptly prepare and file with the county auditor
 15.13 a report that states:

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

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

15.17 (c) for each major political party, the names of the candidates running for each partisan
 15.18 office and the number of votes received by each candidate in the county and in each precinct;

15.19 (d) the names of the candidates of each major political party who are nominated; and

15.20 (e) the number of votes received by each of the candidates for nonpartisan office in each
 15.21 precinct in the county and the names of the candidates nominated for nonpartisan office.

15.22 Upon completion of the canvass, the county auditor shall mail or deliver a notice of
 15.23 nomination to each nominee for county office voted for only in that county. The county
 15.24 auditor shall transmit one of the certified copies of the county canvassing board report for
 15.25 state and federal offices to the secretary of state by express mail or similar service
 15.26 immediately upon conclusion of the county canvass. The secretary of state shall mail a
 15.27 notice of nomination to each nominee for state or federal office.

15.28 Subd. 2. **State canvass.** The State Canvassing Board shall meet at a public meeting
 15.29 space located in the Capitol complex area ~~seven~~ days after the state primary to canvass
 15.30 the certified copies of the county canvassing board reports received from the county auditors.
 15.31 Immediately after the canvassing board declares the results, the secretary of state shall

16.1 certify the names of the nominees to the county auditors. The secretary of state shall mail
16.2 to each nominee a notice of nomination.

16.3 Sec. 18. Minnesota Statutes 2018, section 204C.33, subdivision 1, is amended to read:

16.4 Subdivision 1. **County canvass.** The county canvassing board shall meet at the county
16.5 auditor's office between the ~~third~~ and ~~tenth~~ days following the state general
16.6 election. After taking the oath of office, the board shall promptly and publicly canvass the
16.7 general election returns delivered to the county auditor. Upon completion of the canvass,
16.8 the board shall promptly prepare and file with the county auditor a report which states:

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

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

16.12 (c) the names of the candidates for each office and the number of votes received by each
16.13 candidate in the county and in each precinct;

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

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

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

16.29 Upon completion of the canvass, the county canvassing board shall declare the candidate
16.30 duly elected who received the highest number of votes for each county and state office voted
16.31 for only within the county. The county auditor shall transmit a certified copy of the county
16.32 canvassing board report for state and federal offices to the secretary of state by messenger,
16.33 express mail, or similar service immediately upon conclusion of the county canvass.

17.1 Sec. 19. Minnesota Statutes 2018, section 204C.37, is amended to read:

17.2 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
 17.3 **STATE.**

17.4 A copy of the report required by sections 204C.32, subdivision 1, and 204C.33,
 17.5 subdivision 1, shall be certified under the official seal of the county auditor. The copy shall
 17.6 be enclosed in an envelope addressed to the secretary of state, with the county auditor's
 17.7 name and official address and the words "Election Returns" endorsed on the envelope. The
 17.8 copy of the canvassing board report must be sent by express mail or delivered to the secretary
 17.9 of state. If the copy is not received by the secretary of state within ~~ten~~ days following
 17.10 ~~the applicable election~~ a primary election, or within days following a general election,
 17.11 the secretary of state shall immediately notify the county auditor, who shall deliver another
 17.12 copy to the secretary of state by special messenger.

17.13 Sec. 20. Minnesota Statutes 2018, section 205.065, subdivision 5, is amended to read:

17.14 Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the
 17.15 manner provided for the state primary so far as practicable. ~~The canvass may be conducted~~
 17.16 ~~on either the second or third day after the primary.~~

17.17 The governing body of the municipality shall canvass the returns on the day after
 17.18 the primary, and the two candidates for each office who receive the highest number of votes,
 17.19 or a number of candidates equal to twice the number of individuals to be elected to the
 17.20 office, who receive the highest number of votes, shall be the nominees for the office named.
 17.21 Their names shall be certified to the municipal clerk who shall place them on the municipal
 17.22 general election ballot without partisan designation and without payment of an additional
 17.23 fee.

17.24 Sec. 21. Minnesota Statutes 2018, section 205.185, subdivision 3, is amended to read:

17.25 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between
 17.26 the ~~third~~ and ~~tenth~~ days after an election, the governing body of a city conducting
 17.27 any election including a special municipal election, or the governing body of a town
 17.28 conducting the general election in November shall act as the canvassing board, canvass the
 17.29 returns, and declare the results of the election. The governing body of a town conducting
 17.30 the general election in March shall act as the canvassing board, canvass the returns, and
 17.31 declare the results of the election within ~~two~~ days after an election.

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

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

18.8 Sec. 22. Minnesota Statutes 2018, section 205A.03, subdivision 4, is amended to read:

18.9 Subd. 4. **Results.** ~~(a)~~ The school district primary must be conducted and the returns
 18.10 made in the manner provided for the state primary as far as practicable. ~~If the primary is~~
 18.11 ~~conducted:~~

18.12 ~~(1) only within that school district, a canvass may be conducted on either the second or~~
 18.13 ~~third day after the primary; or~~

18.14 ~~(2) in conjunction with the state primary, the canvass must be conducted on the third~~
 18.15 ~~day after the primary, except as otherwise provided in paragraph (b).~~

18.16 On the day after the primary, the school board of the school district shall canvass
 18.17 the returns, and the two candidates for each specified school board position who receive
 18.18 the highest number of votes, or a number of candidates equal to twice the number of
 18.19 individuals to be elected to at-large school board positions who receive the highest number
 18.20 of votes, are the nominees for the office named. Their names must be certified to the school
 18.21 district clerk who shall place them on the school district general election ballot without
 18.22 partisan designation and without payment of an additional fee.

18.23 ~~(b) Following a school district primary as described in paragraph (a), clause (2), a canvass~~
 18.24 ~~may be conducted on the second day after the primary if the county auditor of each county~~
 18.25 ~~in which the school district is located agrees to administratively review the school district's~~
 18.26 ~~primary voting statistics for accuracy and completeness within a time that permits the canvass~~
 18.27 ~~to be conducted on that day.~~

18.28 Sec. 23. Minnesota Statutes 2018, section 205A.10, subdivision 3, is amended to read:

18.29 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the
 18.30 ~~third~~ and ~~tenth~~ days after a school district election other than a recount of a special
 18.31 election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall
 18.32 canvass the returns and declare the results of the election. After the time for contesting

19.1 elections has passed, the school district clerk shall issue a certificate of election to each
19.2 successful candidate. If there is a contest, the certificate of election to that office must not
19.3 be issued until the outcome of the contest has been determined by the proper court. If there
19.4 is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the
19.5 certificate of election to the successful candidate by personal service or certified mail. The
19.6 successful candidate shall file an acceptance and oath of office in writing with the clerk
19.7 within 30 days of the date of mailing or personal service. A person who fails to qualify prior
19.8 to the time specified shall be deemed to have refused to serve, but that filing may be made
19.9 at any time before action to fill the vacancy has been taken. The school district clerk shall
19.10 certify the results of the election to the county auditor, and the clerk shall be the final
19.11 custodian of the ballots and the returns of the election.

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

19.15 **Sec. 24. TRANSFERS AND APPROPRIATIONS; SECRETARY OF STATE.**

19.16 Subdivision 1. Help America Vote Act. (a) \$7,389,506 in fiscal year 2020 is appropriated
19.17 from the Help America Vote Act account established in Minnesota Statutes, section 5.30,
19.18 to the secretary of state for the purposes of improving the administration and security of
19.19 elections as authorized by federal law.

19.20 (b) \$1,477,901 in fiscal year 2020 is transferred from the general fund to the Help
19.21 America Vote Act account under Minnesota Statutes, section 5.30. The amount transferred
19.22 under this paragraph is credited to the state match requirement of the Consolidated
19.23 Appropriations Act, 2020, Public Law 116-93, and is appropriated to the secretary of state
19.24 for the purposes of improving the administration and security of elections as authorized by
19.25 federal law.

19.26 (c) Any amount earned in interest on the amounts appropriated under paragraphs (a) and
19.27 (b) is appropriated from the Help America Vote Act account to the secretary of state for
19.28 purposes of improving the administration and security of elections as authorized by federal
19.29 law.

19.30 (d) The appropriations in this subdivision are onetime and available until December 20,
19.31 2024.

19.32 Subd. 2. Provisional ballots. \$4,000,000 in fiscal year 2020 is appropriated from the
19.33 general fund to the secretary of state for the implementation and administration of the

20.1 provisional balloting requirements of this act and for grants to local governments to offset
20.2 the costs of complying with this act. This is a onetime appropriation and is available until
20.3 June 30, 2021.

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

20.5 Sec. 25. **REPEALER.**

20.6 Minnesota Statutes 2018, sections 135A.17, subdivision 2; 201.061, subdivision 7; and
20.7 201.121, subdivision 3, are repealed.

20.8 Sec. 26. **EFFECTIVE DATE.**

20.9 Except as otherwise provided, this act is effective on and applies to elections held
20.10 on or after that date.

135A.17 PROVISIONS TO FACILITATE VOTING.

Subd. 2. **Residential housing list.** All postsecondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors for use in election day registration as provided under section 201.061, subdivision 3. A residential housing list provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

201.061 REGISTRATION ON OR BEFORE ELECTION DAY.

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

201.121 ENTRY OF NAMES; MAILED NOTICE.

Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election, the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney of all of the relevant information. The county auditor must notify the secretary of state of the following information by each precinct:

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

(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 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.