A bill for an act

relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 13.69, subdivision 1; 135A.17, subdivision 2; 171.01, by adding a subdivision; 171.06, subdivisions 1, 2, 3, by adding a subdivision; 171.061, subdivisions 1, 3, 4; 171.07, subdivisions 1a, 4, 9, 14, by adding a subdivision; 171.071; 171.11; 171.14; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04, subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision 1; 209.06, subdivision 1; 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C; 299A; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34; 204C.35; 204C.36; 204C.361.

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

ARTICLE 1

VOTER REGISTRATION, PHOTO IDENTIFICATION, AND PROVISIONAL BALLOTING

Section 1. Minnesota Statutes 2010, section 13.69, subdivision 1, is amended to read:

Subdivision 1. **Classifications.** (a) The following government data of the Department of Public Safety are private data:

(1) medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically disabled persons;

(2) other data on holders of a disability certificate under section 169.345, except that data that are not medical data may be released to law enforcement agencies;

(3) Social Security numbers in driver's license and motor vehicle registration records, except that Social Security numbers must be provided to the Department of Revenue for purposes of tax administration, the Department of Labor and Industry for purposes of workers' compensation administration and enforcement, and the Department of Natural Resources for purposes of license application administration; ~~and~~

(4) data on persons listed as standby or temporary custodians under section 171.07, subdivision 11, except that the data must be released to:

(i) law enforcement agencies for the purpose of verifying that an individual is a designated caregiver; or

(ii) law enforcement agencies who state that the license holder is unable to communicate at that time and that the information is necessary for notifying the designated caregiver of the need to care for a child of the license holder; and

(5) data on applicants for a Minnesota voter identification card under section 171.07, subdivision 3b, except that the data may be released to a government entity or a court for purposes of carrying out its functions.

The department may release the Social Security number only as provided in clause (3) and must not sell or otherwise provide individual Social Security numbers or lists of Social Security numbers for any other purpose.

(b) The following government data of the Department of Public Safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 2. Minnesota Statutes 2010, section 171.01, is amended by adding a subdivision to read:

Subd. 51. **Voter identification card.** "Voter identification card" means a card issued or issuable under the laws of this state by the commissioner of public safety that denotes citizenship, identity, and residence address and may be used as identification and proof of residence for election day voter registration and for voting on election day, but for no other purpose.

Sec. 3. Minnesota Statutes 2010, section 171.06, subdivision 1, is amended to read:

Subdivision 1. **Forms of application.** Every application for a Minnesota identification card, for an enhanced identification card, for an instruction permit, for a provisional license, for a driver's license, ~~or~~ for an enhanced driver's license, or for a voter identification card must be made in a format approved by the department, and every application, except for an application for a voter identification card, must be accompanied by the proper fee. All first-time applications and change-of-status applications must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public. All applications requiring evidence of legal presence in the United States or United States citizenship must be signed in the presence of the person authorized to accept the application, or the signature on the application may be verified by a notary public.

Sec. 4. Minnesota Statutes 2010, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D-$22.25	C-$26.25	B-$33.25	A-$41.25
Classified Under-21 D.L.	D-$22.25	C-$26.25	B-$33.25	A-$21.25
Enhanced Driver's License	D-$37.25	C-$41.25	B-$48.25	A-$56.25
Instruction Permit				$10.25
Enhanced Instruction Permit				$25.25
Provisional License				$13.25
Enhanced Provisional License				$28.25
Duplicate License or duplicate identification card				$11.75
Enhanced Duplicate License or enhanced duplicate identification card				$26.75
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				$16.25
Enhanced Minnesota identification card				$31.25

In addition to each fee required in this paragraph, the commissioner shall collect a surcharge of $1.75 until June 30, 2012. Surcharges collected under this paragraph must be

credited to the driver and vehicle services technology account in the special revenue fund under section 299A.705.

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a $3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional $4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

(d) The commissioner shall not collect any fee or surcharge for a voter identification card.

Sec. 5. Minnesota Statutes 2010, section 171.06, subdivision 3, is amended to read:

Subd. 3. **Contents of license application; other information.** (a) An application for a Minnesota identification card, enhanced identification card, instruction permit, provisional license, driver's license, or enhanced driver's license must:

(1) state the full name, date of birth, sex, and either (i) the residence address of the applicant, or (ii) designated address under section 5B.05;

(2) as may be required by the commissioner, contain a description of the applicant and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) state:

(i) the applicant's Social Security number; or

(ii) if the applicant does not have a Social Security number and is applying for a Minnesota identification card, instruction permit, or class D provisional or driver's license, that the applicant certifies that the applicant does not have a Social Security number;

(4) in the case of an application for an enhanced driver's license or enhanced identification card, present:

(i) proof satisfactory to the commissioner of the applicant's full legal name, United States citizenship, identity, date of birth, Social Security number, and residence address; and

(ii) a photographic identity document;

(5) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b);

(6) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7; and

(7) contain a space where the applicant may request a veteran designation on the license under section 171.07, subdivision 15, and the driving record under section 171.12, subdivision 5a.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift Act, chapter 525A, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 6. Minnesota Statutes 2010, section 171.06, is amended by adding a subdivision to read:

Subd. 3b. **Application for voter identification card.** An application for a voter identification card, including a renewal or duplicate card, or a new card required as a result of change of address, must:

(1) state the applicant's full legal name, date of birth, sex, and residence address;

(2) describe the applicant in the manner the commissioner deems necessary;

(3) be accompanied by proof satisfactory to the commissioner of the applicant's United States citizenship;

(4) state the length of residence at the applicant's current address; and

(5) present a photographic identity document or affirm under penalty of perjury that the applicant has a religious objection to the use of a photographic image.

Sec. 7. Minnesota Statutes 2010, section 171.061, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section:

(1) "applicant" means an individual applying for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit; and

(2) "application" refers to an application for a driver's license, provisional license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit.

Sec. 8. Minnesota Statutes 2010, section 171.061, subdivision 3, is amended to read:

Subd. 3. **Application.** An applicant may file an application with an agent. The agent shall receive and accept applications in accordance with the laws and rules of the Department of Public Safety for a driver's license, restricted license, duplicate license, instruction permit, Minnesota identification card, voter identification card, or motorized bicycle operator's permit.

Sec. 9. Minnesota Statutes 2010, section 171.061, subdivision 4, is amended to read:

Subd. 4. **Fee; equipment.** (a) The agent may charge and retain a filing fee of $5 for each application, except for an application for a voter identification card, for which no filing fee may be charged. Except as provided in paragraph (b), the fee shall cover all expenses involved in receiving, accepting, or forwarding to the department the applications and fees required under sections 171.02, subdivision 3; 171.06, subdivisions 2 and 2a; and 171.07, subdivisions 3 and 3a.

(b) The department shall maintain the photo identification equipment for all agents appointed as of January 1, 2000. Upon the retirement, resignation, death, or discontinuance of an existing agent, and if a new agent is appointed in an existing office pursuant to Minnesota Rules, chapter 7404, and notwithstanding the above or Minnesota Rules, part 7404.0400, the department shall provide and maintain photo identification equipment without additional cost to a newly appointed agent in that office if the office was provided the equipment by the department before January 1, 2000. All photo identification equipment must be compatible with standards established by the department.

(c) A filing fee retained by the agent employed by a county board must be paid into the county treasury and credited to the general revenue fund of the county. An agent who is not an employee of the county shall retain the filing fee in lieu of county employment or salary and is considered an independent contractor for pension purposes, coverage under the Minnesota State Retirement System, or membership in the Public Employees Retirement Association.

(d) Before the end of the first working day following the final day of the reporting period established by the department, the agent must forward to the department all applications and fees collected during the reporting period except as provided in paragraph (c). The department shall transmit payment to the agent of $5 for each application for a voter identification card. An agent employed by a county board shall remit the payments to the county under paragraph (c) and all other agents may retain the payments.

Sec. 10. Minnesota Statutes 2010, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses ~~or~~, Minnesota identification cards, or voter identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses and voter identification cards;

(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;

(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and

(4) to child support enforcement purposes under section 256.978.

Sec. 11. Minnesota Statutes 2010, section 171.07, is amended by adding a subdivision to read:

Subd. 3b. **Voter identification cards.** (a) A voter identification card must be issued to a qualifying applicant who, on the election day next occurring after the date of issuance, will meet the voter eligibility requirements of the Minnesota State Constitution and statutes, and who does not possess a current Minnesota driver's license or Minnesota identification card.

(b) A voter identification card must bear a distinguishing number assigned to the applicant; the applicant's full name and date of birth; the applicant's address of residence; a description of the applicant in the manner as the commissioner deems necessary; the date of the card's expiration; and the usual signature of the applicant. The card must bear a colored photograph or an electronically produced image of the applicant, or, for an applicant who has affirmed a religious objection under section 171.06, subdivision 3b, clause (5), the card must bear the words "Valid without photograph."

(c) A voter identification card shall not be valid identification for purposes unrelated to voting in Minnesota.

(d) A voter identification card must be of a different color scheme than a Minnesota driver's license or state identification card, but must incorporate the same information and security features as provided in subdivision 9.

(e) Each voter identification card must be plainly marked: "Voter Identification – Not a driver's license. Valid Identification Only for Voting."

Sec. 12. Minnesota Statutes 2010, section 171.07, subdivision 4, is amended to read:

Subd. 4. **Expiration.** (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards and voter identification cards of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) Minnesota identification cards and voter identification cards issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

(c) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

Sec. 13. Minnesota Statutes 2010, section 171.07, subdivision 9, is amended to read:

Subd. 9. **Improved security.** ~~The commissioner shall develop new~~ Drivers' licenses ~~and~~, identification cards, ~~to be issued beginning January 1, 1994, that~~ and voter identification cards must be as impervious to alteration as is reasonably practicable in their design and quality of material and technology. The driver's license security laminate shall be made from materials not readily available to the general public. The design and technology employed must enable the driver's license and identification card to be subject to two or more methods of visual verification capable of clearly indicating the presence of tampering or counterfeiting. The driver's license and identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

Sec. 14. Minnesota Statutes 2010, section 171.07, subdivision 14, is amended to read:

Subd. 14. **Use of Social Security number.** An applicant's Social Security number must not be displayed, encrypted, or encoded on the driver's license ~~or~~, Minnesota identification card, voter identification card, or included in a magnetic strip or bar code used to store data on the license ~~or~~, Minnesota identification card, or voter identification card. The Social Security number must not be used as a Minnesota driver's license ~~or~~, identification, or voter identification number.

Sec. 15. Minnesota Statutes 2010, section 171.071, is amended to read:

171.071 PHOTOGRAPH ON LICENSE ~~OR~~, IDENTIFICATION CARD, OR VOTER IDENTIFICATION CARD.

Subdivision 1. **Religious objection.** Notwithstanding the provisions of section 171.07, the commissioner of public safety may adopt rules to permit identification on a driver's license ~~or~~, Minnesota identification card, or voter identification card in lieu of a photograph or electronically produced image where the commissioner finds that the licensee has religious objections to the use of a photograph or electronically produced image.

Subd. 2. **Certain head wear permitted.** If an accident involving a head injury, serious illness, or treatment of the illness has resulted in hair loss by an applicant for a driver's license ~~or~~, identification card, or voter identification card, the commissioner shall permit the applicant to wear a hat or similar head wear in the photograph or electronically produced image. The hat or head wear must be of an appropriate size and type to allow identification of the holder of the license or card and must not obscure the holder's face.

Subd. 3. **Exception.** Subdivisions 1 and 2 do not apply to the commissioner's requirements pertaining to a photograph or electronically produced image on an enhanced driver's license or an enhanced identification card.

Sec. 16. Minnesota Statutes 2010, section 171.11, is amended to read:

171.11 DUPLICATE LICENSE OR VOTER IDENTIFICATION CARD; CHANGE OF DOMICILE OR NAME.

Subdivision 1. **Duplicate driver's license.** When any person, after applying for or receiving a driver's license, shall change permanent domicile from the address named in such application or in the license issued to the person, or shall change a name by marriage or otherwise, such person shall, within 30 days thereafter, apply for a duplicate driver's license upon a form furnished by the department and pay the required fee. The application or duplicate license shall show both the licensee's old address and new address or the former name and new name as the case may be.

Subd. 2. **Duplicate voter identification card.** A voter identification cardholder who changes residence address or name from the address or name stated on the card shall not present the card for voting purposes, but must apply for a duplicate voter identification card upon a form furnished by the department. The application for duplicate voter identification card must show the cardholder's former address and current address, along with length of residence at the current address, and the former name and current name, as applicable.

Sec. 17. Minnesota Statutes 2010, section 171.14, is amended to read:

171.14 CANCELLATION.

(a) The commissioner may cancel any driver's license or voter identification card upon determination that (1) the licensee or cardholder was not entitled to the issuance of the license or card, (2) the licensee or cardholder failed to give the required or correct information in the application, (3) the licensee or cardholder committed any fraud or deceit in making the application, or (4) the person, at the time of the cancellation, would not have been entitled to receive a license under section 171.04, or a cardholder under section 171.07.

(b) The commissioner shall cancel the driver's license of a person described in paragraph (a), clause (3), for 60 days or until the required or correct information has been provided, whichever is longer.

(c) The commissioner shall cancel the voter identification card of a person described in paragraph (a) until the person completes the application process under section 171.06, and complies in all respects with the requirements of the commissioner.

(d) The commissioner shall immediately notify the holder of a voter identification card of a cancellation of the card. Notification must be by mail, addressed to the cardholder's last known address, with postage prepaid.

Sec. 18. **[200.035] DOCUMENTATION OF IDENTITY AND RESIDENCE.**

(a) The following are sufficient proof of identity and residence for purposes of election day voter registration under section 201.061, subdivision 3, and for determining whether to count a provisional ballot under section 204C.135, subdivision 2:

(1) a current driver's license, state identification card, or voter identification card issued to the voter by the Department of Public Safety that contains the voter's current address of residence in the precinct;

(2) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b);

(3) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct along with one of the following documents, provided that it contains a photograph of the voter:

(i) a driver's license, identification card, or a voter identification card that is expired or does not contain the voter's current address of residence, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(ii) a United States passport, issued to the voter;

(iii) an identification card issued by a branch, department, agency, entity, or subdivision of Minnesota or the federal government;

(iv) an identification card issued by an accredited postsecondary institution with a campus located within Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(v) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs;

(4) if the voter is a student, a driver's license or identification card issued by Minnesota or any other state or territory of the United States that does not contain the voter's current address of residence, along with a current student fee statement that contains the student's valid address of residence in the precinct; or

(5) if the voter resides in a residential facility located in the precinct, having an individual who is an administrator or designee employed by and working in the facility sign an oath in the presence of the election judge vouching that the administrator or designee personally knows the individual's identity and that the individual is a resident of the precinct. The oath must be made on a form prescribed by the secretary of state that contains a space for the administrator's or designee's printed name, signature, telephone number, and employment address.

(b) A "residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the commissioner of veterans affairs under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

Sec. 19. Minnesota Statutes 2010, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of identity and residence. An individual may prove identity and residence for purposes of registering by~~:~~ presenting documentation as permitted by section 200.035.

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

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

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

~~(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under~~

~~section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or~~

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

~~(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.~~

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

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

~~(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised~~

~~publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.~~

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

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

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

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

Sec. 20. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The address listed on the polling place roster must be the voter's address of residence, unless the voter has requested that the address printed on the roster be the voter's mailing address because the voter is a judge, or a law enforcement or corrections officer. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 21. Minnesota Statutes 2010, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

Subdivision 1. **Polling place roster.** (a) In precincts using paper rosters, an individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both." In precincts using electronic rosters, an individual seeking to vote shall sign a printed voter's receipt generated from an electronic roster that meets the standards provided in section 201.225, subdivision 2.

(b) ~~A judge may,~~ Before the applicant signs the roster or a printed voter's receipt generated from an electronic roster, a judge must: (1) require the voter to present a photo identification document, as described in subdivision 2; and (2) confirm the applicant's name, address, and date of birth. A voter who cannot produce sufficient identification as required by subdivision 2 may not sign the polling place roster, but may cast a provisional ballot, as provided in section 204C.135.

(c) In precincts using paper rosters, after the applicant signs the roster, the judge shall give the applicant a voter's receipt. In all precincts, the voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained ~~during the time for notice of filing an election contest~~ for 36 months following the date of the election.

Subd. 2. **Photo identification.** (a) To satisfy the photo identification requirement in subdivision 1, paragraph (b), a voter must present a valid form of one of the following documents or sets of documents, issued to the voter:

(1) a Minnesota driver's license, state identification card, or voter identification card issued under section 171.07 that contains the voter's current address of residence in the precinct;

(2)(i) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct; and

(ii) a driver's license, identification card, or a voter identification card that is expired or does not contain the voter's current address of residence in the precinct, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(3) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b); or

(4)(i) if the voter resides in a residential facility, a driver's license or identification card issued to the voter by the Department of Public Safety that contains the voter's photograph and address of residence prior to seeking the services of the residential facility, along with a certification of residence in the facility, signed by the facility's administrator on a form prescribed by the secretary of state; and

(ii) a "residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the commissioner of veterans affairs under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(b) An identification card presented under this section is not deficient for a lack of the voter's current address of residence in the precinct if the identification card contains the mailing address of the voter and that matches the address listed on the polling place roster.

Sec. 22. Minnesota Statutes 2010, section 204C.12, subdivision 3, is amended to read:

Subd. 3. **Determination of residence.** In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in

section 200.031. If the challenged individual's answers to the questions show ineligibility to vote in that precinct, the individual shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine ineligibility to vote in that precinct, the marked ballots shall be placed ~~unopened~~ with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall ~~verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall be allowed to vote~~ permit the voter to cast a provisional ballot, in the manner provided in section 204C.135.

Sec. 23. **[204C.135] PROVISIONAL BALLOTS.**

Subdivision 1. **Casting of provisional ballots.** (a) The following voters seeking to vote are entitled to cast a provisional ballot in the manner provided by this section:

(1) a voter who is unable to provide proper photo identification as required by section 204C.10;

(2) a voter whose registration status is listed as "challenged" on the polling place roster; and

(3) a voter whose eligibility to vote is challenged as permitted by section 204C.12.

(b) A voter seeking to vote a provisional ballot must sign a provisional ballot roster and complete a provisional ballot envelope. The envelope must contain a space for the voter to list the voter's name, address of residence, date of birth, voter identification number, and any other information prescribed by the secretary of state. The voter must also swear or affirm, in writing, that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

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

(c) The form of the secrecy and provisional ballot envelopes shall be prescribed by the secretary of state. The provisional ballot envelope must be a color other than that

provided for absentee ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."

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

Subd. 2. **Counting provisional ballots.** (a) A voter who casts a provisional ballot in the polling place may personally appear before the county auditor or municipal clerk no later than seven calendar days following the election to prove that the voter's provisional ballot should be counted. The county auditor or municipal clerk must count a provisional ballot in the final certified results from the precinct if:

(1) the statewide voter registration system indicates that the voter is eligible to vote or, if challenged, the voter presents evidence of the voter's eligibility to vote; and

(2) the voter presents proof of identity and residence in the precinct in the manner permitted by section 200.035.

(b) If a voter does not appear before the county auditor or municipal clerk within seven calendar days following the election or otherwise does not satisfy the requirements of paragraph (a), or if the data listed on the items of identification presented by the voter does not match the data submitted by the voter on the provisional ballot envelope, the voter's provisional ballot must not be counted.

(c) The county auditor or municipal clerk must notify, in writing, any provisional voter who does not appear within seven calendar days of the election that the voter's provisional ballot was not counted because of the voter's failure to appear before the county auditor or municipal clerk within the time permitted by law to determine whether the provisional ballot should be counted.

Subd. 3. **Provisional ballots; reconciliation.** Prior to counting any provisional ballots in the final vote totals from a precinct, the county auditor must verify that the number of signatures appearing on the provisional ballot roster from that precinct is equal to or greater than the number of accepted provisional ballots submitted by voters in the precinct on election day. Any discrepancy must be resolved before the provisional ballots from the precinct may be counted. Excess provisional ballots must be randomly withdrawn in the manner required by section 204C.20, subdivision 2, after the period for a voter to appear to prove residence and identity has expired and the ballots to be counted have been separated from the provisional ballot envelopes.

Sec. 24. Minnesota Statutes 2010, section 204C.14, is amended to read:

204C.14 UNLAWFUL VOTING; PENALTY.

No individual shall intentionally:

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

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

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

(d) give more than one ballot of the same kind and color to an election judge to be placed in a ballot box;

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

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

A violation of this section is a felony.

Sec. 25. Minnesota Statutes 2010, section 204C.32, is amended to read:

204C.32 CANVASS OF STATE PRIMARIES.

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

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

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

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

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

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

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report

for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Subd. 2. **State canvass.** The State Canvassing Board shall meet at the Secretary of State's Office ~~seven~~ 14 days after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors. The secretary of state shall mail to each nominee a notice of nomination.

Sec. 26. Minnesota Statutes 2010, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office between the ~~third~~ eighth and ~~tenth~~ 14th days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

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

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

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

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

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

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

precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

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

Sec. 27. Minnesota Statutes 2010, section 204C.37, is amended to read:

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

A copy of the report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report and the precinct summary statements must be sent by express mail or delivered to the secretary of state. If the copy is not received by the secretary of state within ten days following ~~the applicable election~~ a primary election, or within 16 days following a general election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 28. Minnesota Statutes 2010, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. On the ~~third~~ eighth day after the primary, the governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Sec. 29. Minnesota Statutes 2010, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between the ~~third~~ eighth and ~~tenth~~ 14th days after an election, the governing body of a

city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within ~~two~~ ten days after an election.

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

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

Sec. 30. Minnesota Statutes 2010, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. On the ~~third~~ eighth day after the primary, the school board of the school district shall canvass the returns, and the two candidates for each specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

Sec. 31. Minnesota Statutes 2010, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the ~~third~~ eighth and ~~tenth~~ 14th days after a school district election other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person

who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

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

Sec. 32. **[299A.707] STATE-SUBSIDIZED VOTER IDENTIFICATION CARD ACCOUNT.**

A state-subsidized voter identification card account is established in the special revenue fund. Money in the account is appropriated to the commissioner of public safety for purposes of providing state-subsidized voter identification cards to individuals qualifying under section 171.07, subdivision 3b. The commissioner of public safety must report to the legislature at least monthly by county on expenditure of funds from this account. A report of the total expenditures by county must be submitted to the members of the legislative committees with jurisdiction over elections by January 31 of each year.

Sec. 33. **TRANSFER.**

$75,000 in fiscal year 2012 and $1,106,000 in fiscal year 2013 are transferred from the vehicle services operating account in the special revenue fund to the state-subsidized voter identification card account in the special revenue fund.

Sec. 34. **EFFECTIVE DATE.**

This article is effective June 1, 2012, and applies to elections held on or after that date if, by that date, a law is finally enacted that increases filing fees on vehicle registration renewals and other vehicle transactions.

ARTICLE 2

ELECTION ADMINISTRATION AND INTEGRITY

Section 1. Minnesota Statutes 2010, section 135A.17, subdivision 2, is amended to read:

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, in an electronic format approved by the secretary of state, 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.

Sec. 2. **[200.05] RULES; LEGISLATIVE APPROVAL REQUIRED.**

Any administrative rule authorized by Minnesota election laws and adopted by the secretary of state shall not take effect until the rule has been enacted into law by the legislature and approved by the governor.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to rules adopted on or after that date.

Sec. 3. Minnesota Statutes 2010, section 201.021, is amended to read:

201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established, with a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The unique identifier shall be permanently assigned to the voter and may not be changed or reassigned to another voter. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

Sec. 4. Minnesota Statutes 2010, section 201.022, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique, permanent identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, voter identification card number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;

(11) provide access to municipal clerks to use the system;

(12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;

(13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, voter identification card numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~

(14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16; and

(15) provide reports on individuals who are not registered and believed to be ineligible to vote, to the extent permitted by federal law.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Sec. 5. Minnesota Statutes 2010, section 201.061, subdivision 4, is amended to read:

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. Before registering an individual to vote at the polling place, the election judge must review any list of absentee election day registrants provided by the county auditor or municipal clerk to see if the person has already voted by absentee ballot. If the person's name appears on the list, the election judge must not allow the individual to register or to vote in the polling place. The election judges shall also review the list of individuals believed to be ineligible to

vote using the electronic roster, or a paper list provided by the county auditor or municipal clerk. If an individual is on the challenged eligibility list maintained by the secretary of state, the elections official shall comply with section 201.197. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration application. Registration applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 6. Minnesota Statutes 2010, section 201.061, subdivision 7, is amended to read:

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.

Sec. 7. Minnesota Statutes 2010, section 201.071, subdivision 3, is amended to read:

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number ~~or~~, Minnesota state identification number, or voter identification card number, or if the voter has no current and valid Minnesota driver's license ~~or~~ number, Minnesota state identification number, or voter identification card number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. ~~Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient.~~ The election judges shall request an individual to correct a voter registration application if it is deficient or illegible. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality ~~may~~ shall attempt to obtain the date of birth for a voter registration application accepted prior to August 1, 1983, by a request to the voter ~~at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient~~.

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient for lack of any of these numbers.

Sec. 8. Minnesota Statutes 2010, section 201.081, is amended to read:

201.081 REGISTRATION FILES.

The statewide registration system is the official record of registered voters. The voter registration applications and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration applications and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this section. The county auditor may make photographic copies of voter registration applications in the manner provided by section 138.17.

A properly completed voter registration application that has been submitted to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least ~~22~~ 36 months after the date that the information on the application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the applications after retention for ~~22~~ 36 months in the manner provided by section 138.17.

Sec. 9. Minnesota Statutes 2010, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **Entry of registration information.** (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after

the election~~, unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met~~.

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

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

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

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

(f) The county auditor shall send a notice of incomplete registration to any voter whose name appears on the list and change the voter's status to "incomplete." A voter who receives a notice of incomplete registration from the county auditor may either provide the information required to complete the registration at least 21 days before the next election or at the polling place on election day.

Sec. 10. Minnesota Statutes 2010, section 201.121, subdivision 3, is amended to read:

Subd. 3. **Postelection sampling.** 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, but no later than January 1 of the following year, 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 and the secretary of state of the numbers by precinct. 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 number of notices reported under this subdivision to the secretary of state for the previous state general election by county and precinct.

Sec. 11. Minnesota Statutes 2010, section 201.171, is amended to read:

201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration under this section, but is not considered voting history ~~for the purpose of public information lists available under section 201.091, subdivision 4~~.

Sec. 12. **[201.197] CHALLENGED ELIGIBILITY LIST.**

(a) The secretary of state shall maintain an electronic database of individuals not registered and who are believed to be ineligible to vote under section 201.014, subdivision 2. The database may be maintained as a module of the statewide voter registration system, if permitted by federal law, or maintained as a separate database, and at a minimum must

include an individual's name, address of residence, date of birth, the reason the individual is believed to be ineligible to vote and, if available, the individual's driver's license or state identification card number, voter identification card number, or the last four digits of the individual's Social Security number. Entries in the database shall be compiled using data submitted to the secretary of state under this chapter, and other sources as the secretary may determine appropriate.

(b) An elections official processing a voter registration application must verify whether the individual listed on the application is included in the database of individuals known to be ineligible to vote. If the individual is listed in the database, the voter registration application may be accepted, but the voter's status must be listed as "challenged." An election judge processing a voter registration application submitted by a voter in a polling place on election day must verify the application using the electronic roster, or if the polling place does not have an electronic roster, using a paper list provided by the county auditor. A paper list used for verification in a polling place may be limited to only those individuals known to be residents of the county in which the precinct is located.

Sec. 13. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~22~~ 36 months following the election.

Sec. 14. Minnesota Statutes 2010, section 203B.04, subdivision 1, is amended to read:

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

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

(2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, and contains:

(1) the applicant's name and residence and mailing addresses~~.~~;

(2) the applicant's date of birth~~, and at least one of the following:~~;

(3) the applicant's Minnesota driver's license number, Minnesota state identification card number, or voter identification card number; and

(4) the last four digits of the applicant's Social Security number or a statement that the applicant does not have a Social Security number.

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

~~(2) Minnesota state identification card number;~~

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

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

To be approved, the application must state that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02, and must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.

Prior to approval, the county auditor or municipal clerk must verify that the Minnesota driver's license number, state identification card number, or voter identification card number submitted by an applicant is valid and assigned to that applicant. An application that contains a driver's license or identification card number that is invalid or not assigned to the applicant must be rejected. The county auditor or municipal clerk must also verify that the applicant does not appear on any lists of known ineligible voters maintained by the county auditor or municipal clerk, or provided to the county auditor or municipal clerk by the secretary of state. When verifying eligibility, the county auditor

or municipal clerk must use the same standards and process as used for individuals appearing in the polling place on election day, except that an applicant is not required to appear in person or present photo identification meeting the standards of section 204C.10, subdivision 2.

(c) An applicant's full date of birth, Minnesota driver's license ~~or~~ number, state identification number, voter identification card number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 15. Minnesota Statutes 2010, section 203B.04, subdivision 2, is amended to read:

Subd. 2. **Health care patient.** An eligible voter who on the day before an election becomes a resident or patient in a health care facility or hospital located in the municipality in which the eligible voter maintains residence may apply for absentee ballots on election day if the voter~~:~~

~~(a)~~ requests an application form by telephone from the municipal clerk not later than 5:00 p.m. on the day before election day~~; or~~

~~(b) submits an absentee ballot application to the election judges engaged in delivering absentee ballots pursuant to section 203B.11~~.

Sec. 16. Minnesota Statutes 2010, section 203B.06, subdivision 5, is amended to read:

Subd. 5. **Preservation of records.** An application for absentee ballots shall be dated by the county auditor or municipal clerk when it is received and shall be initialed when absentee ballots are mailed or delivered to the applicant. All applications shall be preserved by the county auditor or municipal clerk for ~~22~~ 36 months.

Sec. 17. Minnesota Statutes 2010, section 203B.121, subdivision 1, is amended to read:

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee

ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.

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

(c) A ballot board may only meet to perform its duties under this chapter during the period in which completed absentee ballots are accepted for an election. The time and place of each meeting must be scheduled, announced, and posted on the Web site of the governing body of the county, municipality, or school district at least 14 days prior to convening the first meeting of the ballot board for an election. If the governing body of the county, municipality, or school district does not have a Web site, the time and place of each meeting must be posted, in writing, on the principal bulletin board of the body. Meetings of the ballot board must be convened at the same time and in the same location. The ballot board must also meet on any day during which the county or municipal offices are open for the purposes of conducting election business prior to an election. A ballot board may not meet except during regularly scheduled meetings announced and posted as required by this paragraph.

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

Sec. 18. Minnesota Statutes 2010, section 204B.40, is amended to read:

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION; INSPECTION OF BALLOTS.

The county auditors, municipal clerks, and school district clerks shall retain all election materials returned to them after any election for at least ~~22~~ 36 months from the date of that election. All election materials involved in a contested election must be retained for ~~22~~ 36 months or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened, except as provided in this section, in a secure location. The county auditor, municipal clerk, or school district clerk shall not permit any voted ballots to be tampered with or defaced.

After the time for filing a notice of contest for an election has passed, the secretary of state may, for the purpose of monitoring and evaluating election procedures: (1)

open the sealed ballot envelopes and inspect the ballots for that election maintained by the county auditors, municipal clerks, or school district clerks; (2) inspect the polling place rosters and completed voter registration applications; or (3) examine other forms required in the Minnesota election laws for use in the polling place. No inspected ballot or document may be marked or identified in any manner. After inspection, all ballots must be returned to the ballot envelope and the ballot envelope must be securely resealed. Any other election materials inspected or examined must be secured or resealed. ~~No polling place roster may be inspected until the voting history for that precinct has been posted. No voter registration application may be inspected until the information on it has been entered into the statewide registration system.~~

Sec. 19. Minnesota Statutes 2010, section 204C.20, subdivision 1, is amended to read:

Subdivision 1. **Determination of proper number.** The election judges shall determine the number of ballots to be counted by ~~adding the number of return envelopes from accepted absentee ballots to the number of signed voter's certificates, or to the number of names entered in the election register~~ counting the number of original voter signatures contained in the polling place roster, or on voter's receipts generated from an electronic roster. The election judges may not count the number of voter receipts collected in the precinct as a substitute for counting original voter signatures unless the voter receipts contain the name, voter identification number, and signature of the voter to whom the receipt was issued. The election judges shall then remove all the ballots from the box. Without considering how the ballots are marked, the election judges shall ascertain that each ballot is separate and shall count them to determine whether the number of ballots in the box corresponds with the number of ballots to be counted.

Sec. 20. Minnesota Statutes 2010, section 204C.20, subdivision 2, is amended to read:

Subd. 2. **Excess ballots.** If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the

vote from being counted ~~and must not~~ but may be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 21. Minnesota Statutes 2010, section 204C.20, subdivision 4, is amended to read:

Subd. 4. **Ballots not counted; disposition.** When the final count of ballots agrees with the number of ballots to be counted, those ballots not counted shall be clearly marked "excess" on the front of the ballot and attached to a certificate made by the election judges which states the number of ballots not counted and why ~~the ballots~~ they were not counted. The certificate and uncounted ballots shall be sealed in a separate envelope ~~and returned to~~ clearly marked "excess ballots." The election judges shall sign their names over the envelope seal and return the ballots to the county auditor or municipal or school district clerk from whom they were received. Tabulation of vote totals from a precinct where excess ballots were removed from the ballot box shall be completed by the canvassing board responsible for certifying the election results from that precinct.

Sec. 22. Minnesota Statutes 2010, section 204C.20, is amended by adding a subdivision to read:

Subd. 5. **Applicability.** The requirements of this section apply regardless of the voting system or method of tabulation used in a precinct.

Sec. 23. Minnesota Statutes 2010, section 204C.23, is amended to read:

204C.23 SPOILED, DEFECTIVE, AND DUPLICATE BALLOTS.

(a) A ballot that is spoiled by a voter must be clearly marked "spoiled" by an election judge, placed in an envelope designated for spoiled ballots from the precinct, sealed, and returned as required by section 204C.25.

(b) A ballot that is defective to the extent that the election judges are unable to determine the voter's intent shall be marked on the back "Defective" if it is totally defective or "Defective as to .....," naming the office or question if it is defective only in part. Defective ballots must be placed in an envelope designated for defective ballots from the precinct, sealed, and returned as required by section 204C.25.

(c) A damaged or defective ballot that requires duplication must be handled as required by section 206.86, subdivision 5.

Sec. 24. Minnesota Statutes 2010, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

~~(a)~~ (1) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

~~(b)~~ (2) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes, the number of overvotes, and the number of defective ballots with respect to each office or question;

~~(c)~~ (3) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

(4) the number of ballots cast;

~~(d)~~ (5) the number of ~~individuals who voted at the election in the precinct~~ voter signatures contained on the polling place roster or on voter receipts generated by an electronic roster, which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

(6) the number of excess ballots removed by the election judges, as required by section 204C.20;

~~(e)~~ (7) the number of voters registering on election day in that precinct; and

~~(f)~~ (8) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 25. Minnesota Statutes 2010, section 206.86, subdivision 1, is amended to read:

Subdivision 1. ~~**At the voting location**~~ **Precinct polling locations; duties; reconciliation.** In precincts where an electronic voting system is used, as soon as the polls are closed the election judges shall secure the voting systems against further voting. They shall then open the ballot box and count the number of ~~ballot cards~~ ballots or envelopes containing ~~ballot cards~~ ballots that have been cast to determine that the number of ~~ballot cards~~ ballots does not exceed the number of ~~voters shown on~~ original voter signatures

contained in the ~~election register or registration file~~ polling place roster or on voter receipts generated from an electronic roster. The election judges may not count the number of voter receipts collected in the precinct as a substitute for counting original voter signatures unless the voter receipts contain the name, voter identification number, and signature of the voter to whom the receipt was issued. If there is an excess, the judges shall ~~seal the ballots in a ballot container and transport the container to the county auditor or municipal clerk who shall process the ballots in the same manner as paper ballots are processed in section 204C.20, subdivision 2, then enter the ballots into the ballot counter~~ proceed in the manner required for excess ballots under section 204C.20, subdivisions 2 to 4. The total number of voters must be entered on the forms provided. The judges shall next count the write-in votes and enter the number of those votes on forms provided for the purpose.

Sec. 26. Minnesota Statutes 2010, section 206.86, subdivision 2, is amended to read:

Subd. 2. **Transportation of ~~ballot cards~~ ballots.** The judges shall place all voted ~~ballot cards~~ ballots, excess ballots, defective ballots, and damaged ballots in the container provided for transporting them to the counting center. The container must be sealed and delivered immediately to the counting center by two judges who are not of the same major political party. The judges shall also deliver to the counting center in a suitable container the unused ~~ballot cards~~ ballots, the spoiled ballot envelope, and the ballot envelopes issued to the voters and deposited during the day in the ballot box.

Sec. 27. Minnesota Statutes 2010, section 209.021, subdivision 1, is amended to read:

Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made in the same manner as the service of summons in civil actions. The notice of contest must specify the grounds on which the contest will be made. The contestant shall serve notice of the contest on the parties enumerated in this section. Notice must be served and filed within five days after the canvass is completed in the case of a primary or special primary or within seven days after the canvass is completed in the case of a special or general election; except that:

(1) if a contest is based on a deliberate, serious, and material violation of the election laws which was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general or special election or within five days after the filing of the statements in the case of a primary or special primary~~.~~;

(2) if a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count; and

(3) if data or documents necessary to determine grounds for a contest, including but not limited to lists of the names of every voter who participated in an election, are not available to a candidate or the general public prior to the close of the period for filing a notice of contest under this section due to nonfeasance, malfeasance, or failure to perform duties within the time required by statute on the part of the secretary of state, a county auditor, or other state, county, or municipal election official, a notice of contest may be served and filed within seven days after the data or documents become available for inspection by the candidates and the general public.

Sec. 28. Minnesota Statutes 2010, section 209.06, subdivision 1, is amended to read:

Subdivision 1. **Appointment of inspectors.** After a contest has been instituted, either party may have ~~the ballots~~ all materials relating to the election, including, but not limited to, polling place rosters, voter registration applications, accepted absentee ballot envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct summary statements, printouts from voting machines, and precinct incident logs, inspected before preparing for trial. The party requesting an inspection shall file with the district court where the contest is brought a verified petition, stating that the case cannot properly be prepared for trial without an inspection of the ballots and other election materials and designating the precincts in which an inspection is desired. A judge of the court in which the contest is pending shall then appoint as many sets of three inspectors for a contest of any office or question as are needed to count and inspect the ballots expeditiously. One inspector must be selected by each of the parties to the contest and a third must be chosen by those two inspectors. If either party neglects or refuses to name an inspector, the judge shall appoint the inspector. The compensation of inspectors is the same as for referees, unless otherwise stipulated.

Sec. 29. Minnesota Statutes 2010, section 211B.11, subdivision 1, is amended to read:

Subdivision 1. **Soliciting near polling places.** A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person

may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on the day of a primary or election. A political badge, political button, or other political insignia may not be worn at or about the polling place on primary or election day if it is designed to influence voting for or against a particular candidate, political party, or question on the ballot at the election. This section applies to areas established by the county auditor or municipal clerk for absentee voting as provided in chapter 203B.

The secretary of state, county auditor, municipal clerk, or school district clerk may provide stickers which contain the words "I VOTED" and nothing more. Election judges may offer a sticker of this type to each voter who has signed the polling place roster or a voter's receipt.

Sec. 30. **REPEALER.**

Minnesota Statutes 2010, section 203B.04, subdivision 3, is repealed.

ARTICLE 3

ELECTRONIC ROSTERS

Section 1. Minnesota Statutes 2010, section 200.02, is amended by adding a subdivision to read:

Subd. 12a. **Polling place roster.** "Polling place roster" means the official lists used to record a voter's appearance in a polling place on election day, including the list of registered voters in the precinct, and the list of voters registering on election day. A polling place roster may be in a printed or electronic format, as permitted by section 201.225.

Sec. 2. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. A polling place roster provided in an electronic form must allow for a printed voter's receipt that meets the standards provided in section 201.225, subdivision 2. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges

for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~22~~ 36 months following the election.

Sec. 3. **[201.225] ELECTRONIC ROSTER; STANDARDS.**

Subdivision 1. **Certification of system.** (a) A precinct may have a secure electronic connection to the statewide voter registration system maintained by the secretary of state to transmit voter history and registration data. A precinct that uses an electronic roster must comply with this section and chapter 206A.

(b) Precincts may not use an electronic roster until the secretary of state has certified that the electronic roster system meets the minimum requirements in subdivision 2.

Subd. 2. **Minimum standards for electronic rosters.** At a minimum, an electronic roster must:

(1) be preloaded with data from the statewide voter registration system, including data on individuals known to be ineligible to vote;

(2) permit all voting information processed by any computer in a precinct to be immediately accessible to all other computers at all other connected precincts in the state;

(3) provide for a printed voter's receipt, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature;

(4) immediately alert the election judge if the statewide voter registration system indicates that a voter has already voted at the election in another polling place, is ineligible to vote, or the voter's registration status is challenged;

(5) automatically accept and input data from a scanned Minnesota driver's license or identification card and match the data to an existing voter registration record, and permit manual input of voter data, if necessary; and

(6) perform any other functions required for the efficient and secure administration of an election, as required by law.

Subd. 3. **Use of alternative roster.** Any precinct that opts not to use an electronic poll book must use an alternative roster that ensures election day registrations are subject to the same verification standards as defined in subdivision 2, clauses (1), (2), (3), and (6).

Sec. 4. Minnesota Statutes 2010, section 204B.14, subdivision 2, is amended to read:

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

(1) each city ward; and

(2) each town and each statutory city.

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

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

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters;

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

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

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

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

Sec. 5. Minnesota Statutes 2010, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster or printed voter's receipt, generated from an electronic roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than $10,000, or both."

(b) A judge may, before the applicant signs the roster or receipt, confirm the applicant's name, address, and date of birth.

(c) In precincts where a paper roster is used, after the applicant signs the roster, the judge shall give the applicant a voter's receipt. Regardless of the form of roster used, a voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained ~~during the time for notice of filing an election contest~~ for 36 months following the date of the election.

Sec. 6. Minnesota Statutes 2010, section 204C.12, subdivision 4, is amended to read:

Subd. 4. **Refusal to answer questions or sign a polling place roster.** A challenged individual who refuses to answer questions or sign a polling place roster or voter's receipt as required by this section must not be allowed to vote. A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster or voter's receipt must not be allowed to vote.

Sec. 7. Minnesota Statutes 2010, section 204D.24, subdivision 2, is amended to read:

Subd. 2. **Voter registration.** An individual may register to vote at a special primary or special election at any time before the day that the polling place rosters for the special primary or special election are ~~prepared~~ finally secured by the secretary of state for the election. The secretary of state shall provide the county auditors with notice of this date at least seven days before the ~~printing of the~~ rosters are secured. This subdivision does not apply to a special election held on the same day as the state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 8. **[206A.01] APPLICABILITY.**

This chapter applies only to precincts that use electronic rosters. In these precincts, it applies to each designated election official who transmits election records via teleprocessing lines to a centralized electronic roster maintained by the secretary of state for the purpose of conducting an election and compiling complete returns.

Sec. 9. **[206A.02] DEFINITIONS.**

Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

Subd. 2. **Designated election official.** "Designated election official" means the county auditor.

Subd. 3. **Elector data.** "Elector data" means voting information, including, but not limited to, voter registration, voting history, and voting tabulations.

Subd. 4. **Electronic roster.** "Electronic roster" is a list of eligible electors in electronic format who are permitted to vote at a polling place in an election conducted under the Minnesota Election Law, which shall be processed by a computer at a precinct to be immediately accessible to all other computers at all precincts in the state.

Subd. 5. **Teleprocessing lines.** "Teleprocessing lines" means secure, dedicated communication transmission facilities used for the purpose of transferring elector data between precincts and a centralized computerized roster maintained by the secretary of state, to ensure the security and integrity of voting information so that no deviation can go undetected.

Sec. 10. **[206A.03] MINIMUM CONTINGENCY AND SECURITY PROCEDURES.**

(a) The designated election official shall establish written security procedures covering the transference of precinct teleprocessing information. The procedures must include:

(1) security covering the transmission of elector data processed through the electronic roster and reconciliation of the registration and history of voters casting ballots in a precinct; and

(2) contingency procedures for network and power failure. The procedures must, at a minimum, include procedures to address all single point failures including:

(i) network failure;

(ii) power failure that lasts less than one hour; and

(iii) power failure that lasts more than one hour.

(b) Acceptable alternatives for addressing power or system failures include either:

(1) a paper backup of the roster with the minimum information required to verify a voter's eligibility; or

(2) a sufficient number of computers per precinct to ensure that the voter check-in continues in an efficient manner. The computers must have the ability to function on batteries or an external power source for up to two hours.

(c) Each computer must have an electronic backup of the current roster in one of the following formats:

(1) a portable document file (PDF);

(2) a spreadsheet; or

(3) a database with a basic look-up interface.

In addition to acceptable backup roster procedures, the security procedures must address contingency procedures to protect against activities such as voting more than once in an election by a single voter.

Sec. 11. **[206A.04] MINIMUM STANDARDS FOR DATA ENCRYPTION.**

(a) The designated election official shall submit to the secretary of state evidence that the connection to an electronic roster is secure including details concerning encryption methodology. In addition, the electronic roster must meet or exceed the standards provided for in this section.

(b) Proven, standard algorithms must be used as the basis for encryption technologies.

(c) If an electronic roster utilizes a Virtual Private Network (VPN), the following apply:

(1) it is the responsibility of the county to ensure that unauthorized users are not allowed access to internal networks;

(2) VPN use is to be controlled using either a onetime password authentication such as a token device or a public/private key system with a strong passphrase;

(3) when actively connected to the network, VPNs must force all traffic to and from the computer over the VPN tunnel and all other traffic must be dropped;

(4) dual (split) tunneling is not permitted; only one network connection is allowed;

(5) VPN gateways must be set up and managed by the county or its designee;

(6) all computers connected to internal networks via VPN or any other technology must use up-to-date antivirus software; and

(7) the VPN concentrator is limited to an absolute connection time of 24 hours.

Sec. 12. **[206A.05] MINIMUM ELECTRONIC ROSTER TRANSACTION REQUIREMENTS.**

Subdivision 1. **Standards.** (a) The electronic roster system connection must contain enough bandwidth to handle the processing time, taking into account secured transaction method, for any computer on the system as follows:

(1) a maximum of five seconds to update voter activity;

(2) a maximum of 1.5 seconds to process a voter inquiry by identification number; and

(3) a maximum of 45 seconds for session startup and password verification.

(b) The designated election official shall include in the security plan the system data transfer requirements to completely process a single voter record. This must include at least the following:

(1) the data stream information on both sending and receiving data for all points of the transaction until the transaction is complete;

(2) information on all points where the connection is closed and the data stream released between the remote computer and the server; and

(3) the proposed method of securing transmissions across public networks.

(c) The designated election official shall submit in the security plan a detailed list of all precincts, with a proposed number of workstations connecting to the database and the proposed connection, including bandwidth and security, for each location.

Sec. 13. **[206A.06] ELECTRONIC ROSTER PREELECTION TESTING PROCEDURES.**

(a) The electronic roster application must be tested to ensure that it meets the minimum system requirements prior to the first election in which it is used. The application must also be tested after the implementation of any system modifications. The county shall indicate in the subsequent security plan whether such retesting has occurred.

(b) The test must, at a minimum, include the following:

(1) a load test must be demonstrated through either 60 percent of actual computers running at proposed bandwidth and security settings, or by simulating a load test;

(2) a contingency/failure test must be demonstrated and documented illustrating the effects of failures identified in section 206A.03; and

(3) all tests must be conducted with clients and servers in normal, typical, deployed operating mode.

(c) All records and documentation of the testing must be retained by the designated election official for a period of 36 months as part of the election record. The testing record and documentation must include, but is not limited to, the following:

(1) a formal test plan containing all test scripts used:

(i) the test plan must include test environment containing make, model, type of hardware, and software versions used in testing; and

(ii) the test plan must also include the number of client computers, servers, and physical locations involved in testing;

(2) test logs of all events that were observed during testing, including:

(i) the sequence of actions necessary to set up the tests;

(ii) the actions necessary to start the tests;

(iii) the actions taken during the execution of the tests;

(iv) any measurements taken or observed during the tests;

(v) any actions necessary to stop or shut down the tests;

(vi) any actions necessary to bring the tests to a halt; and

(vii) any actions necessary or taken to deal with anomalies experienced during testing;

(3) performance logs and reports taken from both servers and workstations during the testing which contain performance information of:

(i) network usage (bandwidth);

(ii) processor utilization;

(iii) Random Access Memory (RAM) utilization; and

(iv) any additional performance monitoring reports necessary to explain the process taken and to support the findings of the tests; and

(4) all test logs must contain the date, time, operator, test status or outcome, and any additional information to assist the secretary of state in making a determination.

Sec. 14. **[206A.07] MINIMUM NUMBER OF COMPUTERS REQUIRED FOR PRECINCTS EMPLOYING ELECTRONIC POLL BOOKS.**

Counties shall allocate a minimum of two computers to each precinct employing electronic poll books. The minimum computers required shall be on site at each precinct.

Sec. 15. **[206A.08] WRITTEN PROCEDURES AND REPORTS.**

(a) Written procedures and reports required by this chapter must be submitted to the secretary of state for approval no later than 60 days before the election. The secretary of

state shall either approve the procedures as submitted or notify the designated election official of recommended changes.

(b) If the secretary of state rejects or approves the written procedures, the secretary of state shall provide written notice of the rejection or approval, including specifics of noncompliance with this chapter within 15 days of receiving the written procedures.

(c) If the secretary of state rejects the written procedures, the designated election official shall submit a revised procedure within 15 days.

(d) The secretary of state shall permit the filing of the revised procedures at a later date if it is determined that compliance with the 15-day requirement is impossible.

Sec. 16. **LEGISLATIVE TASK FORCE ON ELECTRONIC ROSTER IMPLEMENTATION.**

Subdivision 1. **Creation.** The Legislative Task Force on Electronic Roster Implementation consists of the following 17 members:

(1) one member of the house of representatives appointed by the speaker of the house;

(2) one member who served as a head election judge affiliated with the speaker's political party at the 2010 state general election appointed by the speaker of the house;

(3) one member of the house of representatives appointed by the minority leader of the house of representatives;

(4) one member who served as head election judge affiliated with the minority leader's political party at the 2010 state general election appointed by the minority leader of the house of representatives;

(5) one member of the senate appointed by the majority leader of the senate;

(6) one member who served as a head election judge affiliated with the majority leader's political party at the 2010 state general election appointed by the majority leader of the senate;

(7) one member of the senate appointed by the minority leader of the senate;

(8) one member who served as a head election judge affiliated with the minority leader's political party at the 2010 state general election appointed by the minority leader of the senate;

(9) three members who are county head election judges appointed by the Minnesota Association of County Auditors, one of whom shall be from a representative county with a large population, one of whom shall be from a representative county with an average-sized population, and one of whom shall be from a representative county with a small population, as defined by the association;

(10) one member who is a township head elections administrator appointed by the Minnesota Association of Townships;

(11) one member who is a municipal head elections administrator appointed by the League of Minnesota Cities;

(12) one member who is experienced in election administration, appointed by the Minnesota School Boards Association;

(13) the secretary of state, or the secretary's designee;

(14) the director of information and technology in the Office of the Secretary of State; and

(15) the Chief Information Officer of the state of Minnesota, or the chief's designee.

Subd. 2. **Duties.** (a) The Legislative Task Force on Electronic Roster Implementation shall facilitate development and implementation of electronic rosters for use in elections, as required by this article.

(b) The task force shall:

(1) study and recommend options for hardware that meets the standards for use in a precinct as provided in Minnesota Statutes, chapter 206A;

(2) study and facilitate implementation of software updates, add-ons, or other changes to the statewide voter registration system that may be necessary to allow the system to function as a networked database within or between precincts as required by Minnesota Statutes, chapter 206A; and

(3) recommend to the legislature any additional changes to law that may be necessary to implement the requirements of this article.

(c) Factors that must be considered by the task force in carrying out its duties include, but are not limited to:

(1) ease of equipment use by election administrators, election judges, and voters;

(2) cost-effectiveness;

(3) feasibility of available technologies within precincts;

(4) the security, integrity, and reliability of the electronic roster system and its impact on the security, integrity, and reliability of the election; and

(5) minimum standards for equipment and software functionality as provided by law.

(d) The task force shall submit a report to the legislature on its activities and recommendations no later than December 1, 2011.

Subd. 3. **Administrative provisions.** (a) The director of the Legislative Coordinating Commission shall convene the first meeting of the task force no later than July 1, 2011, or within 30 days of enactment of this section, whichever is later, and shall provide staff as necessary to support the work of the task force.

(b) The member of the house of representatives appointed by the speaker of the house shall serve as the chair of the task force.

(c) Meetings of the task force are subject to Minnesota Statutes, chapter 13D, except that a meeting may be closed to discuss proprietary data or other data that is protected by law.

Subd. 4. **Deadline for appointments.** Appointments required by this section shall be made within 21 days of enactment of this article.

Subd. 5. **Expiration.** The task force expires after the submission of the report required under subdivision 2.

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

Sec. 17. **APPROPRIATION.**

(a) The following amounts are appropriated from the funds and in the fiscal years indicated to the secretary of state for the purposes of paragraph (b):

(1) $2,500,000 in fiscal year 2012 is from the Help America Vote Act account; and

(2) $750,000 in fiscal year 2012 and $750,000 in fiscal year 2013 are from the general fund.

Money appropriated under this section in fiscal year 2012 is available in fiscal year 2013. The base general fund budget appropriation for the purposes of paragraph (b) is $750,000 in fiscal year 2014 and $750,000 in fiscal year 2015.

(b) Money appropriated under this section is for:

(1) equipment and upgrades for the statewide voter registration system to serve as the electronic roster system required by this article, including the development and programming of an additional module within the system, if necessary; and

(2) voter education efforts related to the implementation of photo identification requirements contained in article 1.

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

Sec. 18. **EFFECTIVE DATE.**

Except where otherwise provided, this article is effective August 14, 2012, and applies to elections held on or after that date.

ARTICLE 4

RECOUNTS

Section 1. Minnesota Statutes 2010, section 204C.38, is amended to read:

204C.38 CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES AGREE.

Subdivision 1. **Errors of election judges.** If the candidates for an office unanimously agree in writing that the election judges in any precinct have made an obvious error in the counting or recording of the votes for that office, they shall deliver the agreement to the county auditor of that county who shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. **Errors of county canvassing board.** If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Subd. 3. **Errors of State Canvassing Board.** If the candidates for an office unanimously agree in writing that the State Canvassing Board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the State Canvassing Board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the State Canvassing Board, the State Canvassing Board and the secretary of state shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Sec. 2. **[204E.01] APPLICABILITY.**

This chapter establishes procedures for the conduct of all automatic and discretionary recounts provided for in law.

Sec. 3. **[204E.02] RECOUNT OFFICIALS.**

(a) The secretary of state or the secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or the county

auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or the county auditor's designee shall conduct recounts for county offices. The municipal clerk or the municipal clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or the school district clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in section 205A.10, subdivision 5.

(b) A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as recount official is a candidate or is the employee or other subordinate, spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount.

(c) As used in this chapter, "legal adviser" means counsel to the recount official and the canvassing board for the office being recounted.

Sec. 4. **[204E.03] SCOPE OF RECOUNTS.**

A recount conducted as provided in this chapter is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

Sec. 5. **[204E.04] FEDERAL, STATE, AND JUDICIAL RACES.**

Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office is:

(1) less than one-half of one percent of the total number of votes counted for that nomination; or

(2) ten votes or less and the total number of votes cast for the nomination is 400 votes or less,

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office is:

(1) less than one-half of one percent of the total number of votes counted for that office; or

(2) ten votes or less if the total number of votes cast for the office is 400 votes or less, the canvassing board shall manually recount the votes.

(c) Time for notice of a contest for an office recounted under this section begins to run upon certification of the results of the recount by the canvassing board, or as otherwise provided in section 209.021.

(d) A losing candidate may waive a recount required by this section by filing a written notice of waiver with the canvassing board.

Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes must be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state or designees and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(d) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(e) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Sec. 6. **[204E.05] RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND MUNICIPAL ELECTIONS.**

Subdivision 1. **Required recounts.** (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent of the total votes counted for that office. In case 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.

(b) 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 votes 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.

(c) 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 must be filed during the time for notice of contest of the primary or election for which a recount is sought.

(d) 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.

Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount in the

manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by subdivision 1. The votes must be manually recounted as provided in this section if the requesting candidate files with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by the governing body of the jurisdiction or the school board of the school district for the payment of the recount expenses.

(b) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by this paragraph.

(c) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(d) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Subd. 5. **Notice of contest.** Except as otherwise provided in section 209.021, the time for notice of contest of a nomination or election to an office which is recounted pursuant to this section begins to run upon certification of the results of the recount by the appropriate canvassing board or governing body.

Sec. 7. **[204E.06] NOTICE.**

Within 24 hours after determining that an automatic recount is required or within 48 hours of receipt of a written request for a recount and filing of a security deposit if one is required, the official in charge of the recount shall send notice to the candidates for the office to be recounted and the county auditor of each county wholly or partially within the election district. The notice must include the date, starting time, and location of the recount, the office to be recounted, and the name of the official performing the recount. The notice must state that the recount is open to the public and, in case of an automatic recount, that the losing candidate may waive the recount.

Sec. 8. **[204E.07] SECURING BALLOTS AND MATERIALS.**

(a) The official who has custody of the voted ballots is responsible for keeping secure all election materials. Registration cards of voters who registered on election day may be processed as required by rule. All other election materials must be kept secure by precinct as returned by the election judges until all recounts have been completed and until the time for contest of election has expired.

(b) Any candidate for an office to be recounted may have all materials relating to the election, including, but not limited to, polling place rosters, voter registration applications, accepted absentee ballot envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct summary statements, printouts from voting machines, and precinct incident logs inspected before the canvassing board may certify the results of the recount.

Sec. 9. **[204E.08] FACILITIES AND EQUIPMENT.**

All recounts must be accessible to the public. In a multicounty recount the secretary of state may locate the recount in one or more of the election jurisdictions or at the site of the canvassing board. Each election jurisdiction where a recount is conducted shall make available, without charge to the recount official or body conducting the recount, adequate accessible space and all necessary equipment and facilities.

Sec. 10. **[204E.09] GENERAL PROCEDURES.**

At the opening of a recount, the recount official or legal adviser shall present the procedures contained in this section for the recount. The custodian of the ballots shall make available to the recount official the precinct summary statements, the precinct boxes or the sealed containers of voted ballots, and any other election materials requested by the recount official. If the recount official needs to leave the room for any reason, the recount official must designate a deputy recount official to preside during the recount official's absence. A recount official must be in the room at all times. The containers of voted ballots must be unsealed and resealed within public view. No ballots or election materials may be handled by candidates, their representatives, or members of the public. There must be an area of the room from which the public may observe the recount. Cell phones and video cameras may be used in this public viewing area, as long as their use is not disruptive. The recount official shall arrange the counting of the ballots so that the candidates and their representatives may observe the ballots as they are recounted. Candidates may each have one representative observe the sorting of each precinct. One additional representative per candidate may observe the ballots when they have been sorted and are being counted pursuant to section 204E.10. Candidates may have additional representatives in the public viewing area of the room. If other election materials are handled or examined by the recount officials, the candidates and their representatives may observe them. The recount official shall ensure that public observation does not interfere with the counting of the ballots. The recount official shall prepare a summary of the recount vote by precinct.

Sec. 11. **[204E.10] COUNTING AND CHALLENGING BALLOTS.**

Subdivision 1. **Breaks in counting process.** Recount officials may not take a break for a meal or for the day prior to the completion of the sorting, counting, review, and labeling of challenges, and secure storage of the ballots for any precinct. All challenged ballots must be stored securely during breaks in the counting process.

Subd. 2. **Sorting ballots.** Ballots must be recounted by precinct. The recount official shall open the sealed container of ballots and recount them in accordance with section 204C.22. The recount official must review each ballot and sort the ballots into

piles based upon the recount official's determination as to which candidate, if any, the voter intended to vote for: one pile for each candidate that is the subject of the recount and one pile for all other ballots.

Subd. 3. **Challenge.** During the sorting, a candidate or candidate's representative may challenge the ballot if the candidate's representative disagrees with the recount official's determination of the person for whom the ballot should be counted and whether there are identifying marks on the ballot. At a recount of a ballot question, the manner in which a ballot is counted may be challenged by the person who requested the recount or that person's representative. Challenges may not be automatic or frivolous and the challenger must state the basis for the challenge pursuant to section 204C.22. Challenged ballots must be placed into separate piles, one for ballots challenged by each candidate. Only the canvassing board with responsibility to certify the results of the recount has the authority to declare a challenge to be "frivolous."

Subd. 4. **Counting ballots.** Once ballots have been sorted, the recount officials must count the piles using the stacking method described in section 204C.21. A candidate or candidate's representative may immediately request to have a pile of 25 counted a second time if there is not agreement as to the number of votes in the pile.

Subd. 5. **Reviewing and labeling challenged ballots.** After the ballots from a precinct have been counted, the recount official may review the challenged ballots with the candidate or the candidate's representative. The candidate's representative may choose to withdraw any challenges previously made. The precinct name, the reason for the challenge, and the name of the person challenging the ballot or the candidate that person represents, and a sequential number must be marked on the back of each remaining challenged ballot before it is placed in an envelope marked "Challenged Ballots." After the count of votes for the precinct has been determined, all ballots except the challenged ballots must be resealed in the ballot envelopes and returned with the other election materials to the custodian of the ballots. The recount official may make copies of the challenged ballots. After the count of votes for all precincts has been determined during that day of counting, the challenged ballot envelope must be sealed and kept secure for presentation to the canvassing board.

Sec. 12. **[204E.11] RESULTS OF RECOUNT; TIE VOTES.**

Subdivision 1. **Certification of results.** The recount official shall present the summary statement of the recount and any challenged ballots to the canvassing board. The candidate or candidate's representative who made the challenge may present the basis for the challenge to the canvassing board. The canvassing board shall rule on the

challenged ballots and incorporate the results into the summary statement. The canvassing board shall certify the results of the recount. Challenged ballots must be returned to the election official who has custody of the ballots.

Subd. 2. **Tie votes.** In case of a tie vote for nomination or election to an office, the canvassing board with the responsibility for declaring the results for that office shall determine the tie by lot.

Sec. 13. **[204E.12] SECURITY DEPOSIT.**

When a bond, cash, or surety for recount expenses is required by section 204E.04 or 204E.05, the governing body or recount official shall set the amount of the security deposit at an amount which will cover expected recount expenses. In multicounty districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting an administrative recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

Sec. 14. **REVISOR'S INSTRUCTION.**

Except where otherwise amended by this article, the revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
204C.34	204E.11, subdivision 2
204C.35	204E.04
204C.36	204E.05

Sec. 15. **REPEALER.**

Minnesota Statutes 2010, sections 204C.34; 204C.35; 204C.36; and 204C.361, are repealed.

Sec. 16. **EFFECTIVE DATE.**

This article is effective June 1, 2011, and applies to recounts conducted on or after that date.

APPENDIX
Article locations in s0509-5

ARTICLE 1	VOTER REGISTRATION, PHOTO IDENTIFICATION, AND PROVISIONAL BALLOTING	Page.Ln 1.27
ARTICLE 2	ELECTION ADMINISTRATION AND INTEGRITY	Page.Ln 23.25
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ARTICLE 4	RECOUNTS	Page.Ln 50.1