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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1229

March 2, 2009

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

1.1 A bill for an act
1.2 relating to elections; clarifying the restrictions on service of election judges;
1.3 modifying the creation of election judge appointment lists; limiting requirements
1.4 for use of lists of election judges prepared by major political parties; authorizing
1.5 the appointment of additional election judges; eliminating requirements for
1.6 election judges to initial ballots before use; amending Minnesota Statutes 2008,
1.7 sections 204B.19, subdivision 2; 204B.21, subdivisions 1, 2; 204C.09; 204C.13,
1.8 subdivision 5; 204C.18, subdivision 2.

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

1.10 Section 1. Minnesota Statutes 2008, section 204B.19, subdivision 2, is amended to read:

1.11 Subd. 2. **Individuals not qualified to be election judges.** (a) Except as provided in
1.12 paragraph (b), no individual shall be appointed as an election judge for any precinct if
1.13 that individual:

1.14 ~~(a)~~ (1) is unable to read, write, or speak the English language;

1.15 ~~(b)~~ (2) is the spouse, parent, child, including a stepchild, or sibling, including a
1.16 stepsibling, of any election judge serving in the same precinct or of any candidate at
1.17 that election; or

1.18 ~~(c)~~ (3) is a candidate at that election.

1.19 (b) Individuals who are related to each other as provided in paragraph (a), clause (2),
1.20 may serve as election judges in the same precinct, provided that they serve on separate
1.21 shifts that do not run concurrently.

1.22 Sec. 2. Minnesota Statutes 2008, section 204B.21, subdivision 1, is amended to read:

1.23 Subdivision 1. **Appointment lists; duties of political parties and county auditor**
1.24 **secretary of state.** On June 1 in a year in which there is an election for a partisan political
1.25 office, ~~the county or legislative district chairs~~ of each major political party, ~~whichever is~~

2.1 ~~designated by the state party~~, shall prepare a list of eligible voters to act as election judges
 2.2 in each election precinct ~~in the county or legislative district~~. ~~The chairs~~ political parties
 2.3 shall furnish the lists electronically to the ~~county auditor of the county in which the precinct~~
 2.4 ~~is located~~ secretary of state, in a format specified by the secretary of state. The secretary of
 2.5 state must combine the data received from each political party under this subdivision and
 2.6 must process the data through the automated precinct-finder to locate the precinct in which
 2.7 the address provided for each potential election judge is located. If the data submitted
 2.8 by a political party is insufficient for the secretary of state to locate the proper precinct,
 2.9 the associated name must not appear in any list forwarded to an appointing authority
 2.10 under this subdivision. The secretary of state shall notify political parties of any potential
 2.11 election judges for whose addresses the secretary of state could not determine a precinct.

2.12 By June 15, the ~~county auditor~~ secretary of state shall furnish electronically to the
 2.13 ~~appointing authorities~~ county auditor a list of the appropriate names for each election
 2.14 precinct in the jurisdiction of the appointing authority. ~~Separate lists shall be submitted by~~
 2.15 ~~the county auditor for each major political party~~, noting the political party affiliation of
 2.16 each individual on the list. The county auditor must promptly forward the appropriate
 2.17 names to the appropriate municipal clerk.

2.18 Sec. 3. Minnesota Statutes 2008, section 204B.21, subdivision 2, is amended to read:

2.19 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts
 2.20 in a municipality shall be appointed by the governing body of the municipality. Election
 2.21 judges for precincts in unorganized territory and for performing election-related duties
 2.22 assigned by the county auditor shall be appointed by the county board. Election judges for
 2.23 a precinct composed of two or more municipalities must be appointed by the governing
 2.24 body of the municipality or municipalities responsible for appointing election judges as
 2.25 provided in the agreement to combine for election purposes. Except as otherwise provided
 2.26 in this section, appointments shall be made from lists furnished pursuant to subdivision 1
 2.27 subject to the eligibility requirements and other qualifications established or authorized
 2.28 under section 204B.19. At least two election judges in each precinct must be affiliated with
 2.29 different major political parties. If no lists have been furnished or if additional election
 2.30 judges are required after all listed names have been exhausted, the appointing authority
 2.31 may appoint other individuals who meet the qualifications to serve as an election judge,
 2.32 including persons who are not affiliated with a major political party. The appointments
 2.33 shall be made at least 25 days before the election at which the election judges will serve,
 2.34 except that the appointing authority may pass a resolution authorizing the appointment of

3.1 additional election judges within the 25 days before the election if the appointing authority
 3.2 determines that additional election judges will be required.

3.3 Sec. 4. Minnesota Statutes 2008, section 204C.09, is amended to read:

3.4 **204C.09 BALLOT PREPARATION DISTRIBUTION BY ELECTION**
 3.5 **JUDGES.**

3.6 ~~Subdivision 1. **Initialing.** Before the voting begins, or as soon as possible after it~~
 3.7 ~~begins, at least two election judges shall each initial the backs of all the ballots. The~~
 3.8 ~~election judges shall not otherwise mark the ballots.~~

3.9 Subd. 2. **Distribution procedure.** Official ballots shall be distributed only in the
 3.10 room containing the voting booths and only to individuals who are about to vote, except as
 3.11 otherwise provided in section 204C.15, subdivision 2. ~~No official ballot shall be distributed~~
 3.12 ~~to a voter unless it has been initialed by the election judges as provided in subdivision 1.~~

3.13 Sec. 5. Minnesota Statutes 2008, section 204C.13, subdivision 5, is amended to read:

3.14 Subd. 5. **Deposit of ballots in ballot boxes.** The voter shall then withdraw from
 3.15 the voting booth with the ballots and hand them to the election judge in charge of the
 3.16 ballot boxes. That election judge shall immediately deposit each ballot in the proper box.
 3.17 ~~Ballots that have not been initialed by the election judges as provided in section 204C.09,~~
 3.18 ~~shall not be deposited in the ballot box.~~

3.19 Sec. 6. Minnesota Statutes 2008, section 204C.18, subdivision 2, is amended to read:

3.20 Subd. 2. **Ballots; identifying marks; penalty.** No voter, election judge, or other
 3.21 individual shall place at any time a mark as a means of identification upon any ballot
 3.22 handed to or cast by a voter or upon spoiled or discarded ballots, ~~except the initials~~
 3.23 ~~authorized by section 204C.09.~~ A violation of this subdivision is a gross misdemeanor.