

The Minneapolis school board may, by resolution, include a plan for an orderly transition to a new election schedule.

Presented to the governor May 12, 1997

Signed by the governor May 15, 1997, 8:35 a.m.

CHAPTER 145—S.F.No. 703

An act relating to elections; allowing mail balloting in certain elections in additional cities and towns; amending Minnesota Statutes 1996, section 204B.45, subdivision 1.

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

Section 1. Minnesota Statutes 1996, section 204B.45, subdivision 1, is amended to read:

Subdivision 1. **AUTHORIZATION.** ~~Any statutory or home rule charter city or town~~ A municipality having fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county as defined by section 473.121 may provide balloting by mail at any city municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than 50 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

Presented to the governor May 12, 1997

Signed by the governor May 13, 1997, 10:30 a.m.

CHAPTER 146—S.F.No. 868

VETOED

CHAPTER 147—S.F.No. 72

An act relating to elections; changing and clarifying provisions of the Minnesota election law; amending Minnesota Statutes 1996, sections 200.031; 201.061, subdivision 1; 201.071, subdivision

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1; 201.081; 201.12, subdivision 2; 201.121, subdivision 1; 201.13, subdivisions 1 and 2; 201.15; 201.171; 203B.01, by adding a subdivision; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.08, subdivision 1; 203B.11, subdivision 1, and by adding a subdivision; 203B.12, subdivision 2, and by adding a subdivision; 203B.13, subdivisions 1 and 2; 203B.16, by adding a subdivision; 203B.19; 204B.06, by adding a subdivision; 204B.146; 204B.15; 204B.16, subdivisions 1a and 3; 204B.22, subdivision 1; 204B.23; 204B.27, by adding a subdivision; 204B.31; 204B.36, subdivision 2; 204C.08, by adding a subdivision; 204C.15, subdivision 1; 204C.31, subdivision 2; 204C.32; 204C.33, subdivision 1; 205.10, subdivision 3; 205.13, subdivision 1; 205.17, by adding a subdivision; 205A.05, subdivision 1; 205A.08, by adding a subdivision; 206.55; 206.56, subdivisions 1, 3, 5, 8, and 9; 206.57; 206.58; 206.59; 206.61, subdivisions 1, 3, and 5; 206.62; 206.64, subdivision 1; 206.66; 206.80; 206.81; 206.83; 206.84, subdivisions 3, 6, and 7; 206.86, subdivisions 1 and 2; 206.90, subdivisions 4 and 6; 207A.03, subdivision 2; 211B.14; 367.03, subdivision 1; 367.25, subdivision 1; 387.01; 388.01; and 626.846, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 201; 203B; and 204B; repealing Minnesota Statutes 1996, sections 204D.15, subdivision 2; 206.065; 206.56, subdivisions 4, 6, 10, 11, 12, 13, and 15; 206.60; 206.61, subdivisions 2, 6, 7, and 8; 206.63; 206.64, subdivision 2; 206.68; 206.685; 206.69; 206.70; 206.71; 206.72; 206.73; 206.74; 206.75; 206.76; 206.77; 206.84, subdivisions 2, 4, and 5; and 211B.11, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 200.031, is amended to read:

200.031 **DETERMINATION OF RESIDENCE.**

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(a) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return;

(b) An individual does not lose residence if the individual leaves home to live temporarily in another state or precinct;

(c) An individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home;

(d) If an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct;

(e) If an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) Except as otherwise provided in this section, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily;

(g) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;

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(h) The residence of a single individual is in the precinct where the individual lives and usually sleeps;

(i) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located;

(k) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

(l) If an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located.

Sec. 2. Minnesota Statutes 1996, section 201.061, subdivision 1, is amended to read:

Subdivision 1. **PRIOR TO ELECTION DAY.** At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card and submitting it in person or by mail to the county auditor of that county or to the secretary of state's office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.

Sec. 3. Minnesota Statutes 1996, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **FORM.** A registration card must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; and voter's signature. The card must also contain the following a certification: I certify that I will be at least 18 years old on election day and am a citizen of the United States, that I reside at the address shown and will have resided in Minnesota for 20 days immediately preceding election day, and that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored. I understand that giving false information to procure a registration is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both of voter eligibility.

The form of the voter registration card and the certification of voter eligibility must be as provided in the rules of the secretary of state. Voter registration forms authorized by the National Voter Registration Act may also be accepted as valid.

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Sec. 4. Minnesota Statutes 1996, section 201.081, is amended to read:

201.081 REGISTRATION FILES.

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

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

Sec. 5. Minnesota Statutes 1996, section 201.12, subdivision 2, is amended to read:

Subd. 2. **CHALLENGES.** Upon return of the notice by the postal service, the county auditor or the auditor's staff shall personally ascertain the name and address of that individual. If the individual is no longer at the address recorded in the statewide registration system, the county auditor shall change the registrant's status to "challenged" in the statewide registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a second notice mailed at least 60 days after the return of the first notice is also returned by the postal service, the county auditor ~~may remove the registration card from the file and~~ shall change the registrant's status to "inactive" in the statewide registration system.

Sec. 6. Minnesota Statutes 1996, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **ENTRY OF REGISTRATION INFORMATION.** Upon receiving a voter registration card properly completed and submitted in accordance with sections 201.061 and 201.071, the county auditor shall enter in the ~~appropriate registration files and in the~~ statewide registration system ~~the registration card or the information contained on it.~~ Voter registration cards completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor.

Upon receiving a completed voter registration card or form, the secretary of state may electronically transmit the information on the card or form to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state ~~shall~~ may mail the registration card or form to the county auditor for placement ~~in the appropriate files.~~

Sec. 7. Minnesota Statutes 1996, section 201.13, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.** The commissioner of health shall report monthly to the secretary of state

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the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system and remove from the files the registration cards of the voters reported to be deceased.

Sec. 8. Minnesota Statutes 1996, section 201.13, subdivision 2, is amended to read:

Subd. 2. **VOTER REGISTRATION CARD REMOVAL FOR DECEASED NONRESIDENTS.** ~~The county auditor may remove from the files the voter registration cards of voters who have died outside of the county. After receiving notice of death, of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased."~~ Notice must be in the form of a printed obituary or a written statement signed by a registered voter of the county. The county auditor shall also make the appropriate changes in the database of the statewide registration system when voter registration cards are removed from the files.

Sec. 9. Minnesota Statutes 1996, section 201.15, is amended to read:

201.15 DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

Subdivision 1. **GUARDIANSHIPS, INCOMPETENTS AND PSYCHOPATHS.** ~~The state court administrator in each county shall report monthly to the county auditor secretary of state the name and, address, and date of birth of each individual 18 years of age or over, who maintains residence in that county and who, during the month preceding the date of the report:~~

- (a) was placed under a guardianship of the person;
- (b) was adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation; or
- (c) was adjudged a sexually dangerous person or a person with a sexual psychopathic personality.

~~The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a), (b), or (c). Upon receipt of the report, the county auditor shall determine whether any individual named in the report is registered to vote. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.~~

Subd. 2. **RESTORATION TO CAPACITY.** ~~The district judge in each county state court administrator shall report monthly to the county auditor secretary of state the name and, address, and date of birth of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. Upon notice from the judge exercising probate jurisdiction of a restoration to capacity, or of a transfer from guardianship to conservator-~~

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~~ship~~, The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 10. [201.155] REPORT ON FELONY CONVICTIONS.

The state court administrator shall report monthly to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

Sec. 11. Minnesota Statutes 1996, section 201.171, is amended to read:

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

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

~~The county auditor shall remove the voter registration card of any voter whose name appears on the report.~~ Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 12. Minnesota Statutes 1996, section 203B.01, is amended by adding a subdivision to read:

Subd. 4. **HEALTH CARE FACILITY.** "Health care facility" means a licensed hospital, sanitarium, or other institution as defined in section 144.50, subdivision 2, or a nursing home licensed to serve adults under section 144A.02.

Sec. 13. Minnesota Statutes 1996, section 203B.03, subdivision 1, is amended to read:

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;
- (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

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

(g) provide assistance to an absentee voter except in the manner provided by section 204C.15, subdivision 1.

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. 14. Minnesota Statutes 1996, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION PROCEDURES.** Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

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

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

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, at the discretion of the auditor or clerk. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

Sec. 15. Minnesota Statutes 1996, 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; or

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(c) Deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots to a voter who is a patient in a health care facility, as provided in section 203B.11, subdivision 4.

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 or delivered to an applicant for any election, except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

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

Sec. 16. Minnesota Statutes 1996, section 203B.08, subdivision 1, is amended to read:

Subdivision 1. **MARKING AND RETURN BY VOTER.** An eligible voter who receives absentee ballots as provided in this chapter shall mark them in the manner specified in the directions for casting the absentee ballots. The return envelope containing marked ballots may be mailed as provided in the directions for casting the absentee ballots or may be left with the county auditor or municipal clerk who transmitted the absentee ballots to the voter.

The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

Sec. 17. **[203B.081] LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 30 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose.

Sec. 18. Minnesota Statutes 1996, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** Each full-time municipal clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor may also designate election judges to perform the duties in this section. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in section 204C.15. The election judges shall deposit the return envelopes containing the marked absentee

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ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 19. Minnesota Statutes 1996, section 203B.11, is amended by adding a subdivision to read:

Subd. 4. AGENT DELIVERY OF BALLOTS. During the four days preceding an election and until 4:00 p.m. on election day, an eligible voter who is a patient of a health care facility may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. The voted ballots must be returned to the county auditor or municipal clerk no later than 5:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

Sec. 20. Minnesota Statutes 1996, section 203B.12, subdivision 2, is amended to read:

Subd. 2. EXAMINATION OF RETURN ENVELOPES. Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

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

(a) (2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(b) (3) the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope; and

(c) (4) the voter has not already voted at that election, either in person or by absentee ballot.

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

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (a) (1) to (c) (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

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Sec. 21. Minnesota Statutes 1996, section 203B.12, is amended by adding a subdivision to read:

Subd. 7. NAMES OF PERSONS SUBMITTING ABSENTEE BALLOTS. The names of voters who have submitted an absentee ballot return envelope to the county auditor or municipal clerk may not be made available for public inspection until the close of voting on election day.

Sec. 22. Minnesota Statutes 1996, section 203B.13, subdivision 1, is amended to read:

Subdivision 1. ESTABLISHMENT. The governing body of any county that has established a counting center as provided in section 206.85, subdivision 2, any municipality may by ordinance, or the school board of any school district may by ordinance or resolution, authorize an absentee ballot board. The board shall consist of a sufficient number of election judges appointed as provided in sections 204B.19 to 204B.22.

Sec. 23. Minnesota Statutes 1996, section 203B.13, subdivision 2, is amended to read:

Subd. 2. DUTIES. The absentee ballot board may do any of the following:

(a) Receive from each precinct in the municipality or school district all ballot envelopes marked "Accepted" by the election judges; provided that the governing body of a municipality or the school board of a school district may authorize the board to examine all return absentee ballot envelopes and receive or reject absentee ballots in the manner provided in section 203B.12;

(b) Open and count the absentee ballots, tabulating the vote in a manner that indicates each vote of the absentee voter and the total absentee vote cast for each candidate or question in each precinct; or

(c) Report the vote totals tabulated for each precinct.

The absentee ballot board may begin the process of examining the return envelopes and marking them "accepted" or "rejected" at any time during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot. The secretary of state shall provide samples of the replacement ballot and return envelope for use by the county auditor.

Sec. 24. Minnesota Statutes 1996, section 203B.16, is amended by adding a subdivision to read:

Subd. 3. DUTIES OF MUNICIPAL CLERK. The municipal clerk shall administer the duties of the county auditor in sections 203B.16 to 203B.27 for municipal elections not held on the same day as a state or county election.

Sec. 25. Minnesota Statutes 1996, section 203B.19, is amended to read:

203B.19 RECORDING APPLICATIONS.

Upon accepting an application, the county auditor shall record in a permanent register the voter's name, address of present or former residence in Minnesota, mailing ad-

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dress, school district number, and the category under section 203B.16, to which the voter belongs. ~~After recording this information, The county auditor shall retain the application record for two four years after the date of the next general election.~~ A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27.

Sec. 26. Minnesota Statutes 1996, section 204B.06, is amended by adding a subdivision to read:

Subd. 8. **PROOF OF ELIGIBILITY.** A candidate for judicial office or for the office of county attorney shall submit with the affidavit of candidacy proof that the candidate is licensed to practice law in this state.

A candidate for county sheriff shall submit with the affidavit of candidacy proof of licensure as a peace officer in this state.

Sec. 27. Minnesota Statutes 1996, section 204B.146, is amended to read:

204B.146 DUTIES OF SECRETARY OF STATE.

Subdivision 1. **REDISTRICTING.** The secretary of state shall conduct conferences with the county auditors, municipal clerks, and school district clerks to instruct them on the procedures for redistricting of election districts and establishment of election precincts in the year ending in one.

Subd. 2. **PRECINCT AND ELECTION DISTRICT BOUNDARIES.** The secretary of state shall maintain a computer database of precinct and election district boundaries. The secretary of state shall revise the information in the database whenever a precinct or election district boundary is changed. The secretary of state shall prepare maps illustrating precinct and election district boundaries in either paper or electronic formats and make them available to the public at the cost of production.

The secretary of state may authorize municipalities and counties to provide updated precinct and election district boundary information in electronic formats.

The secretary of state shall provide periodic updates of precinct and election district boundaries to the legislative coordinating commission, the state demographer, and the land management information center.

At least 30 days before the state primary, the secretary of state shall provide the county auditor with maps of each precinct in municipalities with more than one precinct. The county auditor shall forward the maps to the appropriate municipal clerks, who shall post the map in the polling place on the day of the state primary and the state general election.

Sec. 28. Minnesota Statutes 1996, section 204B.15, is amended to read:

204B.15 UNORGANIZED TERRITORY; ELECTION PRECINCTS.

A county board, at its meeting in either January or July, upon the petition of not less than ten eligible voters residing in unorganized territory more than ten miles from the polling place in any established precinct, shall may establish a new election precinct precincts to serve the residents of unorganized territories. The board shall designate a polling place for the new precinct that is convenient for the individuals residing in it. No polling

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place designated under this section shall be located within ten miles of an existing polling place.

Sec. 29. Minnesota Statutes 1996, section 204B.16, subdivision 1a, is amended to read:

Subd. 1a. **NOTICE TO VOTERS.** If the location of a polling place has been changed, the governing body establishing the polling place shall send each to every affected household with at least one registered voter in the affected precinct a nonforwardable mailed notice stating the location of the new polling place at least 25 days before the next election. The secretary of state shall prepare a sample of this notice. A notice that is returned as undeliverable must be forwarded immediately to the county auditor, who shall change the registrant's status to "challenged" in the statewide registration system. This subdivision does not apply to a polling place location that is changed on election day under section 204B.17.

Sec. 30. Minnesota Statutes 1996, section 204B.16, subdivision 3, is amended to read:

Subd. 3. **DESIGNATION EFFECTIVE UNTIL CHANGED.** The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than ~~30~~ 90 days prior to an election and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Sec. 31. Minnesota Statutes 1996, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. **MINIMUM NUMBER REQUIRED.** A minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended. An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present.

Sec. 32. Minnesota Statutes 1996, section 204B.23, is amended to read:

204B.23 VACANCIES AMONG ELECTION JUDGES.

A vacancy on an election board occurs when any election judge who is a member of that board:

- (a) Fails to arrive at the polling place within 30 minutes after the time when the polling place is scheduled to open;
 - (b) Becomes unable to perform the duties of the office after assuming those duties;
- or
- (c) For any reason fails or refuses to perform the duties of the office as assigned by the chair of the election board.

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When a vacancy occurs, the remaining election judges of the precinct shall elect an individual to fill the vacancy subject to the provisions of section 204B.19. When possible the election judges shall elect individuals who have been trained as election judges pursuant to section 204B.25. The oath signed by the new election judge shall indicate that the new election judge was elected to fill a vacancy. The municipal clerk may assign election judges to fill vacancies as they occur.

Sec. 33. Minnesota Statutes 1996, section 204B.27, is amended by adding a subdivision to read:

Subd. 9. ELECTION SUPPLY CONTRACT. The secretary of state may enter into a statewide contract from which any county auditor may purchase ballots, forms, or other election supplies.

Sec. 34. Minnesota Statutes 1996, section 204B.31, is amended to read:

204B.31 COMPENSATION FOR ELECTION SERVICES.

Subdivision 1. COMPENSATION. The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day of attendance at the capitol and mileage for travel to and from the capitol in the amount allowed for state employees in accordance with section 43A.18, subdivision 2;

(b) To individuals, other than county, city, school district, or town employees during their normal work day, who are appointed by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour spent in carrying ballots and mileage in the amount allowed pursuant to section 471.665, subdivision 1;

(c) To members of county canvassing boards, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel equal to the amount allowed pursuant to section 471.665, subdivision 1;

(d) To election judges serving in any city, an amount fixed by the governing body of the city; to election judges serving in any school district election which is not held in conjunction with a state election, an amount fixed by the school board of the school district; to election judges serving in unorganized territory, an amount fixed by the county board; and to election judges serving in towns, an amount fixed by the town board. Election judges shall receive at least the prevailing Minnesota minimum wage for each hour spent carrying out their duties at the polling places and in attending training sessions required by section 204B.25, except as provided in subdivision 2. An election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed pursuant to section 471.665, subdivision 1; and

(e) To sergeants at arms, an amount for each hour of service performed at the direction of the election judges, fixed in the same manner as compensation for election judges.

Subd. 2. VOLUNTEER SERVICE. Any person appointed to serve as an election judge may elect to serve without payment by submitting a written statement to the appropriate governing body no later than ten days before the election.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 35. Minnesota Statutes 1996, section 204B.36, subdivision 2, is amended to read:

Subd. 2. **CANDIDATES AND OFFICES.** The name of each candidate shall be printed at a right angle to the length of the ballot. At a general election the name of the political party or the political principle of each candidate for partisan office shall be printed above or below the name of the candidate. The name of a political party or a political principle shall be printed in capital and lower case letters of the same type, with the capital letters at least one-half the height of the capital letters used for names of the candidates. At a general election, blank lines containing the words "write-in, if any" shall be printed below the name of the last candidate for each office, or below the title of the office if no candidate has filed for that office, so that a voter may write in the names of individuals whose names are not on the ballot. One blank line shall be printed for each officer of that kind to be elected. At a primary election, no blank lines shall be provided for writing in the names of individuals whose names do not appear on the primary ballot.

On the left side of the ballot at the same level with the name of each candidate and each blank line shall be printed a square in which the voter may designate a vote by a mark (X). Each square shall be the same size. Above the first name on each ballot shall be printed the words, "Put an (X) in the square opposite the name of each candidate you wish to vote for." At the same level with these words and directly above the squares shall be printed a small arrow pointing downward. Directly underneath the official title of each office shall be printed the words "Vote for one" or "Vote for up to ..." (any greater number to be elected).

Sec. 36. [204B.47] ALTERNATE ELECTION PROCEDURES; DUTIES OF SECRETARY OF STATE.

When a provision of the Minnesota election law cannot be implemented as a result of an order of a state or federal court, the secretary of state shall adopt alternate election procedures to permit the administration of any election affected by the order. The alternate procedures remain in effect until the first day of July following the next succeeding final adjournment of the legislature, unless otherwise provided by law or by court order.

Sec. 37. Minnesota Statutes 1996, section 204C.08, is amended by adding a subdivision to read:

Subd. 2a. **SAMPLE BALLOTS.** A sample ballot must be posted in a conspicuous location in the polling place. The sample ballot must accurately reflect the offices, candidates, and rotation sequence on the ballots used in that polling place.

Sec. 38. Minnesota Statutes 1996, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **INTERPRETERS; PHYSICAL ASSISTANCE IN MARKING BALLOTS.** A voter who claims ~~under oath~~ a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to act as interpreters. The interpreters ~~shall take an oath similar to that taken by~~

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election judges, and shall assist the individual in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. ~~The individual who assists the voter shall take an oath of eligibility to do so.~~ Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 39. Minnesota Statutes 1996, section 204C.31, subdivision 2, is amended to read:

Subd. 2. **STATE CANVASSING BOARD.** The state canvassing board shall consist of the secretary of state, two judges of the supreme court ~~or the court of appeals~~, and two judges of the district court selected by the secretary of state. None of the judges shall be a candidate at the election. If a judge fails to appear at the meeting of the canvassing board, the secretary of state shall fill the vacancy in membership by selecting another judge who is not a candidate at the election. Not more than two judges of the supreme court shall serve on the canvassing board at one time.

Sec. 40. Minnesota Statutes 1996, section 204C.32, is amended to read:

204C.32 CANVASS OF STATE PRIMARIES.

Subdivision 1. **COUNTY CANVASS.** The county canvassing board shall meet at the county auditor's office at ~~10:00 a.m.~~ on or before the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. ~~The board shall complete the canvass by the evening of the sixth day following the election no later than the third day following the state primary~~ and shall promptly prepare and file with the county auditor a report that states:

- (a) The number of individuals voting at the election in the county, and in each precinct;
- (b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) For each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;
- (d) The names of the candidates of each major political party who are nominated; and

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

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

Subd. 2. **STATE CANVASS.** The state canvassing board shall meet at the secretary of state's office ~~on the second Friday seven days~~ after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. ~~No later than two days~~ Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors ~~and~~. The secretary of state shall mail to each nominee a notice of nomination.

Sec. 41. Minnesota Statutes 1996, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **COUNTY CANVASS.** The county canvassing board shall meet at the county auditor's office on or before the ~~third~~ seventh day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

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

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

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

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

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

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. ~~The county auditor shall promptly certify to the secretary of state the vote reported by the county canvassing board for candidates voted~~

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for in more than one county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 42. Minnesota Statutes 1996, section 205.10, subdivision 3, is amended to read:

Subd. 3. **PROHIBITION.** No special election shall be held under this section on the second Tuesday in December and no special election authorized under subdivision 1 may be held within 40 days after the state general election.

Sec. 43. Minnesota Statutes 1996, section 205.13, subdivision 1, is amended to read:

Subdivision 1. **AFFIDAVIT OF CANDIDACY.** An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk. Subject to the approval of the county auditor, the town clerk may authorize candidates for township offices to file affidavits of candidacy with the county auditor. The affidavit shall be in substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation.

Sec. 44. Minnesota Statutes 1996, section 205.17, is amended by adding a subdivision to read:

Subd. 6. **FORM OF BALLOT.** The ballots for municipal elections must be prepared by the municipal clerk in the manner provided in the rules of the secretary of state.

Sec. 45. Minnesota Statutes 1996, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **QUESTIONS.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 30 days before and the 30 days after the state primary ~~or~~, during the 30 days before and the 40 days after the state general election, or on the second Tuesday in December. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

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Sec. 46. Minnesota Statutes 1996, section 205A.08, is amended by adding a subdivision to read:

Subd. 5. FORM OF BALLOT. The ballots for school district elections must be prepared by the school district clerk in the manner provided in the rules of the secretary of state.

Sec. 47. Minnesota Statutes 1996, section 206.55, is amended to read:

206.55 MINNESOTA ELECTION LAW APPLIES.

The use of lever voting machines and electronic voting systems is governed by sections 206.55 to ~~206.87~~ 206.90 and by all other provisions of the Minnesota election law which are not inconsistent with sections 206.55 to ~~206.87~~ 206.90.

Sec. 48. Minnesota Statutes 1996, section 206.56, subdivision 1, is amended to read:

Subdivision 1. **SCOPE.** The definitions in chapter 200 and in this section apply to sections 206.55 to ~~206.87~~ 206.90.

Sec. 49. Minnesota Statutes 1996, section 206.56, subdivision 3, is amended to read:

Subd. 3. **BALLOT.** "Ballot" includes ~~ballot strips,~~ ballot cards, ~~ballot booklets,~~ and paper ballots.

Sec. 50. Minnesota Statutes 1996, section 206.56, subdivision 5, is amended to read:

Subd. 5. **BALLOT CARD.** "Ballot card" means a ballot ~~which is voted by the process of punching or~~ which is marked so that votes may be counted by automatic tabulating equipment.

Sec. 51. Minnesota Statutes 1996, section 206.56, subdivision 8, is amended to read:

Subd. 8. **ELECTRONIC VOTING SYSTEM.** "Electronic voting system" means a system in which the voter records votes by means of marking ~~or punching~~ a ballot, which is designed so that votes may be counted by automatic tabulating equipment at a counting center.

Sec. 52. Minnesota Statutes 1996, section 206.56, subdivision 9, is amended to read:

Subd. 9. **MARKING DEVICE.** "Marking device" means ~~either an apparatus in which ballot cards are inserted and used in connection with a punch instrument for the piercing of the ballot cards by the voter or~~ any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment. ~~The mark made by the marking device may be in the form of a round dot, a square, or any other shape that will clearly indicate the intent of the voter.~~

Sec. 53. Minnesota Statutes 1996, section 206.57, is amended to read:

206.57 EXAMINATION OF NEW VOTING SYSTEMS.

Subdivision 1. **EXAMINATION AND REPORT BY SECRETARY OF STATE; APPROVAL.** A vendor of a lever voting machine ~~or an~~ electronic voting system may apply to the secretary of state to examine the ~~machine or~~ system and to report as to its compliance with the requirements of law and as to its accuracy, durability, efficiency, and capacity to register the will of voters. The secretary of state or a designee shall examine

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the machine or system submitted and file a report on it in the office of the secretary of state. Examination is not required of every individual machine or counting device, but only of each type of lever voting machine or electronic voting system before its adoption, use, or purchase and before its continued use after significant changes have been made in an approved machine or system. The examination must include the ballot programming, vote counting, and vote accumulation functions of each voting machine or system.

If the report of the secretary of state or the secretary's designee concludes that the kind of machine or system examined complies with the requirements of sections 206.55 to 206.90 and can be used safely, the machine or system shall be deemed approved by the secretary of state, and may be adopted and purchased for use at elections in this state. A voting machine or system not approved by the secretary of state may not be used at an election in this state. The secretary of state may adopt permanent rules consistent with sections 206.55 to 206.90 relating to the examination and use of voting machines and electronic voting systems.

Subd. 2. **EXAMINATION FEE.** The secretary of state may assess a fee to accompany the application to cover the actual and necessary costs for the examinations and licenses provided for in this section. The fee shall ~~must~~ be deposited in the state treasury. The expenses of administering this section shall must be paid from the appropriations made to the secretary of state.

Subd. 4. **VENDOR BONDS.** Vendors of lever voting machines or electronic voting systems shall certify to the secretary of state that they will not offer for sale any voting machine or a system which is not certified for use in Minnesota elections. The vendor shall furnish a bond in the amount of \$5,000 along with the certification to the secretary of state conditioned on offering the equipment for sale in accordance with Minnesota election laws and any conditions of the approval of the equipment granted as provided in this section.

Sec. 54. Minnesota Statutes 1996, section 206.58, is amended to read:

206.58 AUTHORIZATION FOR USE.

Subdivision 1. **MUNICIPALITIES.** The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of lever voting machines or, by the affirmative vote of two-thirds of its members, may provide for the use of an electronic voting system, in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting machine or device system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

If a machine is designed in a way that does not allow voting on all candidates and issues pursuant to this chapter, the machines may be used to the extent compliance with this chapter is possible and paper ballots complying with election laws shall be used for all other offices and issues. No machine or system shall may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

Subd. 2. **MAY USE EXPERIMENTAL MACHINES SYSTEMS.** The governing body of a municipality may provide for the experimental use of lever voting machines or

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an electronic voting system in one or more precincts without formal adoption of the machines or system. Use of the machines or system at an election shall be is as valid for all purposes as if the machines or system had been permanently adopted.

~~When~~ If the governing body of a municipality decides to use ~~lever voting machines or an~~ electronic voting system, it shall, at a regular or special meeting held not less than 30 days before the election, prescribe suitable rules and instructions consistent with sections 206.55 to ~~206.87~~ 206.90 for using the machine or system and shall submit the rules and instructions to the secretary of state for approval. When approved, a printed copy of the rules and instructions shall must be posted prominently in the polling place and shall must remain open to inspection by the voters throughout election day.

Subd. 3. **COUNTIES.** The governing body of a county may provide for the use of ~~lever voting machines or an~~ electronic voting system in one or more precincts of the county at all elections. ~~The governing body of a county containing a city of the first class, at a regular meeting or at a special meeting called for the purpose, may provide for the use of lever voting machines or, by the affirmative vote of two-thirds of its members, may provide for the use of an electronic voting system, in one or more municipalities of the county, at all elections.~~ The governing body of the municipality shall give approval before a voting machine or an electronic voting system may be adopted or used in the municipality under the authority of this section. No machine or system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

Subd. 4. **CERTIFICATION OF USE OF VOTING MACHINES SYSTEMS.** ~~When~~ If a municipality adopts the use of ~~lever voting machines or an~~ electronic voting system, ~~it is the duty of the municipal clerk to~~ shall certify to the secretary of state within 30 days from the date of adoption that ~~lever voting machines or an~~ electronic voting system will be used in the municipality and the date when use will commence.

Sec. 55. Minnesota Statutes 1996, section 206.59, is amended to read:

206.59 PAYMENT FOR MACHINES VOTING SYSTEMS.

Payment for ~~lever voting machines or an~~ electronic voting system may be provided for in the manner deemed in the best interests of the political division adopting and purchasing ~~them~~ it. A municipality or county may make payment by appropriating money from the general fund, by levying a tax in the same manner as other taxes are levied, or by issuing and selling bonds or other certificates of indebtedness, which shall must be a charge upon the municipality or county adopting and purchasing the ~~lever voting machines or~~ electronic voting system. Bonds or other certificates of indebtedness may be issued by a majority vote of the governing body of the municipality or county adopting and purchasing ~~voting machines or an~~ electronic voting system, notwithstanding any contrary provision contained in any home rule charter or law of this state.

The bonds or certificates of indebtedness issued may bear interest at a rate not exceeding the rate provided in section 475.55 and may be made payable at a time not exceeding 20 years from the date of issue, as determined by the resolution or ordinance authorizing the issue. The bonds or certificates of indebtedness may be issued exclusive of and in addition to any limit of indebtedness fixed by the charter of a municipality, or by laws governing a municipality or county, but the bonds or certificates of indebtedness may not be issued or sold at less than par and accrued interest on them.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 56. Minnesota Statutes 1996, section 206.61, subdivision 1, is amended to read:

Subdivision 1. OFFICIAL RESPONSIBLE FOR PROVIDING BALLOTS.

The official charged with providing paper ballots when they are used shall provide all ~~ballot strips and ballot cards, ballot booklets, diagrams, sample ballots, precinct summary statements, and other necessary supplies needed for lever voting machines or electronic voting systems, except as otherwise provided by this section.~~

At general elections and primaries the county auditor of each county in which ~~lever voting machines or an electronic voting system are~~ is used shall provide all ~~ballot strips, ballot cards, ballot booklets, and other necessary printed forms and supplies needed for the lever voting machines or electronic voting system, including all forms needed for voting on candidates and questions, the ballots for which are required by the election laws to be provided by the state when paper ballots are used.~~

Sec. 57. Minnesota Statutes 1996, section 206.61, subdivision 3, is amended to read:

Subd. 3. CANDIDATES' NAMES. Candidates' names may be set in as large type as the length of the majority of names on the ballot permits. The remaining candidates' names may be set in smaller sizes of type as the length of each name requires, in order to fit the available space on the ~~ballot strip or ballot booklet card.~~

Sec. 58. Minnesota Statutes 1996, 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 must 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 must be the same on all lever voting machines or marking devices systems used in the same precinct. ~~When~~ If 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. 59. Minnesota Statutes 1996, section 206.62, is amended to read:

206.62 SAMPLE BALLOTS.

The officials who prepare ~~ballot strips or ballot booklet cards~~ shall provide each polling place with at least two sample ballots which are facsimiles of the ~~ballot strip or ballot booklet card~~ to be voted on in that precinct. ~~Candidates' names may not be rotated on the sample ballots but must be arranged in alphabetical order for all offices where rotation of names on the official ballots is required by law.~~ The sample ballots may be either in full or reduced size. ~~They must contain suitable illustrated directions for voting on a lever voting machine or for operating a marking device, or illustrated instructions must be provided on a separate poster placed adjacent to each sample ballot.~~ The sample ballots must be posted prominently in the polling place and must remain open to inspection by the voters throughout election day.

Sec. 60. Minnesota Statutes 1996, section 206.64, subdivision 1, is amended to read:

Subdivision 1. GENERAL PROVISIONS FOR LEVER MACHINE VOTING AND ELECTRONIC SYSTEM VOTING. Each ~~lever voting machine and electronic~~

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voting system booth must be placed and protected so that it is accessible to only one voter at a time and is in full view of all the election judges and challengers at the polling place. The election judges shall admit one individual at a time to each ~~machine or booth~~ after determining that the individual is eligible to vote. Voting by ~~lever voting machine or electronic voting system~~ shall must be secret, except as provided in this section for voters who need assistance. A voter may remain inside the voting booth for three minutes. A voter who refuses to leave the voting booth after three minutes shall must be removed by the election judges. An election judge shall inspect the face of each lever voting machine and marking device after each voter has voted to determine that the ballot strips and ballot booklets are in the proper places and that the machine or device has not been injured or tampered with. During voting hours the door or other compartment of a lever voting machine may not be unlocked or opened, nor may the counters be exposed except by a custodian or other authorized person, who shall make and sign a statement of explanation to be attached to the election returns.

Sec. 61. Minnesota Statutes 1996, section 206.66, is amended to read:

206.66 VIOLATIONS; PENALTIES.

Subdivision 1. **INJURING VOTING MACHINES.** An individual who intentionally injures or attempts to injure or render ineffectual a ~~lever voting machine or any component of an electronic voting system~~, or who violates any of the provisions of sections 206.55 to 206.90, is guilty of a felony.

Subd. 2. **VIOLATION OF LAW, RULES.** An individual who violates any rules adopted by the secretary of state or by the governing body of a municipality where ~~lever voting machines or an electronic voting system~~ are is used, or who violates any of the provisions of sections 206.55 to 206.90, is guilty of a gross misdemeanor.

Subd. 3. **PERFORMANCE BOND.** A vendor of ~~voting machines~~, electronic voting systems, or related election services shall furnish the secretary of state with a sufficient bond conditioned on the performance of those machines, systems, or services in accordance with the Minnesota election law and any contract or agreement made with an election jurisdiction in Minnesota. The vendor bond required under section 206.57, subdivision 4, may serve as the performance bond required under this subdivision. The secretary of state shall send notice of the receipt or forfeiture of a bond under this subdivision to each official on the user list.

Sec. 62. Minnesota Statutes 1996, section 206.80, is amended to read:

206.80 ELECTRONIC VOTING SYSTEMS.

(a) An electronic voting system may not be employed unless it:

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;
- (4) rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;

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(5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and

(6) rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party, except as provided in paragraph (b).

(b) A punch card electronic voting system may not be employed at a partisan primary election unless it permits a voter at a partisan primary election to select the party for which the voter wishes to vote by punching out an indicator for one of the parties only, and ~~must reject, by means of the automatic tabulating equipment, all votes cast in a partisan primary election by a voter for candidates of a party other than the one chosen by the voter from the party indicators.~~

Sec. 63. Minnesota Statutes 1996, section 206.81, is amended to read:

206.81 ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.

The secretary of state may license an electronic voting system for experimental use at an election prior to its approval for general use. Experimental use shall must be observed by the secretary of state or the secretary's designee and the results observed shall must be considered at any subsequent proceedings for approval for general use. The secretary of state may adopt rules consistent with sections 206.55 to 206.87 206.90 relating to experimental use. The extent of experimental use shall must be determined by the secretary of state.

Sec. 64. Minnesota Statutes 1996, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

The official in charge of elections shall have the voting system tested to ascertain that the system will correctly count the votes cast for all candidates and on all questions ~~(1) within five days prior to election day, for punch card voting systems, or (2) within 14 days prior to election day, for optical scan voting systems.~~ Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by processing a pre-audited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system to reject those votes. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. ~~The test for punch card voting systems must be repeated immediately before the start of the official count of the ballots, in the manner provided in this section.~~ After the completion of the count test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 65. Minnesota Statutes 1996, section 206.84, subdivision 3, is amended to read:

Subd. 3. **BALLOTS.** The ballot information, ~~whether placed on the ballot card or on the ballot booklet must,~~ as far as practicable, must be in the same order provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number

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of separate pages. The secretary of state shall provide by rule for standard ballot formats for electronic voting systems.

The pages of a partisan primary ballot booklet must be different colors for different parties. The colors available for partisan primary ballot booklet pages are purple, orange, and buff. The chairs of the major political parties shall choose from among those colors in a random drawing conducted by the secretary of state. A color chosen by a party is permanently assigned to that party.

A partisan primary ballot booklet must be designed to include a form of party indicator by which the voter may choose the party in whose primary the voter intends to vote.

All pages of a party's primary ballot must be consecutive, without the insertion of pages from another party. Partisan primary ballot booklets must contain a prominent notice of the effect of attempting to vote in more than one party's primary. A separate ballot booklet may also be used for each party in a partisan primary.

Ballots for all questions must be provided in the same manner. Where ballot booklets are placed in a marking device, they shall be arranged on or in the marking device in the places provided. Ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by electronic vote counting equipment. Ballot cards must contain an identification of the precinct for which they have been prepared which can be read visually and which can be tabulated by the automatic tabulating equipment.

Sec. 66. Minnesota Statutes 1996, section 206.84, subdivision 6, is amended to read:

Subd. 6. **DUTIES OF OFFICIAL IN CHARGE.** The official in charge of elections in each municipality where an electronic voting system is used shall have the marking devices voting systems put in order, set, adjusted, and made ready for voting when delivered to the election precincts. The official shall also provide each precinct with a container for transporting ballot cards to the counting location after the polls close. The container shall be of sturdy material to protect the ballots from all reasonably foreseeable hazards including auto collisions. The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open the election judges shall compare the ballot booklets cards used with the sample ballots furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for the purpose. The certification must be filed with the election returns.

Sec. 67. Minnesota Statutes 1996, section 206.84, subdivision 7, is amended to read:

Subd. 7. **SPOILED BALLOT CARDS.** A voter who spoils a ballot card or makes an error may return it to the election judges and obtain another. Except as otherwise provided in sections 206.55 to ~~206.87~~ 206.90, the election judges shall conduct the election in the manner prescribed for precincts using paper ballots in chapters 204C and 204D.

Sec. 68. Minnesota Statutes 1996, section 206.86, subdivision 1, is amended to read:

Subdivision 1. **AT THE VOTING LOCATION.** In precincts where an electronic voting system is used, as soon as the polls are closed the election judges shall secure the marking devices voting systems against further voting. They shall then open the ballot box and count the number of ballot cards or envelopes containing ballot cards that have been cast to determine that the number of ballot cards does not exceed the number of vot-

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ers shown on the election register or registration file. If there is an excess, the judges shall process the ballot cards in the same manner as paper ballots are processed in section 204C.20, subdivision 2. The total number of voters must be entered on the forms provided. The judges shall next count the write-in votes and enter the number of those votes on forms provided for the purpose. If ballot cards are used, all ballot envelopes on which write-in votes have been recorded must be serially numbered, starting with the number one, and the same number must be placed on the ballot card of the voter. The judges shall compare the write-in votes with the votes cast on the ballot card. If the total number of votes for any office exceeds the number allowed by law, a notation to that effect must be entered on the back of the ballot card and the card must be returned to the counting center in an envelope marked "defective ballots"; however, valid votes on ballot cards containing invalid votes must be counted as provided in subdivision 5. If paper ballots are used, the judges, before counting the write-in votes, shall compare the write-in votes with the votes cast elsewhere on the ballot card. If the total number of votes for an office involving a write-in vote exceeds the number allowed by law, a notation to that effect must be entered on the back of the ballot. Valid votes on the rest of such a ballot must be tallied by the judges at the precinct, on a form provided for the purpose. The ballot must then be placed in an envelope marked "defective ballots" and returned to the counting center. The total number of defective ballots must be added to the totals for the respective precincts and the defective ballots disposed of as provided by section 204C.25.

Sec. 69. Minnesota Statutes 1996, section 206.86, subdivision 2, is amended to read:

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

Sec. 70. Minnesota Statutes 1996, section 206.90, subdivision 4, is amended to read:

Subd. 4. **ABSENTEE VOTING.** An optical scan voting system may be used for absentee voting as long as the county auditor may supply an appropriate marking instrument is supplied to the voter along with the ballot.

Sec. 71. Minnesota Statutes 1996, section 206.90, subdivision 6, is amended to read:

Subd. 6. **BALLOTS.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

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The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

Sec. 72. Minnesota Statutes 1996, section 207A.03, subdivision 2, is amended to read:

Subd. 2. **VOTER CERTIFICATION; BALLOT.** An individual seeking to vote at the presidential primary shall request the ballot of the party for whose candidates the individual wishes to vote. ~~The voter registration certificate or duplicate registration file~~ polling place roster for the presidential primary must list the names of the political parties appearing on the ballot at the presidential primary. Before receiving a ballot, a voter shall sign the ~~voter's certificate or duplicate registration file~~ polling place roster and shall place a ~~check mark beside~~ indicate the name of the political party whose ballot the voter requested.

Sec. 73. Minnesota Statutes 1996, section 211B.14, is amended to read:

211B.14 DIGEST OF LAWS.

The secretary of state, with the approval of the attorney general, shall prepare and print an easily understandable digest of this chapter and annotations of it. The digest may include other related laws and annotations at the discretion of the secretary of state.

The secretary of state shall distribute the digest to candidates and committees through the county auditor or otherwise as the secretary of state considers expedient. A copy of the digest and, if appropriate, a financial reporting form and a certification of filing form must be distributed to each candidate by the filing officer at the time that the candidate's affidavit of candidacy is filed.

Sec. 74. Minnesota Statutes 1996, section 367.03, subdivision 1, is amended to read:

Subdivision 1. **SUPERVISORS, TERMS.** Except in towns operating under option A or in towns operating as provided in subdivision 4, three supervisors shall be elected in each town at the town general election as provided in this section. Each supervisor shall be elected for a term of three years and shall serve until a successor is elected and qualified.

Sec. 75. Minnesota Statutes 1996, section 367.25, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT, FEE.** Every person elected at a March election or appointed to a town office, within ten days after receiving a certificate or notice of election or appointment, shall take and subscribe the oath required by law. Persons elected at a November election shall take their oath before assuming office. If taken before the town clerk, the oath shall be administered and certified without fee.

Sec. 76. Minnesota Statutes 1996, section 387.01, is amended to read:

387.01 QUALIFICATIONS; BOND; OATH.

Every person who files as a candidate for county sheriff must be licensed as a peace officer in this state. Every person elected or appointed to the office of sheriff after August 1, 1973, and not holding a certificate of satisfactory completion of the basic course in training issued by the executive director of the Minnesota peace officers training board, shall, within one year after assuming office obtain such certificate, except that sheriffs in

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office on August 1, 1973, shall be considered to be qualified and eligible to continue in office as sheriff and to be reelected to that office. A sheriff who without good cause does not obtain a certificate of satisfactory completion as required by this section shall thereafter forfeit all privileges and compensation, the office of sheriff shall be deemed vacant, and the county board may fill said office at a special election called for that purpose, but shall fill said office no later than at the next general election must become licensed as a peace officer before entering upon the duties of the office. Before entering upon duties every sheriff shall give bond to the state in a sum not less than \$25,000 in counties whose population exceeds 150,000, and not less than \$5,000 in all other counties, to be approved by the county board, conditioned that the sheriff will well and faithfully in all things perform and execute the duties of office, without fraud, deceit, or oppression, which bond, with an oath of office, shall be filed for record with the county recorder.

Sec. 77. Minnesota Statutes 1996, section 388.01, is amended to read:

388.01 ELECTION; QUALIFICATIONS; TERM.

There shall be elected in each county a county attorney who shall be learned in the licensed to practice law in this state, and whose term of office shall be four years and until a successor qualifies. Before entering upon duties the county attorney shall take an oath. The oath must be filed for record with the county recorder.

Sec. 78. Minnesota Statutes 1996, section 626.846, subdivision 6, is amended to read:

Subd. 6. A person seeking election to the office of sheriff must be licensed as a peace officer. A person seeking election or appointment to the office of sheriff, or seeking appointment to the position of chief law enforcement officer, as defined by the rules of the board, after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office. A person elected or appointed to the office of sheriff or the position of chief law enforcement officer shall be licensed as a peace officer during the person's term of office or employment.

Sec. 79. REPEALER.

Minnesota Statutes 1996, sections 204D.15, subdivision 2; 206.065; 206.56, subdivisions 4, 6, 10, 11, 12, 13, and 15; 206.60; 206.61, subdivisions 2, 6, 7, and 8; 206.63; 206.64, subdivision 2; 206.68; 206.685; 206.69; 206.70; 206.71; 206.72; 206.73; 206.74; 206.75; 206.76; 206.77; 206.84, subdivisions 2, 4, and 5; and 211B.11, subdivision 2, are repealed.

Presented to the governor May 12, 1997

Signed by the governor May 13, 1997, 10:25 a.m.

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