

## CHAPTER 175—H.F.No. 334

*An act relating to elections; changing registration, absentee ballot, filing, training, administrative, electronic voting, ballot preparation, canvassing, and election contest provisions; amending Minnesota Statutes 1986, sections 201.071, subdivision 4; 201.091, subdivision 4; 203B.03, subdivision 1; 203B.06, subdivision 3; 204B.11, subdivision 1; 204B.27, subdivision 1; 204B.40; 204C.24, subdivision 1; 204C.27; 204C.31, subdivision 1; 204D.04, subdivision 2; 204D.11, subdivision 6; 206.61, subdivision 5; 206.82, subdivision 2; 206.90, subdivision 3; and 209.021, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 351.*

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

Section 1. Minnesota Statutes 1986, section 201.071, subdivision 4, is amended to read:

Subd. 4. **CHANGE OF REGISTRATION.** Any county auditor who receives a registration card indicating that an individual was previously registered in a different county in Minnesota shall notify the county auditor of that county on a form prescribed by the secretary of state. A county auditor receiving a registration card indicating that a voter was previously registered in a different precinct in the same county or receiving a notification form as provided in this subdivision ~~or section 204C.30, subdivision 2;~~ shall delete that individual's name from the registration lists and remove the duplicate voter registration card, if any, and the original voter registration cards from the files. Any county auditor who receives a registration card or notification requiring a change of registration records under this subdivision shall also check the duplicate registration card or file from the precinct of prior residence to determine whether the individual voted in that precinct in the most recent election.

Sec. 2. Minnesota Statutes 1986, section 201.091, subdivision 4, is amended to read:

Subd. 4. **PUBLIC ACCESS TO REGISTRATION FILES.** The duplicate registration file shall be open to public inspection. The public official having custody of the voter registration files may adopt reasonable rules governing access to the files. No individual inspecting the duplicate registration file shall tamper with the cards or their arrangement. No individual who inspects a duplicate registration file or who acquires a list of registered voters prepared from the file may use any information contained in the file or list for purposes unrelated to elections, political activities, or law enforcement.

Before inspecting voter registration files or obtaining a list of voters or other information from the files, the individual shall provide identification to the public official having custody of the registration files.

Sec. 3. Minnesota Statutes 1986, section 203B.03, subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **VIOLATION.** No individual shall intentionally:

- (a) make or sign any false certificate required by this chapter;
- (b) make any false or untrue statement in any application for absentee ballots;
- (c) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
- (d) exhibit a ballot marked by that individual to any other individual; or
- (e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote; or

(f) use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement.

Before inspecting information from absentee ballot materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 4. Minnesota Statutes 1986, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **DELIVERY OF BALLOTS.** If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

- (a) Mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; or
- (b) Deliver the absentee ballots directly to the voter if the application is submitted in person.

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed to an applicant for any election.

This subdivision does not apply to applications for absentee ballots received pursuant to section 203B.04, subdivision 2, and section 203B.11.

Sec. 5. Minnesota Statutes 1986, section 204B.11, subdivision 1, is amended to read:

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Subdivision 1. **AMOUNT.** Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

(a) for the office of governor, lieutenant governor, attorney general, state auditor, state treasurer, secretary of state, representative in congress, judge of the supreme court, judge of the court of appeals, judge of the district court, or judge of the county municipal court of Hennepin county, \$150;

(b) for the office of senator in congress, \$200;

(c) for office of senator or representative in the legislature, \$50;

(d) for a county office, \$50; and

(e) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the state treasurer.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 332.50. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 6. Minnesota Statutes 1986, section 204B.27, subdivision 1, is amended to read:

Subdivision 1. **BLANK FORMS.** At least 25 days before every state election the secretary of state shall transmit to each county auditor a sufficient number of blank county abstract forms; ~~affidavits of challenged voters;~~ and any other blank forms ~~that~~ the secretary of state deems necessary for the conduct of the election.

Sec. 7. Minnesota Statutes 1986, section 204B.40, is amended to read:

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

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

Sec. 8. Minnesota Statutes 1986, section 204C.24, subdivision 1, is amended to read:

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

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

(b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) the number of individuals who voted at the election in the precinct;

(d) in counties with permanent registration, the number of voters registered before the polling place opened and the number of voters registering on election day in that precinct; and

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

Sec. 9. Minnesota Statutes 1986, section 204C.27, is amended to read:

**204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

One or more of the election judges in each precinct shall deliver two sets of summary statements; all unused and spoiled white, pink, ~~and~~ canary, and gray ballots; and the envelopes containing the white, pink, ~~and~~ canary, and gray ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office ~~within~~ as soon as possible

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after the vote counting is completed but no later than 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal ballots, the envelopes containing municipal ballots, and all other things furnished by the municipal clerk, to the municipal clerk's office within 24 hours after the end of the hours for voting.

Sec. 10. Minnesota Statutes 1986, section 204C.31, subdivision 1, is amended to read:

Subdivision 1. **COUNTY CANVASSING BOARD.** The county canvassing board shall consist of the county auditor, the court administrator of the district court, the mayor or chair of the town board of the county's most populous municipality, and two members of the county board selected by the board from its members who are not candidates at the election. Any member of the canvassing board may appoint a designee to appear at the meeting of the board, except that no designee may be a candidate for public office. If one of these individuals fails to appear at the meeting of the canvassing board and in the absence of any selection by the county board from among its own members, the county auditor shall appoint an eligible voter of the county who is not a public official or a candidate for public office to fill the vacancy. Three members constitute a quorum.

Sec. 11. Minnesota Statutes 1986, section 204D.04, subdivision 2, is amended to read:

Subd. 2. **INSTRUCTIONS TO PRINTER; PRINTER'S BOND.** The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates, for layout of the ballot and for providing the ballots in groups of 50. The instructions shall be approved by the legal advisor of the official before delivery to the printer. Before a contract is awarded for printing ballots, the printer shall furnish a sufficient bond in an amount not less than \$1,000 ~~nor more than \$5,000~~; conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. If the cost of the ballots exceeds \$1,000 the official responsible for printing the ballots shall set the amount of the bond in an amount no greater than the value of the purchase.

Sec. 12. Minnesota Statutes 1986, section 204D.11, subdivision 6, is amended to read:

Subd. 6. **GRAY BALLOT.** When the canary ballot would be longer than 30 inches, the following offices that should be placed on the canary ballot may be placed instead on a separate gray ballot:

- (a) ~~all soil and water conservation district supervisor offices; or~~
- (b) ~~all soil and water conservation district supervisor and all county or municipal judicial offices; or~~

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(e) ~~all soil and water conservation district supervisor,~~ (b) all county or municipal judicial offices, and all district judicial offices.

All soil and water conservation district supervisor offices may be placed on the gray ballot.

The gray ballot must be headed with the words: "District Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray ballots.

Sec. 13. Minnesota Statutes 1986, section 206.61, subdivision 5, is amended to read:

Subd. 5. **ALTERNATION.** The provisions of the election laws requiring the alternation of names of candidates shall be observed as far as practicable by changing the order of the names on the lever voting machines or an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names shall be the same on all lever voting machines or marking devices used in the same precinct. When the number of names to be alternated exceeds the number of precincts, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine by lot the alternation of names.

Sec. 14. Minnesota Statutes 1986, section 206.82, subdivision 2, is amended to read:

Subd. 2. **PLAN.** The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system ~~and~~. Prior to July 1 in every of each subsequent general election year the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the department of administration or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section.

Sec. 15. Minnesota Statutes 1986, section 206.90, subdivision 3, is amended to read:

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Subd. 3. **AVAILABILITY OF PAPER BALLOTS.** For the purposes of section 206.63, "paper ballots" includes ballot cards which are voted by marking with a pencil or other writing instrument and on which are printed the names of candidates, office titles, party designation in a partisan primary or election, and a statement of any question accompanied by the words "Yes" and "No." At a state or county election where an optical scan voting system will be in use, the county auditor may provide ballot cards meeting the requirements of this section in lieu of paper ballots otherwise required to be prepared by the county auditor.

Sec. 16. Minnesota Statutes 1986, section 209.021, subdivision 3, is amended to read:

Subd. 3. **NOTICE SERVED ON PARTIES.** In all contests relating to the nomination or election of a candidate, the notice of contest must be served on the candidate who is the contestee, a copy of the notice must be sent to the contestee's last known address by certified mail, and a copy must be furnished to the official authorized to issue the certificate of election. If personal or substituted service on the contestee cannot be made, an affidavit of the attempt by the person attempting to make service and the affidavit of the person who sent a copy of the notice to the contestee by certified mail is sufficient to confer jurisdiction upon the court to decide the contest.

If the contest relates to a constitutional amendment or other question voted on statewide or voted on in more than one county, notice of contest must be served on the secretary of state, who is the contestee. If a contest relates to a question voted on within only one county or one municipality, a copy of the notice of contest must be served on the county auditor or municipal clerk, respectively, who is the contestee. ~~If the contest relates to an irregularity in the conduct of an election or canvass of votes, a copy of the notice of contest must be served on the county auditor of the county where the irregularity is said to have occurred.~~

Sec. 17. **[351.055] PREPARATIONS FOR SPECIAL ELECTIONS.**

If a future vacancy becomes certain to occur and the vacancy must be filled by a special election, the appropriate authorities may begin procedures leading to the special election so that a successor may be elected at the earliest possible time.

Approved May 20, 1987

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