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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1670

March 5, 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

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

A bill for an act

relating to elections; clarifying certain procedures and terminology; changing or eliminating certain requirements; changing certain duties; amending Minnesota Statutes 2006, sections 103C.305, subdivision 3; 201.054, subdivision 1; 201.061, subdivision 4; 201.071, subdivisions 3, 4; 201.081; 201.091, subdivisions 1, 8; 201.27, subdivision 1; 203B.04, subdivisions 1, 4; 203B.05, subdivision 2; 203B.07, subdivision 1; 203B.08, subdivision 3; 203B.10; 204B.06, subdivision 8; 204B.08, subdivision 3; 205A.10, subdivision 1; 205A.11, subdivision 2; 206.82, subdivision 2; Laws 2004, chapter 293, article 1, section 37, subdivision 2.

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

Section 1. Minnesota Statutes 2006, section 103C.305, subdivision 3, is amended to read:

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

Sec. 2. Minnesota Statutes 2006, section 201.054, subdivision 1, is amended to read:

Subdivision 1. **Registration.** An individual may register to vote:

- (1) at any time before the 20th day preceding any election as provided in section 201.061, subdivision 1;
- (2) on the day of an election as provided in section 201.061, subdivision 3; or
- (3) when submitting an absentee ballot, by enclosing a completed registration ~~card~~ application as provided in section 203B.04, subdivision 4.

2.1 Sec. 3. Minnesota Statutes 2006, section 201.061, subdivision 4, is amended to read:

2.2 Subd. 4. **Registration by election judges; procedures.** Registration at the polling
2.3 place on election day shall be conducted by the election judges. The election judge who
2.4 registers an individual at the polling place on election day shall not handle that voter's
2.5 ballots at any time prior to the opening of the ballot box after the voting ends. Registration
2.6 ~~cards~~ applications and forms for oaths shall be available at each polling place. If an
2.7 individual who registers on election day proves residence by oath of a registered voter, the
2.8 form containing the oath shall be attached to the individual's registration ~~card~~ application.
2.9 Registration ~~cards~~ applications completed on election day shall be forwarded to the
2.10 county auditor who shall add the name of each voter to the registration system unless the
2.11 information forwarded is substantially deficient. A county auditor who finds an election
2.12 day registration substantially deficient shall give written notice to the individual whose
2.13 registration is found deficient. An election day registration shall not be found deficient
2.14 solely because the individual who provided proof of residence was ineligible to do so.

2.15 Sec. 4. Minnesota Statutes 2006, section 201.071, subdivision 3, is amended to read:

2.16 Subd. 3. **Deficient registration.** No voter registration application is deficient if it
2.17 contains the voter's name, address, date of birth, current and valid Minnesota driver's
2.18 license number or Minnesota state identification number, or if the voter has no current and
2.19 valid Minnesota driver's license or Minnesota state identification number, the last four
2.20 digits of the voter's Social Security number, if the voter has been issued a Social Security
2.21 number, prior registration, if any, and signature. The absence of a zip code number does
2.22 not cause the registration to be deficient. Failure to check a box on an application form
2.23 that a voter has certified to be true does not cause the registration to be deficient. The
2.24 election judges shall request an individual to correct a voter registration application if it is
2.25 deficient or illegible ~~or if the name or number of the voter's school district is missing or~~
2.26 ~~obviously incorrect~~. No eligible voter may be prevented from voting unless the voter's
2.27 registration application is deficient or the voter is duly and successfully challenged in
2.28 accordance with section 201.195 or 204C.12.

2.29 A voter registration application accepted prior to August 1, 1983, is not deficient
2.30 for lack of date of birth. The county or municipality may attempt to obtain the date of
2.31 birth for a voter registration application accepted prior to August 1, 1983, by a request to
2.32 the voter at any time except at the polling place. Failure by the voter to comply with this
2.33 request does not make the registration deficient.

2.34 A voter registration application accepted before January 1, 2004, is not deficient for
2.35 lack of a valid Minnesota driver's license or state identification number or the last four

3.1 digits of a Social Security number. A voter registration application submitted by a voter
3.2 who does not have a Minnesota driver's license or state identification number, or a Social
3.3 Security number, is not deficient for lack of any of these numbers.

3.4 Sec. 5. Minnesota Statutes 2006, section 201.071, subdivision 4, is amended to read:

3.5 Subd. 4. **Change of registration.** ~~Any~~ A county auditor who receives a registration
3.6 ~~card application~~ indicating that an individual was previously registered in a different
3.7 county in Minnesota shall ~~notify the county auditor of that county~~ update the voter's
3.8 record electronically through the statewide registration system in the manner prescribed
3.9 ~~in the rules of~~ by the secretary of state. ~~A county auditor receiving a registration card~~
3.10 ~~indicating that a voter was previously registered in a different precinct in the same county~~
3.11 ~~or receiving a notification as provided in this subdivision shall remove that individual's~~
3.12 ~~voter registration card from the files.~~ Any A county auditor who receives a registration
3.13 ~~card application~~ or notification requiring a change of registration records under this
3.14 subdivision as a result of an election day registration shall also check the statewide
3.15 registration system to determine whether the individual voted in more than one precinct in
3.16 the most recent election.

3.17 Sec. 6. Minnesota Statutes 2006, section 201.081, is amended to read:

3.18 **201.081 REGISTRATION FILES.**

3.19 The statewide registration system is the official record of registered voters. The
3.20 voter registration ~~cards~~ applications and the terminal providing access to the statewide
3.21 registration system must be under the control of the county auditor or the public official to
3.22 whom the county auditor has delegated the responsibility for maintaining voter registration
3.23 records. The voter registration ~~cards~~ applications and terminals providing access to the
3.24 statewide registration system must not be removed from the control of the county auditor
3.25 except as provided in this subdivision. The county auditor may make photographic copies
3.26 of voter registration ~~cards~~ applications in the manner provided by section 138.17.

3.27 A properly completed voter registration ~~card~~ application that has been submitted to
3.28 the secretary of state or a county auditor must be maintained by the secretary of state or
3.29 the county auditor for at least 22 months after the date that the information on the ~~card~~
3.30 application is entered into the database of the statewide registration system. The secretary
3.31 of state or the county auditor may dispose of the ~~cards~~ applications after retention for 22
3.32 months in the manner provided by section 138.17.

3.33 Sec. 7. Minnesota Statutes 2006, section 201.091, subdivision 1, is amended to read:

4.1 Subdivision 1. **Master list.** Each county auditor shall prepare and maintain a
4.2 current list of registered voters in each precinct in the county which is known as the
4.3 master list. The master list must be created by entering each completed voter registration
4.4 ~~card~~ application received by the county auditor into the statewide registration system. It
4.5 must show the name, residence address, and date of birth of each voter registered in
4.6 the precinct. The information contained in the master list may only be made available
4.7 to public officials for purposes related to election administration, jury selection, and in
4.8 response to a law enforcement inquiry concerning a violation of or failure to comply with
4.9 any criminal statute or state or local tax statute.

4.10 Sec. 8. Minnesota Statutes 2006, section 201.091, subdivision 8, is amended to read:

4.11 Subd. 8. **Registration places.** Each county auditor shall designate a number of
4.12 public buildings in those political subdivisions of the county where preregistration of
4.13 voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may
4.14 register to vote. At least one public building must be designated for each 30,000 residents
4.15 of the county. At least one telecommunications device for the deaf must be available for
4.16 voter registration information in each county seat and in every city of the first, second,
4.17 and third class.

4.18 An adequate supply of registration ~~cards~~ applications and instructions must be
4.19 maintained at each designated location, and a designated individual must be available
4.20 there to accept registration ~~cards~~ applications and transmit them to the county auditor.

4.21 A person who, because of disability, needs assistance in order to determine eligibility
4.22 or to register must be assisted by a designated individual. Assistance includes but is not
4.23 limited to reading the registration form and instructions and filling out the registration
4.24 form as directed by the eligible voter.

4.25 Sec. 9. Minnesota Statutes 2006, section 201.27, subdivision 1, is amended to read:

4.26 Subdivision 1. **Intentional violation.** No officer, deputy, clerk, or other employee
4.27 shall intentionally:

4.28 (1) fail to perform or enforce any of the provisions of this chapter except subdivision
4.29 2;

4.30 (2) remove a registration ~~card~~ application or record from its proper place in the
4.31 registration files in a manner or for a purpose not authorized by law;

4.32 (3) destroy or make an unauthorized change to a record required to be kept by
4.33 this chapter; or

5.1 (4) add a name or names to the voter registration files, records, or cards, except as
5.2 authorized by law.

5.3 An individual who violates this subdivision is guilty of a felony.

5.4 Sec. 10. Minnesota Statutes 2006, section 203B.04, subdivision 1, is amended to read:

5.5 Subdivision 1. **Application procedures.** Except as otherwise allowed by
5.6 subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots
5.7 for any election may be submitted at any time not less than one day before the day of
5.8 that election. The county auditor shall prepare absentee ballot application forms in the
5.9 format provided by the secretary of state, notwithstanding rules on absentee ballot forms,
5.10 and shall furnish them to any person on request. By January 1 of each even-numbered
5.11 year, the secretary of state shall make the forms to be used available to auditors through
5.12 electronic means. An application submitted pursuant to this subdivision shall be in writing
5.13 and shall be submitted to:

5.14 (a) the county auditor of the county where the applicant maintains residence; or

5.15 (b) the municipal clerk of the municipality, or school district if applicable, where
5.16 the applicant maintains residence.

5.17 An application shall be approved if it is timely received, signed and dated by the
5.18 applicant, contains the applicant's name and residence and mailing addresses, and states
5.19 that the applicant is eligible to vote by absentee ballot for one of the reasons specified in
5.20 section 203B.02. The application may contain a request for the voter's date of birth, which
5.21 must not be made available for public inspection. An application may be submitted to
5.22 the county auditor or municipal clerk by an electronic facsimile device. An application
5.23 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter
5.24 by a person other than the voter must be deposited in the mail or returned in person to
5.25 the county auditor or municipal clerk within ten days after it has been dated by the voter
5.26 and no later than six days before the election. The absentee ballot applications or a list of
5.27 persons applying for an absentee ballot may not be made available for public inspection
5.28 until the close of voting on election day.

5.29 An application under this subdivision may contain an application under subdivision
5.30 5 to automatically receive an absentee ballot application.

5.31 Sec. 11. Minnesota Statutes 2006, section 203B.04, subdivision 4, is amended to read:

5.32 Subd. 4. **Registration at time of application.** An eligible voter who is not
5.33 registered to vote but who is otherwise eligible to vote by absentee ballot may register by
5.34 including a completed voter registration ~~card~~ application with the absentee ballot. The

6.1 individual shall present proof of residence as required by section 201.061, subdivision
6.2 3, to the individual who witnesses the marking of the absentee ballots. A military voter,
6.3 as defined in section 203B.01, may register in this manner if voting pursuant to sections
6.4 203B.04 to 203B.15, or may register pursuant to sections 203B.16 to 203B.27.

6.5 Sec. 12. Minnesota Statutes 2006, section 203B.05, subdivision 2, is amended to read:

6.6 Subd. 2. **City, school district, and town elections.** For city, town, and school
6.7 district elections not held on the same day as a statewide election, ~~for school district~~
6.8 ~~elections not held on the same day as a statewide election, and for town elections~~
6.9 ~~conducted under the Australian ballot system;~~ applications for absentee ballots shall be
6.10 filed with the city, school district, or town clerk and the duties prescribed by this chapter for
6.11 the county auditor shall be performed by the city, school district, or town clerk unless the
6.12 county auditor agrees to perform those duties on behalf of the city, school district, or town
6.13 clerk. The costs incurred to provide absentee ballots and perform the duties prescribed by
6.14 this subdivision shall be paid by the city, town, or school district holding the election.

6.15 Notwithstanding any other law, this chapter applies to school district elections held
6.16 on the same day as a statewide election or an election for a county or municipality wholly
6.17 or partially within the school district.

6.18 Sec. 13. Minnesota Statutes 2006, section 203B.07, subdivision 1, is amended to read:

6.19 Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the
6.20 municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and
6.21 a copy of the directions for casting an absentee ballot to each applicant whose application
6.22 for absentee ballots is accepted pursuant to section 203B.04. The directions for casting
6.23 an absentee ballot shall be printed in at least 14-point bold type with heavy leading and
6.24 may be printed on the ballot envelope. When a person requests the directions in Braille
6.25 or on cassette tape, the county auditor or municipal clerk shall provide them in the form
6.26 requested. The secretary of state shall prepare Braille and cassette copies and make them
6.27 available.

6.28 When a voter registration ~~card~~ application is sent to the applicant as provided in
6.29 section 203B.06, subdivision 4, the directions or registration ~~card~~ application shall include
6.30 instructions for registering to vote.

6.31 Sec. 14. Minnesota Statutes 2006, section 203B.08, subdivision 3, is amended to read:

6.32 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a
6.33 county auditor or municipal clerk, that official shall stamp or initial and date the return

7.1 envelope ~~with an official seal of the office~~ and place it in a secure location with other
7.2 return envelopes received by that office. The county auditor or municipal clerk shall
7.3 deliver to the appropriate election judges on election day all ballots received before or
7.4 with the last mail delivery by the United States Postal Service on election day. A town
7.5 clerk may request the United States Postal Service to deliver absentee ballots to the polling
7.6 place on election day instead of to the official address of the town clerk.

7.7 Sec. 15. Minnesota Statutes 2006, section 203B.10, is amended to read:

7.8 **203B.10 DELIVERY OF ABSENTEE BALLOT APPLICATIONS TO**
7.9 **ELECTION JUDGES.**

7.10 (a) On the day before an election:

7.11 ~~(a)~~ (1) the county auditor shall deliver to the municipal clerks within that county
7.12 the applications for absentee ballots theretofore received and endorsed as provided in
7.13 section 203B.06, subdivision 5; and

7.14 ~~(b)~~ (2) the municipal clerks shall deliver the applications received from the county
7.15 auditor and the applications for absentee ballots filed with their respective offices and
7.16 endorsed as provided in section 203B.06, subdivision 5, to the appropriate election
7.17 judges. Applications received on election day pursuant to section 203B.04, subdivision
7.18 2, shall be promptly delivered to the election judges in the precincts or to the judges of
7.19 an absentee ballot board.

7.20 (b) Delivery of the applications to the municipal clerks and election judges in the
7.21 precinct is not required if the absentee ballot envelopes have been accepted or rejected
7.22 by an absentee ballot board pursuant to section 203B.13.

7.23 Sec. 16. Minnesota Statutes 2006, section 204B.06, subdivision 8, is amended to read:

7.24 **Subd. 8. Proof of eligibility.** A candidate for judicial office or for the office of
7.25 county attorney shall submit with the affidavit of candidacy proof that the candidate is
7.26 licensed to practice law in this state. Proof means providing a copy of a current attorney
7.27 license.

7.28 A candidate for county sheriff shall submit with the affidavit of candidacy proof of
7.29 licensure as a peace officer in this state. Proof means providing a copy of a current Peace
7.30 Officer Standards and Training Board license.

7.31 Sec. 17. Minnesota Statutes 2006, section 204B.08, subdivision 3, is amended to read:

7.32 **Subd. 3. Number of signatures.** The number of signatures required on a
7.33 nominating petition shall be as follows:

8.1 (a) for a federal or state office voted on statewide ~~or for United States senator~~, one
 8.2 percent of the total number of individuals voting in the state at the last preceding state
 8.3 general election, or 2,000, whichever is less;

8.4 (b) for a congressional office, five percent of the total number of individuals voting
 8.5 in the district at the last preceding state general election, or 1,000, whichever is less;

8.6 (c) for a county or legislative office, ten percent of the total number of individuals
 8.7 voting in the county or legislative district at the last preceding state or county general
 8.8 election, or 500, whichever is less;

8.9 (d) for a municipal office in a city of the first class, the number specified in section
 8.10 205.121; and

8.11 (e) for any other municipal or school district office, ten percent of the total number
 8.12 of individuals voting in the municipality, ward, school district, or other election district
 8.13 at the last preceding municipal, or school district if applicable, general election, or 500,
 8.14 whichever is less.

8.15 Sec. 18. Minnesota Statutes 2006, section 205A.10, subdivision 1, is amended to read:

8.16 Subdivision 1. **Materials, ballots.** The school district clerk shall prepare and have
 8.17 printed the necessary election materials, including ballots, for a school district election.
 8.18 ~~The name of each candidate for office shall be rotated with the names of the other~~
 8.19 ~~candidates for the same office so that the name of each candidate appears substantially~~
 8.20 ~~an equal number of times at the top, at the bottom, and at each intermediate place in the~~
 8.21 ~~group of candidates for that office~~ names must be arranged on school district ballots in the
 8.22 manner provided in section 204D.08, subdivision 3, for state elections.

8.23 Sec. 19. Minnesota Statutes 2006, section 205A.11, subdivision 2, is amended to read:

8.24 Subd. 2. **Combined polling place.** When no other election is being held in two or
 8.25 more precincts on the day of a school district election, the school board may designate
 8.26 one or more combined polling places at which the voters in those precincts may vote in
 8.27 the school district election. In school districts that have organized into separate board
 8.28 member election districts under section 205A.12, a combined polling place for a school
 8.29 general election must be arranged so that it does not include more than one board member
 8.30 election district.

8.31 Sec. 20. Minnesota Statutes 2006, section 206.82, subdivision 2, is amended to read:

8.32 Subd. 2. **Plan.** ~~(a) Subject to paragraph (b);~~ The municipal clerk in a municipality
 8.33 where an electronic voting system is used and the county auditor of a county in which an

9.1 electronic voting system is used in more than one municipality and the county auditor of
 9.2 a county in which a counting center serving more than one municipality is located shall
 9.3 prepare a plan which indicates acquisition of sufficient facilities, computer time, and
 9.4 professional services and which describes the proposed manner of complying with section
 9.5 206.80. The plan must be signed, notarized, and submitted to the secretary of state more
 9.6 than 60 days before the first election at which the municipality uses an electronic voting
 9.7 system. Prior to July 1 of each subsequent general election year, the clerk or auditor
 9.8 shall submit to the secretary of state notification of any changes to the plan on file with
 9.9 the secretary of state. The secretary of state shall review each plan for its sufficiency and
 9.10 may request technical assistance from the Department of Administration or other agency
 9.11 which may be operating as the central computer authority. The secretary of state shall
 9.12 notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days
 9.13 of receipt of the plan. The attorney general, upon request of the secretary of state, may
 9.14 seek a district court order requiring an election official to fulfill duties imposed by this
 9.15 subdivision or by rules promulgated pursuant to this section.

9.16 ~~(b) Systems implemented by counties and municipalities in calendar year 2006 are~~
 9.17 ~~exempt from paragraph (a) and section 206.58, subdivision 4, if:~~

9.18 ~~(1) the municipality has fewer than 10,000 residents; and~~

9.19 ~~(2) a valid county plan was filed by the county auditor of the county in which the~~
 9.20 ~~municipality is located.~~

9.21 Sec. 21. Laws 2004, chapter 293, article 1, section 37, subdivision 2, is amended to
 9.22 read:

9.23 Subd. 2. **Social security number.** A voter must not be included on the list of voters
 9.24 prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is
 9.25 incomplete because of a failure to match the last four digits of the voter's Social Security
 9.26 number until the commissioner of public safety has:

9.27 (1) entered into an agreement with the commissioner of the Social Security
 9.28 Administration under Minnesota Statutes, section 201.1615, regarding the use of the last
 9.29 four digits of a Social Security number to verify voter registration information;

9.30 ~~(2) assembled a complete and current database of the last four digits of the Social~~
 9.31 ~~Security number of each resident of this state as maintained by the Social Security~~
 9.32 ~~Administration; and~~

9.33 ~~(3)~~ (2) certified, along with the secretary of state, that the voter registration system
 9.34 has been tested and shown to properly verify the last four digits of a voter's Social
 9.35 Security number.