

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-SEVENTH LEGISLATURE**      **S.F. No. 509**

(SENATE AUTHORS: LIMMER, Newman, Gazelka and Vandev eer)

DATE	D-PG	OFFICIAL STATUS
02/28/2011	309	Introduction and first reading Referred to Local Government and Elections
03/21/2011	555a	Comm report: To pass as amended and re-refer to Transportation
04/11/2011	1251a 1259	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans Rule 12.10: report of votes in committee
04/14/2011	1332a 1337	Comm report: To pass as amended and re-refer to Judiciary and Public Safety Rule 12.10: report of votes in committee
04/18/2011	1383a 1384	Comm report: To pass as amended and re-refer to Finance Rule 12.10: report of votes in committee
04/26/2011	1400a	Comm report: To pass as amended and re-refer to Rules and Administration
04/27/2011	1430 1431	Comm report: To pass Second reading
04/28/2011	1452 1452	Special Order Third reading Passed
05/09/2011	1775 1776	Returned from House with amendment Laid on table
05/10/2011	1921 1957	Taken from table Senate not concur, conference committee of 5 requested
05/11/2011	1967	Senate conferees Limmer; Newman; Vandev eer; Gazelka; Chamberlain
05/18/2011	2733c 2780	House conferees Kiffmeyer; Benson, M.; Downey; Sanders; Dittrich Conference committee report, delete everything Senate adopted CC report and repassed bill Third reading
05/21/2011	3066	House adopted SCC report and repassed bill

A bill for an act

relating to elections; requiring voters to provide picture identification before receiving a ballot; providing for the issuance of identification cards at no charge; establishing a procedure for provisional balloting; specifying other election administration procedures; requiring use of electronic polling place rosters; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 135A.17, subdivision 2; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 7; 201.071, subdivision 3; 201.081; 201.091, subdivision 4; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14, subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.15, subdivision 1; 204C.20, subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1; 204C.38; 204D.24, subdivision 2; 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; proposing coding for new law as Minnesota Statutes, chapters 204E; 206A; repealing Minnesota Statutes 2010, sections 204B.36, subdivision 5; 204C.34; 204C.35; 204C.36; 204C.361; Minnesota Rules, parts 8235.0200; 8235.0300; 8235.0400; 8235.0600; 8235.0700; 8235.0800; 8235.1100; 8235.1200.

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

**ARTICLE 1**

**VOTER REGISTRATION, PHOTO IDENTIFICATION, AND  
PROVISIONAL BALLOTING**

Section 1. **[200.035] DOCUMENTATION OF IDENTITY AND RESIDENCE.**

The following documents 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:

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

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

2.8 (3) an original receipt issued to the voter by the Department of Public Safety for a  
2.9 new, renewed, or updated driver's license or identification card that contains the voter's  
2.10 current address of residence in the precinct along with one of the following documents,  
2.11 provided that it contains a photograph of the voter:

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

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

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

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

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

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

2.28 **Sec. 2. [201.017] STATE-SUBSIDIZED IDENTIFICATION.**

2.29 **Subdivision 1. Issuance of identification cards.** (a) The Department of Public  
2.30 Safety shall provide a Minnesota identification card as described in section 171.07,  
2.31 subdivision 3, to any applicant who is eligible to vote in Minnesota and who does not  
2.32 possess a valid Minnesota driver's license or state identification card. The department  
2.33 may not require the applicant to pay a fee for issuance of an identification card under  
2.34 this section. A state-subsidized identification card may only be applied for at a driver's  
2.35 licensing facility operated by the Division of Driver and Vehicle Services.

3.1 (b) Upon application for a state-subsidized identification card, including upon  
3.2 application for a renewal, duplicate card, or when a new card is required as a result of  
3.3 a change of address, an applicant must present verification that the applicant is at least  
3.4 18 years of age, is a citizen of the United States, and will have maintained residence in  
3.5 Minnesota for at least 20 days immediately preceding the next election.

3.6 Subd. 2. **State-subsidized identification card account.** A state-subsidized  
3.7 identification card account is established in the special revenue fund. Money in the  
3.8 account shall be appropriated by law to the Department of Public Safety for purposes of  
3.9 providing state-subsidized identification cards to individuals qualifying under this section.  
3.10 The commissioner of public safety must report to the legislature at least monthly on  
3.11 expenditure of funds from this account.

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

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

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

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

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

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

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

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

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4.1 ~~the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation~~  
4.2 ~~does not apply to an employee of a residential facility described in this clause. The~~  
4.3 ~~secretary of state shall provide a form for election judges to use in recording the number~~  
4.4 ~~of individuals for whom a voter signs proof-of-residence oaths on election day. The~~  
4.5 ~~form must include space for the maximum number of individuals for whom a voter may~~  
4.6 ~~sign proof-of-residence oaths. For each proof-of-residence oath, the form must include~~  
4.7 ~~a statement that the voter is registered to vote in the precinct, personally knows that the~~  
4.8 ~~individual is a resident of the precinct, and is making the statement on oath. The form must~~  
4.9 ~~include a space for the voter's printed name, signature, telephone number, and address.~~

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

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

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

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

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

4.34 ~~(2) presenting an identification card issued by the tribal government of a tribe~~  
4.35 ~~recognized by the Bureau of Indian Affairs, United States Department of the Interior, that~~

5.1 ~~contains the name, signature, and picture of the individual and also presenting one of the~~  
5.2 ~~documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.~~

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

5.6 Sec. 4. Minnesota Statutes 2010, section 204C.10, is amended to read:

5.7 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**  
5.8 **REGISTRATION.**

5.9 Subdivision 1. Polling place roster. (a) An individual seeking to vote shall sign a  
5.10 polling place roster which states that the individual is at least 18 years of age, a citizen  
5.11 of the United States, has resided in Minnesota for 20 days immediately preceding the  
5.12 election, maintains residence at the address shown, is not under a guardianship in which  
5.13 the court order revokes the individual's right to vote, has not been found by a court of  
5.14 law to be legally incompetent to vote or has the right to vote because, if the individual  
5.15 was convicted of a felony, the felony sentence has expired or been completed or the  
5.16 individual has been discharged from the sentence, is registered and has not already voted  
5.17 in the election. The roster must also state: "I understand that deliberately providing false  
5.18 information is a felony punishable by not more than five years imprisonment and a fine of  
5.19 not more than \$10,000, or both."

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

5.25 (c) After the applicant signs the roster, the judge shall give the applicant a voter's  
5.26 receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof  
5.27 of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The  
5.28 voters' receipts must be maintained ~~during the time for notice of filing an election contest~~  
5.29 for 36 months following the date of the election.

5.30 Subd. 2. Photo identification. To satisfy the photo identification requirement in  
5.31 subdivision 1, a voter must present a valid form of one of the following documents or sets  
5.32 of documents, issued to the voter:

5.33 (1) a Minnesota driver's license or identification card that contains the voter's current  
5.34 address of residence in the precinct, issued under section 171.07 or 201.017;

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6.1 (2)(i) an original receipt for a new, renewed, or updated driver's license or  
6.2 identification card issued under section 171.07 or 201.017 that contains the voter's current  
6.3 address of residence in the precinct; and

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

6.7 (3) an identification card issued by the tribal government of a tribe recognized by  
6.8 the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current  
6.9 address of residence in the precinct, and all other items of data contained on a Minnesota  
6.10 identification card, as provided in section 171.07, subdivision 3.

6.11 Sec. 5. Minnesota Statutes 2010, section 204C.12, subdivision 3, is amended to read:

6.12 Subd. 3. **Determination of residence.** In determining the legal residence of a  
6.13 challenged individual, the election judges shall be governed by the principles contained in  
6.14 section 200.031. If the challenged individual's answers to the questions show ineligibility  
6.15 to vote in that precinct, the individual shall not be allowed to vote. If the individual has  
6.16 marked ballots but not yet deposited them in the ballot boxes before the election judges  
6.17 determine ineligibility to vote in that precinct, the marked ballots shall be placed ~~unopened~~  
6.18 with the spoiled ballots. If the answers to the questions fail to show that the individual is  
6.19 not eligible to vote in that precinct and the challenge is not withdrawn, the election judges  
6.20 shall ~~verbally administer the oath on the voter certificate to the individual. After taking the~~  
6.21 ~~oath and completing and signing the voter certificate, the challenged individual shall be~~  
6.22 ~~allowed to vote~~ permit the voter to cast a provisional ballot, in the manner provided in  
6.23 section 204C.135.

6.24 Sec. 6. **[204C.135] PROVISIONAL BALLOTS.**

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

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

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

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

6.32 (b) A voter seeking to vote a provisional ballot must sign a provisional ballot roster  
6.33 and complete a provisional ballot envelope. The envelope must contain a space for the  
6.34 voter to list the voter's name, address of residence, date of birth, voter identification

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7.1 number, and any other information prescribed by the secretary of state. The voter must  
7.2 also swear or affirm, in writing, that the voter is eligible to vote, has not voted previously  
7.3 in the same election, and meets the criteria for registering to vote in the precinct in which  
7.4 the voter appears.

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

7.12 (c) The form of the secrecy and provisional ballot envelopes shall be prescribed by  
7.13 the secretary of state. The provisional ballot envelope must be a color other than that  
7.14 provided for absentee ballot envelopes and must be prominently labeled "Provisional  
7.15 Ballot Envelope."

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

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

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

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

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

7.33 (c) The county auditor or municipal clerk must notify, in writing, any provisional  
7.34 voter who does not appear within seven calendar days of the election that their provisional  
7.35 ballot was not counted because of the voter's failure to appear before the county auditor or

8.1 municipal clerk within the time permitted by law to determine whether the provisional  
8.2 ballot should be counted.

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

8.12 Sec. 7. Minnesota Statutes 2010, section 204C.14, is amended to read:

8.13 **204C.14 UNLAWFUL VOTING; PENALTY.**

8.14 No individual shall intentionally:

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

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

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

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

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

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

8.26 A violation of this section is a felony.

8.27 Sec. 8. **APPROPRIATION.**

8.28 \$..... is appropriated for fiscal years 2012 and 2013 to the state-subsidized  
8.29 identification card account for purposes of providing state-subsidized identification cards  
8.30 to individuals qualifying under Minnesota Statutes, section 201.017.

8.31 Sec. 9. **EFFECTIVE DATE.**

8.32 This article is effective June 1, 2012, and applies to elections held on or after that  
8.33 date.



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 the Minnesota Election Law and promulgated 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 before, 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.35           Sec. 5. Minnesota Statutes 2010, section 201.061, subdivision 7, is amended to read:

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

11.6 Sec. 6. Minnesota Statutes 2010, section 201.071, subdivision 3, is amended to read:

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

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

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

11.29 Sec. 7. Minnesota Statutes 2010, section 201.081, is amended to read:

11.30 **201.081 REGISTRATION FILES.**

11.31 The statewide registration system is the official record of registered voters. The voter  
11.32 registration applications and the terminal providing access to the statewide registration  
11.33 system must be under the control of the county auditor or the public official to whom the  
11.34 county auditor has delegated the responsibility for maintaining voter registration records.

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12.1 The voter registration applications and terminals providing access to the statewide  
12.2 registration system must not be removed from the control of the county auditor except  
12.3 as provided in this section. The county auditor may make photographic copies of voter  
12.4 registration applications in the manner provided by section 138.17.

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

12.11 Sec. 8. Minnesota Statutes 2010, section 201.091, subdivision 4, is amended to read:

12.12 Subd. 4. **Public information lists.** The county auditor shall make available for  
12.13 inspection a public information list which must contain the name, address, year of birth,  
12.14 and voting history of each registered voter in the county. The telephone number must be  
12.15 included on the list if provided by the voter. The public information list may also include  
12.16 information on voting districts. The county auditor may adopt reasonable rules governing  
12.17 access to the list. No individual inspecting the public information list shall tamper with  
12.18 or alter it in any manner. No individual who inspects the public information list or who  
12.19 acquires a list of registered voters prepared from the public information list may use any  
12.20 information contained in the list for purposes unrelated to elections, political activities, or  
12.21 law enforcement. The secretary of state may provide copies of the public information lists  
12.22 and other information from the statewide registration system for uses related to elections,  
12.23 political activities, or in response to a law enforcement inquiry from a public official  
12.24 concerning a failure to comply with any criminal statute or any state or local tax statute.

12.25 Before inspecting the public information list or obtaining a list of voters or other  
12.26 information from the list, the individual shall provide identification to the public official  
12.27 having custody of the public information list and shall state in writing that any information  
12.28 obtained from the list will not be used for purposes unrelated to elections, political  
12.29 activities, or law enforcement. Requests to examine or obtain information from the public  
12.30 information lists or the statewide registration system must be made and processed in the  
12.31 manner provided in the rules of the secretary of state.

12.32 Upon receipt of a statement signed by the voter that withholding the voter's name  
12.33 from the public information list is required for the safety of the voter or the voter's family,  
12.34 the secretary of state and county auditor must withhold from the public information list the  
12.35 name and address of a registered voter. In place of a withheld voter's name and address,

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13.1 the public information list must state: "voter's name and address withheld by request." The  
13.2 public information list must still include the voting history, city, and precinct of a voter  
13.3 whose name and address are withheld from the list.

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

13.5 Subdivision 1. **Entry of registration information.** (a) At the time a voter  
13.6 registration application is properly completed, submitted, and received in accordance with  
13.7 sections 201.061 and 201.071, the county auditor shall enter the information contained on  
13.8 it into the statewide registration system. Voter registration applications completed before  
13.9 election day must be entered into the statewide registration system within ten days after  
13.10 they have been submitted to the county auditor. Voter registration applications completed  
13.11 on election day must be entered into the statewide registration system within 42 days after  
13.12 the election, ~~unless the county auditor notifies the secretary of state before the 42-day~~  
13.13 ~~deadline has expired that the deadline will not be met.~~

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

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

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

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

13.34 (f) The county auditor shall send a notice of incomplete registration to any voter  
13.35 whose name appears on the list and change the voter's status to "incomplete." A voter who

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14.1 receives a notice of incomplete registration from the county auditor may either provide  
14.2 the information required to complete the registration at least 21 days before the next  
14.3 election or at the polling place on election day.

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

14.5 Subd. 3. **Postelection sampling.** Within ten days after an election, the county  
14.6 auditor shall send the notice required by subdivision 2 to a random sampling of the  
14.7 individuals registered on election day. The random sampling shall be determined in  
14.8 accordance with the rules of the secretary of state. As soon as practicable after the  
14.9 election, but no later than January 1 of the following year, the county auditor shall mail  
14.10 the notice required by subdivision 2 to all other individuals registered on election day.  
14.11 If a notice is returned as not deliverable, the county auditor shall attempt to determine  
14.12 the reason for the return. A county auditor who does not receive or obtain satisfactory  
14.13 proof of an individual's eligibility to vote shall immediately notify the county attorney of  
14.14 all of the relevant information and the secretary of state of the numbers by precinct. By  
14.15 March 1 of every odd-numbered year, the secretary of state shall report to the chair and  
14.16 ranking minority members of the legislative committees with jurisdiction over elections  
14.17 the number of notices reported under this subdivision to the secretary of state for the  
14.18 previous state general election by county and precinct.

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

14.20 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**  
14.21 **REGISTRATION REMOVED.**

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

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

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

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

15.8 Sec. 12. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

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

15.25 Sec. 13. Minnesota Statutes 2010, section 203B.06, subdivision 5, is amended to read:

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

15.30 Sec. 14. Minnesota Statutes 2010, section 203B.121, subdivision 1, is amended to read:

15.31 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each  
15.32 county, municipality, and school district with responsibility to accept and reject absentee  
15.33 ballots must, by ordinance or resolution, establish a ballot board. The board must consist

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16.1 of a sufficient number of election judges trained in the handling of absentee ballots and  
16.2 appointed as provided in sections 204B.19 to 204B.22. The board may include staff  
16.3 trained as election judges.

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

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

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

16.18 Sec. 15. Minnesota Statutes 2010, section 204B.40, is amended to read:

16.19 **204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS;**  
16.20 **DISPOSITION; INSPECTION OF BALLOTS.**

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

16.31 After the time for filing a notice of contest for an election has passed, the secretary  
16.32 of state may, for the purpose of monitoring and evaluating election procedures: (1)  
16.33 open the sealed ballot envelopes and inspect the ballots for that election maintained by  
16.34 the county auditors, municipal clerks, or school district clerks; (2) inspect the polling  
16.35 place rosters and completed voter registration applications; or (3) examine other forms



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17.1 required in the Minnesota election laws for use in the polling place. No inspected ballot or  
17.2 document may be marked or identified in any manner. After inspection, all ballots must be  
17.3 returned to the ballot envelope and the ballot envelope must be securely resealed. Any  
17.4 other election materials inspected or examined must be secured or resealed. ~~No polling  
17.5 place roster may be inspected until the voting history for that precinct has been posted.  
17.6 No voter registration application may be inspected until the information on it has been  
17.7 entered into the statewide registration system.~~

17.8 Sec. 16. Minnesota Statutes 2010, section 204C.15, subdivision 1, is amended to read:

17.9 Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a  
17.10 need for assistance because of inability to read English or physical inability to mark  
17.11 a ballot may obtain the aid of two election judges who are members of different major  
17.12 political parties. The election judges shall mark the ballots as directed by the voter and in  
17.13 as secret a manner as circumstances permit. If the voter is deaf or cannot speak English or  
17.14 understand it when it is spoken, the election judges may select two individuals who are  
17.15 members of different major political parties to provide assistance. The individuals shall  
17.16 assist the voter in marking the ballots. A voter in need of assistance may alternatively  
17.17 obtain the assistance of any individual the voter chooses. Only the following persons may  
17.18 not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an  
17.19 officer or agent of the voter's union, the voter's court-appointed guardian or conservator,  
17.20 any paid individual providing health care or health-related personal assistance to the voter,  
17.21 or a candidate for election. The person who assists the voter shall, unaccompanied by an  
17.22 election judge, retire with that voter to a booth and mark the ballot as directed by the voter.  
17.23 No person who assists another voter as provided in the preceding sentence shall mark the  
17.24 ballots of more than three voters at one election. Before the ballots are deposited, the  
17.25 voter may show them privately to an election judge to ascertain that they are marked as  
17.26 the voter directed. An election judge or other individual assisting a voter shall not in any  
17.27 manner request, persuade, induce, or attempt to persuade or induce the voter to vote for  
17.28 any particular political party or candidate. The election judges or other individuals who  
17.29 assist the voter shall not reveal to anyone the name of any candidate for whom the voter  
17.30 has voted or anything that took place while assisting the voter.

17.31 Sec. 17. Minnesota Statutes 2010, section 204C.20, subdivision 1, is amended to read:

17.32 Subdivision 1. **Determination of proper number.** The election judges shall  
17.33 determine the number of ballots to be counted by ~~adding the number of return envelopes  
17.34 from accepted absentee ballots to the number of signed voter's certificates, or to the~~

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18.1 ~~number of names entered in the election register~~ counting the number of original voter  
18.2 signatures contained in the polling place roster, or on voter's receipts generated from an  
18.3 electronic roster. The election judges may not count the number of voter receipts collected  
18.4 in the precinct as a substitute for counting original voter signatures unless the voter  
18.5 receipts contain the name, voter identification number, and signature of the voter to whom  
18.6 the receipt was issued. The election judges shall then remove all the ballots from the box.  
18.7 Without considering how the ballots are marked, the election judges shall ascertain that  
18.8 each ballot is separate and shall count them to determine whether the number of ballots in  
18.9 the box corresponds with the number of ballots to be counted.

18.10 Sec. 18. Minnesota Statutes 2010, section 204C.20, subdivision 2, is amended to read:

18.11 Subd. 2. **Excess ballots.** If two or more ballots are found folded together like  
18.12 a single ballot, the election judges shall lay them aside until all the ballots in the box  
18.13 have been counted. If it is evident from the number of ballots to be counted that the  
18.14 ballots folded together were cast by one voter, the election judges shall preserve but not  
18.15 count them. If the number of ballots in one box exceeds the number to be counted, the  
18.16 election judges shall examine all the ballots in the box to ascertain that all are properly  
18.17 marked with the initials of the election judges. If any ballots are not properly marked with  
18.18 the initials of the election judges, the election judges shall preserve but not count them;  
18.19 however, if the number of ballots does not exceed the number to be counted, the absence  
18.20 of either or both sets of initials of the election judges does not, by itself, disqualify the  
18.21 vote from being counted ~~and must not~~ but may be the basis of a challenge in a recount.  
18.22 If there is still an excess of properly marked ballots, the election judges shall replace  
18.23 them in the box, and one election judge, without looking, shall withdraw from the box  
18.24 a number of ballots equal to the excess. The withdrawn ballots shall not be counted but  
18.25 shall be preserved as provided in subdivision 4.

18.26 Sec. 19. Minnesota Statutes 2010, section 204C.20, subdivision 4, is amended to read:

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

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19.1 excess ballots were removed from the ballot box shall be completed by the canvassing  
19.2 board responsible for certifying the election results from that precinct.

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

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

19.7 Sec. 21. Minnesota Statutes 2010, section 204C.23, is amended to read:

19.8 **204C.23 SPOILED, DEFECTIVE, AND DUPLICATE BALLOTS.**

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

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

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

19.19 Sec. 22. Minnesota Statutes 2010, section 204C.24, subdivision 1, is amended to read:

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

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

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

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

19.33 (d) the number of ballots cast;

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

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

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

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

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

20.14 Sec. 23. Minnesota Statutes 2010, section 206.86, subdivision 1, is amended to read:

20.15 Subdivision 1. ~~At the voting location~~ **Precinct polling locations; duties;**  
20.16 **reconciliation.** In precincts where an electronic voting system is used, as soon as the polls  
20.17 are closed the election judges shall secure the voting systems against further voting. They  
20.18 shall then open the ballot box and count the number of ~~ballot cards~~ ballots or envelopes  
20.19 containing ballot cards that have been cast to determine that the number of ~~ballot cards~~  
20.20 ballots does not exceed the number of ~~voters shown on~~ original voter signatures contained  
20.21 in the ~~election register or registration file~~ polling place roster or on voter receipts generated  
20.22 from an electronic roster. The election judges may not count the number of voter receipts  
20.23 collected in the precinct as a substitute for counting original voter signatures unless the  
20.24 voter receipts contain the name, voter identification number, and signature of the voter to  
20.25 whom the receipt was issued. If there is an excess, the judges shall ~~seal the ballots in a~~  
20.26 ~~ballot container and transport the container to the county auditor or municipal clerk who~~  
20.27 ~~shall process the ballots in the same manner as paper ballots are processed in section~~  
20.28 ~~204C.20, subdivision 2, then enter the ballots into the ballot counter~~ proceed in the manner  
20.29 required for excess ballots under section 204C.20, subdivisions 2 to 4. The total number  
20.30 of voters must be entered on the forms provided. The judges shall next count the write-in  
20.31 votes and enter the number of those votes on forms provided for the purpose.

20.32 Sec. 24. Minnesota Statutes 2010, section 206.86, subdivision 2, is amended to read:

20.33 Subd. 2. **Transportation of ballot cards.** The judges shall place all voted ballot  
20.34 cards, excess ballots, defective ballots, and damaged ballots in the container provided for

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21.1 transporting them to the counting center. The container must be sealed and delivered  
21.2 immediately to the counting center by two judges who are not of the same major political  
21.3 party. The judges shall also deliver to the counting center in a suitable container the  
21.4 unused ~~ballot cards~~ ballots, the spoiled ballot envelope, and the ballot envelopes issued to  
21.5 the voters and deposited during the day in the ballot box.

21.6 Sec. 25. Minnesota Statutes 2010, section 209.021, subdivision 1, is amended to read:

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

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

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

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

21.32 Sec. 26. Minnesota Statutes 2010, section 209.06, subdivision 1, is amended to read:

21.33 Subdivision 1. **Appointment of inspectors.** After a contest has been instituted,  
21.34 either party may have ~~the ballots~~ all materials relating to the election, including but not

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22.1 limited to polling place rosters, voter registration applications, accepted absentee ballot  
22.2 envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct  
22.3 summary statements, printouts from voting machines, and precinct incident logs, inspected  
22.4 before preparing for trial. The party requesting an inspection shall file with the district  
22.5 court where the contest is brought a verified petition, stating that the case cannot properly  
22.6 be prepared for trial without an inspection of the ballots and designating the precincts in  
22.7 which an inspection is desired. A judge of the court in which the contest is pending shall  
22.8 then appoint as many sets of three inspectors for a contest of any office or question as are  
22.9 needed to count and inspect the ballots expeditiously. One inspector must be selected by  
22.10 each of the parties to the contest and a third must be chosen by those two inspectors. If  
22.11 either party neglects or refuses to name an inspector, the judge shall appoint the inspector.  
22.12 The compensation of inspectors is the same as for referees, unless otherwise stipulated.

22.13 Sec. 27. Minnesota Statutes 2010, section 211B.11, subdivision 1, is amended to read:

22.14 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
22.15 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
22.16 a polling place or within 100 feet of the building in which a polling place is situated,  
22.17 or anywhere on the public property on which a polling place is situated, on primary or  
22.18 election day to vote for or refrain from voting for a candidate or ballot question. A person  
22.19 may not provide political badges, political buttons, or other political insignia to be worn at  
22.20 or about the polling place on the day of a primary or election. A political badge, political  
22.21 button, or other political insignia may not be worn at or about the polling place on primary  
22.22 or election day if it is designed to influence voting for or against a particular candidate,  
22.23 political party, or question on the ballot at the election. This section applies to areas  
22.24 established by the county auditor or municipal clerk for absentee voting as provided in  
22.25 chapter 203B.

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

22.30 Sec. 28. **REPEALER.**

22.31 Minnesota Statutes 2010, section 204B.36, subdivision 5, 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 with a space for the voter's original 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. 3. [201.225] ELECTRONIC ROSTER; STANDARDS.**

Subdivision 1. **Requirement; certification of system.** (a) Except as provided in paragraph (c), each precinct must have a secure electronic connection to the statewide voter registration system maintained by the secretary of state, to serve as the precinct's electronic polling place roster.

24.1 (b) Precincts may not use an electronic roster until the secretary of state has certified  
24.2 that the secure electronic connection to the statewide voter registration system is sufficient  
24.3 to prevent any voter from voting more than once at an election and to prevent access to  
24.4 the system by unauthorized individuals.

24.5 (c)(1) If the county auditor or municipal clerk certifies to the secretary of state that a  
24.6 precinct is unable to access the statewide connection, the precinct may use two computers  
24.7 connected together in the precinct as the electronic roster. At a minimum, computers used  
24.8 in a precinct that do not have a live connection to the statewide voter registration system  
24.9 must have a stored electronic roster of registered voters for that precinct.

24.10 (2) Use of electronic rosters and the secure statewide connection is not required in a  
24.11 precinct with 100 or fewer registered voters.

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

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

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

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

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

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

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

24.29 Subd. 3. **Costs.** Costs to purchase and maintain electronic roster software, including  
24.30 costs associated with maintaining the necessary secure data connections to the statewide  
24.31 voter registration system, and the initial purchase of equipment shall be paid by the state.  
24.32 Subsequent equipment maintenance and purchasing costs shall be paid by the county or  
24.33 municipality through cost savings generated by the use of electronic roster technology.

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



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

25.3 (1) each city ward; and

25.4 (2) each town and each statutory city.

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

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

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

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

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

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

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

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

25.33 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**  
25.34 **REGISTRATION.**

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26.1 (a) An individual seeking to vote shall sign a polling place roster or printed voter's  
26.2 receipt, generated from an electronic roster which states that the individual is at least  
26.3 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days  
26.4 immediately preceding the election, maintains residence at the address shown, is not  
26.5 under a guardianship in which the court order revokes the individual's right to vote, has  
26.6 not been found by a court of law to be legally incompetent to vote or has the right to vote  
26.7 because, if the individual was convicted of a felony, the felony sentence has expired or  
26.8 been completed or the individual has been discharged from the sentence, is registered  
26.9 and has not already voted in the election. The roster must also state: "I understand that  
26.10 deliberately providing false information is a felony punishable by not more than five years  
26.11 imprisonment and a fine of not more than \$10,000, or both."

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

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

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

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

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

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

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

27.2 This chapter applies to each designated election official who transmits election  
27.3 records via teleprocessing lines to a centralized electronic roster maintained by the  
27.4 secretary of state for the purpose of conducting an election and compiling complete returns.

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

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

27.7 Subd. 2. Designated election official. "Designated election official" means the  
27.8 county auditor or municipal clerk.

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

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

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

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

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

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

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

27.30 (i) network failure;

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

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

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

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

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

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

28.8 (1) a portable document file (PDF);

28.9 (2) a spreadsheet; or

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

28.11 In addition to acceptable backup roster procedures, the security procedures must  
28.12 address contingency procedures to protect against activities such as voting twice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29.6 and

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

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

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

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

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

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

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

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

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

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

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

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

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

29.35 (1) a formal test plan containing all test scripts used;

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

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

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

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

30.7 (ii) the actions necessary to start the tests;

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

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

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

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

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

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

30.16 (i) network usage (bandwidth);

30.17 (ii) processor utilization;

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

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

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

30.23 **Sec. 14. [206A.07] MINIMUM NUMBER OF COMPUTERS REQUIRED FOR A**  
30.24 **PRECINCT.**

30.25 Except as provided in section 201.225, subdivision 1, the county auditor or municipal  
30.26 clerk shall allocate a minimum of two computers to each precinct. Additional computers  
30.27 may be allocated to a precinct as needed, at the expense of the county or municipality.

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

30.29 (a) Written procedures and reports required by this chapter must be submitted to the  
30.30 secretary of state for approval no later than 60 days before the election. The secretary of  
30.31 state shall either approve the procedures as submitted or notify the designated election  
30.32 official of recommended changes.

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

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

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

31.8 Sec. 16. Minnesota Statutes 2010, section 211B.11, subdivision 1, is amended to read:

31.9 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
31.10 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
31.11 a polling place or within 100 feet of the building in which a polling place is situated,  
31.12 or anywhere on the public property on which a polling place is situated, on primary or  
31.13 election day to vote for or refrain from voting for a candidate or ballot question. A person  
31.14 may not provide political badges, political buttons, or other political insignia to be worn  
31.15 at or about the polling place on the day of a primary or election. A political badge,  
31.16 political button, or other political insignia may not be worn at or about the polling place on  
31.17 primary or election day. This section applies to areas established by the county auditor or  
31.18 municipal clerk for absentee voting as provided in chapter 203B.

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

31.23 Sec. 17. **EFFECTIVE DATE.**

31.24 This article is effective June 1, 2012, and applies to elections held on or after that  
31.25 date.

## 31.26 **ARTICLE 4**

### 31.27 **RECOUNTS**

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

31.29 **204C.38 CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES**  
31.30 **AGREE.**

31.31 Subdivision 1. **Errors of election judges.** If the candidates for an office  
31.32 unanimously agree in writing that the election judges in any precinct have made an

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32.1 obvious error in the counting or recording of the votes for that office, they shall deliver the  
32.2 agreement to the county auditor of that county who shall reconvene the county canvassing  
32.3 board, if necessary, and present the agreement to it. The county canvassing board shall  
32.4 correct the error as specified in the agreement.

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

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

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

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

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

32.25 (a) The secretary of state or secretary of state's designee is the recount official for  
32.26 recounts conducted by the State Canvassing Board. The county auditor or auditor's  
32.27 designee is the recount official for recounts conducted by the county canvassing board.  
32.28 The county auditor or auditor's designee shall conduct recounts for county offices. The  
32.29 municipal clerk or clerk's designee is the recount official for recounts conducted by the  
32.30 municipal governing body. The school district clerk or clerk's designee is the recount  
32.31 official for recounts conducted by the school board, or by a school district canvassing  
32.32 board as provided in section 205A.10, subdivision 5.

32.33 (b) A recount official may delegate the duty to conduct a recount to a county auditor  
32.34 or municipal clerk by mutual consent. When the person who would otherwise serve as



33.1 recount official is a candidate or is the employee or other subordinate, spouse, child,  
33.2 parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling  
33.3 of a candidate for the office to be recounted, the appropriate canvassing board shall select  
33.4 a county auditor or municipal clerk from another jurisdiction to conduct the recount.

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

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

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

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

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

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

33.21 (2) is ten votes or less and the total number of votes cast for the nomination is 400  
33.22 votes or less, and the difference determines the nomination, the canvassing board with  
33.23 responsibility for declaring the results for that office shall manually recount the vote.

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

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

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

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

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

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

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

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

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

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

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

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

35.1 that office. In case of offices where two or more seats are being filled from among all the  
35.2 candidates for the office, the one-half of one percent difference is between the elected  
35.3 candidate with the fewest votes and the candidate with the most votes from among the  
35.4 candidates who were not elected.

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

35.13 (c) Candidates for county offices shall file a written request for the recount with the  
35.14 county auditor. Candidates for municipal or school district offices shall file a written  
35.15 request with the municipal or school district clerk as appropriate. All requests must be  
35.16 filed during the time for notice of contest of the primary or election for which a recount  
35.17 is sought.

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

35.23 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination  
35.24 or election to a county, municipal, or school district office may request a recount in the  
35.25 manner provided in this section at the candidate's own expense when the vote difference  
35.26 is greater than the difference required by subdivision 1, paragraphs (a) to (d). The votes  
35.27 must be manually recounted as provided in this section if the requesting candidate files  
35.28 with the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in  
35.29 an amount set by the governing body of the jurisdiction or the school board of the school  
35.30 district for the payment of the recount expenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37.28 At the opening of a recount the recount official or legal adviser shall present the  
37.29 procedures contained in this section for the recount. The custodian of the ballots shall  
37.30 make available to the recount official the precinct summary statements, the precinct boxes  
37.31 or the sealed containers of voted ballots, and any other election materials requested by the  
37.32 recount official. If the recount official needs to leave the room for any reason, the recount  
37.33 official must designate a deputy recount official to preside during the recount official's

38.1 absence. A recount official must be in the room at all times. The containers of voted ballots  
38.2 must be unsealed and resealed within public view. No ballots or election materials may be  
38.3 handled by candidates, their representatives, or members of the public. There must be an  
38.4 area of the room from which the public may observe the recount. Cell phones and video  
38.5 cameras may be used in this public viewing area, as long as their use is not disruptive. The  
38.6 recount official shall arrange the counting of the ballots so that the candidates and their  
38.7 representatives may observe the ballots as they are recounted. Candidates may each have  
38.8 one representative observe the sorting of each precinct. One additional representative per  
38.9 candidate may observe the ballots when they have been sorted and are being counted  
38.10 pursuant to section 204E.10. Candidates may have additional representatives in the public  
38.11 viewing area of the room. If other election materials are handled or examined by the  
38.12 recount officials, the candidates and their representatives may observe them. The recount  
38.13 official shall ensure that public observation does not interfere with the counting of the  
38.14 ballots. The recount official shall prepare a summary of the recount vote by precinct.

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

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

38.20 Subd. 2. **Sorting ballots.** Ballots must be recounted by precinct. The recount  
38.21 official shall open the sealed container of ballots and recount them in accordance with  
38.22 section 204C.22. The recount official must review each ballot and sort the ballots into  
38.23 piles based upon the recount official's determination as to which candidate, if any, the  
38.24 voter intended to vote for: one pile for each candidate that is the subject of the recount  
38.25 and one pile for all other ballots.

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

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

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

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

39.19           Subdivision 1. **Certification of results.** The recount official shall present the  
39.20 summary statement of the recount and any challenged ballots to the canvassing board.  
39.21 The candidate or candidate's representative who made the challenge may present the  
39.22 basis for the challenge to the canvassing board. The canvassing board shall rule on the  
39.23 challenged ballots and incorporate the results into the summary statement. The canvassing  
39.24 board shall certify the results of the recount. Challenged ballots must be returned to the  
39.25 election official who has custody of the ballots.

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

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

39.30           When a bond, cash, or surety for recount expenses is required by section 204E.04  
39.31 or 204E.05, the governing body or recount official shall set the amount of the security  
39.32 deposit at an amount which will cover expected recount expenses. In multicounty districts,  
39.33 the secretary of state shall set the amount taking into consideration the expenses of the  
39.34 election jurisdictions in the district and the expenses of the secretary of state. The security

40.1 deposit must be filed during the period for requesting an administrative recount. In  
40.2 determining the expenses of the recount, only the actual recount expenditures incurred  
40.3 by the recount official and the election jurisdiction in conducting the recount may be  
40.4 included. General office and operating costs may not be taken into account.

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

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

	<u>Column A</u>	<u>Column B</u>
40.10	<u>204C.34</u>	<u>204E.11, subdivision 2</u>
40.11	<u>204C.35</u>	<u>204E.04</u>
40.12	<u>204C.36</u>	<u>204E.05</u>

40.14 Sec. 15. **REPEALER.**

40.15 Minnesota Statutes 2010, sections 204C.34; 204C.35; 204C.36; and 204C.361,  
40.16 and Minnesota Rules, parts 8235.0200; 8235.0300; 8235.0400; 8235.0600; 8235.0700;  
40.17 8235.0800; 8235.1100; and 8235.1200, are repealed.

40.18 Sec. 16. **EFFECTIVE DATE.**

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



APPENDIX  
Article locations in 11-1030

	VOTER REGISTRATION, PHOTO IDENTIFICATION, AND	
ARTICLE 1	PROVISIONAL BALLOTING .....	Page.Ln 1.22
ARTICLE 2	ELECTION ADMINISTRATION AND INTEGRITY .....	Page.Ln 9.1
ARTICLE 3	ELECTRONIC ROSTERS .....	Page.Ln 23.1
ARTICLE 4	RECOUNTS .....	Page.Ln 31.26

**204B.36 BALLOTS; FORM.**

Subd. 5. **Designation of incumbent; judicial offices.** If a chief justice, associate justice, or judge is a candidate to succeed again, the word "incumbent" shall be printed after that judge's name as a candidate.

**204C.34 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.

**204C.35 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:

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

(2) is 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:

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

(2) is 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) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

(e) A losing candidate may waive a recount required pursuant to 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 shall 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.

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Subd. 3. **Scope of recount.** A recount conducted as provided in this section 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.

**204C.36 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 vote 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 vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(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 shall 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, clauses (a) to (e). The votes shall 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 paragraph (b).

(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

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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.** Time for notice of contest of a nomination or election to a county office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the county canvassing board. Time for notice of contest of a nomination or election to a municipal office which is recounted pursuant to this section shall begin to run upon certification of the results by the governing body of the municipality. Time for notice of contest of a school district election that is recounted under this subdivision begins to run on certification of the results of the recount by the school board.

Subd. 6. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question 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.

#### **204C.361 RULES FOR RECOUNTS.**

(a) The secretary of state shall adopt rules according to the Administrative Procedure Act establishing uniform recount procedures. All recounts provided for by sections 204C.35, 204C.36, and 206.88, shall be conducted in accordance with these rules.

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.