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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2359**

05/16/2015 Authored by Hansen, Bly, Norton and Laine

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

A bill for an act

1.1 relating to elections; modifying absentee ballot provisions; changing the date  
1.2 of the state primary from August to September; changing the date of primary  
1.3 elections conducted by a political subdivision in certain circumstances; amending  
1.4 Minnesota Statutes 2014, sections 203B.08, subdivision 3; 203B.081; 203B.121,  
1.5 subdivisions 2, 5; 203B.22; 204B.14, subdivisions 2, 4; 204B.21, subdivision  
1.6 1; 204D.03, subdivision 1; 204D.09, subdivision 1; 204D.28, subdivision 5;  
1.7 205.065, subdivisions 1, 2; 205A.03, subdivisions 1, 2; 205A.06, subdivision 1a;  
1.8 205A.11, subdivision 2a; 206.61, subdivision 5; 206.82, subdivision 2.  
1.9

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

1.11 Section 1. Minnesota Statutes 2014, section 203B.08, subdivision 3, is amended to read:

1.12 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a  
1.13 county auditor or municipal clerk, that official shall stamp or initial and date the return  
1.14 envelope and place it in a secure location with other return envelopes received by that  
1.15 office. Within five days after receipt, the county auditor or municipal clerk shall deliver to  
1.16 the ballot board all ballots received, except that during the 14 days immediately preceding  
1.17 an election, the county auditor or municipal clerk shall deliver all ballots received to the  
1.18 ballot board within three days. Ballots with a postmark dated on or before the date of the  
1.19 election that are received after election day, but before the results of the election are  
1.20 canvassed, must be delivered to the ballot board immediately. ~~Ballots received on election~~  
1.21 ~~day either (1) after 3:00 p.m. on election day, if delivered in person by an agent; or (2)~~  
1.22 ~~after the last mail delivery and ballots, if delivered by another method, which have a~~  
1.23 postmark dated after election day, or which have a postmark dated on or before election  
1.24 day but are received after the election has been canvassed shall be marked as received late  
1.25 by the county auditor or municipal clerk, and must not be delivered to the ballot board.

2.1 Sec. 2. Minnesota Statutes 2014, section 203B.081, is amended to read:

2.2 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

2.3 An eligible voter may vote by absentee ballot in the office of the county auditor and  
2.4 at any other polling place designated by the county auditor during the ~~46~~ 30 days before  
2.5 the election, except as provided in this section.

2.6 Voters casting absentee ballots in person for a town election held in March may do  
2.7 so during the 30 days before the election. The county auditor shall make such designations  
2.8 at least 14 weeks before the election. At least one voting booth in each polling place  
2.9 must be made available by the county auditor for this purpose. The county auditor must  
2.10 also make available at least one electronic ballot marker in each polling place that has  
2.11 implemented a voting system that is accessible for individuals with disabilities pursuant  
2.12 to section 206.57, subdivision 5.

2.13 Sec. 3. Minnesota Statutes 2014, section 203B.121, subdivision 2, is amended to read:

2.14 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot  
2.15 board shall take possession of all return envelopes delivered to them in accordance with  
2.16 section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district  
2.17 clerk, two or more members of the ballot board shall examine each return envelope and  
2.18 shall mark it accepted or rejected in the manner provided in this subdivision. Election  
2.19 judges performing the duties in this section must be of different major political parties,  
2.20 unless they are exempt from that requirement under section 205.075, subdivision 4, or  
2.21 section 205A.10, subdivision 2.

2.22 (b) The members of the ballot board shall mark the return envelope "Accepted" and  
2.23 initial or sign the return envelope below the word "Accepted" if a majority of the members  
2.24 of the ballot board examining the envelope are satisfied that:

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

2.27 (2) the voter signed the certification on the envelope;

2.28 (3) the voter's Minnesota driver's license, state identification number, or the last four  
2.29 digits of the voter's Social Security number are the same as the number provided on the  
2.30 voter's application for ballots. If the number does not match the number as submitted on  
2.31 the application, or if a number was not submitted on the application, the election judges  
2.32 must compare the signature provided by the applicant to determine whether the ballots  
2.33 were returned by the same person to whom they were transmitted;

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

3.1 (5) the certificate has been completed as prescribed in the directions for casting an  
3.2 absentee ballot; and

3.3 (6) the voter has not already voted at that election, either in person or, if it is after the  
3.4 close of business on the seventh day before the election, by absentee ballot.

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

3.7 (c)(1) If a majority of the members of the ballot board examining a return envelope  
3.8 find that an absentee voter has failed to meet one of the requirements provided in  
3.9 paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the  
3.10 word "Rejected," list the reason for the rejection on the envelope, and return it to the  
3.11 county auditor. There is no other reason for rejecting an absentee ballot beyond those  
3.12 permitted by this section. Failure to place the ballot within the security envelope before  
3.13 placing it in the outer white envelope is not a reason to reject an absentee ballot.

3.14 (2) If an envelope has been rejected at least five days before the election, the  
3.15 envelope must remain sealed and the official in charge of the ballot board shall provide the  
3.16 voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

3.17 (3) If an envelope is rejected within five days of the election, or after the election,  
3.18 the envelope must remain sealed and the official in charge of the ballot board must attempt  
3.19 to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has  
3.20 been rejected. The official must document the attempts made to contact the voter.

3.21 (d) The official in charge of the absentee ballot board must mail the voter a written  
3.22 notice of absentee ballot rejection between six and ten weeks following the election. If the  
3.23 official determines that the voter has otherwise cast a ballot in the election, no notice is  
3.24 required. If an absentee ballot arrives after the deadline for submission provided by this  
3.25 chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A  
3.26 notice of absentee ballot rejection must contain the following information:

3.27 (1) the date on which the absentee ballot was rejected or, if the ballot was received  
3.28 after the required deadline for submission, the date on which the ballot was received;

3.29 (2) the reason for rejection; and

3.30 (3) the name of the appropriate election official to whom the voter may direct further  
3.31 questions, along with appropriate contact information.

3.32 (e) An absentee ballot return envelope marked "Rejected" may not be opened or  
3.33 subject to further review except in an election contest filed pursuant to chapter 209.

3.34 Sec. 4. Minnesota Statutes 2014, section 203B.121, subdivision 5, is amended to read:

4.1 Subd. 5. **Storage and counting of absentee ballots.** (a) On a day on which absentee  
4.2 ballots are inserted into a ballot box, two members of the ballot board must:

4.3 (1) remove the ballots from the ballot box at the end of the day;

4.4 (2) without inspecting the ballots, ensure that the number of ballots removed from  
4.5 the ballot box is equal to the number of voters whose absentee ballots were accepted  
4.6 that day; and

4.7 (3) seal and secure all voted and unvoted ballots present in that location at the end  
4.8 of the day.

4.9 (b) After the polls have closed on election day, two members of the ballot board  
4.10 must count the ballots, tabulating the vote in a manner that indicates each vote of the voter  
4.11 and the total votes cast for each candidate or question. In state primary and state general  
4.12 elections, the results must indicate the total votes cast for each candidate or question in  
4.13 each precinct and report the vote totals tabulated for each precinct. For accepted ballots  
4.14 received after election day, but with a postmark dated on or before the day of the election,  
4.15 the ballots shall be counted as provided in this paragraph, and recorded in a supplemental  
4.16 results report. The count, including any supplemental results, must be recorded on a  
4.17 summary statement in substantially the same format as provided in section 204C.26.  
4.18 The ballot board shall submit at least one completed summary statement to the county  
4.19 auditor or municipal clerk. The county auditor or municipal clerk may require the ballot  
4.20 board to submit a sufficient number of completed summary statements to comply with  
4.21 the provisions of section 204C.27, or the county auditor or municipal clerk may certify  
4.22 reports containing the details of the ballot board summary statement to the recipients of  
4.23 the summary statements designated in section 204C.27.

4.24 In state primary and state general elections, these vote totals shall be added to the  
4.25 vote totals on the summary statements of the returns for the appropriate precinct. In other  
4.26 elections, these vote totals may be added to the vote totals on the summary statement of  
4.27 returns for the appropriate precinct or may be reported as a separate total.

4.28 The count shall be public. No vote totals from ballots may be made public before the  
4.29 close of voting on election day.

4.30 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been  
4.31 completed previously, the members of the ballot board must verify as soon as possible, but  
4.32 no later than 24 hours after the end of the hours for voting, and again prior to counting any  
4.33 accepted ballots received after election day, that voters whose absentee ballots arrived  
4.34 after the rosters were marked or supplemental reports were generated and whose ballots  
4.35 were accepted did not vote in person on election day. An absentee ballot submitted by  
4.36 a voter who has voted in person on election day must be rejected. All other accepted

5.1 absentee ballots must be opened, duplicated if necessary, and counted by members of the  
5.2 ballot board. The vote totals from these ballots must be incorporated into the totals with  
5.3 the other absentee ballots and handled according to paragraph (b).

5.4 Sec. 5. Minnesota Statutes 2014, section 203B.22, is amended to read:

5.5 **203B.22 TRANSMITTING BALLOTS.**

5.6 (a) The county auditor shall transmit the appropriate ballots, as promptly as possible,  
5.7 to an absent voter whose application has been recorded under section 203B.19. If the  
5.8 county auditor determines that a voter is not eligible to vote at the primary but will be  
5.9 eligible to vote at the general election, only general election ballots shall be transmitted.  
5.10 Only one set of ballots shall be transmitted to any applicant for any election, except that  
5.11 the county auditor may transmit a replacement ballot to a voter whose ballot has been  
5.12 spoiled or lost in transit or whose mailing address has changed after the date on which  
5.13 the original application was submitted as confirmed by the county auditor. Ballots to be  
5.14 sent outside the United States shall be given priority in transmission. A county auditor  
5.15 may make use of any special service provided by the United States government for the  
5.16 transmission of voting materials under sections 203B.16 to 203B.27.

5.17 (b) The county auditor must transmit the appropriate ballots by express mail  
5.18 immediately upon discovery that the ballots were not properly transmitted to the voter as  
5.19 a result of the following circumstances: (1) an application was received by the county  
5.20 auditor by the close of business at least ~~46~~ 30 days before the election; (2) the county  
5.21 auditor failed to transmit the appropriate ballots by the ~~46th~~ 30th day before the election;  
5.22 and (3) the voter did not request that the ballots be electronically transmitted to the voter  
5.23 under section 203B.225, subdivision 1.

5.24 Sec. 6. Minnesota Statutes 2014, section 204B.14, subdivision 2, is amended to read:

5.25 Subd. 2. **Separate precincts; combined polling place.** (a) The following shall  
5.26 constitute at least one election precinct:

- 5.27 (1) each city ward; and  
5.28 (2) each town and each statutory city.

5.29 (b) A single, accessible, combined polling place may be established no later than  
5.30 ~~May~~ June 1 of any year:

- 5.31 (1) for any city of the third or fourth class, any town, or any city having territory in  
5.32 more than one county, in which all the voters of the city or town shall cast their ballots;  
5.33 (2) for contiguous precincts in the same municipality;

6.1 (3) for up to four contiguous municipalities located entirely outside the metropolitan  
 6.2 area, as defined by section 200.02, subdivision 24, that are contained in the same county; or  
 6.3 (4) for noncontiguous precincts located in one or more counties.

6.4 A copy of the ordinance or resolution establishing a combined polling place must  
 6.5 be filed with the county auditor within 30 days after approval by the governing body. A  
 6.6 polling place combined under clause (3) must be approved by the governing body of each  
 6.7 participating municipality. A polling place combined under clause (4) must be approved  
 6.8 by the governing body of each participating municipality and the secretary of state and  
 6.9 may be located outside any of the noncontiguous precincts. A municipality withdrawing  
 6.10 from participation in a combined polling place must do so by filing a resolution of  
 6.11 withdrawal with the county auditor no later than ~~April~~ May 1 of any year.

6.12 The secretary of state shall provide a separate polling place roster for each precinct  
 6.13 served by the combined polling place, except that in a precinct that uses electronic rosters  
 6.14 the secretary of state shall provide separate data files for each precinct. A single set of  
 6.15 election judges may be appointed to serve at a combined polling place. The number of  
 6.16 election judges required must be based on the total number of persons voting at the last  
 6.17 similar election in all precincts to be voting at the combined polling place. Separate ballot  
 6.18 boxes must be provided for the ballots from each precinct. The results of the election must  
 6.19 be reported separately for each precinct served by the combined polling place, except in a  
 6.20 polling place established under clause (2) where one of the precincts has fewer than ten  
 6.21 registered voters, in which case the results of that precinct must be reported in the manner  
 6.22 specified by the secretary of state.

6.23 Sec. 7. Minnesota Statutes 2014, section 204B.14, subdivision 4, is amended to read:

6.24 Subd. 4. **Boundary change procedure.** Any change in the boundary of an election  
 6.25 precinct must be adopted at least ten weeks before the date of the next election and, for the  
 6.26 state primary and general election, no later than ~~June~~ July 1 in the year of the state general  
 6.27 election. The precinct boundary change shall not take effect until notice of the change has  
 6.28 been posted in the office of the municipal clerk or county auditor for at least 56 days.

6.29 The county auditor must publish a notice illustrating or describing the congressional,  
 6.30 legislative, and county commissioner district boundaries in the county in one or more  
 6.31 qualified newspapers in the county at least 14 days before the first day to file affidavits of  
 6.32 candidacy for the state general election in the year ending in two.

6.33 Alternate dates for adopting changes in precinct boundaries, posting notices  
 6.34 of boundary changes, and notifying voters affected by boundary changes pursuant  
 6.35 to this subdivision, and procedures for coordinating precinct boundary changes with

7.1 reestablishing local government election district boundaries may be established in the  
7.2 manner provided in the rules of the secretary of state.

7.3 Sec. 8. Minnesota Statutes 2014, section 204B.21, subdivision 1, is amended to read:

7.4 Subdivision 1. **Appointment lists; duties of political parties and secretary of**  
7.5 **state.** On ~~May~~ June 1 in a year in which there is an election for a partisan political office,  
7.6 each major political party shall prepare a list of eligible voters to act as election judges  
7.7 in each election precinct. The political parties shall furnish the lists electronically to the  
7.8 secretary of state, in a format specified by the secretary of state. The secretary of state  
7.9 must combine the data received from each political party under this subdivision and must  
7.10 process the data to locate the precinct in which the address provided for each potential  
7.11 election judge is located. If the data submitted by a political party is insufficient for the  
7.12 secretary of state to locate the proper precinct, the associated name must not appear in any  
7.13 list forwarded to an appointing authority under this subdivision. The secretary of state  
7.14 shall notify political parties of any proposed election judges with addresses that could not  
7.15 be located in a precinct.

7.16 By ~~May~~ June 15, the secretary of state shall furnish electronically to the county  
7.17 auditor a list of the appropriate names for each election precinct in the jurisdiction of  
7.18 the appointing authority, noting the political party affiliation of each individual on the  
7.19 list. The county auditor must promptly forward the appropriate names to the appropriate  
7.20 municipal clerk.

7.21 Sec. 9. Minnesota Statutes 2014, section 204D.03, subdivision 1, is amended to read:

7.22 Subdivision 1. **State primary.** The state primary shall be held on the ~~second Tuesday~~  
7.23 ~~in August~~ first Tuesday after the second Monday in September in each even-numbered year  
7.24 to select the nominees of the major political parties for partisan offices and the nominees for  
7.25 nonpartisan offices to be filled at the state general election, other than presidential electors.

7.26 Sec. 10. Minnesota Statutes 2014, section 204D.09, subdivision 1, is amended to read:

7.27 Subdivision 1. **Example ballot.** (a) No later than ~~May~~ June 1 of each year, the  
7.28 secretary of state shall supply each auditor with a copy of an example ballot. The example  
7.29 ballot must illustrate the format required for the ballots used in the primary and general  
7.30 elections that year.

7.31 (b) The county auditor shall distribute copies of the example ballot to municipal and  
7.32 school district clerks in municipalities and school districts holding elections that year. The  
7.33 official ballot must conform in all respects to the example ballot.

8.1 Sec. 11. Minnesota Statutes 2014, section 204D.28, subdivision 5, is amended to read:

8.2 Subd. 5. **Regular state primary.** "Regular state primary" means:

8.3 (a) the state primary at which candidates are nominated for offices elected at the  
8.4 state general election; or

8.5 (b) a primary held on the ~~second Tuesday in August~~ first Tuesday after the second  
8.6 Monday in September of odd-numbered years.

8.7 Sec. 12. Minnesota Statutes 2014, section 205.065, subdivision 1, is amended to read:

8.8 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of  
8.9 nominating elective officers may be held in any city on the ~~second Tuesday in August~~ first  
8.10 Tuesday after the second Monday in September of any year in which a municipal general  
8.11 election is to be held for the purpose of electing officers. The date of a municipal primary  
8.12 held in an odd-numbered year may be postponed for inclement weather as provided in  
8.13 section 205.105.

8.14 Sec. 13. Minnesota Statutes 2014, section 205.065, subdivision 2, is amended to read:

8.15 Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance  
8.16 or resolution adopted by ~~April~~ May 15 in the year when a municipal general election is  
8.17 held, elect to choose nominees for municipal offices by a primary as provided in this  
8.18 section. The resolution or ordinance, when adopted, is effective for all ensuing municipal  
8.19 elections until it is revoked. The municipal clerk shall notify the secretary of state and the  
8.20 county auditor within 30 days after the adoption of the resolution or ordinance.

8.21 Sec. 14. Minnesota Statutes 2014, section 205A.03, subdivision 1, is amended to read:

8.22 Subdivision 1. **Resolution requiring primary in certain circumstances.** The  
8.23 school board of a school district may, by resolution adopted by ~~April~~ May 15 of any year,  
8.24 decide to choose nominees for school board by a primary as provided in this section. The  
8.25 resolution, when adopted, is effective for all ensuing elections of board members in that  
8.26 school district until it is revoked. If the board decides to choose nominees by primary  
8.27 and if there are more than two candidates for a specified school board position or more  
8.28 than twice as many school board candidates as there are at-large school board positions  
8.29 available, the school district must hold a primary.

8.30 Sec. 15. Minnesota Statutes 2014, section 205A.03, subdivision 2, is amended to read:

8.31 Subd. 2. **Date.** The school district primary must be held on the ~~second Tuesday in~~  
8.32 ~~August~~ first Tuesday after the second Monday in September in the year when the school

9.1 district general election is held. The clerk shall give notice of the primary in the manner  
9.2 provided in section 205A.07. The date of a school district primary held in an odd-numbered  
9.3 year may be postponed for inclement weather as provided in section 205A.055.

9.4 Sec. 16. Minnesota Statutes 2014, section 205A.06, subdivision 1a, is amended to read:

9.5 Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose  
9.6 nominees for school board by a primary election, affidavits of candidacy must be filed  
9.7 with the school district clerk no earlier than the 84th day and no later than the 70th day  
9.8 before the ~~second Tuesday in August~~ first Tuesday after the second Monday in September  
9.9 in the year when the school district general election is held. In all other school districts,  
9.10 affidavits of candidacy must be filed no earlier than the 98th day and no later than the 84th  
9.11 day before the school district general election.

9.12 Sec. 17. Minnesota Statutes 2014, section 205A.11, subdivision 2a, is amended to read:

9.13 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a notice  
9.14 to the voters who will be voting in a combined polling place for a school district special  
9.15 election. The notice must include the following information: the date of the election, the  
9.16 hours of voting, and the location of the voter's polling place. The notice must be sent by  
9.17 nonforwardable mail to every affected household in the school district with at least one  
9.18 registered voter. The notice must be mailed no later than 14 days before the election. The  
9.19 mailed notice is not required for a school district special election that is held on the ~~second~~  
9.20 ~~Tuesday in August~~, first Tuesday after the second Monday in September the Tuesday  
9.21 following the first Monday in November, or for a special election conducted entirely by  
9.22 mail. In addition, the mailed notice is not required for voters residing in a township if  
9.23 the school district special election is held on the second Tuesday in March and the town  
9.24 general election is held on that day. A notice that is returned as undeliverable must be  
9.25 forwarded immediately to the county auditor.

9.26 Sec. 18. Minnesota Statutes 2014, section 206.61, subdivision 5, is amended to read:

9.27 Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation  
9.28 of names of candidates must be observed as far as practicable by changing the order of the  
9.29 names on an electronic voting system in the various precincts so that each name appears  
9.30 on the machines or marking devices used in a municipality substantially an equal number  
9.31 of times in the first, last, and in each intermediate place in the list or group in which  
9.32 they belong. However, the arrangement of candidates' names must be the same on all  
9.33 voting systems used in the same precinct. If the number of names to be alternated exceeds

10.1 the number of precincts, the election official responsible for providing the ballots, in  
10.2 accordance with subdivision 1, shall determine by lot the alternation of names.

10.3 If an electronic ballot marker is used with a paper ballot that is not an optical scan  
10.4 ballot card, the manner of alternation of candidate names on the paper ballot must be as  
10.5 prescribed for optical scan ballots in this subdivision.

10.6 The rules adopted by the secretary of state for the rotation of candidate names must  
10.7 use the number of registered voters in each precinct as of 8:00 a.m. on ~~May~~ June 1 of the  
10.8 year when the rotation will be made as the basis for determining the rotation of names.

10.9 Sec. 19. Minnesota Statutes 2014, section 206.82, subdivision 2, is amended to read:

10.10 Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting  
10.11 system is used and the county auditor of a county in which an electronic voting system is  
10.12 used in more than one municipality and the county auditor of a county in which a counting  
10.13 center serving more than one municipality is located shall prepare a plan which indicates  
10.14 acquisition of sufficient facilities, computer time, and professional services and which  
10.15 describes the proposed manner of complying with section 206.80. The plan must be  
10.16 signed, notarized, and submitted to the secretary of state more than 60 days before the  
10.17 first election at which the municipality uses an electronic voting system. Before ~~May~~  
10.18 June 1 of each subsequent general election year, the clerk or auditor shall submit to the  
10.19 secretary of state notification of any changes to the plan on file with the secretary of state.  
10.20 The secretary of state shall review each plan for its sufficiency and may request technical  
10.21 assistance from the Office of MN.IT Services or other agency which may be operating  
10.22 as the central computer authority. The secretary of state shall notify each reporting  
10.23 authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the  
10.24 plan. The attorney general, upon request of the secretary of state, may seek a district court  
10.25 order requiring an election official to fulfill duties imposed by this subdivision or by  
10.26 rules promulgated pursuant to this section.

10.27 Sec. 20. **EFFECTIVE DATE.**

10.28 Sections 1 to 19 are effective January 1, 2016, and apply to elections conducted  
10.29 on or after that date.