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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE NO. **768**

February 8, 2007

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

1.1 A bill for an act  
1.2 relating to elections; making it easier to vote by absentee ballot; amending  
1.3 Minnesota Statutes 2006, sections 203B.02, subdivision 1; 203B.04, subdivision  
1.4 1; 203B.06, subdivision 3; 203B.11, subdivisions 1, 4.

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

1.6 Section 1. Minnesota Statutes 2006, section 203B.02, subdivision 1, is amended to read:

1.7 Subdivision 1. ~~Unable to go to polling place~~ **Eligibility for absentee voting.** (a)  
1.8 Any eligible voter ~~who reasonably expects to be unable to go to the polling place on~~  
1.9 ~~election day in the precinct where the individual maintains residence because of absence~~  
1.10 ~~from the precinct; illness, including isolation or quarantine under sections 144.419~~  
1.11 ~~to 144.4196 or United States Code, title 42, sections 264 to 272; disability; religious~~  
1.12 ~~discipline; observance of a religious holiday; or service as an election judge in another~~  
1.13 ~~precinct~~ may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

1.14 (b) If the governor has declared an emergency and filed the declaration with the  
1.15 secretary of state under section 12.31, and the declaration states that the emergency has  
1.16 made it difficult for voters to go to the polling place on election day, any voter in a  
1.17 precinct covered by the declaration may vote by absentee ballot as provided in sections  
1.18 203B.04 to 203B.15.

1.19 Sec. 2. Minnesota Statutes 2006, section 203B.04, subdivision 1, is amended to read:

1.20 Subdivision 1. **Application procedures.** Except as otherwise allowed by  
1.21 subdivision 2, an application for absentee ballots for any election may be submitted at  
1.22 any time not less than one day before the day of that election. The county auditor shall  
1.23 prepare absentee ballot application forms in the format provided by the secretary of state,

2.1 notwithstanding rules on absentee ballot forms, and shall furnish them to any person on  
 2.2 request. By January 1 of each even-numbered year, the secretary of state shall make the  
 2.3 forms to be used available to auditors through electronic means. An application submitted  
 2.4 pursuant to this subdivision shall be in writing and shall be submitted to:

- 2.5 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or
- 2.6 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where  
 2.7 the applicant maintains residence.

2.8 An application shall be approved if it is timely received, signed and dated by the  
 2.9 applicant, contains the applicant's name and residence and mailing addresses, and states  
 2.10 that the applicant is eligible to vote by absentee ballot ~~for one of the reasons specified in~~  
 2.11 ~~section 203B.02~~. The application may contain a request for the voter's date of birth, which  
 2.12 must not be made available for public inspection. An application may be submitted to  
 2.13 the county auditor or municipal clerk by an electronic facsimile device. An application  
 2.14 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter  
 2.15 by a person other than the voter must be deposited in the mail or returned in person to  
 2.16 the county auditor or municipal clerk within ten days after it has been dated by the voter  
 2.17 and no later than six days before the election. The absentee ballot applications or a list of  
 2.18 persons applying for an absentee ballot may not be made available for public inspection  
 2.19 until the close of voting on election day.

2.20 An application under this subdivision may contain an application under subdivision  
 2.21 5 to automatically receive an absentee ballot application.

2.22 Sec. 3. Minnesota Statutes 2006, section 203B.06, subdivision 3, is amended to read:

2.23 Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted  
 2.24 at a time when absentee ballots are not yet available for distribution, the county auditor,  
 2.25 or municipal clerk accepting the application shall file it and as soon as absentee ballots  
 2.26 are available for distribution shall mail them to the address specified in the application.  
 2.27 If an application for absentee ballots is accepted when absentee ballots are available for  
 2.28 distribution, the county auditor or municipal clerk accepting the application shall promptly:

2.29 (1) mail the ballots to the voter whose signature appears on the application if the  
 2.30 application is submitted by mail and does not request commercial shipping under clause  
 2.31 (2);

2.32 (2) ship the ballots to the voter using a commercial shipper requested by the voter at  
 2.33 the voter's expense;

2.34 (3) deliver the absentee ballots directly to the voter if the application is submitted in  
 2.35 person; or

3.1 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who  
 3.2 has been designated to bring the ballots to a voter who is disabled or who is a patient  
 3.3 in a health care facility, as provided in section 203B.11, subdivision 4, a participant in  
 3.4 a residential program for adults licensed under section 245A.02, subdivision 14, or a  
 3.5 resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

3.6 (b) If an application does not indicate the election for which absentee ballots are  
 3.7 sought, the county auditor or municipal clerk shall mail or deliver only the ballots for  
 3.8 the next election occurring after receipt of the application. Only one set of ballots may  
 3.9 be mailed, shipped, or delivered to an applicant for any election, except as provided in  
 3.10 section 203B.13, subdivision 2, or when a replacement ballot has been requested by the  
 3.11 voter for a ballot that has been spoiled or lost in transit.

3.12 Sec. 4. Minnesota Statutes 2006, section 203B.11, subdivision 1, is amended to read:

3.13 Subdivision 1. **Generally.** Each full-time municipal clerk or school district clerk  
 3.14 who has authority under section 203B.05 to administer absentee voting laws shall  
 3.15 designate election judges to deliver absentee ballots in accordance with this section. The  
 3.16 county auditor must also designate election judges to perform the duties in this section. A  
 3.17 ballot may be delivered only to an eligible voter who is disabled or who is a temporary  
 3.18 or permanent resident or patient in a health care facility ~~or hospital~~, a participant in a  
 3.19 residential program for adults, or a resident of a shelter for battered women located in the  
 3.20 municipality in which the voter maintains residence. The ballots shall be delivered by two  
 3.21 election judges, each of whom is affiliated with a different major political party. When  
 3.22 the election judges deliver or return ballots as provided in this section, they shall travel  
 3.23 together in the same vehicle. Both election judges shall be present when an applicant  
 3.24 completes the certificate of eligibility and marks the absentee ballots, and may assist an  
 3.25 applicant as provided in section 204C.15. The election judges shall deposit the return  
 3.26 envelopes containing the marked absentee ballots in a sealed container and return them to  
 3.27 the clerk on the same day that they are delivered and marked.

3.28 Sec. 5. Minnesota Statutes 2006, section 203B.11, subdivision 4, is amended to read:

3.29 Subd. 4. **Agent delivery of ballots.** During the four days preceding an election and  
 3.30 until 2:00 p.m. on election day, an eligible voter who is disabled or who is a patient of a  
 3.31 health care facility, a participant in a residential program for adults licensed under section  
 3.32 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section  
 3.33 611A.37, subdivision 4, may designate an agent to deliver the ballots to the voter from the  
 3.34 county auditor or municipal clerk. A candidate at the election may not be designated as

4.1 an agent. The voted ballots must be returned to the county auditor or municipal clerk no  
4.2 later than 3:00 p.m. on election day. The voter must complete an affidavit requesting the  
4.3 auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The  
4.4 affidavit must include a statement from the voter stating that the ballots were delivered to  
4.5 the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to  
4.6 no more than three persons in any election. The secretary of state shall provide samples of  
4.7 the affidavit and transmission envelope for use by the county auditors.