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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4069

03/21/2018 Authored by Newberger
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to elections; requiring election returns to be transported by a peace officer;
1.3 amending Minnesota Statutes 2016, sections 200.02, by adding a subdivision;
1.4 204C.27; 204C.28, subdivisions 1, 2; 204C.29, subdivision 1; 206.86, subdivisions
1.5 1, 2.

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

1.7 Section 1. Minnesota Statutes 2016, section 200.02, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 30. **Peace officer.** "Peace officer" means any member of a police department,
1.10 State Patrol, game warden reserve, sheriff's office, or any other law enforcement agency,
1.11 the members of which have, by law, the power of arrest.

1.12 Sec. 2. Minnesota Statutes 2016, section 204C.27, is amended to read:

1.13 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

1.14 ~~One or more of the election judges in each precinct~~ For each precinct, a peace officer
1.15 shall deliver two sets of summary statements; all spoiled ballots; and the envelopes containing
1.16 the ballots either directly to the municipal clerk for transmittal to the county auditor's office
1.17 or directly to the county auditor's office as soon as possible after the vote counting is
1.18 completed but no later than 24 hours after the end of the hours for voting. ~~One or more~~
1.19 ~~election judges~~ A peace officer shall deliver the remaining set of summary statements and
1.20 returns, all unused and spoiled municipal and school district ballots, the envelopes containing
1.21 municipal and school district ballots, and all other things furnished by the municipal or
1.22 school district clerk, to the municipal or school district clerk's office within 24 hours after
1.23 the end of the hours for voting. The municipal or school district clerk shall return all polling

2.1 place rosters and completed voter registration cards to the county auditor within 48 hours
 2.2 after the end of the hours for voting.

2.3 Sec. 3. Minnesota Statutes 2016, section 204C.28, subdivision 1, is amended to read:

2.4 Subdivision 1. **County auditor.** Every county auditor shall remain at the auditor's office
 2.5 to receive delivery of the returns, to permit public inspection of the summary statements,
 2.6 and to tabulate the votes until all have been tabulated and the results made known, or until
 2.7 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every
 2.8 county auditor shall, in the presence of the ~~municipal clerk or the election judges~~ peace
 2.9 officer who ~~deliver~~ delivers the returns, make a record of all materials delivered, the time
 2.10 of delivery, and the ~~names~~ name of the ~~municipal clerk or election judges~~ peace officer who
 2.11 made delivery. The record must include the number of ballots delivered to the precinct, as
 2.12 certified by section 204B.28, and the total number of ballots returned, as certified by the
 2.13 election judges under section 204C.24. A discrepancy between the number of ballots
 2.14 delivered to the precinct and the number of total ballots returned by ~~election judges~~ the
 2.15 peace officer that cannot be reconciled by taking into account the adjustments made by the
 2.16 election judge counts and any unofficial ballots must be noted, but does not necessarily
 2.17 require disqualification of the votes from that precinct or invalidation of the election. The
 2.18 county auditor shall file the record and all envelopes containing ballots in a safe and secure
 2.19 place with envelope seals unbroken. Access to the record and ballots shall be strictly
 2.20 controlled. Accountability and a record of access shall be maintained by the county auditor
 2.21 during the period for contesting elections or, if a contest is filed, until the contest has been
 2.22 finally determined. Thereafter, the record shall be retained in the auditor's office for the
 2.23 same period as the ballots as provided in section 204B.40.

2.24 The county auditor shall file all envelopes containing ballots in a safe place with seals
 2.25 unbroken. If the envelopes were previously opened by proper authority for examination or
 2.26 recount, the county auditor shall have the envelopes sealed again and signed by the
 2.27 individuals who made the inspection or recount. The envelopes may be opened by the county
 2.28 canvassing board if necessary to procure election returns that the election judges inadvertently
 2.29 may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed
 2.30 again and signed in the same manner as otherwise provided in this subdivision.

2.31 Sec. 4. Minnesota Statutes 2016, section 204C.28, subdivision 2, is amended to read:

2.32 Subd. 2. **Clerks.** The clerk of every first, second, and third class city shall remain at the
 2.33 clerk's office to receive delivery of returns, or until 24 hours have elapsed since the end of

3.1 the hours for voting, whichever occurs first. The clerk of every first class city shall keep a
 3.2 book in which, in the presence of the ~~election judges or other individuals~~ peace officer who
 3.3 ~~deliver~~ delivers the returns, the clerk shall make a record of all materials delivered, the time
 3.4 of delivery, and the ~~names~~ name of the ~~election judges or other individuals~~ peace officer
 3.5 who made delivery. The record must include the number of ballots delivered to the precinct,
 3.6 as certified by section 204B.28, and the total number of ballots returned, as certified by the
 3.7 election judges under section 204C.24. A discrepancy between the number of ballots
 3.8 delivered to the precinct and the number of total ballots returned by ~~election judges~~ the
 3.9 peace officer that cannot be reconciled by taking into account the adjustments made by the
 3.10 election judge counts and any unofficial ballots must be noted, but does not necessarily
 3.11 require disqualification of the votes from that precinct or invalidation of the election. The
 3.12 book shall be retained in the clerk's office for the same period as the ballots as provided in
 3.13 section 204B.40.

3.14 Sec. 5. Minnesota Statutes 2016, section 204C.29, subdivision 1, is amended to read:

3.15 Subdivision 1. ~~Failure of election judges to make delivery; penalty~~ Election returns
 3.16 not delivered. If the ~~election judges fail to deliver~~ returns are not delivered as required by
 3.17 section 204C.27, the county auditor or municipal or school district clerk to whom the returns
 3.18 should have been delivered shall dispatch a ~~special messenger~~ peace officer to obtain them.
 3.19 ~~The messenger shall receive the same compensation as an election judge would receive for~~
 3.20 ~~performing the same service and shall be subject to the same penalties as an election judge~~
 3.21 ~~for violation of any provision of the Minnesota Election Law.~~

3.22 Sec. 6. Minnesota Statutes 2016, section 206.86, subdivision 1, is amended to read:

3.23 Subdivision 1. **At the voting location.** In precincts where an electronic voting system
 3.24 is used, as soon as the polls are closed the election judges shall secure the voting systems
 3.25 against further voting. They shall then open the ballot box and count the number of ballot
 3.26 cards or envelopes containing ballot cards that have been cast to determine that the number
 3.27 of ballot cards does not exceed the number of voters shown on the election register or
 3.28 registration file. If there is an excess, the judges shall seal the ballots in a ballot container
 3.29 ~~and~~ A peace officer must transport the container to the county auditor or municipal clerk
 3.30 who shall process the ballots in the same manner as paper ballots are processed in section
 3.31 204C.20, subdivision 2, then enter the ballots into the ballot counter. The total number of
 3.32 voters must be entered on the forms provided. The judges shall next count the write-in votes
 3.33 and enter the number of those votes on forms provided for the purpose.

4.1 Sec. 7. Minnesota Statutes 2016, section 206.86, subdivision 2, is amended to read:

4.2 Subd. 2. **Transportation of ballot cards.** The judges shall place all voted ballot cards,
4.3 defective ballots, and damaged ballots in the container provided for transporting them to
4.4 the counting center. The container must be sealed and delivered immediately to the counting
4.5 center by ~~two judges who are not of the same major political party~~ a peace officer. The
4.6 ~~judges~~ peace officer shall also deliver to the counting center in a suitable container the
4.7 unused ballot cards, the spoiled ballot envelope, and the ballot envelopes issued to the voters
4.8 and deposited during the day in the ballot box.