

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1497

03/13/2013 Authored by Simon

The bill was read for the first time and referred to the Committee on Elections

03/18/2013 Adoption of Report: Pass and Read Second Time

A bill for an act

relating to elections; modifying provisions related to election law including provisions related to redistricting, absentee voting, registration, ballots, election day activities, municipal elections, school district elections, voting, campaigns, and hospital district elections; amending Minnesota Statutes 2012, sections 103C.305, subdivision 3; 201.071, subdivision 2; 203B.08, subdivision 3; 203B.081; 204B.22, subdivision 1; 204C.14; 204D.11, subdivision 4; 205.10, subdivision 3; 205A.08, subdivision 1; 206.895; 208.04, subdivision 1; 211B.045; 447.32, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 2.

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

Section 1. **[2.395] THIRTY-NINTH DISTRICT.**

Subdivision 1. **Senate district.** Senate District 39 consists of that district as described in the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012), Senate District 39, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 39A consists of that district as described in file L39A-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

(b) House of Representatives District 39B consists of that district as described in file L39B-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

Sec. 2. Minnesota Statutes 2012, section 103C.305, subdivision 3, is amended to read:

Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the ~~"canary ballot" described in section 204D.11, subdivision 3~~ state general election ballot. The office title printed on the ballot must be either "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor," based upon the district from which the supervisor is to be elected.

Sec. 3. Minnesota Statutes 2012, section 201.071, subdivision 2, is amended to read:

Subd. 2. **Instructions.** A registration 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 disabled 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~~ audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and ~~cassette~~ audio copies and make them available.

Sec. 4. Minnesota Statutes 2012, 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 or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots received on election day either (1) after 3:00 p.m., if delivered by an agent; or (2) after the last mail delivery, if delivered by another method, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Sec. 5. Minnesota Statutes 2012, section 203B.081, is amended to read:

**203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before: the election, except as provided in this subdivision.

(1) a regularly scheduled election for federal, state, county, city, or school board office;

(2) a special election for a federal or county office; and

(3) an election held in conjunction with an election described in clauses (1) and (2), and Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before any other the election. The county auditor shall make such designations at least 14 weeks before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 6. Minnesota Statutes 2012, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. **Minimum number required.** (a) A minimum of four election judges shall be appointed for each precinct, ~~except as provided by subdivision 2 in the~~ state general election. In all other elections, a minimum of three election judges shall be appointed for each precinct. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 7. Minnesota Statutes 2012, section 204C.14, is amended to read:

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

No individual shall intentionally:

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

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

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

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

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

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

A violation of this section is a felony.

Sec. 8. Minnesota Statutes 2012, section 204D.11, subdivision 4, is amended to read:

Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot ~~printed on white paper which~~ that shall be known as the "special federal white ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the ~~white~~ state general election ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal ~~white~~ ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 9. Minnesota Statutes 2012, section 205.10, subdivision 3, is amended to read:

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within ~~40~~ 56 days after the state general election.

Sec. 10. Minnesota Statutes 2012, section 205A.08, subdivision 1, is amended to read:

Subdivision 1. **Buff General election ballot.** The names of all candidates for offices ~~and all ballot questions~~ to be voted on at a school district general election must be placed on a single ballot ~~printed on buff paper and known as the "buff ballot."~~ .

Sec. 11. Minnesota Statutes 2012, section 206.895, is amended to read:

**206.895 SECRETARY OF STATE MONITOR.**

The secretary of state must monitor and evaluate election procedures in precincts subject to the audit provided for in section 206.89 in at least ~~four precincts~~ one precinct in

each congressional district. The precincts must be chosen by lot by the State Canvassing Board at its meeting to canvass the state general election.

Sec. 12. Minnesota Statutes 2012, section 208.04, subdivision 1, is amended to read:

Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates are to be voted for, a vote cast for the party candidates for president and vice president shall be deemed a vote for that party's electors and alternates as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and the candidates nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state ~~white~~ general election ballot, before the party designation. To the left of, and on the same line with the names of the candidates for president and vice president, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X."

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Sec. 13. Minnesota Statutes 2012, section 211B.045, is amended to read:

**211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

~~In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs,~~ All noncommercial signs of any size may be posted in any number ~~from~~ beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.

Sec. 14. Minnesota Statutes 2012, section 447.32, subdivision 2, is amended to read:

Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law applies to hospital district elections, as far as practicable. Regular elections must be held in each hospital district at the same time, in the same election precincts, and at the same polling places as general elections of state and county officers. It may establish the whole district as a single election precinct or establish two or more different election precincts and polling places for the elections. If there is more than one precinct, the boundaries of the

election precincts and the locations of the polling places must be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk.

Special elections may be called by the hospital board to vote on any matter required by law to be submitted to the voters. A special election may not be conducted either during the 30 56 days before and the 30 days after the state or the 56 days after a regularly scheduled primary or state general election, or during the 20 days before and the 20 days after the regularly scheduled election of any municipality conducted wholly or partially within the hospital district. Special elections must be held within the election precinct or precincts and at the polling place or places designated by the board. In the case of the first election of officers of a new district, precincts and polling places must be set by the governing body of the most populous city or town included in the district.

Advisory ballots may be submitted by the hospital board on any question it wishes, concerning the affairs of the district, but only at a regular election or at a special election required for another purpose.

Sec. 15. **EFFECTIVE DATE.**

Section 1 is effective for the state primary and state general elections conducted in 2014 for terms of office beginning on the first Monday in January 2015, and for all elections held thereafter.