

CHAPTER 293—H.F.No. 1006

An act relating to elections; providing for conformity with the federal Help America Vote Act; authorizing rulemaking; providing for administration of elections; conforming disclaimer requirements for campaign material to constitutional limitations; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivisions 1, 2, 3; 201.091, subdivisions 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivisions 2, 3; 202A.14, subdivision 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.085; 203B.12, subdivision 2; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.16, subdivision 3; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204B.41; 204B.47; 204C.06, by adding a subdivision; 204C.08, by adding a subdivision; 204C.10; 204C.20, subdivision 2; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, by adding a subdivision; 206.57, by adding subdivisions; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 211B.01, subdivision 2; 211B.04; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 414.041, subdivision 1; 447.32, subdivisions 3, 4; Minnesota Statutes 2003 Supplement, section 205A.07, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 201; 204C; 204D.

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

ARTICLE 1**HAVA COMPLIANCE**

Section 1. Minnesota Statutes 2002, section 201.021, is amended to read:

201.021 PERMANENT REGISTRATION SYSTEM.

A permanent system of voter registration by county is established, with the county systems linked together by a centralized statewide system a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county

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auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

Sec. 2. Minnesota Statutes 2002, section 201.022, is amended to read:

201.022 STATEWIDE REGISTRATION SYSTEM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. **RULES.** The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. The rules must at least:

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

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

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

(4) provide for interaction with the computerized driver's license records of the Department of Public Safety;

(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;

(6) allow the offices of all county auditors and the Secretary of State's Office to have access to the statewide registration system for review and search capabilities;

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

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

(9) prescribe a procedure for the return of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor.

Sec. 3. Minnesota Statutes 2002, 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 voter registration card application as described in section 201.071, subdivision 1, 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 application 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 card applications from a voter must submit the completed card applications to the secretary of state or the appropriate county auditor within ten days after the card applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

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Sec. 4. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1a. INCOMPLETE REGISTRATION BY MAIL. If the county auditor determines that a voter who has submitted a voter registration application by mail has not previously voted in this state for a federal office and has also not presented a document authorized for election day registration in section 201.061, subdivision 3, to the auditor, and the county auditor is unable to verify the voter's driver's license, state identification, or last four digits of the voter's Social Security number as provided by the voter on the voter registration application, then the county auditor must notify the voter that the registration is incomplete and to complete registration by using one of the following methods:

(1) presenting to the auditor more than 20 days before the election a document authorized for election day registration in section 201.061, subdivision 3;

(2) registering in person before or on election day;

(3) if voting by absentee ballot or by mail, following election day registration procedures for absentee voters as described in section 203B.04, subdivision 4; or

(4) providing proof of residence by any of the methods authorized for election day registration in section 201.061, subdivision 3.

Sec. 5. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. ELECTION DAY REGISTRATION. An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

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

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

(3) showing presenting one of the following:

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

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

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(4) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; or.

(5) For tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by showing presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card application.

Sec. 6. Minnesota Statutes 2002, section 201.071, subdivision 1, is amended to read:

Subdivision 1. **FORM.** A voter registration card application 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; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The registration application may include the voter's e-mail address, if provided by the voter, and the voter's interest in serving as an election judge, if indicated by the voter. The card application must also contain a the following certification of voter eligibility:

"I certify that I:

- (1) will be at least 18 years old on election day;
 - (2) am a citizen of the United States;
 - (3) will have resided in Minnesota for 20 days immediately preceding election day;
 - (4) maintain residence at the address given on the registration form;
 - (5) am not under court-ordered guardianship of the person where I have not retained the right to vote;
 - (6) have not been found by a court to be legally incompetent to vote;
 - (7) have not been convicted of a felony without having my civil rights restored;
- and

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(8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both.

The certification must include boxes for the voter to respond to the following questions:

“(1) Are you a citizen of the United States?” and

“(2) Will you be 18 years old on or before election day?”

And the instruction:

“If you checked ‘no’ to either of these questions, do not complete this form.”

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

An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

Sec. 7. Minnesota Statutes 2002, section 201.071, subdivision 2, is amended to read:

Subd. 2. **INSTRUCTIONS.** A registration ~~card~~ application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and handicapped individuals and residents of health care facilities and hospitals. The instructions must indicate that if the voter does not have a valid Minnesota driver's license or identification card, the last four digits of the voter's Social Security number must be provided, unless the voter does not have a Social Security number. If, prior to election day, a person requests the instructions in Braille, on cassette tape, or in a version printed in 16-point bold type with heavy 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

Sec. 8. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. **DEFICIENT REGISTRATION.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration card application if it is deficient or illegible or

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if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

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

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

Sec. 9. Minnesota Statutes 2002, section 201.091, subdivision 4, is amended to read:

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

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

Upon receipt of a written request and a copy of the court order, the secretary of state may must withhold from the public information list the name of any registered voter placed under court-ordered protection.

Sec. 10. Minnesota Statutes 2002, section 201.091, subdivision 5, is amended to read:

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Subd. 5. **COPY OF LIST TO REGISTERED VOTER.** The county auditors and the secretary of state shall provide paper copies of the public information lists and may provide the lists in some other form in electronic or other media to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement. No list made available for public inspection or purchase may include the date of birth of a registered voter.

Sec. 11. Minnesota Statutes 2002, section 201.091, is amended by adding a subdivision to read:

Subd. 9. RESTRICTED DATA. A list provided for public inspection or purchase, for jury selection, or in response to a law enforcement inquiry, must not include a voter's date of birth or any part of a voter's Social Security number, driver's license number, or identification card number.

Sec. 12. Minnesota Statutes 2002, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **ENTRY OF REGISTRATION INFORMATION.** (a) Upon receiving At the time a voter registration card application is properly completed and, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter in the information contained on it into the statewide registration system the information contained on it. Voter registration cards applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met.

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

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

(d) The secretary of state shall provide a report to the county auditor on a weekly basis that includes a list of voters whose name, date of birth, or identification number have been compared with the same information in the Department of Public Safety database and cannot be verified as provided in this subdivision. The report must list

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separately those voters who have submitted a voter registration application by mail and have not voted in a federal election in this state.

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

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

Sec. 13. Minnesota Statutes 2002, section 201.13, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state 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.

Sec. 14. Minnesota Statutes 2002, section 201.15, as amended by Laws 2003, chapter 12, article 2, section 3, is amended to read:

201.15 DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.

Subdivision 1. **GUARDIANSHIPS AND INCOMPETENTS.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, and date of birth of each individual 18 years of age or over, who during the month preceding the date of the report:

(a) was placed under a guardianship of the person in which the court order provides that the ward does not retain the right to vote; or

(b) was adjudged legally incompetent.

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) or (b). 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

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of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. **RESTORATION TO CAPACITY.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, 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. 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. 15. Minnesota Statutes 2002, section 201.155, is amended to read:

201.155 REPORT ON FELONY CONVICTIONS.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means 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. 16. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards applications. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time and that information must be transmitted at least weekly by electronic means to the secretary of state. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record information relating to containing the voter's name, address, date of birth, driver's license number or state identification number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 17. [201.1615] INFORMATION SHARING; USE OF SOCIAL SECURITY NUMBER.

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The secretary of state shall enter into an agreement with the commissioner of public safety to match information in the statewide voter registration system with information in the Department of Public Safety database to verify the accuracy of the information provided on applications for voter registrations.

The commissioner of public safety shall enter into an agreement with the commissioner of the United States Social Security Administration under section 205(r)(8) of the Social Security Act to allow the use of the last four digits of the Social Security number to be used to verify voter registration information, to ensure the maintenance of the confidentiality of any applicable information disclosed, and to establish procedures to permit the department to use the information for purposes of maintaining its records.

Sec. 18. Minnesota Statutes 2002, 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 The secretary of state shall change perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

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

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 19. Minnesota Statutes 2002, section 201.221, subdivision 2, is amended to read:

Subd. 2. UNIFORM PROCEDURES FOR COUNTIES. The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to insure that it conforms to applicable federal and state laws and rules.

Sec. 20. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. PROCEDURES FOR POLLING PLACE ROSTERS. The secretary of state shall prescribe the form of polling place rosters that include the voter's name,

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

Sec. 21. Minnesota Statutes 2002, section 203B.06, subdivision 4, is amended to read:

Subd. 4. **REGISTRATION CHECK.** Upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to section 203B.11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk or election judge shall include a voter registration card application among the election materials provided to the applicant.

Sec. 22. Minnesota Statutes 2002, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **PROCEDURES ON RECEIPT OF BALLOTS.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or municipal clerk shall deliver ~~them~~ to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.

Sec. 23. Minnesota Statutes 2002, 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.

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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;

(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;

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

(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 (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 24. Minnesota Statutes 2002, section 203B.16, is amended by adding a subdivision to read:

Subd. 4. DUTIES OF SECRETARY OF STATE. The secretary of state shall provide information regarding voter registration and absentee balloting procedures to be used by absent uniformed services voters, their spouses and dependents, and overseas voters.

Sec. 25. Minnesota Statutes 2002, section 203B.17, is amended to read:

203B.17 APPLICATION FOR BALLOT.

Subdivision 1. SUBMISSION OF APPLICATION. (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's Social Security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

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(d) ~~An application for absentee ballots for any ensuing~~ An application for absentee ballots for a primary shall also constitute an application for absentee ballots for any ensuing ~~be valid for any primary, special primary, general election, or special election conducted during the same calendar year in which from the time the application is received through the next two regularly scheduled general elections for federal office held after the date on which the application is received.~~ be valid for any primary, special primary, general election, or special election conducted during the same calendar year in which from the time the application is received through the next two regularly scheduled general elections for federal office held after the date on which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Subd. 2. **REQUIRED INFORMATION.** An application shall be accepted if it contains the following information stated under oath:

(a) The voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) A statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) A statement that the voter expects to be absent from the precinct at the time of the election;

(d) The address to which absentee ballots are to be mailed;

(e) The voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) The voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signed statement of an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.

The oath taken must be the standard oath prescribed by section 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act.

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 26. Minnesota Statutes 2002, section 203B.19, is amended to read:

203B.19 RECORDING APPLICATIONS.

Upon accepting an application, the county auditor shall record in the statewide registration system the voter's name, address of present or former residence in Minnesota, mailing address, school district number, and the category under section 203B.16, to which the voter belongs whether the voter is in the military or the spouse or dependent of an individual serving in the military, is a voter temporarily outside the

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territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law. The county auditor shall retain the record for ~~four~~ six years. 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. Persons from whom applications are not accepted must be notified by the county auditor and provided with the reasons for the rejection.

No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots transmitted to absent voters described in section 203B.16. No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots returned and cast by absent voters described in section 203B.16. The secretary of state may require the information be reported by category under section 203B.16 or by precinct.

No later than 90 days after the general election, the secretary of state shall report to the federal Election Assistance Commission the number of absentee ballots transmitted to voters under section 203B.16.

Sec. 27. Minnesota Statutes 2002, section 203B.24, subdivision 2, is amended to read:

Subd. 2. **VOTING MORE THAN ONCE.** The election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the voter has not already returned a ballot in the election. The election judges must indicate on the record whether an absentee ballot was accepted for each applicant whose name appears on the record. If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date shall be counted and the uncounted ballots shall be returned by the election judges with the rejected ballots. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day materials.

Sec. 28. Minnesota Statutes 2002, section 203B.26, is amended to read:

203B.26 SEPARATE RECORD.

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 ~~shall~~ must be kept in each precinct. The content of the record must be in a form prescribed by the secretary of state.

Sec. 29. Minnesota Statutes 2002, section 204B.47, is amended to read:

204B.47 ~~ALTERNATE~~ ALTERNATIVE 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 alternative election procedures to permit the administration of any election affected by

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the order. The procedures may include the voting and handling of ballots cast after 8:00 p.m. as a result of a state or federal court order or any other order extending the time established by law for closing the polls. The alternate alternative election 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. 30. Minnesota Statutes 2002, section 204C.08, is amended by adding a subdivision to read:

Subd. 1a. VOTER'S BILL OF RIGHTS. The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting during the morning of election day.

(2) If you are in line at your polling place any time between 7:00 a.m. and 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) If you have been convicted of a felony but your civil rights have been restored, you have the right to vote.

(9) You have the right to vote without anyone in the polling place trying to influence your vote.

(10) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(11) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(12) You have the right to take a sample ballot into the voting booth with you.

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(13) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

Sec. 31. Minnesota Statutes 2002, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies maintains residence at the address shown, is not under a guardianship of the person in which the individual has not retained the right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

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

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

Sec. 32. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 5. VOTING SYSTEM FOR DISABLED VOTERS. After December 31, 2005, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 33. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 6. REQUIRED CERTIFICATION. In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority approved by the secretary of state and conform to current standards for voting equipment issued by the Federal Election Commission or its successor, the Election Assistance Commission.

Sec. 34. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.

(a) The secretary of state may license approve an electronic voting system for experimental use at an election prior to its approval for general use.

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(b) The secretary of state must ~~license~~ approve one or more ~~touch-sensitive~~ direct recording electronic voting systems for experimental use at an election before their approval for general use and may impose restrictions on their use. At least one voting system ~~licensed~~ approved under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 35. AGREEMENTS.

Subdivision 1. COMMISSIONER OF HEALTH. The secretary of state and the commissioner of health shall determine by mutual agreement the means to electronically transfer death records between agency systems. The secretary of state shall make the records of deceased registered voters in the county available to the county auditor by July 1, 2004.

Subd. 2. STATE COURT ADMINISTRATOR. The secretary of state and the state court administrator shall determine by mutual agreement the means to transfer to the secretary of state the names of registered voters who have been convicted of a felony, placed under guardianship of the person, declared legally incompetent, or have had their civil rights restored. The secretary of state shall make the records of affected voters in the county available to the county auditor by July 1, 2004.

Subd. 3. COMMISSIONER OF PUBLIC SAFETY. The commissioner of public safety and the secretary of state shall determine by mutual agreement the means to electrohically transfer driver's license records between agency systems. The secretary of state shall make the records of those eligible voters in the county who have indicated their intent to register to vote available to the county auditor by July 1, 2004.

Sec. 36. REPORT.

The secretary of state must send a copy of the report required by section 258 of the Help America Vote Act, Public Law 107-252, to the chairs and ranking members of the finance committees in the house of representatives and the senate having jurisdiction over the budget of the Office of the Secretary of State.

Sec. 37. FAILURE TO VERIFY VOTER INFORMATION.

Subdivision 1. DRIVER'S LICENSE OR STATE IDENTIFICATION NUMBER. A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the voter's driver's license or state identification number until the secretary of state has:

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(1) entered into an agreement with the commissioner of public safety to electronically transfer driver's license records between their agency systems in order to be able to verify voter registration information; and

(2) certified that the voter registration system has been tested and shown to properly verify a voter's driver's license or state identification number.

Subd. 2. SOCIAL SECURITY NUMBER. A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the last four digits of the voter's Social Security number until the commissioner of public safety has:

(1) entered into an agreement with the commissioner of the Social Security Administration under Minnesota Statutes, section 201.1615, regarding the use of the last four digits of a Social Security number to verify voter registration information;

(2) assembled a complete and current database of the last four digits of the Social Security number of each resident of this state as maintained by the Social Security Administration; and

(3) certified, along with the secretary of state, that the voter registration system has been tested and shown to properly verify the last four digits of a voter's Social Security number.

Subd. 3. CERTIFICATION PROHIBITED. The certification required by subdivision 1 or 2 must not be made within 45 days before the state primary or general election.

Sec. 38. VOTER REGISTRATION SYSTEM AVAILABILITY.

The voter and election management system maintained by the secretary of state to meet the requirements of Minnesota Statutes, section 201.022, must be maintained and remain available to the secretary of state and county auditors for view-only access until January 1, 2005.

Sec. 39. RULES.

Enactment of this article is good cause for the secretary of state to use the authority of Minnesota Statutes, section 14.388, to adopt, amend, or repeal rules as necessary to comply in a timely manner with the changes in statute contained in this act or to comply with the federal Help America Vote Act of 2002, Public Law 107-252.

Sec. 40. MAINTENANCE OF EFFORT.

The state or a unit of local government receiving federal funds or equipment purchased with federal funds pursuant to the Help America Vote Act (P.L. 107-252) must maintain the expenditures of the state or the local unit of government for activities funded by the federal funds or for equipment expenditures at a level that is not less than the level of expenditures maintained by the state or the local unit of government for the fiscal year ending immediately preceding November 2000.

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Sec. 41. **EFFECTIVE DATE.**

This article is effective retroactively from January 1, 2004.

ARTICLE 2**ELECTIONS ADMINISTRATION TECHNICAL CHANGES**

Section 1. Minnesota Statutes 2002, section 5.08, is amended to read:

5.08 LEGISLATIVE MANUAL.

Subdivision 1. **PREPARATION.** The secretary of state shall prepare, compile, edit, and distribute for use at each regular legislative session, a convenient manual, properly indexed, and containing: The federal and state constitutions; the acts of Congress relating to the organization of the territory and state; the rules of order and joint rules of the two houses, and lists of their members, committees and employees; the names of all state officials, whether elected or appointed, and of all persons holding office from this state under the national government, including postmasters appointed by the president; the places where the said several officials reside, and the annual compensation of each; and statistical and other information of the kind heretofore published in the legislative manuals.

Subd. 2. **DISTRIBUTION.** ~~15,000~~ 10,000 copies of the legislative manual shall be printed and distributed as follows:

(1) up to ~~25~~ 20 copies shall be available to each member of the legislature on request;

(2) 50 copies to the State Historical Society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) two copies each to the Library of Congress, the Minnesota veterans home homes, the state universities, the state high schools, ~~the public~~ academies, seminaries, and colleges of the state, and the ~~free~~ public libraries of the state;

(6) one copy each to other state institutions, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the Supreme Court, the judges of the Court of Appeals and the district court, the senators and representatives in Congress from this state, and the county auditors, recorders, and county attorneys;

(7) one copy to each ~~public~~ school, to be distributed through the superintendent of each school district; and

(8) the remainder may be disposed of as the secretary of state deems best.

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Sec. 2. Minnesota Statutes 2002, section 15.0597, subdivision 2, is amended to read:

Subd. 2. **COLLECTION OF DATA.** The chair of an existing agency or the chair's designee, or the appointing authority for the members of a newly created agency, shall provide the secretary, ~~on forms in an~~ in an electronic format prepared and distributed by the secretary, with the following data pertaining to that agency:

- (1) the name of the agency, its mailing address, and telephone number;
- (2) the legal authority for the creation of the agency and the name of the person appointing agency members;
- (3) the powers and duties of the agency;
- (4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;
- (5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;
- (6) the compensation of members, and appropriations or other funds available to the agency;
- (7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;
- (8) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers; and
- (9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack of party preference, race, and national origin of the members.

The secretary may provide for require the submission of data in accordance with this subdivision by electronic means. The publication requirement under clause (8) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, if provided, or any other information that would enable the public to communicate with the member.

Sec. 3. Minnesota Statutes 2002, section 15.0597, subdivision 3, is amended to read:

Subd. 3. **PUBLICATION OF AGENCY DATA.** The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication ~~in the State Register~~ on the Web site of the secretary of state of the compiled data from all agencies on or about October 15 of each year. ~~Copies of The compilation must be~~ electronically delivered to the governor and the legislature. ~~Paper copies of the compilation must be made available by the secretary to any interested person at cost, and copies must be available for viewing by interested persons. The~~

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chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, is not eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Sec. 4. Minnesota Statutes 2002, section 15.0597, subdivision 4, is amended to read:

Subd. 4. **NOTICE OF VACANCIES.** The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall give written electronic notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall give written electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may provide for require the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly in the State Register on the Web site of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published in the State Register on the Web site of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 5. Minnesota Statutes 2002, section 15.0597, subdivision 5, is amended to read:

Subd. 5. **NOMINATIONS FOR VACANCIES.** Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents in writing on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, a statement whether the applicant has ever been convicted of a felony, and any other information the nominating person feels would be helpful to the appointing authority.

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The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy in the State Register on the Web site of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 6. Minnesota Statutes 2002, section 15.0597, subdivision 6, is amended to read:

Subd. 6. **APPOINTMENTS.** In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary ~~in writing~~ by electronic means of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

Sec. 7. Minnesota Statutes 2002, section 15.0597, subdivision 7, is amended to read:

Subd. 7. **REPORT.** Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report in an electronic format containing the following information:

- (1) the number of vacancies occurring in the preceding year;
- (2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, status with regard to disability, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and

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(4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

Sec. 8. Minnesota Statutes 2002, section 15.0599, subdivision 4, is amended to read:

Subd. 4. **REGISTRATION; INFORMATION REQUIRED.** (a) The appointing authority of a newly established agency or the authority's designee shall provide the secretary with the following information:

(1) the name, mailing address, electronic mail address, and telephone number of the agency;

(2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;

(3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);

(4) the number of authorized members, together with any prescribed restrictions on eligibility;

(5) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers;

(6) a breakdown of the membership showing distribution by county, legislative district; and congressional district and compliance with any restrictions listed in accordance with clause (4);

(7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, status with regard to disability, race, and national origin of those members;

(8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;

(9) the compensation of members and appropriations or other money available to the agency;

(10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;

(11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and

(12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

The publication requirement under clause (5) may be met by publishing a member's home or business address and telephone number, the address and telephone

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number of the agency to which the member is appointed, the member's electronic mail address, or any other information that would enable the public to communicate with the member.

(b) The chair of an existing agency or the chair's designee shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair or designee shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide electronic forms for the reporting of information required by this subdivision and may ~~provide for~~ require reporting by electronic means.

Sec. 9. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration ~~cards~~ applications. The forms must contain spaces for the all information required in section 201.071, subdivision 1, and applicable rules of collected by voter registration applications prescribed by the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 10. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

Subdivision 1. **FORMS.** All postsecondary institutions that enroll students accepting state or federal financial aid shall provide voter registration forms to each student as early as possible in the fall quarter. All school districts shall make available voter registration applications each May and September to all students registered as students of the school district who will be eligible to vote at the next election after those months. A school district has no obligation to provide voter registration applications to students who participate in a postsecondary education option program or who otherwise reside in the district but do not attend a school operated by the district. A school district fulfills its obligation to a student under this section if it provides a voter registration application to the student one time. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and school districts may request these forms from the secretary of state. Institutions shall consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students under section

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201.061, subdivision 3. School districts must advise students that completion of the voter registration applications is not a school district requirement.

Sec. 11. Minnesota Statutes 2002, 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."

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

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 12. Minnesota Statutes 2002, section 202A.14, subdivision 3, is amended to read:

Subd. 3. **NOTICE.** The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus, and shall deliver the same information to the municipal clerk and county auditor at least 20 days before the precinct caucus. The county auditor shall make this information available at least ten days before the date of the caucuses to persons who request it.

Sec. 13. Minnesota Statutes 2002, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S OFFICE AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on Monday the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 14. Minnesota Statutes 2002, section 204B.06, subdivision 1, is amended to read:

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Subdivision 1. **FORM OF AFFIDAVIT.** (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington County, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) This subdivision does not apply to a candidate Candidates for president or vice-president of the United States are not required to file an affidavit of candidacy for office and this subdivision does not apply to those candidates.

Sec. 15. Minnesota Statutes 2002, section 204B.07, subdivision 2, is amended to read:

Subd. 2. **PETITIONS FOR PRESIDENTIAL ELECTORS.** This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other presidential electors are nominated by petition pursuant to this section. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. ~~This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.~~

Sec. 16. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. **CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.** (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before

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the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 17. Minnesota Statutes 2002, section 204B.09, subdivision 3, is amended to read:

Subd. 3. **WRITE-IN CANDIDATES.** (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the fifth day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 18. Minnesota Statutes 2002, 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 90 days prior to an election, including school district elections or referenda, 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. 19. Minnesota Statutes 2002, section 204B.19, subdivision 1, is amended to read:

Subdivision 1. **INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.** Except as provided in subdivision 6, any individual who is eligible to vote in an

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election precinct this state is qualified to be appointed as an election judge for that precinct subject to this section. If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality, or for school district elections, in the same school district, whether or not the precinct where they reside is in the same county as the precinct where they will serve. If there are not sufficient voters within the municipality or school district who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.

Sec. 20. Minnesota Statutes 2002, section 204B.19, subdivision 6, is amended to read:

Subd. 6. **HIGH SCHOOL STUDENTS.** Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a homeschool in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a without party affiliation trainee election judge in the county in which the student resides. The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance and the requirement that the student must have completed or be enrolled in a course of study in government at the time of service as a trainee election judge.

Sec. 21. Minnesota Statutes 2002, section 204B.22, is amended by adding a subdivision to read:

Subd. 4. **ELECTION JUDGE TRAINEES NOT COUNTED TOWARD MINIMUM NUMBER OF ELECTION JUDGES.** The presence or participation of election judge trainees must not be counted toward satisfying any of the required numbers of election judges in this chapter.

Sec. 22. Minnesota Statutes 2002, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **JUDICIAL CANDIDATES.** The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be

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printed on the official primary and general election ballot as follows:

(a) In the case of the Supreme Court:

“Chief justice - ~~Supreme Court~~”;

“Associate justice (number) - ~~Supreme Court~~”

(b) In the case of the Court of Appeals:

“Judge (number) - ~~Court of Appeals~~”; or

(c) In the case of the district court:

“Judge (number) - ~~(number) district court.~~”

Sec. 23. Minnesota Statutes 2002, section 204B.41, is amended to read:

204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words “OFFICIAL SUPPLEMENTAL BALLOT.” This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the ~~three~~ six calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. ~~Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared. Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.~~

Sec. 24. Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

Subd. 8. ACCESS FOR NEWS MEDIA. The county auditor or municipal or school district clerk, or their designee, may, by written authorization, permit news media representatives to enter polling places for up to 15 minutes during voting hours to observe the voting process. A media representative must obtain prior authorization

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and present photo identification to the head election judge upon arrival at the polling place and must not otherwise:

(1) approach within six feet of an election judge or voter;

(2) converse with a voter while in the polling place;

(3) make a list of persons voting or not voting; or

(4) interview a voter within the polling place.

Sec. 25. Minnesota Statutes 2002, section 204C.20, subdivision 2, is amended to read:

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

Sec. 26. Minnesota Statutes 2002, 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 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, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;

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

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

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

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit 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. 27. Minnesota Statutes 2002, section 204C.35, is amended by adding a subdivision to read:

Subd. 3. SCOPE OF RECOUNT. A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 28. Minnesota Statutes 2002, section 204C.36, is amended by adding a subdivision to read:

Subd. 6. SCOPE OF RECOUNT. A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 29. Minnesota Statutes 2002, section 204C.361, is amended to read:

204C.361 RULES FOR RECOUNTS.

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

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the

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segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

Sec. 30. [204C.50] POSTELECTION SECURITY AND CERTIFICATION REVIEW.

Subdivision 1. SELECTION FOR REVIEW; NOTICE. (a) The Office of the Secretary of State shall, within three days after each state general election beginning in 2006, randomly select 80 precincts for postelection review as defined in this section. The precincts must be selected so that an equal number of precincts are selected in each congressional district of the state. Of the precincts in each congressional district, at least five must have had more than 500 votes cast, and at least two must have had fewer than 500 votes cast. The secretary of state must promptly provide notices of which precincts are chosen to the election administration officials who are responsible for the conduct of elections in those precincts.

(b) One week before the state general election beginning in 2006, the secretary of state must post on the office Web site the date, time, and location at which precincts will be randomly chosen for review under this section. The chair of each major political party may appoint a designee to observe the random selection process.

Subd. 2. SCOPE AND CONDUCT OF THE REVIEW. Each review is limited to federal and state offices and must consist of at least the following:

(a) The election officials immediately responsible for a precinct chosen for review must conduct the following review and submit the results in writing to the state canvassing board before it meets to canvass the election:

(1) a hand tally of the paper ballots, of whatever kind used in that precinct, for each contested election;

(2) a recount using the actual machine and software used on election day, if a precinct-count or central-count automated voting system was used; and

(3) a comparison of the hand tally with the reported results for the precinct in the county canvassing board report, as well as the actual tape of any automated tabulation produced by any precinct-count or central-count optical scan equipment that may have been used to tabulate votes cast in that precinct.

(b) The staff of the Office of the Secretary of State shall conduct or directly supervise a review of the procedures used by the election officials at all levels for a precinct chosen for review, including an inspection of the materials retained for the official 22-month retention period, such as the rosters, the incident log, and the ballots themselves. The staff must submit a written report to the secretary of state before the next regularly scheduled meeting of the State Canvassing Board.

Subd. 3. STANDARD OF ACCEPTABLE PERFORMANCE BY TABULATING EQUIPMENT. Each comparison of the precinct-count or central-count tabulating equipment system with the review described in subdivision 2, paragraph (a), must be accurate to within one-half of one percent variation for each contested election. If

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any review conducted under subdivision 2, paragraph (a), reveals a discrepancy greater than one-half of one percent, the Office of the Secretary of State shall as soon as practicable conduct an additional review of at least ten percent of the tabulating equipment used in the jurisdiction of the election for which the discrepancy was discovered. If this review results in a discrepancy greater than the one-half percent standard, the Office of the Secretary of State must conduct a complete audit of the election for which the discrepancy was discovered. If a complete audit must be conducted, the results of the audit must be used by the canvassing board in making its report and determinations of persons elected and propositions rejected or approved. If a voting system is found to have failed to record votes in a manner that indicates electronic operational failure, the canvassing board must use the voter-verifiable audit records to determine the votes cast on the system, unless the audit records were also impaired by the operational failure of the voting machine. Notwithstanding section 204C.33, subdivision 3, the result of any election subject to this audit must not be declared until the audit is completed.

Subd. 4. STANDARD OF ACCEPTABLE PERFORMANCE BY ELECTION JUDGES AND ADMINISTRATORS. Each comparison of materials and documents generated in the course of the election in the selected precinct is expected to reveal no substantive errors and a minimum of technical issues by election judges and administrators.

Subd. 5. FAILURE TO MEET STANDARDS. (a) If a voting system fails to meet the standard set forth in subdivision 3, the manufacturer of the model of machine in question must obtain recertification pursuant to section 206.57 and rules adopted under that section, and is liable for penalties under section 206.66.

(b) If election judges or administrators fail to meet the standard in subdivision 4, the judges and administrators for the county where the precinct is located must attend training designed to eliminate the errors causing the failure. The Office of the Secretary of State must consider whether those errors or issues warrant inclusion in the statewide training programs conducted by the Office of the Secretary of State.

Subd. 6. COSTS OF REVIEW. The costs of conducting the review required by this section must be allocated as follows:

(a) The county or municipality responsible for each precinct selected for review must bear costs incurred under subdivision 2, paragraph (a).

(b) The secretary of state must bear the costs incurred under subdivision 2, paragraph (b), and subdivision 3, including travel, expenses, and staff time of the Office of the Secretary of State.

Subd. 7. EXPIRATION. This section expires January 1, 2008.

Sec. 31. Minnesota Statutes 2002, section 204D.14, is amended by adding a subdivision to read:

Subd. 3. UNCONTESTED JUDICIAL OFFICES. Judicial offices for which there is only one candidate filed must appear after all judicial offices on the canary ballot.

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Sec. 32. [204D.169] EXAMPLE SUPPLEMENTAL BALLOT.

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.

Sec. 33. Minnesota Statutes 2002, section 204D.27, subdivision 11, is amended to read:

Subd. 11. CERTIFICATE OF LEGISLATIVE ELECTION. A certificate of election in a special election for state senator or state representative shall be issued by ~~the county auditor~~ or the secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the appropriate canvassing board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 34. Minnesota Statutes 2002, section 205.075, is amended by adding a subdivision to read:

Subd. 3. MORE THAN ONE SEAT TO BE FILLED AT ANY ELECTION. A candidate filing for town supervisor when more than one seat is to be filled at an election held under subdivision 2 must designate when filing the specific seat which the candidate is seeking.

Sec. 35. Minnesota Statutes 2002, section 205.16, subdivision 4, is amended to read:

Subd. 4. NOTICE TO AUDITOR. At least ~~49~~ ⁵³ days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.

Sec. 36. Minnesota Statutes 2002, section 205.16, is amended by adding a subdivision to read:

Subd. 5. NOTICE TO SECRETARY OF STATE. At least 46 days prior to every municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

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Sec. 37. Minnesota Statutes 2002, section 205.185, subdivision 2, is amended to read:

Subd. 2. **ELECTION, CONDUCT.** A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, so far as practicable except as expressly provided by law.

Sec. 38. Minnesota Statutes 2002, section 205.185, subdivision 3, is amended to read:

Subd. 3. **CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.** (a) Within seven days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

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

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

Sec. 39. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 ELECTION LAW APPLICABLE.

Except as provided ~~in this chapter~~ by law, the Minnesota Election Law applies to school district elections, as far as practicable. Elections in common school districts shall be governed by section 123B.94.

Sec. 40. Minnesota Statutes 2003 Supplement, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **NOTICE TO AUDITOR.** At least 49 ~~53~~ days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of education and prior to actual initiation of the election.

Sec. 41. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

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Subd. 3b. NOTICE TO SECRETARY OF STATE. At least 46 days prior to every school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 42. Minnesota Statutes 2002, 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.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

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.

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

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots.

Sec. 43. Minnesota Statutes 2002, section 211A.02, is amended by adding a subdivision to read:

Subd. 5. ELECTRONIC REPORTING. The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Sec. 44. Minnesota Statutes 2002, section 351.01, subdivision 4, is amended to read:

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Subd. 4. **WITHDRAWAL OF RESIGNATION.** A prospective resignation permitted by subdivision 3 may only be withdrawn by a written statement signed by the officer and submitted in the same manner as the resignation, and may only be withdrawn before it has been accepted by resolution of the body or board or before a written acceptance of the resignation by an officer authorized to receive it.

Sec. 45. Minnesota Statutes 2002, section 365.51, subdivision 3, is amended to read:

Subd. 3. **OFFICERS; OTHER BUSINESS.** An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected and to consider ballot questions, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Sec. 46. Minnesota Statutes 2002, section 367.12, is amended to read:

367.12 DEPUTY CLERK.

Each town clerk may appoint a deputy, for whose acts the clerk shall be responsible, and who, in the clerk's absence or disability, shall perform the clerk's duties. If a town clerk has not appointed a deputy, the town treasurer shall perform the duties of the clerk relating to receiving candidate filings when the clerk is absent.

Sec. 47. Minnesota Statutes 2002, section 414.041, subdivision 1, is amended to read:

Subdivision 1. **INITIATING THE PROCEEDING.** (a) Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities.

(b) The proceeding shall be initiated in one of the following ways:

(1) submitting to the director a resolution of the city council of each affected municipality;

(2) submitting to the director a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(3) by the director.

(c) The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09.

(d) The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Sec. 48. Minnesota Statutes 2002, section 447.32, subdivision 3, is amended to read:

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Subd. 3. **ELECTION NOTICES.** At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least 53 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least 46 days before a hospital district election for which a notice is provided to the county auditor under this subdivision, the county auditor shall provide a notice to the secretary of state in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ten days before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 49. Minnesota Statutes 2002, section 447.32, subdivision 4, is amended to read:

Subd. 4. **CANDIDATES; BALLOTS; CERTIFYING ELECTION.** A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the Tuesday after the second Monday in September of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

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After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 50. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 3

CAMPAIGN MATERIAL DISCLAIMERS

Section 1. Minnesota Statutes 2002, section 211B.01, subdivision 2, is amended to read:

Subd. 2. **CAMPAIGN MATERIAL.** "Campaign material" means any literature, publication, or material tending to influence that is disseminated for the purpose of influencing voting at a primary or other election, except for news items or editorial comments by the news media.

Sec. 2. Minnesota Statutes 2002, section 211B.04, is amended to read:

211B.04 CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.

(a) A person who participates in the preparation or dissemination of campaign material other than as provided in section 211B.05, subdivision 1, that does not prominently include the name and address of the person or committee causing the material to be prepared or disseminated in a disclaimer substantially in the form provided in paragraph (b) or (c) is guilty of a misdemeanor.

(b) Except in cases covered by paragraph (c), the required form of disclaimer is: "Prepared and paid for by the committee,(address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by the committee,(address), in support of(insert name of candidate or ballot question)" for material prepared and paid for by a person or committee other than a principal campaign committee.

(c) In the case of broadcast media, the required form of disclaimer is: "Paid for by the committee."

(d) Campaign material that is not circulated on behalf of a particular candidate or ballot question must also include in the disclaimer either that it is "in opposition to(insert name of candidate or ballot question.....)"; or that "this publication is not

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circulated on behalf of any candidate or ballot question.”

(e) This section does not apply to objects stating only the candidate’s name and the office sought, fund-raising tickets, or personal letters that are clearly being sent by the candidate.

(f) This section does not apply to an individual or association who acts independently of any candidate, candidate’s committee, political committee, or political fund and spends only from the individual’s or association’s own resources a sum that is less than \$300 \$500 in the aggregate to produce or distribute campaign material that is distributed at least 14 seven days before the election to which the campaign material relates.

(g) This section does not modify or repeal section 211B.06.

Sec. 3. EFFECTIVE DATE.

This article is effective the day following final enactment.

Presented to the governor May 18, 2004

Signed by the governor May 29, 2004, 7:45 a.m.

CHAPTER 294—H.F.No. 1793

An act relating to education; providing for kindergarten through grade 12 education, including general education, academic excellence, special programs, facilities, technical and conforming amendments, and science and social studies academic standards; providing for rulemaking; amending Minnesota Statutes 2002, sections 13.321, subdivision 1; 120B.35, by adding a subdivision; 121A.22, subdivision 2; 121A.34, by adding subdivisions; 121A.45, subdivision 3; 122A.16; 122A.20, subdivision 2; 123A.442, subdivision 2; 123A.443, subdivision 4; 123A.55; 123B.195; 123B.53, subdivision 6; 123B.58, subdivision 2; 123B.76, by adding a subdivision; 123B.82; 124D.19, subdivision 11; 124D.68, subdivision 3; 125A.023, subdivision 3; 125A.03; 125A.07; 125A.46; 127A.47, subdivision 3; 168.012, subdivision 10; 169.01, subdivisions 6, 75; 169.442, subdivisions 1, 5; 169.443, subdivisions 1, 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 11; 169.4503, subdivisions 5, 14, 16, 20, by adding a subdivision; 260A.01; 260C.163, subdivision 11; 631.40, subdivision 4; Minnesota Statutes 2003 Supplement, sections 120B.021, subdivisions 1, 3; 120B.022, subdivision 1; 120B.024; 120B.30, subdivision 1a; 120B.36; 122A.09, subdivision 4; 123B.77, subdivision 4; 123B.90, subdivision 2; 124D.11, subdivision 9; 124D.20, subdivision 11; 124D.454, subdivision 2; 125A.091, subdivision 5; 125A.75, subdivision 8; 126C.10, subdivision 3; 126C.457; 127A.41, subdivision 9; 128C.05, subdivision 1a; 171.321, subdivision 5; 275.065, subdivision 1; 475.61, subdivision 4; 626.556, subdivision 2; Laws 2003, chapter 130, section 12; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2002, sections 124D.91; 124D.92; 126C.23; 134.47, subdivision 3; 169.447, subdivision 6; 169.4502, subdivisions 7, 9, 13, 14; 169.4503, subdivisions 10, 10a, 21, 25.

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

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