SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4432

1.1   A bill for an act

1.2   relating to elections; modifying certain local elections provisions; modifying certain
1.3   absentee voting provisions; modifying provisions related to exit polling; amending
1.4   Minnesota Statutes 2022, sections 204C.06, subdivision 1, by adding a subdivision;
1.5   204C.19, subdivision 3; Minnesota Statutes 2023 Supplement, sections 203B.04,
1.6   subdivision 1; 203B.07, subdivision 3; 204C.28, subdivision 1; repealing Minnesota
1.7   Statutes 2022, section 383B.031.

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

1.9   Section 1. Minnesota Statutes 2023 Supplement, section 203B.04, subdivision 1, is amended

1.10   to read:

1.11   Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision

1.12   2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election

1.13   may be submitted at any time not less than one day before the day of that election. The

1.14   county auditor shall prepare absentee ballot application forms in the format provided by the

1.15   secretary of state and shall furnish them to any person on request. By January 1 of each

1.16   even-numbered year, the secretary of state shall make the forms to be used available to

1.17   auditors through electronic means. An application submitted pursuant to this subdivision

1.18   shall be in writing. An application may be submitted in person, by electronic facsimile

1.19   device, by electronic mail, or by mail to:

1.20   (1) the county auditor of the county where the applicant maintains residence; or

1.21   (2) the municipal clerk of the municipality, or school district if applicable, where the

1.22   applicant maintains residence.

1.23   ~~For a federal, state, or county election,~~ (b) An absentee ballot application may

1.24   alternatively be submitted electronically through a secure website that shall be maintained

2.1   by the secretary of state for this purpose. Notwithstanding paragraph ~~(b)~~ (d), the secretary

2.2   of state must require applicants using the website to submit the applicant's email address

2.3   and verifiable Minnesota driver's license number, Minnesota state identification card number,

2.4   or the last four digits of the applicant's Social Security number. This paragraph does not

2.5   apply to a town election held in March.

2.6   (c) An application submitted electronically under this paragraph may only be transmitted

2.7   to the county auditor for processing if the secretary of state has verified the application

2.8   information matches the information in a government database associated with the applicant's

2.9   driver's license number, state identification card number, or Social Security number. The

2.10   secretary of state must review all unverifiable applications for evidence of suspicious activity

2.11   and must forward any such application to an appropriate law enforcement agency for

2.12   investigation.

2.13   ~~(b)~~ (d) An application shall be approved if it is timely received, signed and dated by the

2.14   applicant, contains the applicant's name and residence and mailing addresses, date of birth,

2.15   and at least one of the following:

2.16   (1) the applicant's Minnesota driver's license number;

2.17   (2) Minnesota state identification card number;

2.18   (3) the last four digits of the applicant's Social Security number; or

2.19   (4) a statement that the applicant does not have any of these numbers.

2.20   ~~(c)~~ (e) To be approved, the application must contain an oath that the information contained

2.21   on the form is accurate, that the applicant is applying on the applicant's own behalf, and

2.22   that the applicant is signing the form under penalty of perjury.

2.23   ~~(d)~~ (f) An applicant's full date of birth, Minnesota driver's license or state identification

2.24   number, and the last four digits of the applicant's Social Security number must not be made

2.25   available for public inspection. An application may be submitted to the county auditor or

2.26   municipal clerk by an electronic facsimile device. An application mailed or returned in

2.27   person to the county auditor or municipal clerk on behalf of a voter by a person other than

2.28   the voter must be deposited in the mail or returned in person to the county auditor or

2.29   municipal clerk within ten days after it has been dated by the voter and no later than six

2.30   days before the election.

2.31   ~~(e)~~ (g) An application under this subdivision may contain an application under subdivision

2.32   5 to automatically receive an absentee ballot.

Section 1.   2

3.1   **EFFECTIVE DATE.** This section is effective September 1, 2025, and applies to

3.2   elections occurring on or after November 4, 2025.

3.3   Sec. 2. Minnesota Statutes 2023 Supplement, section 203B.07, subdivision 3, is amended

3.4   to read:

3.5   Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot

3.6   shall be printed on the back of the signature envelope. The certificate shall contain space

3.7   for the voter's Minnesota driver's license number, state identification number, or the last

3.8   four digits of the voter's Social Security number, or to indicate that the voter does not have

3.9   one of these numbers. The space must be designed to ensure that the voter provides the

3.10 same type of identification as provided on the voter's absentee ballot application for purposes

3.11 of comparison. The certificate must also contain a statement to be signed and sworn by the

3.12 voter indicating that the voter meets all of the requirements established by law for voting

3.13 by absentee ballot and space for a statement signed by a person who is ~~registered to vote in~~

3.14 ~~Minnesota~~ at least 18 years of age on or before the day of the election and a citizen of the

3.15 United States or by a notary public or other individual authorized to administer oaths stating

3.16 that:

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

3.18   (2) the voter marked the ballots in that individual's presence without showing how they

3.19 were marked, or, if the voter was physically unable to mark them, that the voter directed

3.20 another individual to mark them; and

3.21   (3) if the voter was not previously registered, the voter has provided proof of residence

3.22 as required by section 201.061, subdivision 3.

3.23   **EFFECTIVE DATE.** This section is effective for elections for which the absentee

3.24 ballot period begins on or after January 1, 2025.

3.25   Sec. 3. Minnesota Statutes 2022, section 204C.06, subdivision 1, is amended to read:

3.26   Subdivision 1. **Persons allowed near polling place.** An individual shall be allowed to

3.27 go to and from the polling place for the purpose of voting without unlawful interference.

3.28 No one except an election official or an individual who is waiting to register or to vote or

3.29 an individual who is conducting exit polling shall stand within 100 feet of the building in

3.30 which a polling place is located. ~~"Exit polling" is defined as approaching voters in a~~

3.31 ~~predetermined pattern as they leave the polling place after they have voted and asking voters~~

3.32 ~~to fill out an anonymous, written questionnaire.~~

4.1   Sec. 4. Minnesota Statutes 2022, section 204C.06, is amended by adding a subdivision to

4.2   read:

4.3   Subd. 1a. **Exit polling.** (a) "Exit polling" is defined as approaching voters in a

4.4   predetermined pattern as they leave the polling place after they have voted and asking voters

4.5   to fill out an anonymous, written questionnaire.

4.6   (b) An individual conducting exit polling must present photo identification to the head

4.7   judge upon arrival at the polling place, along with a letter or credential from the news media.

4.8   (c) A person must not conduct exit polling in a manner that unlawfully interferes with

4.9   a person going to or from the polling place or allows any person to view another person's

4.10   responses to the poll.

4.11   Sec. 5. Minnesota Statutes 2022, section 204C.19, subdivision 3, is amended to read:

4.12   Subd. 3. **Premature disclosure of count results.** No count results from any precinct

4.13   shall be disclosed by any election judge or other individual until all count results from that

4.14   precinct are available, nor shall the public media disclose any count results from any precinct

4.15   before the time when voting is scheduled to end in the state. Count results from absentee

4.16   ballots received by the county after 3:00 p.m. on election day may be added to the total

4.17   count results after the initial results reporting of the precinct. If the precinct results do not

4.18   include all absentee ballots, the county must report to the secretary of state and on the

4.19   county's website the number of absentee ballots remaining to be processed. After processing

4.20   the remaining ballots, the county must post on the county's website how many of the

4.21   remaining ballots were accepted and added to the totals and how many were rejected and

4.22   therefore not counted.

4.23   Sec. 6. Minnesota Statutes 2023 Supplement, section 204C.28, subdivision 1, is amended

4.24   to read:

4.25   Subdivision 1. **County auditor.** (a) Every county auditor must remain at the auditor's

4.26   office to receive delivery of the returns, to permit public inspection of the summary

4.27   statements, and to tabulate the votes ~~until all have been tabulated and the results made~~

4.28   ~~known, or~~ until 24 hours have elapsed since the end of the hours for voting, ~~whichever~~

4.29   ~~occurs first~~ unless the county auditor adjourns absentee ballot counting. Every county auditor

4.30   must, in the presence of the municipal clerk or the election judges who deliver the returns,

4.31   make a record of all materials delivered, the time of delivery, and the names of the municipal

4.32   clerk or election judges who made delivery. The record must include the number of ballots

4.33   delivered to the precinct, as certified by section 204B.28, and the total number of ballots

5.1   returned, as certified by the election judges under section 204C.24. A discrepancy between

5.2   the number of ballots delivered to the precinct and the number of total ballots returned by

5.3   election judges that cannot be reconciled by taking into account the adjustments made by

5.4   the election judge counts and any unofficial ballots must be noted, but does not necessarily

5.5   require disqualification of the votes from that precinct or invalidation of the election. The

5.6   county auditor must file the record and all envelopes containing ballots in a safe and secure

5.7   place with envelope seals unbroken. Access to the record and ballots must be strictly

5.8   controlled. Accountability and a record of access must be maintained by the county auditor

5.9   during the period for contesting elections or, if a contest is filed, until the contest has been

5.10   finally determined. Thereafter, the record must be retained in the auditor's office for the

5.11   same period as the ballots as provided in section 204B.40.

5.12   (b) The county auditor must file all envelopes containing ballots in a safe place with

5.13   seals unbroken. If the envelopes are opened by proper authority for examination or recount

5.14   as specifically authorized by a court or statute, the county auditor must have the envelopes

5.15   sealed again and signed by the individuals who made the inspection or recount. The envelopes

5.16   may be opened by the county auditor if necessary to procure election returns that the election

5.17   judges inadvertently may have sealed in the envelopes with the ballots. In that case, the

5.18   envelopes must be sealed again and signed in the same manner as otherwise provided in

5.19   this subdivision.

5.20   Sec. 7. **REPEALER.**

5.21   Minnesota Statutes 2022, section 383B.031, is repealed.

383B.031 BOARD VACANCIES: MORE OR NOT MORE THAN SIX MONTHS OUT.

Subdivision 1. **More than six months; special election.** Notwithstanding the provisions of section 375.101, if a vacancy occurs in a seat on the Board of County Commissioners of Hennepin County more than six months before the general election in which a commissioner will next be selected to occupy such seat the county auditor shall, within seven days after the vacancy occurs, call a special election within the affected district to fill such vacancy. The auditor shall specify a date for the election to be held on a date authorized by section 205.10, subdivision 3a. Candidates shall file with the county auditor prior to the 35th day before the election. The primary election shall be held 14 days before the election. If no more than two candidates file for the office, the primary election shall be canceled and the date of the general election advanced 14 days.

Subd. 2. **Minnesota Statutes controls; affidavit of candidacy.** Each person who wishes to file as a candidate in the election for which provision is made in subdivision 1 shall submit to the county auditor an affidavit for candidacy. Except as otherwise specifically provided in this section, the special election shall be held in accordance with the provisions of Minnesota Statutes 1965, chapter 203. The candidate who receives a plurality of the votes cast in the special election shall be certified the winner.

Subd. 3. **Not more than six months; general election.** A vacancy in a seat on a board of county commissioners which occurs not more than six months before the general election in which a commissioner will next be selected to occupy the seat shall be filled at the general election.

Subd. 4. **Elected for unexpired term.** A person elected to the office of commissioner pursuant to the provisions of this section shall hold office for the unexpired term of the person's predecessor.