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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No.

1981

03/17/2015 Authored by Fenton, Nash, Pugh, Scott, Lucero and others

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; establishing provisional voter registration in a polling 12 place on election day; providing a process for provisional balloting; eliminating 1.3 vouching as an authorized proof of residence; providing for early voting; 1.4 appropriating money; amending Minnesota Statutes 2014, sections 201.022, 1.5 subdivision 1; 201.054, subdivision 1; 201.061, subdivisions 1a, 3, 4, 7, by 1.6 adding a subdivision; 201.071, subdivision 4; 201.1611, subdivision 1; 201.225, 1.7 subdivisions 2, 5; 203B.001; 203B.01, by adding a subdivision; 203B.03, 1.8 subdivision 1; 203B.05, subdivision 1; 203B.081; 203B.085; 203B.121, 19 subdivisions 1, 3, 4, 5, by adding a subdivision; 204B.28, subdivision 2; 1.10 204C.10; 204C.12, subdivision 3; 204C.14, subdivision 1; 206.82, subdivision 1.11 1; 206.83; proposing coding for new law in Minnesota Statutes, chapters 203B; 1.12 204C; repealing Minnesota Rules, part 8200.9939. 1.13

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

1.15 Section 1. Minnesota Statutes 2014, section 201.022, subdivision 1, is amended to read:

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;
- 1.22 (2) provide for the definition, establishment, and maintenance of a central database 1.23 for all voter registration information;
- 1.24 (3) provide for entering data into the statewide registration system;
- 1.25 (4) provide for electronic transfer of completed voter registration applications from 1.26 the Department of Public Safety to the secretary of state or the county auditor;
- 1.27 (5) assign a unique identifier to each legally registered voter in the state;

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2.1	(6) provide for the acceptance of the Minnesota driver's license number, Minnesota
2.2	state identification number, and last four digits of the Social Security number for each
2.3	voter record;
2.4	(7) coordinate with other agency databases within the state;
2.5	(8) allow county auditors and the secretary of state to add or modify information in
2.6	the system to provide for accurate and up-to-date records;
2.7	(9) allow county auditors, municipal and school district clerks, and the secretary
2.8	of state to have electronic access to the statewide registration system for review and
2.9	search capabilities;
2.10	(10) provide security and protection of all information in the statewide registration
2.11	system and ensure that unauthorized access is not allowed;
2.12	(11) provide access to municipal clerks to use the system;
2.13	(12) provide a system for each county to identify the precinct to which a voter
2.14	should be assigned for voting purposes;
2.15	(13) provide daily reports accessible by county auditors on the driver's license
2.16	numbers, state identification numbers, or last four digits of the Social Security numbers
2.17	submitted on voter registration applications that have been verified as accurate by the
2.18	secretary of state; and
2.19	(14) provide reports on the number of absentee ballots transmitted to and returned
2.20	and cast by voters under section 203B.16-; and
2.21	(15) provide reports necessary for early voting.
2.22	The appropriate state or local official shall provide security measures to prevent
2.23	unauthorized access to the computerized list established under section 201.021.
2.24	Sec. 2. Minnesota Statutes 2014, section 201.054, subdivision 1, is amended to read:
2.25	Subdivision 1. Registration. An individual may register to vote:
2.26	(1) at any time before the 20th day preceding any election as provided in section
2.27	201.061, subdivision 1;
2.28	(2) on the day of an election as during the time for early voting under section
2.29	203B.31, in the manner provided in section 201.061, subdivision 3; or
2.30	(3) provisionally, in the polling place on election day in the manner provided in
2.31	section 201.061, subdivision 3a; or
2.32	(3) (4) when submitting an absentee ballot, by enclosing a completed registration
2.33	application as provided in section 203B.04, subdivision 4.
2.34	Sec. 3. Minnesota Statutes 2014, section 201.061, subdivision 1a, is amended to read:

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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 early voting 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 early voting registration in section 201.061, subdivision 3;
 - (2) registering in person before or on election day;

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- (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 early voting registration in section 201.061, subdivision 3.
 - Sec. 4. Minnesota Statutes 2014, section 201.061, subdivision 3, is amended to read:
- Subd. 3. Election day <u>Early voting</u> registration. (a) An individual who is eligible to vote may register on election day during the period for early voting provided in section <u>203B.31</u> by appearing in person at the polling place for the precinct in which the individual maintains residence, by <u>early voting polling location and</u> completing a registration 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) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) presenting any document approved by the secretary of state as proper identification; or
 - (3) 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 student's precinct together with a picture identification card; or.
- (4) having a voter who is registered to vote in the precinct, or an employee employed by and working in a residential facility in the precinct and vouching for a resident in

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the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinet. 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. A voter who is registered to vote in the precinet may sign up to eight proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the individual: (i) is registered to vote in the precinct or is an employee of a residential facility in the precinct, (ii) personally knows that the voter is a resident of the precinct, and (iii) is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless:

(d) (b) For tribal band members, an individual may prove residence for purposes of registering by:

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(1) 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, address, signature, and picture of the individual; or

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- (2) 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, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.
- (e) A county, school district, or municipality may require that an election judge responsible for election day registration early voting registration under this subdivision, and provisional registration under subdivision 3a, initial each completed registration application.
- Sec. 5. Minnesota Statutes 2014, section 201.061, is amended by adding a subdivision to read:
 - Subd. 3a. **Provisional registration.** An individual who is eligible to vote but who is not registered, or who needs to update an existing registration due to a change in address or other circumstances affecting the voter's registration status, may appear in the polling place for the precinct in which the individual maintains residence on election day for the purpose of completing a provisional voter registration and casting a provisional ballot. The provisional voter registration application must be substantially identical to the registration application required by section 201.071, except that a provisional voter registration application must be clearly titled "PROVISIONAL APPLICATION." To complete a provisional voter registration, the individual must complete a provisional registration application, make an oath in the form prescribed by the secretary of state, and provide proof of residence in the manner required for early voting registrants under subdivision 3. Upon successful completion of a provisional application, the individual must be permitted to cast a provisional ballot as provided in section 204C.135.
 - Sec. 6. Minnesota Statutes 2014, section 201.061, subdivision 4, is amended to read:
 - Subd. 4. **Registration by election judges; procedures.** Provisional registration at the polling place on election day shall be conducted by the election judges. Before provisionally registering an individual to vote with a provisional ballot at the polling place, the election judge must review any list of absentee election day registrants provided by the county auditor or municipal clerk to see if the person has already voted by absentee ballot. If the person's name appears on the list, the election judge must not allow the individual to provisionally register or to vote in the polling place. The election judge who

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provisionally registers an individual at the polling place on election day shall not handle that voter's provisional ballots at any time prior to the opening of the ballot box after the voting ends. Provisional registration applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration application. Provisional registration applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient or indicates that the voter is not eligible to vote. A county auditor who finds an election day that a provisional registration is substantially deficient or indicates that the individual is not eligible shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 7. Minnesota Statutes 2014, section 201.061, subdivision 7, is amended to read:

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day provisional registration shall attempt to keep a record of the number of individuals who attempt to provisionally register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

Sec. 8. Minnesota Statutes 2014, section 201.071, subdivision 4, is amended to read:

Subd. 4. **Change of registration.** A county auditor who receives a registration application indicating that an individual was previously registered in a different county in Minnesota shall update the voter's record electronically through the statewide registration system in the manner prescribed by the secretary of state. A county auditor who receives a registration application or notification requiring a change of registration records under this subdivision as a result of an <u>early voting or provisional</u> election day registration shall also check the statewide registration system to determine whether the individual voted in more than one precinct in the most recent election.

Sec. 9. Minnesota Statutes 2014, 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

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

- Sec. 10. Minnesota Statutes 2014, section 201.225, subdivision 2, is amended to read:
 - Subd. 2. **Technology requirements.** An electronic roster must:
- (1) be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state;
 - (2) allow for data to be exported in a file format prescribed by the secretary of state;
- (3) allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to locate a voter record or populate a voter registration application that would be printed and signed and dated by the voter. The printed registration application can be either a printed form, labels printed with voter information to be affixed to a preprinted form, or a combination of both;
- (4) allow an election judge to update data that was populated from a scanned driver's license or identification card;
- (5) cue an election judge to ask for and input data that is not populated from a scanned driver's license or identification card that is otherwise required to be collected from the voter or an election judge;
- (6) immediately alert the election judge if the voter has provided information that indicates that the voter is not eligible to vote;
- (7) immediately alert the election judge if the electronic roster indicates that a voter has already voted in that precinct, the voter's registration status is challenged, or it appears the voter resides in a different precinct;
- (8) provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged;

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8.1	(9) provide for a printed voter signature certificate, contain	ing the vote	r's name,
8.2	address of residence, date of birth, voter identification number, t	he oath requ	iired by
8.3	section 204C.10, and a space for the voter's original signature. T	he printed vo	oter signature
8.4	certificate can be either a printed form or a label printed with the	e voter's info	ormation
8.5	to be affixed to the oath;		
8.6	(10) contain only preregistered voters within the precinct,	and not con	tain
8.7	preregistered voter data on voters registered outside of the precir	ict;	
8.8	(11) be only networked within the polling location on elect	ion day, exc	ept for the
8.9	purpose of updating absentee ballot records;		
8.10	0 (12) meet minimum security, reliability, and networking sta	ındards estab	olished by the
8.11	Office of the Secretary of State in consultation with MN.IT;		
8.12	2 (13) be capable of providing a voter's correct polling place	; and	
8.13	3 (14) perform any other functions necessary for the efficient	and secure a	dministration
8.14	of the participating election, as determined by the secretary of sta	ate.	
8.15	Electronic rosters used only for election day provisional registra	tion do not 1	need to
8.16	comply with clauses (1), (8), and (10). Electronic rosters used on	ily for prereg	gistered voter
8.17	processing do not need to comply with clauses (4) and (5).		
8.18	Sec. 11. Minnesota Statutes 2014, section 201.225, subdivision	on 5, is amen	ided to read:
8.19	Subd. 5. Election day. (a) Precincts may use electronic ro	sters for ele	etion day
8.20	<u>provisional</u> registration, to process preregistered voters, or both.	The printed	election
8.21	day provisional registration applications must be reviewed when	electronic re	ecords are
8.22	processed in the statewide voter registration system. The election	ı judges shal	ll determine
8.23	the number of ballots to be counted by counting the number of o	riginal voter	signature
8.24	certificates or the number of voter receipts.		
8.25	(b) Each precinct using electronic rosters shall have a paper	backup syst	tem approved
8.26	by the secretary of state present at the polling place to use in the	event that th	ne election
8.27	judges are unable to use the electronic roster.		

Sec. 12. Minnesota Statutes 2014, section 203B.001, is amended to read:

203B.001 ELECTION LAW APPLICABILITY.

The Minnesota Election Law is applicable to voting by absentee ballot and early voting unless otherwise provided in this chapter.

Sec. 13. Minnesota Statutes 2014, section 203B.01, is amended by adding a subdivision to read:

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Subd. 5. Early voting. "Early voting" means voting in person before election day 9.1 at the office of the county auditor or designated municipal clerk within the time period 9.2 provided in section 203B.31. 9.3 Sec. 14. Minnesota Statutes 2014, section 203B.03, subdivision 1, is amended to read: 9.4 Subdivision 1. **Violation.** No individual shall intentionally: 9.5 (a) (1) make or sign any false certificate required by this chapter; 9.6 (b) (2) make any false or untrue statement in any application for absentee ballots; 9.7 (e) (3) apply for absentee ballots more than once in any election with the intent 9.8 to cast an illegal ballot; 9.9 (d) (4) exhibit a ballot marked by that individual to any other individual; 9.10 (e) (5) do any act in violation of the provisions of this chapter for the purpose of 9.11 casting an illegal vote in any precinct or for the purpose of aiding another to cast an 9.12 illegal vote; 9.13 (f) (6) use information from absentee ballot or early voting materials or records for 9.14 purposes unrelated to elections, political activities, or law enforcement; 9.15 (g) (7) provide assistance to an absentee or early voter except in the manner provided 9.16 by section 204C.15, subdivision 1; 9.17 (h) (8) solicit the vote of an absentee or early voter while in the immediate presence 9.18 of the voter during the time the individual knows the absentee or early voter is voting; or 9.19 (i) (9) alter an absentee ballot application after it has been signed by the voter, 9.20 except by an election official for administrative purposes. 9.21 9.22 Before inspecting information from absentee ballot or early voting materials or records, an individual shall provide identification to the public official having custody of 9.23 the material or information. 9.24 Sec. 15. Minnesota Statutes 2014, section 203B.05, subdivision 1, is amended to read: 9.25 Subdivision 1. Generally. The full-time clerk of any city or town shall administer 9.26 the provisions of sections 203B.04 to 203B.15 if: 9.27 (1) the county auditor of that county has designated the clerk to administer them; or 9.28 (2) the clerk has given the county auditor of that county notice of intention to 9.29 administer them. 9.30 The designation or notice must specify whether the clerk will be responsible for the 9.31 administration of a ballot board as provided in section 203B.121. 9.32 A clerk of a city that is located in more than one county may only administer the 9.33 provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has been

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designated by each of the county auditors or has provided notice to each of the county auditors that the city will administer absentee voting. A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training. The county auditor must notify the secretary of state of any municipal clerk who will be administering the provisions of this section and the duties that the clerk will administer.

Sec. 16. Minnesota Statutes 2014, 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 section.

Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before the election, except that an eligible voter may not vote by absentee ballot in person during the period designated for early voting, as provided in section 203B.31. 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. 17. Minnesota Statutes 2014, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S 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 <u>from 8:00</u> a.m. to 12:00 p.m. on the day immediately preceding an election subject to early voting under section 203B.30 unless that day falls on a Sunday. When performing the duties of the county auditor in an election not subject to early voting under section 203B.30, the

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clerk's office must be open from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on 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 p.m. 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.

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Sec. 18. Minnesota Statutes 2014, section 203B.121, subdivision 1, is amended to read: Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots or to administer early voting must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

- (b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.
- (c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.
- Sec. 19. Minnesota Statutes 2014, section 203B.121, is amended by adding a subdivision to read:
 - Subd. 2a. **Duties of ballot board; early voting.** The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35 and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 4 and 5.
 - Sec. 20. Minnesota Statutes 2014, section 203B.121, subdivision 3, is amended to read:
 - Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter. A voter whose record indicates that the voter has cast an early ballot must not be permitted to cast another ballot in that election. After the close of business on the seventh day before the election day prior to the beginning of the early voting period as provided in section 203B.31, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election. In a state primary, general, or state

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special election for federal or, state, or county office, the auditor or clerk must also record this information in the statewide voter registration system.

- (b) The roster must be marked, and a supplemental report of absentee <u>and early</u> voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:
 - (1) by the county auditor or municipal clerk before election day;
 - (2) by the ballot board before election day; or

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(3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the seventh day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Sec. 21. Minnesota Statutes 2014, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before the election day prior to the beginning of the early voting period as provided in section 203B.31, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

- Sec. 22. Minnesota Statutes 2014, section 203B.121, subdivision 5, is amended to read:
- Subd. 5. **Storage and counting of absentee <u>and early voting</u> ballots.** (a) On a day on which absentee <u>or early voting</u> ballots are inserted into a ballot box, two members of the ballot board must:
 - (1) remove the ballots from the ballot box at the end of the day;
- (2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters who cast early votes and whose absentee ballots were accepted that day; and
 - (3) seal and secure all voted and unvoted ballots present in that location at the end of the day.
 - (b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in

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each precinct and report the vote totals tabulated for each precinct. The count must be recorded on a summary statement in substantially the same format as provided in section 204C.26. The ballot board shall submit at least one completed summary statement to the county auditor or municipal clerk. The county auditor or municipal clerk may require the ballot board to submit a sufficient number of completed summary statements to comply with the provisions of section 204C.27, or the county auditor or municipal clerk may certify reports containing the details of the ballot board summary statement to the recipients of the summary statements designated in section 204C.27.

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

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

(c) In addition to the requirements of paragraphs (a) and (b), if the task has not been completed previously, the members of the ballot board must verify as soon as possible, but no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day. An absentee ballot submitted by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

Sec. 23. [203B.30] EARLY VOTING; APPLICABILITY.

- (a) Any eligible voter may vote in person in a federal, state, or county election prior to the date of the election in the manner provided in sections 203B.31 to 203B.35.
- (b)(1) Subject to clause (2), for city elections not held in conjunction with a federal, state, or county election, the city may authorize eligible voters to vote in the manner provided in sections 203B.31 to 203B.35 upon resolution of the governing body of the city, adopted prior to the first day for filing affidavits of candidacy for the election. In the case of a home rule charter city, authorization may alternatively be made by amendment to the city's charter for this purpose.
- (2) A city may only authorize voting under sections 203B.31 to 203B.35 if the municipal clerk has the technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state

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must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. The clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering voting authorized under this paragraph. The clerk may not use the statewide voter registration system until the clerk has received the required training.

Sec. 24. [203B.31] TIME PERIOD FOR EARLY VOTING.

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Early voting must be available to any eligible voter as provided in section 203B.32 for every primary, general, and special election subject to early voting under section 203B.30 from 15 days before the election through 5:00 p.m. on the third day before the election must be allowed to vote in the same manner as provided in section 204C.05, subdivision 2.

Sec. 25. [203B.32] HOURS FOR EARLY VOTING.

Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each weekday during the time period provided in section 203B.31, from 8:00 a.m. to 8:00 p.m. on at least one weekday, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays before the election.

Sec. 26. [203B.33] LOCATIONS FOR EARLY VOTING.

- (a) Early voting must be made available at polling places designated in the county auditor's offices in county-owned or county-operated buildings, at the municipal clerk's office in every municipality that has been delegated the responsibility to administer absentee voting as provided in section 203B.05 or that is conducting an election that includes early voting, as authorized in section 203B.30, and at any other county- or city-owned or county- or city-operated buildings designated by the county auditor or municipal clerk. At least one voting station and one ballot marking device for disabled voters must be made available in each polling place.
- (b) The county auditor or municipal clerk must make an electronic ballot counter available in each polling place.

Sec. 27. [203B.34] NOTICE TO VOTERS.

The county auditor or municipal clerk must prepare a notice to the voters of the days, times, and locations for early voting. This notice must be posted on the county's Web site, if applicable, and the Web site for each municipality in the county where an early voting

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location is designated for the election at least 14 days before the first day for early voting.

If a county or municipality does not have a Web site, the county auditor or municipal clerk must publish the notice at least once in the jurisdiction's official newspaper at least seven days and not more than 14 days before the first day for early voting.

Sec. 28. [203B.35] PROCEDURES FOR EARLY VOTING.

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Subdivision 1. **Voting procedure.** Each voter shall sign the certificate provided in section 204C.10. An individual who is not registered to vote must register in the manner provided in section 201.061, subdivision 3.

After the voter has signed the certificate, a member of the ballot board must provide a ballot to the voter. Ballots must be prepared and distributed by members of the ballot board in the manner provided in section 204C.09. The voter must mark the ballot and deposit it in either a precinct voting system or a sealed ballot box. A voter may not leave the polling place with the ballot.

Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35 must be processed and counted by a ballot board.

Sec. 29. Minnesota Statutes 2014, section 204B.28, subdivision 2, is amended to read:

- Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as otherwise provided for absentee ballots in this section and in section 204B.35, subdivision 4, the county auditor shall complete the preparation of the election materials for which the auditor is responsible at least four days before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than four days before the election each municipal clerk shall secure from the county auditor:
 - (a) (1) the forms that are required for the conduct of the election;
- (b) (2) any printed voter instruction materials furnished by the secretary of state;
- 15.26 (e) (3) any other instructions for election officers; and
 - (d) (4) a sufficient quantity of the official ballots, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota Election Law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.
 - (b) The county auditor must prepare and make available election materials for early voting to city clerks designated to administer early voting under section 203B.05 at least one day prior to the beginning of the early voting period as provided in section 203B.31.

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Sec. 30. Minnesota Statutes 2014, section 204C.10, is amended to read:

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204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

- (a) An individual seeking to vote shall sign a polling place roster or voter signature certificate 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, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, 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 or voter signature certificate, a judge must confirm the applicant's name, address, and date of birth. A voter whose registration status is listed as challenged or whose eligibility to vote is challenged as permitted by section 204C.12 may not sign the polling place roster, but may cast a provisional ballot as provided in section 204C.135.
- (c) After the applicant signs the roster or voter signature certificate, 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. 31. Minnesota Statutes 2014, section 204C.12, subdivision 3, is amended to read:
- Subd. 3. **Determination of residence.** In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in section 200.031. If the challenged individual's answers to the questions show ineligibility to vote in that precinct, the individual shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine ineligibility to vote in that precinct, the marked ballots shall be placed unopened with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall

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be allowed to vote permit the voter to cast a provisional ballot in the manner provided in section 204C.135.

Sec. 32. [204C.135] PROVISIONAL BALLOTS.

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Subdivision 1. Casting of provisional ballots. (a) The following voters seeking to vote are entitled to cast a provisional ballot in the manner provided by this section:

- (1) a voter whose registration status is listed as "challenged" on the polling place roster;
 - (2) a voter whose eligibility to vote is challenged under section 204C.12; and
- (3) a voter who completes a provisional voter registration application under section 201.061, subdivision 3a. 17.10
 - (b) A voter seeking to vote a provisional ballot must sign a provisional ballot roster and complete a provisional ballot envelope. The envelope must contain a space for the voter to list the voter's name, address of residence, date of birth, voter identification number, and any other information prescribed by the secretary of state. The voter must also swear or affirm, in writing, that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

After the voter has completed the provisional ballot envelope, the voter must be allowed to cast a provisional ballot. The provisional ballot must be in the same form as the official ballot available in the precinct on election day. A completed provisional ballot shall be sealed in a secrecy envelope. The secrecy envelope shall be sealed inside the voter's provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot box. Completed provisional ballots may not be combined with other voted ballots in the polling place.

- (c) The form of the secrecy and provisional ballot envelopes shall be prescribed by the secretary of state. The provisional ballot envelope must be a color other than that provided for absentee ballot envelopes and must be prominently labeled "Provisional Ballot Envelope."
- (d) Provisional ballots and related documentation shall be delivered to and securely maintained by the county auditor or municipal clerk in the same manner as required for other election materials under sections 204C.27 and 204C.28.
- Subd. 2. Counting provisional ballots. (a) The ballot of a voter who casts a provisional ballot in the polling place on election day must be counted as provided in this subdivision. 17.34

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(b) If the voter was required to cast a provisional ballot because the voter's registration was listed as "challenged" on the polling place roster, or the voter's eligibility was challenged in the polling place under section 204C.12, the voter may personally appear before the county auditor or municipal clerk no later than seven calendar days following the election to prove that the voter's provisional ballot should be counted. The county auditor or municipal clerk must count a provisional ballot from a challenged voter in the final certified results from the precinct if:

- (1) the statewide voter registration system indicates that the voter is eligible to vote or the voter presents evidence of the voter's eligibility to vote; and
- (2) the voter presents proof of residence in the precinct in the manner permitted by section 201.061, subdivision 3.

If the voter does not appear before the county auditor or municipal clerk within seven calendar days following the election or otherwise does not satisfy the requirements of this paragraph, or if the data listed on the items of identification presented by the voter does not match the data submitted by the voter on the provisional ballot envelope, the voter's provisional ballot must not be counted.

The county auditor or municipal clerk must notify, in writing, any provisional voter whose registration was challenged and who does not appear within seven calendar days of the election that their provisional ballot was not counted because of the voter's failure to appear before the county auditor or municipal clerk within the time permitted by law to determine whether the provisional ballot should be counted.

(c) If the voter cast a provisional ballot because the voter was provisionally registered under section 201.061, subdivision 3a, the voter's provisional ballot must be counted unless the county auditor or municipal clerk determines that the voter's provisional registration was deficient or indicates that the voter is not eligible to vote. In making a determination under this paragraph, the county auditor or municipal clerk, in consultation with the secretary of state, must review all available databases accessible to the secretary of state under chapter 201 used for purposes of determining voter eligibility and making challenges, including but not limited to reports of deceased voters under section 201.13, change-of-names under section 201.14, guardianships and conservatorships under section 201.15, felony convictions under section 201.155, corrections under section 201.157, and department of public safety citizenship data under section 201.158.

If a review of the data in this paragraph indicates that a provisional registrant is not eligible to vote, the provisional registration must be rejected and the provisional ballot must not be counted. The county auditor or municipal clerk must make a reasonable effort to notify the applicant and provide an opportunity to appear to present evidence of the

Sec. 32.

applicant's eligibility to vote and proof of residence, in the manner provided in paragraph (b). If an applicant whose provisional application and ballot would otherwise be rejected under this paragraph appears and meets the requirements of paragraph (b), the application must be accepted and the provisional ballot must be counted.

Subd. 3. Provisional ballots; reconciliation. Prior to counting any provisional ballots in the final vote totals from a precinct, the county auditor must verify that the number of signatures appearing on the provisional ballot roster from that precinct is equal to or greater than the number of accepted provisional ballots submitted by voters in the precinct on election day. Any discrepancy must be resolved before the provisional ballots from the precinct may be counted. Excess provisional ballots to be counted must be randomly withdrawn in the manner required by section 204C.20, subdivision 2, after the period for a voter to appear to prove residence and identity has expired and the ballots to be counted have been separated from the provisional ballot envelopes.

- 19.14 Sec. 33. Minnesota Statutes 2014, section 204C.14, subdivision 1, is amended to read:
- 19.15 Subdivision 1. **Violations; penalty.** (a) No individual shall intentionally:
 19.16 (a) (1) misrepresent the individual's identity in applying for a ballot, depositing a
 - ballot in a ballot box, requesting a provisional ballot or requesting that a provisional ballot be counted, or attempting to vote by means of a voting machine or electronic voting system;
 - (b) (2) vote more than once at the same election;
- 19.20 (e) (3) put a ballot in a ballot box for any illegal purpose;
- 19.21 (d) (4) give more than one ballot of the same kind to an election judge to be placed in a ballot box;
 - (e) (5) 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) (6) aid, abet, counsel or procure another to do any act in violation of this section.
- 19.27 (b) A violation of this section is a felony.

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Sec. 34. Minnesota Statutes 2014, section 206.82, subdivision 1, is amended to read:

Subdivision 1. **Program.** A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than

Sec. 34. 19

and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least 27 days prior to the election. The secretary of state shall adopt rules further specifying test procedures.

Sec. 35. Minnesota Statutes 2014, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

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Within 14 22 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 36. APPROPRIATION.

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\$..... in fiscal year 2016 is appropriated from the general fund to the secretary of state to implement this act.

Sec. 37. REPEALER.

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Minnesota Rules, part 8200.9939, is repealed.

Sec. 38. EFFECTIVE DATE; APPLICABILITY.

The provisions of this act are effective when the secretary of state has certified that:

(1) the statewide voter registration system has been tested and shown to properly

allow for the tracking of the information required to conduct early voting and can handle

the expected volume of use; and

the expected volume of use; and

(2) precinct voting equipment that can tabulate at least 30 different ballot styles has been certified for use in this state. Upon certification pursuant to this section, the provisions of this act related to early voting apply to all federal, state, and county elections held on August 1, 2015, and thereafter. A jurisdiction may implement the requirements of this act prior to the date provided in this section if the secretary of state has made the required certifications at least 90 days prior to the date of the election at which early voting will be used.

Sec. 38. 21

APPENDIX Repealed Minnesota Rule: 15-3880

8200.9939 FORM OF OATH, SPECIFIED BY PART 8200.5100.

I swear or affirm that (Check or	ne):		
() I am pre-registered to vote in this precinct			
Voter ID #			
() I registered in this precinct today and did not have another person vouch for me			
() I am an employee of a reside	ential facility		
(Name of re	esidential facility)		
Residential Address of Voucher	or Address of Residential Facility		
Street Address	City		
Telephone number			
E-mail address (optional)			
	(Name of person registering)		
is a resident of this precinct.			
Signature o	f Voucher		
	Subscribed and sworn to before me		
//			
Date	Signature of Election Judge		

The above oath shall be attached to the voter registration card and retained for at least

22 months.