

This Document can be made available
in alternative formats upon request

State of Minnesota

Printed
Page No.

376

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3108**

February 22, 2010

Authored by Winkler, Kiffmeyer, Pelowski, Simon, Brod and others

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

March 8, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

A bill for an act

1.1 relating to elections; changing and clarifying certain provisions; amending
1.2 Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision
1.3 1; 201.11; 201.12; 201.121, subdivision 3; 201.13; 201.14; 201.15, subdivisions
1.4 1, 2; 201.155; 201.171; 203B.02, subdivision 3; 203B.04, subdivision 1;
1.5 203B.06, subdivision 5; 203B.16, subdivision 2; 203B.19; 204B.04, subdivision
1.6 2; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18,
1.7 subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2,
1.8 3; 204B.28, by adding a subdivision; 204B.38; 204C.02; 204C.04, subdivision
1.9 1; 204C.06, subdivision 1; 204C.08; 204C.09, subdivision 1; 204C.12,
1.10 subdivision 2; 204C.13, subdivision 2; 204C.24, subdivision 1; 204C.28,
1.11 subdivisions 1, 2; 204C.33, subdivision 1; 204C.35, subdivisions 2, 3; 204C.36,
1.12 subdivisions 3, 4; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2;
1.13 204D.10, subdivision 1; 204D.17; 204D.19; 204D.20, subdivision 1; 205.065,
1.14 subdivision 1, as amended; 205.07, subdivision 1, by adding a subdivision;
1.15 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.03, subdivision
1.16 2, as amended; 205A.04, subdivision 1; 205A.05, subdivision 1; 205A.11,
1.17 subdivision 3; 206.57, subdivision 6; 208.03; 365.51, subdivision 1; 375.101,
1.18 subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters
1.19 201; 204D; 205; 205A; 373; repealing Minnesota Statutes 2008, sections 3.22;
1.20 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805,
1.21 subdivision 2; 206.91; 375.101, subdivision 2.

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

1.23
1.24 Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to
1.25 read:

1.26 Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice
1.27 to any voter who the county auditor can determine has ~~voted~~: (1) provided the address at
1.28 which the voter maintains residence, but was allowed to vote in a precinct other than the
1.29 precinct in which the voter maintains residence; and (2) not voted in the wrong precinct
1.30 previously. The notice must be in the form provided by the secretary of state.

2.1 (b) The county auditor shall mail a violation notice to any voter who otherwise voted
2.2 in a precinct in which the voter did not maintain residence on election day. The county
2.3 auditor shall also change the status of the voter in the statewide registration system to
2.4 "challenged" and the voter shall be required to provide proof of residence to either the
2.5 county auditor or to the election judges in the voter's precinct before voting in the next
2.6 election. Any of the forms authorized by section 201.061 for registration at the polling
2.7 place may be used for this purpose.

2.8 ~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the
2.9 voter maintains residence after receiving an initial violation notice as provided in this
2.10 subdivision is guilty of a petty misdemeanor.

2.11 ~~(c)~~ (d) A voter who votes in a precinct other than the precinct in which the voter
2.12 maintains residence after having been found to have committed a petty misdemeanor
2.13 under paragraph (b) is guilty of a misdemeanor.

2.14 ~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of
2.15 the voter's polling place provided by the state, county, or municipality is an affirmative
2.16 defense to a prosecution under this subdivision.

2.17 Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

2.18 Subdivision 1. **Prior to election day.** At any time except during the 20 days
2.19 immediately preceding any regularly scheduled election, an eligible voter or any
2.20 individual who will be an eligible voter at the time of the next election may register to vote
2.21 in the precinct in which the voter maintains residence by completing a voter registration
2.22 application as described in section 201.071, subdivision 1, and submitting it in person
2.23 or by mail to the county auditor of that county or to the Secretary of State's Office.

2.24 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
2.25 election shall be accepted. An improperly addressed or delivered registration application
2.26 shall be forwarded within two working days after receipt to the county auditor of the
2.27 county where the voter maintains residence. A state or local agency or an individual that
2.28 accepts completed voter registration applications from a voter must submit the completed
2.29 applications to the secretary of state or the appropriate county auditor within ten calendar
2.30 days after the applications are dated by the voter.

2.31 For purposes of this section, mail registration is defined as a voter registration
2.32 application delivered to the secretary of state, county auditor, or municipal clerk by the
2.33 United States Postal Service or a commercial carrier.

3.1 Sec. 3. Minnesota Statutes 2008, section 201.11, is amended to read:

3.2 **201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS**
3.3 **CHANGED, CHANGE OF FILES.**

3.4 Subdivision 1. Precinct boundaries changed. When the boundaries of a precinct
3.5 are changed, the county auditor shall immediately update the voter records for that
3.6 precinct in the statewide voter registration system to accurately reflect those changes.

3.7 Subd. 2. House number or street address changed. If a municipality
3.8 administratively changes the number or name of a street address of an existing residence,
3.9 the municipal clerk shall promptly notify the county auditor and the county auditor
3.10 shall immediately update the voter records of registered voters in the statewide voter
3.11 registration system to accurately reflect that change. A municipality must not make a
3.12 change to the number or name of a street address of an existing residence effective during
3.13 the 45 days prior to any election in a jurisdiction which includes the affected residence.

3.14 Sec. 4. Minnesota Statutes 2008, section 201.12, is amended to read:

3.15 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**
3.16 **CHALLENGES.**

3.17 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate
3.18 excess names, the county auditor may mail to any registered voter a notice stating the
3.19 voter's name and address as they appear in the registration files. The notice shall request
3.20 the voter to notify the county auditor if there is any mistake in the information.

3.21 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
3.22 official is returned as undeliverable but with a permanent forwarding address in this state,
3.23 the county auditor may change the voter's status to "inactive" in the statewide registration
3.24 system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which
3.25 the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to
3.26 occur in the precinct in which the voter resides in the next 47 days, the county auditor
3.27 shall promptly update the voter's address in the statewide voter registration system ~~and~~.
3.28 If there is not an election scheduled, the auditor may wait to update the voter's address
3.29 until after the next list of address changes is received from the secretary of state. Once
3.30 updated, the county auditor shall mail to the voter a notice stating the voter's name,
3.31 address, precinct, and polling place, except that if the voter's record is challenged due to a
3.32 felony conviction, noncitizenship, name change, incompetence, or a court's revocation of
3.33 voting rights of individuals under guardianship, the auditor must not mail the notice. The
3.34 notice must advise the voter that the voter's voting address has been changed and that the
3.35 voter must notify the county auditor within 21 days if the new address is not the voter's

4.1 address of residence. The notice must state that it must be returned if it is not deliverable
4.2 to the voter at the named address.

4.3 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
4.4 official is returned as undeliverable but with a permanent forwarding address outside this
4.5 state, the county auditor shall promptly mail to the voter at the voter's new address a notice
4.6 advising the voter that the voter's status in the statewide voter registration system will be
4.7 changed to "inactive" unless the voter notifies the county auditor within 21 days that the
4.8 voter is retaining the former address as the voter's address of residence. If the notice is not
4.9 received by the deadline, the county auditor shall change the voter's status to "inactive"
4.10 in the statewide voter registration system.

4.11 Subd. 4. **Challenges.** If any nonforwardable mailing from an election official
4.12 is returned as undeliverable but with no forwarding address, the county auditor shall
4.13 change the registrant's status to "challenged" in the statewide voter registration system.
4.14 An individual challenged in accordance with this subdivision shall comply with the
4.15 provisions of section 204C.12, before being allowed to vote. If a notice mailed at least
4.16 60 days after the return of the first nonforwardable mailing is also returned by the postal
4.17 service, the county auditor shall change the registrant's status to "inactive" in the statewide
4.18 voter registration system.

4.19 **EFFECTIVE DATE.** This section is effective June 1, 2011.

4.20 Sec. 5. Minnesota Statutes 2008, section 201.121, subdivision 3, is amended to read:

4.21 Subd. 3. **Postelection sampling.** Within ten days after an election, the county
4.22 auditor shall send the notice required by subdivision 2 to a random sampling of the
4.23 individuals registered on election day. The random sampling shall be determined in
4.24 accordance with the rules of the secretary of state. As soon as practicable after the
4.25 election, the county auditor shall mail the notice required by subdivision 2 to all other
4.26 individuals registered on election day. If a notice is returned as not deliverable, the county
4.27 auditor shall attempt to determine the reason for the return. A county auditor who does not
4.28 receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately
4.29 notify the county attorney of all of the relevant information and the secretary of state of
4.30 the numbers by precinct. By March 1 of every odd-numbered year, the secretary of state
4.31 shall report to the chair and ranking minority members of the legislative committees with
4.32 jurisdiction over elections the number of notices reported under this subdivision to the
4.33 secretary of state for the previous state general election by county and precinct.

5.1 Sec. 6. Minnesota Statutes 2008, section 201.13, is amended to read:

5.2 **201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER**
5.3 **RECORDS.**

5.4 Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant
5.5 to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health
5.6 shall report monthly by electronic means to the secretary of state the name, address, date
5.7 of birth, and county of residence of each individual 18 years of age or older who has died
5.8 while maintaining residence in Minnesota since the last previous report. The secretary of
5.9 state shall determine if any of the persons listed in the report are registered to vote and
5.10 shall prepare a list of those registrants for each county auditor. Within 60 days after
5.11 receiving the list from the secretary of state, the county auditor shall change the status of
5.12 those registrants to "deceased" in the statewide voter registration system.

5.13 Subd. 1a. **Social Security Administration; reports of deceased residents.** The
5.14 secretary of state shall determine if any of the persons listed on the Social Security
5.15 Death Index are registered to vote and prepare a list of those registrants for each county
5.16 auditor. The county auditor shall change the status of those registrants to "deceased"
5.17 in the statewide voter registration system.

5.18 Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has
5.19 died outside the county, the county auditor shall change the voter's status to "deceased."
5.20 Notice must be in the form of a printed obituary or a written statement signed by a
5.21 registered Minnesota voter ~~of the county~~.

5.22 Subd. 3. **Use of change of address system.** (a) At least once each month the
5.23 secretary of state shall obtain a list of individuals registered to vote in this state who
5.24 have filed with the United States Postal Service a change of their permanent address.
5.25 However, the secretary of state shall not load data derived from this list into the statewide
5.26 voter registration system within the 47 days before the state primary or 47 days before a
5.27 November general election.

5.28 (b) If the address is changed to another address in this state, the secretary of state
5.29 shall locate the precinct in which the voter resides, if possible. If the secretary of state
5.30 is able to locate the precinct in which the voter resides, the secretary must transmit the
5.31 information about the changed address by electronic means to the county auditor of the
5.32 county in which the new address is located. If the voter has not voted or submitted a
5.33 voter registration application since the address change, upon receipt of the information,
5.34 the county auditor shall update the voter's address in the statewide voter registration
5.35 system and. The county auditor shall mail to the voter a notice stating the voter's name,
5.36 address, precinct, and polling place, unless the voter's record is challenged due to a felony

6.1 conviction, noncitizenship, name change, incompetence, or a court's revocation of voting
 6.2 rights of individuals under guardianship, in which case the auditor must not mail the
 6.3 notice. The notice must advise the voter that the voter's voting address has been changed
 6.4 and that the voter must notify the county auditor within 21 days if the new address is not
 6.5 the voter's address of residence. The notice must state that it must be returned if it is not
 6.6 deliverable to the voter at the named address.

6.7 ~~(b)~~ (c) If the change of permanent address is to an address outside this state, the
 6.8 secretary of state shall notify by electronic means the auditor of the county where the
 6.9 voter formerly resided that the voter has moved to another state. If the voter has not voted
 6.10 or submitted a voter registration application since the address change, the county auditor
 6.11 shall promptly mail to the voter at the voter's new address a notice advising the voter that
 6.12 the voter's status in the statewide voter registration system will be changed to "inactive"
 6.13 unless the voter notifies the county auditor within 21 days that the voter is retaining the
 6.14 former address as the voter's address of residence, except that if the voter's record is
 6.15 challenged due to a felony conviction, noncitizenship, name change, incompetence, or
 6.16 a court's revocation of voting rights of individuals under guardianship, the auditor must
 6.17 not mail the notice. If the notice is not received by the deadline, the county auditor shall
 6.18 change the voter's status to "inactive" in the statewide voter registration system.

6.19 Subd. 4. **Request for removal of voter record.** If a voter makes a written request
 6.20 for removal of the voter's record, the county auditor shall remove the record of the voter
 6.21 from the statewide voter registration system.

6.22 **EFFECTIVE DATE.** Subdivision 1a is effective the day following final enactment.
 6.23 Subdivision 3 is effective June 1, 2011. The remainder of this section is effective August
 6.24 1, 2010.

6.25 Sec. 7. Minnesota Statutes 2008, section 201.14, is amended to read:

6.26 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 6.27 **CHANGES OF NAMES.**

6.28 The state court administrator ~~of district court in each county~~ shall regularly report
 6.29 ~~monthly~~ by electronic means to the ~~county auditor~~ secretary of state the name ~~and~~, address,
 6.30 and, if available, driver's license or state identification card number of each individual, 18
 6.31 years of age or over, ~~who maintains residence in that county and~~ whose name was changed
 6.32 ~~during the month preceding the date of the~~ since the last report, by marriage, divorce or any
 6.33 order or decree of the court. The secretary of state shall determine if any of the persons in
 6.34 the report are registered to vote under their previous name and shall prepare a list of those

7.1 registrants for each county auditor. Upon receipt of the ~~report list~~, the county auditor shall
 7.2 ~~notify by mail each registered voter whose name was changed that it will be necessary to~~
 7.3 ~~reregister under the changed name in order to vote~~ make the change in the voter's record
 7.4 and mail to the voter the notice of registration required by section 201.121, subdivision 2.

7.5 **EFFECTIVE DATE.** This section is effective June 1, 2011.

7.6 Sec. 8. Minnesota Statutes 2008, section 201.15, subdivision 1, is amended to read:

7.7 Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America
 7.8 Vote Act of 2002, Public Law 107-252, the state court administrator shall report ~~monthly~~
 7.9 regularly by electronic means to the secretary of state the name, address, ~~and~~ date of birth,
 7.10 and, if available, driver's license or state identification card number of each individual 18
 7.11 years of age or over, who ~~during the month preceding the date of the~~ since the last report:

7.12 ~~(a)~~ (1) was placed under a guardianship in which the court order revokes the ward's
 7.13 right to vote; or

7.14 ~~(b)~~ (2) was adjudged legally incompetent.

7.15 The court administrator shall also report the same information for each individual
 7.16 transferred to the jurisdiction of the court who meets a condition specified in clause ~~(a)~~
 7.17 (1) or ~~(b)~~ (2). The secretary of state shall determine if any of the persons in the report is
 7.18 registered to vote and shall prepare a list of those registrants for the county auditor. The
 7.19 county auditor shall change the status on the record in the statewide registration system
 7.20 of any individual named in the report to indicate that the individual is not eligible to
 7.21 reregister or vote.

7.22 Sec. 9. Minnesota Statutes 2008, section 201.15, subdivision 2, is amended to read:

7.23 Subd. 2. **Guardianship termination or modification.** Pursuant to the Help
 7.24 America Vote Act of 2002, Public Law 107-252, the state court administrator shall report
 7.25 ~~monthly~~ regularly by electronic means to the secretary of state the name, address, ~~and~~
 7.26 date of birth, and, if available, driver's license or state identification card number of each
 7.27 individual whose guardianship was modified to restore the ward's right to vote or whose
 7.28 guardianship was terminated by order of the court under section 524.5-317 after being
 7.29 ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state
 7.30 shall determine if any of the persons in the report is registered to vote and shall prepare a
 7.31 list of those registrants for the county auditor. The county auditor shall change the status
 7.32 on the voter's record in the statewide registration system to "active."

8.1 Sec. 10. Minnesota Statutes 2008, section 201.155, is amended to read:

8.2 **201.155 REPORT ON FELONY CONVICTIONS.**

8.3 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state
8.4 court administrator shall report ~~monthly~~ regularly by electronic means to the secretary
8.5 of state the name, address, date of birth, and, if available, driver's license or state
8.6 identification card number, date of sentence, effective date of the sentence, and county
8.7 in which the conviction occurred of each person who has been convicted of a felony.
8.8 The state court administrator shall also report the name, address, and date of birth of
8.9 each person previously convicted of a felony whose civil rights have been restored. The
8.10 secretary of state shall determine if any of the persons in the report is registered to vote
8.11 and shall prepare a list of those registrants for each county auditor. The county auditor
8.12 shall change the status of those registrants in the appropriate manner in the statewide
8.13 registration system.

8.14 Sec. 11. **[201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

8.15 As required by the Help America Vote Act of 2002, Public Law 107-252, the
8.16 commissioner of corrections shall make electronic data available to the secretary of state
8.17 on individuals 18 years of age or older who are currently serving felony sentences under
8.18 the commissioner's jurisdiction. The data must include the name, date of birth, corrections'
8.19 state identification number, and if available, the driver's license or state identification card
8.20 number, and, if an individual has completed the sentence, the date of discharge.

8.21 The secretary of state must determine if any data newly indicates that:

8.22 (1) an individual with an active voter registration in the statewide voter registration
8.23 system is currently serving a felony sentence under the commissioner's jurisdiction and
8.24 the individual's voter record does not already have a challenged status due to a felony
8.25 conviction;

8.26 (2) an individual with an active voter registration in the statewide voter registration
8.27 system who is currently serving a felony sentence under the commissioner's jurisdiction
8.28 appears to have registered to vote or to have voted during a period when the individual's
8.29 civil rights were revoked; and

8.30 (3) an individual with a voter record that has a challenged status due to a felony
8.31 conviction who was serving a felony sentence under the commissioner's jurisdiction has
8.32 been discharged from a sentence.

8.33 The secretary of state shall prepare a list of the registrants included under clause (1),
8.34 (2), or (3) for each county auditor. For individuals under clause (1), the county auditor
8.35 shall challenge the individual's record in the statewide voter registration system. The

9.1 county auditor must provide information to the county attorney about individuals under
9.2 clause (2) for the county attorney's investigation. For individuals under clause (3), the
9.3 county auditor must determine if the challenge status should be removed from the voter
9.4 record for the individual, and if so, must remove the challenge.

9.5 The secretary of state must make the required determinations and provide the
9.6 required lists to the county auditors at least monthly.

9.7 For each state general election that occurs prior to the statewide voter registration
9.8 system being programmed to generate lists as required by this section, the secretary of
9.9 state must make the determination and provide lists to the county auditors between 30 and
9.10 60 days before the election and again between six and ten weeks after the election. In the
9.11 year following that state election, the secretary of state must make this determination and
9.12 provide lists to the county auditors again as part of the annual list maintenance.

9.13 **EFFECTIVE DATE.** This section is effective August 1, 2010.

9.14 **Sec. 12. [201.158] USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

9.15 As required by the Help America Vote Act of 2002, Public Law 107-252, the
9.16 commissioner of public safety shall make electronic data on citizenship available to the
9.17 secretary of state. The secretary of state must determine whether the data newly indicates
9.18 that any individuals who have active records in the statewide voter registration system
9.19 are not citizens. The secretary of state shall prepare a list of those voters for each county
9.20 auditor. The county auditor shall change the status of those registrants in the statewide
9.21 voter registration system to reflect that they are challenged based upon their citizenship
9.22 and must notify the county attorney.

9.23 In 2010, the secretary of state must make the determination and provide lists
9.24 to the county auditors between 30 and 60 days before the general election and again
9.25 between six and ten weeks after the election. In 2011, the secretary of state must make
9.26 this determination again as part of the annual list maintenance. By August 1, 2012, the
9.27 secretary of state must provide electronic lists to the counties at least monthly.

9.28 **Sec. 13. Minnesota Statutes 2008, section 201.171, is amended to read:**

9.29 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**
9.30 **REGISTRATION REMOVED.**

9.31 Within six weeks after every election, the county auditor shall post the voting
9.32 history for every person who voted in the election. After the close of the calendar year, the
9.33 secretary of state shall determine if any registrants have not voted during the preceding

10.1 four years. The secretary of state shall perform list maintenance by changing the status of
10.2 those registrants to "inactive" in the statewide registration system. The list maintenance
10.3 performed must be conducted in a manner that ensures that the name of each registered
10.4 voter appears in the official list of eligible voters in the statewide registration system.
10.5 A voter must not be removed from the official list of eligible voters unless the voter is
10.6 not eligible or is not registered to vote. List maintenance must include procedures for
10.7 eliminating duplicate names from the official list of eligible voters.

10.8 The secretary of state shall also prepare a report to the county auditor containing the
10.9 names of all registrants whose status was changed to "inactive."

10.10 Registrants whose status was changed to "inactive" must register in the manner
10.11 specified in section 201.054 before voting in any primary, special primary, general, school
10.12 district, or special election, as required by section 201.018.

10.13 Although not counted in an election, a late or rejected absentee or mail ballot must
10.14 be considered a vote for the purpose of continuing registration under this section, but is
10.15 not considered voting history for the purpose of public information lists available under
10.16 section 201.091, subdivision 4.

10.17 Sec. 14. Minnesota Statutes 2008, section 203B.02, subdivision 3, is amended to read:

10.18 Subd. 3. **Permanent Indefinite residence abroad.** A United States citizen living
10.19 ~~permanently~~ indefinitely outside the United States who is eligible under federal law to
10.20 vote in federal elections in Minnesota may vote by absentee ballot only as provided in
10.21 sections 203B.16 to 203B.27.

10.22 Sec. 15. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

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

10.32 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or
10.33 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where
10.34 the applicant maintains residence.

11.1 An application shall be approved if it is timely received, signed and dated by the
11.2 applicant, contains the applicant's name and residence and mailing addresses, and states
11.3 that the applicant is eligible to vote by absentee ballot for one of the reasons specified in
11.4 section 203B.02. The application may contain a request for the voter's date of birth, which
11.5 must not be made available for public inspection. An application may be submitted to
11.6 the county auditor or municipal clerk by an electronic facsimile device. An application
11.7 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter
11.8 by a person other than the voter must be deposited in the mail or returned in person to
11.9 the county auditor or municipal clerk within ten days after it has been dated by the voter
11.10 and no later than six days before the election. The absentee ballot applications or a list of
11.11 persons applying for an absentee ballot may not be made available for public inspection
11.12 until the close of voting on election day.

11.13 An application under this subdivision may contain an application under subdivision
11.14 5 to automatically receive an absentee ballot application.

11.15 Sec. 16. Minnesota Statutes 2008, section 203B.06, subdivision 5, is amended to read:

11.16 Subd. 5. **Preservation of records.** An application for absentee ballots shall be
11.17 dated by the county auditor or municipal clerk when it is received and shall be initialed
11.18 when absentee ballots are mailed or delivered to the applicant. All applications shall be
11.19 preserved by the county auditor or municipal clerk ~~and arranged according to precincts~~
11.20 ~~and the initial letter of the applicant's surname~~ for 22 months.

11.21 Sec. 17. Minnesota Statutes 2008, section 203B.16, subdivision 2, is amended to read:

11.22 Subd. 2. **Permanent Indefinite residence outside United States.** Sections 203B.16
11.23 to 203B.27 provide the exclusive voting procedure for United States citizens who are
11.24 living ~~permanently~~ indefinitely outside the territorial limits of the United States who meet
11.25 all the qualifications of an eligible voter except residence in Minnesota, but who are
11.26 authorized by federal law to vote in Minnesota because they maintained residence in
11.27 Minnesota for at least 20 days immediately prior to their departure from the United States.
11.28 Individuals described in this subdivision shall be permitted to vote only for the offices of
11.29 president, vice-president, senator in Congress, and representative in Congress.

11.30 Sec. 18. Minnesota Statutes 2008, section 203B.19, is amended to read:

11.31 **203B.19 RECORDING APPLICATIONS.**

11.32 Upon accepting an application, the county auditor shall record in the statewide
11.33 registration system the voter's name, address of present or former residence in Minnesota,

12.1 mailing address, school district number, passport number, Minnesota driver's license
 12.2 number or state identification card number, or the last four digits of the voter's Social
 12.3 Security number, and whether the voter is in the military or the spouse or dependent of an
 12.4 individual serving in the military, is a voter temporarily outside the territorial limits of the
 12.5 United States, or is living permanently outside the territorial limits of the United States
 12.6 and voting under federal law. The county auditor shall retain the record for six years. A
 12.7 voter whose name is recorded as provided in this section shall not be required to register
 12.8 under any other provision of law in order to vote under sections 203B.16 to 203B.27.
 12.9 Persons from whom applications are not accepted must be notified by the county auditor
 12.10 and provided with the reasons for the rejection.

12.11 No later than 60 days after the general election, the county auditor shall report to the
 12.12 secretary of state the combined number of absentee ballots transmitted to ~~absent voters~~
 12.13 ~~described in section 203B.16. No later than 60 days after the general election, the county~~
 12.14 ~~auditor shall report to the secretary of state~~ and the combined number of absentee ballots
 12.15 returned and cast by absent voters described in section 203B.16. The secretary of state
 12.16 may require the information be reported by category under section 203B.16 or by precinct.

12.17 No later than 90 days after the general election, the secretary of state shall report to
 12.18 the federal Election Assistance Commission the number of absentee ballots transmitted
 12.19 to voters under section 203B.16.

12.20 Sec. 19. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

12.21 Subd. 2. **Candidates seeking nomination by primary.** No individual who
 12.22 seeks nomination for any partisan or nonpartisan office at a primary shall be nominated
 12.23 for the same office by nominating petition, except as otherwise provided for ~~partisan~~
 12.24 ~~offices in section 204D.10, subdivision 2, and for nonpartisan offices in section 204B.13,~~
 12.25 subdivision 4.

12.26 Sec. 20. Minnesota Statutes 2008, section 204B.135, subdivision 4, is amended to read:

12.27 Subd. 4. **Special elections; limitations.** No municipality or school district may
 12.28 conduct a special election during the 19 weeks before the state primary election in the year
 12.29 ending in two, ~~except for special elections conducted on the date of the school district~~
 12.30 ~~general election.~~ A school district special election required by any other law may be
 12.31 deferred until the date of the next school district general election, the state primary
 12.32 election, or the state general election.

13.1 Sec. 21. Minnesota Statutes 2008, section 204B.14, is amended by adding a
13.2 subdivision to read:

13.3 Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary
13.4 of an election precinct that has occurred as a result of a municipal boundary adjustment
13.5 made under chapter 414 that is effective more than 21 days before a regularly scheduled
13.6 election takes effect at the scheduled election.

13.7 A change in the boundary of an election precinct that has occurred as a result of a
13.8 municipal boundary adjustment made under chapter 414 that is effective less than 21 days
13.9 before a regularly scheduled election takes effect the day after the scheduled election.

13.10 Sec. 22. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

13.11 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a
13.12 number of voting booths or voting stations in proportion to the number of individuals
13.13 eligible to vote in the precinct. Each booth or station must be at least six feet high,
13.14 three feet deep and two feet wide with a shelf at least two feet long and one foot wide
13.15 placed at a convenient height for writing. The booth or station shall permit the voter to
13.16 vote privately and independently.

13.17 (b) Each polling place must have at least one accessible voting booth or other
13.18 accessible voting station and beginning with federal and state elections held after
13.19 December 31, 2005, and county, municipal, and school district elections held after
13.20 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help
13.21 America Vote Act, Public Law 107-252.

13.22 (c) Local jurisdictions must make accessible voting stations purchased with funds
13.23 provided from the Help America Vote Act account available to other local jurisdictions
13.24 holding stand-alone elections. The jurisdiction providing the equipment may require the
13.25 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result
13.26 of the equipment's use and any prorated indirect costs of maintaining and storing the
13.27 equipment. A rental or other similar use fee may not be charged.

13.28 Any funds received under this clause for expenses incurred by that local jurisdiction
13.29 as a direct result of making the equipment available that were not paid for in whole or in
13.30 part with funds from the Help America Vote Act account are not program income under
13.31 the Help America Vote Act, Public Law 107-252.

13.32 Any funds received by a local jurisdiction making the equipment available as
13.33 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,
13.34 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from
13.35 the Help America Vote Act account must be treated as program income and deposited into

14.1 the jurisdiction's Help America Vote Act account in the direct proportion that funds from
 14.2 the Help America Vote Act account were used to pay for those "operating costs."

14.3 (d) All booths or stations must be constructed so that a voter is free from observation
 14.4 while marking ballots. During the hours of voting, the booths or stations must have
 14.5 instructions, a pencil, and other supplies needed to mark the ballots. A chair must be
 14.6 provided for elderly voters and voters with disabilities to use while voting or waiting
 14.7 to vote. Stable flat writing surfaces must also be made available to voters who are
 14.8 completing election-related forms.

14.9 (e) All ballot boxes, voting booths, voting stations, and election judges must be
 14.10 in open public view in the polling place.

14.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

14.12 Sec. 23. Minnesota Statutes 2008, section 204B.22, subdivision 1, is amended to read:

14.13 Subdivision 1. **Minimum number required.** (a) A minimum of ~~three~~ four election
 14.14 judges shall be appointed for each precinct, except as provided by subdivision 2. In a
 14.15 combined polling place under section 204B.14, subdivision 2, at least one judge must be
 14.16 appointed from each municipality in the combined polling place, provided that not less
 14.17 than three judges shall be appointed for each combined polling place. The appointing
 14.18 authorities may appoint election judges for any precinct in addition to the number required
 14.19 by this subdivision including additional election judges to count ballots after voting has
 14.20 ended.

14.21 (b) An election judge may serve for all or part of election day, at the discretion of
 14.22 the appointing authority, as long as the minimum number of judges required is always
 14.23 present. The head election judge designated under section 204B.20 must serve for all of
 14.24 election day and be present in the polling place unless another election judge has been
 14.25 designated by the head election judge to perform the functions of the head election judge
 14.26 during any absence.

14.27 Sec. 24. Minnesota Statutes 2008, section 204B.22, subdivision 2, is amended to read:

14.28 Subd. 2. ~~Additional election judges in paper ballot precincts~~ **Exception.** ~~In~~
 14.29 ~~precincts using paper ballots,~~ A minimum of three election judges shall be appointed in
 14.30 precincts not using electronic voting equipment. One additional election judge shall be
 14.31 appointed for each 150 votes cast in that precinct at the last similar election. ~~At each~~
 14.32 ~~state primary or state general election in precincts using paper ballots and in which more~~
 14.33 ~~than 300 votes were cast at the last similar election, additional election judges shall be~~

15.1 ~~appointed to count the ballots and complete the returns in place of the election board~~
15.2 ~~that served while voting was taking place.~~

15.3 Sec. 25. Minnesota Statutes 2008, section 204B.24, is amended to read:

15.4 **204B.24 ELECTION JUDGES; OATH.**

15.5 Each election judge shall sign the following oath before assuming the duties of
15.6 the office:

15.7 "I solemnly swear (or affirm) that I will perform the duties of election judge
15.8 according to law and the best of my ability and will diligently endeavor to prevent fraud,
15.9 deceit and abuse in conducting this election. I will perform my duties in a fair and impartial
15.10 manner and not attempt to create an advantage for my party or for any candidate."

15.11 The oath shall be attached to the summary statement of the election returns of that
15.12 precinct. If there is no individual present who is authorized to administer oaths, the
15.13 election judges may administer the oath to each other.

15.14 Sec. 26. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

15.15 Subd. 2. **Election law and instructions.** The secretary of state shall prepare and
15.16 publish a volume containing all state general laws relating to elections. The attorney
15.17 general shall provide annotations to the secretary of state for this volume. On or before
15.18 ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall
15.19 furnish to the county auditors and municipal clerks enough copies of this volume so that
15.20 each county auditor and municipal clerk will have at least one copy. On or before July 1
15.21 of every even-numbered year, the secretary of state shall prepare and make an electronic
15.22 copy available on the office's Web site. The secretary of state may prepare and transmit
15.23 to the county auditors and municipal clerks detailed written instructions for complying
15.24 with election laws relating to the conduct of elections, conduct of voter registration and
15.25 voting procedures.

15.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.27 Sec. 27. Minnesota Statutes 2008, section 204B.27, subdivision 3, is amended to read:

15.28 Subd. 3. **Instruction posters.** At least 25 days before every state primary election
15.29 the secretary of state shall prepare and furnish to the county auditor of each county ~~in~~
15.30 ~~which paper ballots are used,~~ voter instruction posters printed in large type upon cards or
15.31 heavy paper. The instruction posters must contain the information needed to enable the
15.32 voters to cast their paper ballots quickly and correctly and indicate the types of assistance

16.1 available for elderly and disabled voters. Two instruction posters shall be furnished for
16.2 each precinct ~~in which paper ballots are used.~~ Upon mutual agreement, the secretary of
16.3 state may provide the posters in an electronic format.

16.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.5 Sec. 28. Minnesota Statutes 2008, section 204B.28, is amended by adding a
16.6 subdivision to read:

16.7 **Subd. 3. Certification of number.** The county auditor or municipal clerk must
16.8 certify the number of ballots being provided to each precinct and provide this number to
16.9 the election judges for inclusion on the summary statement. The auditor or clerk must not
16.10 open prepackaged ballots, but must count the ballots, presuming that the total count for
16.11 each package is correct.

16.12 Sec. 29. Minnesota Statutes 2008, section 204B.38, is amended to read:

16.13 **204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

16.14 When the similarity of ~~surnames~~ both the first and last names of two or more
16.15 candidates for the same office at the same election may cause confusion to voters, up to
16.16 three additional words may be printed on the ballot after each surname to indicate the
16.17 candidate's occupation, office, residence or any combination of them if the candidate
16.18 furnishes the identifying words to the filing officer by the last day for withdrawal of
16.19 candidacy.

16.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.21 Sec. 30. Minnesota Statutes 2008, section 204C.02, is amended to read:

16.22 **204C.02 APPLICATION.**

16.23 This chapter applies to all elections held in this state except as otherwise provided
16.24 by law.

16.25 An individual who is unable to write the individual's name must sign election-related
16.26 documents in the manner provided by section 645.44, subdivision 14. An individual who
16.27 has power of attorney for another person may not sign election-related documents for that
16.28 person, except as provided by this section.

16.29 Sec. 31. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

16.30 Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an
16.31 election has the right to be absent from work ~~for the purpose of voting during the morning~~

17.1 ~~of~~ for the time necessary to appear at the employee's polling place, cast a ballot, and return
17.2 to work on the day of that election, without penalty or deduction from salary or wages
17.3 because of the absence. An employer or other person may not directly or indirectly refuse,
17.4 abridge, or interfere with this right or any other election right of an employee.

17.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.6 Sec. 32. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

17.7 Subdivision 1. **Lingering Persons allowed near polling place.** An individual shall
17.8 be allowed to go to and from the polling place for the purpose of voting without unlawful
17.9 interference. No one except an election official or an individual who is waiting to register
17.10 or to vote or an individual who is conducting exit polling shall stand within 100 feet of
17.11 the building in which a polling place is located. "Exit polling" is defined as approaching
17.12 voters in a predetermined pattern as they leave the polling place after they have voted and
17.13 asking voters to fill out an anonymous, written questionnaire.

17.14 Sec. 33. Minnesota Statutes 2008, section 204C.08, is amended to read:

17.15 **204C.08 OPENING OF POLLING PLACES.**

17.16 Subdivision 1. **Arrival; ballots.** The election judges shall meet at the polling place
17.17 at least one hour before the time for opening the polls. Before the polls open, the election
17.18 judges shall compare the ballots used with the sample ballots, electronic ballot displays,
17.19 and audio ballot reader furnished to see that the names, numbers, and letters on both agree
17.20 and shall certify to that fact on forms provided for that purpose. The certification must
17.21 be filed with the election returns.

17.22 Subd. 1a. **Display of flag.** Upon their arrival at the polling place on the day of
17.23 election, the election judges shall cause the national flag to be displayed on a suitable
17.24 staff at the entrance to the polling place. The flag shall be displayed continuously during
17.25 the hours of voting and the election judges shall attest to that fact by signing the flag
17.26 certification statement on the precinct summary statement. The election judges shall
17.27 receive no compensation for any time during which they intentionally fail to display
17.28 the flag as required by this subdivision.

17.29 Subd. ~~1a.~~ **1b. Voter's Bill of Rights.** The county auditor shall prepare and provide
17.30 to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as
17.31 set forth in this section. Before the hours of voting are scheduled to begin, the election
17.32 judges shall post it in a conspicuous location or locations in the polling place. The Voter's
17.33 Bill of Rights is as follows:

18.1 "VOTER'S BILL OF RIGHTS

18.2 For all persons residing in this state who meet federal voting eligibility requirements:

18.3 (1) You have the right to be absent from work for the purpose of voting ~~during the~~
18.4 ~~morning of~~ without reduction to your pay, personal leave, or vacation time on election day
18.5 for the time necessary to appear at your polling place, cast a ballot, and return to work.

18.6 (2) If you are in line at your polling place any time ~~between 7:00 a.m. and~~ before
18.7 8:00 p.m., you have the right to vote.

18.8 (3) If you can provide the required proof of residence, you have the right to register
18.9 to vote and to vote on election day.

18.10 (4) If you are unable to sign your name, you have the right to orally confirm your
18.11 identity with an election judge and to direct another person to sign your name for you.

18.12 (5) You have the right to request special assistance when voting.

18.13 (6) If you need assistance, you may be accompanied into the voting booth by a
18.14 person of your choice, except by an agent of your employer or union or a candidate.

18.15 (7) You have the right to bring your minor children into the polling place and into
18.16 the voting booth with you.

18.17 (8) If you have been convicted of a felony but your felony sentence has expired (been
18.18 completed) or you have been discharged from your sentence, you have the right to vote.

18.19 (9) If you are under a guardianship, you have the right to vote, unless the court
18.20 order revokes your right to vote.

18.21 (10) You have the right to vote without anyone in the polling place trying to
18.22 influence your vote.

18.23 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
18.24 right to receive a replacement ballot and vote.

18.25 (12) You have the right to file a written complaint at your polling place if you are
18.26 dissatisfied with the way an election is being run.

18.27 (13) You have the right to take a sample ballot into the voting booth with you.

18.28 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
18.29 booth with you."

18.30 Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled
18.31 to begin, the election judges shall post any official voter instruction posters furnished to
18.32 them in a conspicuous location or locations in the polling place.

18.33 Subd. 2a. **Sample ballots.** ~~At least two~~ sample ballot ballots must be posted in a
18.34 conspicuous location in the polling place and must remain open to inspection by the voters
18.35 throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices,

19.1 candidates, and rotation sequence on the ballots used in that polling place. The sample
 19.2 ballots may be either in full or reduced size.

19.3 Subd. 3. **Locking of ballot ~~boxes~~ box.** Immediately before the time when voting
 19.4 is scheduled to begin, one of the election judges shall open the ballot ~~boxes~~ box in the
 19.5 presence of the individuals assembled at the polling place, ~~turn the boxes upside down to~~
 19.6 demonstrate that it is empty ~~them~~, lock ~~them~~ it, and deliver the key to another election
 19.7 judge. Except as provided by law or rule, the ~~boxes~~ box shall not be reopened ~~except~~
 19.8 ~~to count the ballots~~ until after the hours for voting have ended and all voting has been
 19.9 concluded. The ~~boxes~~ box shall be kept in public view at all times during voting hours.
 19.10 After locking the ballot ~~boxes~~ box, the election judges shall proclaim that voting may
 19.11 begin, and shall post outside the polling place conspicuous written or printed notices of
 19.12 the time when voting is scheduled to end.

19.13 Subd. 4. **Ballot ~~boxes~~, box boxcar seals.** The governing body of a municipality or
 19.14 school district by resolution may direct the municipal or school district clerk to furnish
 19.15 a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a
 19.16 numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap
 19.17 so that the other end may be inserted and securely locked in the seal. No two ~~metal~~ straps
 19.18 shall bear the same number.

19.19 Sec. 34. Minnesota Statutes 2008, section 204C.09, subdivision 1, is amended to read:

19.20 Subdivision 1. **Counting and initialing.** (a) Before the voting begins, at least two
 19.21 election judges must certify the number of ballots delivered to the precinct. Election
 19.22 judges may conduct this count, presuming that the total count provided for prepackaged
 19.23 ballots is correct. As each package is opened, two judges must count the ballots in the
 19.24 package to ensure that the total count provided for the package is correct. Any discrepancy
 19.25 must be noted on the incident log.

19.26 (b) Before the voting begins, or as soon as possible after it begins, at least two
 19.27 election judges shall each initial the backs of all the ballots. The election judges shall
 19.28 not otherwise mark the ballots.

19.29 Sec. 35. Minnesota Statutes 2008, section 204C.12, subdivision 2, is amended to read:

19.30 Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state.
 19.31 The secretary of state shall prepare a form that challengers must complete and sign when
 19.32 making a challenge. The form must include space to state the ground for the challenge,
 19.33 a statement that the challenge is based on the challenger's personal knowledge, and a

20.1 statement that the challenge is made under oath. The form must include a space for the
20.2 challenger's printed name, signature, telephone number, and address.

20.3 An election judge shall administer to the challenged individual the following oath:

20.4 "Do you solemnly swear (or affirm) that you will fully and truly answer all questions
20.5 put to you concerning your eligibility to vote at this election?"

20.6 The election judge shall then ask the challenged individual sufficient questions to
20.7 test that individual's residence and right to vote.

20.8 Sec. 36. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

20.9 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the
20.10 proper method of marking and folding the ballots and, during a primary election, the effect
20.11 of attempting to vote in more than one party's primary. Except as otherwise provided in
20.12 section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and~~ or, at the
20.13 voter's discretion, the voter may choose to use another writing surface. The voter shall
20.14 mark the ballots without undue delay. The voter may take sample ballots into the booth to
20.15 assist in voting. The election judges may adopt and enforce reasonable rules governing the
20.16 amount of time a voter may spend in the voting booth marking ballots.

20.17 Sec. 37. Minnesota Statutes 2008, section 204C.24, subdivision 1, is amended to read:

20.18 Subdivision 1. **Information requirements.** Precinct summary statements shall be
20.19 submitted by the election judges in every precinct. For all elections, the election judges
20.20 shall complete three or more copies of the summary statements, and each copy shall
20.21 contain the following information for each kind of ballot:

20.22 (a) the number of ballots delivered to the precinct as adjusted by the actual count
20.23 made by the election judges, the number of unofficial ballots made, and the number of
20.24 absentee ballots delivered to the precinct;

20.25 (b) the number of votes each candidate received or the number of yes and no votes
20.26 on each question, the number of undervotes ~~or partially blank ballots, and,~~ the number of
20.27 overvotes ~~or partially,~~ and the number of defective ballots with respect to each office or
20.28 question;

20.29 ~~(b) the number of totally blank ballots, the number of totally defective ballots, (c) the~~
20.30 number of spoiled ballots, the number of duplicate ballots made, the number of absentee
20.31 ballots rejected, and the number of unused ballots, presuming that the total count provided
20.32 on each package of unopened prepackaged ballots is correct;

21.1 ~~(e)~~ (d) the number of individuals who voted at the election in the precinct which
21.2 must equal the total number of ballots cast in the precinct, as required by sections 204C.20
21.3 and 206.86, subdivision 1;

21.4 ~~(d)~~ (e) the number of voters registering on election day in that precinct; and

21.5 ~~(e)~~ (f) the signatures of the election judges who counted the ballots certifying that
21.6 all of the ballots cast were properly piled, checked, and counted; and that the numbers
21.7 entered by the election judges on the summary statements correctly show the number of
21.8 votes cast for each candidate and for and against each question.

21.9 At least two copies of the summary statement must be prepared for elections not
21.10 held on the same day as the state elections.

21.11 Sec. 38. Minnesota Statutes 2008, section 204C.28, subdivision 1, is amended to read:

21.12 Subdivision 1. **County auditor.** Every county auditor shall remain at the auditor's
21.13 office to receive delivery of the returns, to permit public inspection of the summary
21.14 statements, and to tabulate the votes until all have been tabulated and the results made
21.15 known, or until 24 hours have elapsed since the end of the hours for voting, whichever
21.16 occurs first. Every county auditor shall, in the presence of the municipal clerk or the
21.17 election judges who deliver the returns, make a record of all materials delivered, the time of
21.18 delivery, and the names of the municipal clerk or election judges who made delivery. The
21.19 record must include the number of ballots delivered to the precinct, as certified by section
21.20 204B.28, and the total number of ballots returned, as certified by the election judges under
21.21 section 204C.24. A discrepancy between the number of ballots delivered to the precinct
21.22 and the number of total ballots returned by election judges that cannot be reconciled by
21.23 taking into account the adjustments made by the election judge counts and any unofficial
21.24 ballots must be noted, but does not disqualify the votes from that precinct or invalidate the
21.25 election. The county auditor shall file the record and all envelopes containing ballots in a
21.26 safe and secure place with envelope seals unbroken. Access to the record and ballots shall
21.27 be strictly controlled. Accountability and a record of access shall be maintained by the
21.28 county auditor during the period for contesting elections or, if a contest is filed, until the
21.29 contest has been finally determined. Thereafter, the record shall be retained in the auditor's
21.30 office for the same period as the ballots as provided in section 204B.40.

21.31 The county auditor shall file all envelopes containing ballots in a safe place
21.32 with seals unbroken. If the envelopes were previously opened by proper authority for
21.33 examination or recount, the county auditor shall have the envelopes sealed again and
21.34 signed by the individuals who made the inspection or recount. The envelopes may be
21.35 opened by the county canvassing board if necessary to procure election returns that the

22.1 election judges inadvertently may have sealed in the envelopes with the ballots. In that
22.2 case, the envelopes shall be sealed again and signed in the same manner as otherwise
22.3 provided in this subdivision.

22.4 Sec. 39. Minnesota Statutes 2008, section 204C.28, subdivision 2, is amended to read:

22.5 Subd. 2. **Clerks.** The clerk of every first, second, and third class city shall remain at
22.6 the clerk's office to receive delivery of returns, or until 24 hours have elapsed since the
22.7 end of the hours for voting, whichever occurs first. The clerk of every first class city shall
22.8 keep a book in which, in the presence of the election judges or other individuals who
22.9 deliver the returns, the clerk shall make a record of all materials delivered, the time of
22.10 delivery, and the names of the election judges or other individuals who made delivery.
22.11 The record must include the number of ballots delivered to the precinct, as certified by
22.12 section 204B.28, and the total number of ballots returned, as certified by the election
22.13 judges under section 204C.24. A discrepancy between the number of ballots delivered
22.14 to the precinct and the number of total ballots returned by election judges that cannot be
22.15 reconciled by taking into account the adjustments made by the election judge counts and
22.16 any unofficial ballots must be noted, but does not disqualify the votes from that precinct or
22.17 invalidate the election. The book shall be retained in the clerk's office for the same period
22.18 as the ballots as provided in section 204B.40.

22.19 Sec. 40. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

22.20 Subdivision 1. **County canvass.** The county canvassing board shall meet at the
22.21 county auditor's office on or before the seventh day following the state general election.
22.22 After taking the oath of office, the board shall promptly and publicly canvass the general
22.23 election returns delivered to the county auditor. Upon completion of the canvass, the board
22.24 shall promptly prepare and file with the county auditor a report which states:

22.25 (a) the number of individuals voting at the election in the county and in each precinct;

22.26 (b) the number of individuals registering to vote on election day and the number of
22.27 individuals registered before election day in each precinct;

22.28 (c) the names of the candidates for each office and the number of votes received
22.29 by each candidate in the county and in each precinct, ~~including write-in candidates for~~
22.30 ~~state and federal office who have requested under section 204B.09 that votes for those~~
22.31 ~~candidates be tallied;~~

22.32 (d) the number of votes counted for and against a proposed change of county lines
22.33 or county seat; and

23.1 (e) the number of votes counted for and against a constitutional amendment or other
23.2 question in the county and in each precinct.

23.3 The result of write-in votes cast on the general election ballots must be compiled by
23.4 the county auditor before the county canvass, except that write-in votes for a candidate for
23.5 federal, state, or federal county office must not be counted unless the candidate has timely
23.6 filed a request under section 204B.09, subdivision 3. The county auditor shall arrange
23.7 for each municipality to provide an adequate number of election judges to perform this
23.8 duty or the county auditor may appoint additional election judges for this purpose. The
23.9 county auditor may open the envelopes or containers in which the voted ballots have been
23.10 sealed in order to count and record the write-in votes and must reseal the voted ballots at
23.11 the conclusion of this process. The county auditor must prepare a separate report of votes
23.12 received by precinct for write-in candidates for federal, state, and county offices who have
23.13 requested under section 204B.09 that votes for those candidates be tallied.

23.14 Upon completion of the canvass, the county canvassing board shall declare the
23.15 candidate duly elected who received the highest number of votes for each county and state
23.16 office voted for only within the county. The county auditor shall transmit ~~one of the~~ a
23.17 certified ~~copies~~ copy of the county canvassing board report for state and federal offices to
23.18 the secretary of state by messenger, express mail, or similar service immediately upon
23.19 conclusion of the county canvass.

23.20 Sec. 41. Minnesota Statutes 2008, section 204C.35, subdivision 2, is amended to read:

23.21 Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was
23.22 on the ballot for nomination or election to a statewide federal office, state constitutional
23.23 office, statewide judicial office, congressional office, state legislative office, or district
23.24 judicial office may request a recount in a manner provided in this section at the candidate's
23.25 own expense when the vote difference is greater than the difference required by this
23.26 section. The votes shall be manually recounted as provided in this section if the candidate
23.27 files a request during the time for filing notice of contest of the primary or election for
23.28 which a recount is sought.

23.29 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety
23.30 in an amount set by the filing officer for the payment of the recount expenses. The
23.31 requesting candidate is responsible for the following expenses: the compensation of the
23.32 secretary of state, or designees, and any election judge, municipal clerk, county auditor,
23.33 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
23.34 ~~operation, preparation of ballot counting equipment,~~ necessary supplies and travel
23.35 related to the recount; the compensation of the appropriate canvassing board and costs of

24.1 preparing for the canvass of recount results; and any attorney fees incurred in connection
24.2 with the recount by the governing body responsible for the recount.

24.3 (c) The requesting candidate may provide the filing officer with a list of up to three
24.4 precincts that are to be recounted first and may waive the balance of the recount after these
24.5 precincts have been counted. If the candidate provides a list, the recount official must
24.6 determine the expenses for those precincts in the manner provided by paragraph (b).

24.7 (d) If the winner of the race is changed by the optional recount, the cost of the
24.8 recount must be paid by the jurisdiction conducting the recount.

24.9 (e) If a result of the vote counting in the manual recount is different from the result
24.10 of the vote counting reported on election day by a margin greater than the standard for
24.11 acceptable performance of voting systems provided in section 206.89, subdivision 4, the
24.12 cost of the recount must be paid by the jurisdiction conducting the recount.

24.13 Sec. 42. Minnesota Statutes 2008, section 204C.35, subdivision 3, is amended to read:

24.14 Subd. 3. **Scope of recount.** A recount conducted as provided in this section is
24.15 limited in scope to the determination of the number of votes validly cast for the office to
24.16 be recounted. Only the ballots cast in the election and the summary statements certified
24.17 by the election judges may be considered in the recount process. Original ballots that
24.18 have been duplicated under section 206.86, subdivision 5, are not within the scope of a
24.19 recount and must not be examined except as provided by a court in an election contest
24.20 under chapter 209.

24.21 Sec. 43. Minnesota Statutes 2008, section 204C.36, subdivision 3, is amended to read:

24.22 Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted
24.23 for a ballot question when the difference between the votes for and the votes against the
24.24 question is less than or equal to the difference provided in subdivision 1. A recount may
24.25 be requested by any person eligible to vote on the ballot question. A written request for a
24.26 recount must be filed with the filing officer of the county, municipality, or school district
24.27 placing the question on the ballot and must be accompanied by a petition containing the
24.28 signatures of 25 voters eligible to vote on the question. Upon receipt of a written request
24.29 when the difference between the votes for and the votes against the question is less than or
24.30 equal to the difference provided in subdivision 1, the county auditor shall recount the votes
24.31 for a county question at the expense of the county, the governing body of the municipality
24.32 shall recount the votes for a municipal question at the expense of the municipality, and the
24.33 school board of the school district shall recount the votes for a school district question at
24.34 the expense of the school district. If the difference between the votes for and the votes

25.1 against the question is greater than the difference provided in subdivision 1, the person
25.2 requesting the recount shall also file with the filing officer of the county, municipality, or
25.3 school district a bond, cash, or surety in an amount set by the appropriate governing body
25.4 for the payment of recount expenses. The written request, petition, and any bond, cash,
25.5 or surety required must be filed during the time for notice of contest for the election for
25.6 which the recount is requested.

25.7 Sec. 44. Minnesota Statutes 2008, section 204C.36, subdivision 4, is amended to read:

25.8 Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a
25.9 discretionary recount, is responsible for the following expenses: the compensation of the
25.10 secretary of state, or designees, and any election judge, municipal clerk, county auditor,
25.11 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
25.12 ~~operation, preparation of ballot counting equipment;~~ necessary supplies and travel
25.13 related to the recount; the compensation of the appropriate canvassing board and costs of
25.14 preparing for the canvass of recount results; and any attorney fees incurred in connection
25.15 with the recount by the governing body responsible for the recount.

25.16 Sec. 45. Minnesota Statutes 2008, section 204C.37, is amended to read:

25.17 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
25.18 **STATE.**

25.19 ~~Two copies~~ A copy of the ~~reports~~ report required by sections 204C.32, subdivision
25.20 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county
25.21 auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary
25.22 of state, with the county auditor's name and official address and the words "Election
25.23 Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by~~
25.24 ~~express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail
25.25 or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary
25.26 of state within ten days following the applicable election, the secretary of state shall
25.27 immediately notify the county auditor, who shall deliver another copy to the secretary of
25.28 state by special messenger.

25.29 Sec. 46. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

25.30 Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with
25.31 the preparation and distribution of the ballots shall prepare instructions to the printer for
25.32 rotation of the names of candidates and for layout of the ballot.

26.1 (b) Except as provided in paragraph (c), the instructions shall be approved by the
26.2 legal advisor of the official before delivery to the printer.

26.3 (c) The legal advisor of a town official is not required to approve instructions
26.4 regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

26.5 (d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer
26.6 shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified
26.7 check, acceptable to the official responsible for printing the ballots, conditioned on
26.8 printing the ballots in conformity with the Minnesota Election Law and the instructions
26.9 delivered. The official responsible for printing the ballots shall set the amount of the bond,
26.10 letter of credit, or certified check in an amount equal to the value of the purchase.

26.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.12 Sec. 47. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

26.13 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county
26.14 auditor shall prepare a sample state partisan primary ballot and a sample state and county
26.15 nonpartisan primary ballot for public inspection. The names of all of the candidates to
26.16 be voted for in the county shall be placed on the sample ballots, with the names of the
26.17 candidates for each office arranged ~~alphabetically according to the surname~~ in the base
26.18 rotation as determined by section 206.61, subdivision 5. Only one sample state partisan
26.19 primary ballot and one sample state and county nonpartisan ballot shall be prepared for
26.20 any county. The county auditor shall post the sample ballots in a conspicuous place in the
26.21 auditor's office and shall cause them to be published at least one week before the state
26.22 primary in at least one newspaper of general circulation in the county.

26.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.24 Sec. 48. Minnesota Statutes 2008, section 204D.10, subdivision 1, is amended to read:

26.25 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a
26.26 major political party for a partisan office on the state partisan primary ballot who receives
26.27 the highest number of votes shall be the nominee of that political party for that office;
26.28 ~~except as otherwise provided in subdivision 2.~~

26.29 Sec. 49. Minnesota Statutes 2008, section 204D.17, is amended to read:

26.30 **204D.17 REPRESENTATIVE IN CONGRESS; STATE SENATOR; STATE**
26.31 **REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.**

27.1 Subdivision 1. **Special elections; exceptions.** A vacancy in the office of
27.2 ~~representative in Congress or~~ state senator or state representative shall be filled for the
27.3 unexpired term by special election upon the writ of the governor as provided in sections
27.4 204D.17 to 204D.27; except that if ~~Congress or~~ the legislature will not be in session before
27.5 the expiration of the vacant term no special election is required.

27.6 Subd. 2. **Two or more vacancies.** Two or more vacancies may be filled at the same
27.7 special election and the candidates may be nominated at the same special primary. Any
27.8 special primary or special election held pursuant to sections 204D.17 to 204D.27 may be
27.9 held on the same day as any other election.

27.10 Sec. 50. Minnesota Statutes 2008, section 204D.19, is amended to read:

27.11 **204D.19 SPECIAL ELECTIONS; WHEN HELD.**

27.12 Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more
27.13 than 150 days before the next state general election, and the ~~Congress or the~~ legislature
27.14 will not be in session before the final canvass of the state general election returns, the
27.15 vacancy shall be filled at the next state general election.

27.16 Subd. 2. **Special election when ~~Congress or~~ legislature will be in session.** Except
27.17 for vacancies in the legislature which occur at any time between the last day of session
27.18 in an odd-numbered year and the 40th day prior to the opening day of session in the
27.19 succeeding even-numbered year, when a vacancy occurs and the ~~Congress or~~ legislature
27.20 will be in session so that the individual elected as provided by this section could take office
27.21 and exercise the duties of the office immediately upon election, the governor shall issue
27.22 within five days after the vacancy occurs a writ calling for a special election. The special
27.23 election shall be held as soon as possible, consistent with the notice requirements of section
27.24 204D.22, subdivision 3, but in no event more than 35 days after the issuance of the writ.

27.25 Subd. 3. **Special election at other times.** When a vacancy occurs at a time other
27.26 than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a
27.27 special election to be held so that the individual elected may take office at the opening of
27.28 the next session of the ~~Congress or~~ of the legislature, or at the reconvening of a session of
27.29 the ~~Congress or of the~~ legislature.

27.30 Subd. 4. **Writ when vacancy results from election contest.** If a vacancy results
27.31 from a successful election contest, the governor shall issue 22 days after the first day of
27.32 the legislative session a writ calling for a special election unless the house in which the
27.33 contest may be tried has passed a resolution which states that it will or will not review
27.34 the court's determination of the contest. If the resolution states that the house will not

28.1 review the court's determination, the writ shall be issued within five days of the passage of
28.2 the resolution.

28.3 Sec. 51. Minnesota Statutes 2008, section 204D.20, subdivision 1, is amended to read:

28.4 Subdivision 1. **Special primary.** Except as provided in subdivision 2, the candidates
28.5 of the major political parties to fill a vacancy shall be nominated at a special primary. The
28.6 candidate of each party who receives the highest number of votes at the special primary
28.7 shall be nominated ~~without reference to the ten percent requirement of section 204D.10,~~
28.8 ~~subdivision 2.~~

28.9 Sec. 52. **[204D.29] REPRESENTATIVE IN CONGRESS VACANCY.**

28.10 Subdivision 1. **Scope; definition.** (a) A vacancy in the office of representative in
28.11 Congress must be filled as specified in this section.

28.12 (b) "Vacancy," as used in this section, means a vacancy in the office of representative
28.13 in Congress.

28.14 Subd. 2. **Vacancy 27 weeks or more before state primary.** (a) If a vacancy occurs
28.15 27 weeks or more before the state primary, the governor must issue a writ within three
28.16 days of the vacancy for a special election for that office to be held between 20 and 24
28.17 weeks of the vacancy, but not fewer than 47 days before a state primary. A special primary
28.18 must be held 11 weeks before the special election or on the second Tuesday in August if
28.19 the general election is held on the first Tuesday after the first Monday in November if any
28.20 major party has more than one candidate after the time for withdrawal has expired.

28.21 (b) The filing period for a special election under this subdivision must end on or
28.22 before the 131st day before the special election. Minor party and independent candidates
28.23 must submit their petitions by the last day for filing and signatures on the petitions must be
28.24 dated from the date of the vacancy through the last day for filing. There must be a one-day
28.25 period for withdrawal of candidates after the last day for filing.

28.26 Subd. 3. **Vacancy more than 22 weeks but fewer than 27 weeks before state**
28.27 **primary.** (a) If a vacancy occurs more than 22 weeks but fewer than 27 weeks before the
28.28 state primary, the governor must issue a writ within three days of the vacancy for a special
28.29 election for that office to be held on the day of the state primary with a special primary
28.30 held 11 weeks before the state primary, if any major party has more than one candidate
28.31 after the time for withdrawal has expired. The regularly scheduled election to fill the
28.32 next full term shall proceed pursuant to law.

28.33 (b) The filing period for a special election under this subdivision must end on or
28.34 before the 147th day before the state primary. Minor party and independent candidates

29.1 must submit their petitions by the last day for filing and signatures on the petitions must be
29.2 dated from the date of the vacancy through the last day for filing. There must be a one-day
29.3 period for withdrawal of candidates after the last day for filing. Candidates for a special
29.4 election under this subdivision are not subject to the prohibition in section 204B.06 against
29.5 having more than one affidavit of candidacy on file for the same election.

29.6 (c) The winner of a special election on the day of the state primary under this
29.7 subdivision shall serve the remainder of the vacant term and is eligible to be seated
29.8 in Congress upon issuance of the certificate of election. The winner of the regularly
29.9 scheduled term for that office at the general election shall take office on the day new
29.10 members of Congress take office.

29.11 Subd. 4. **Vacancy 22 or fewer weeks before state primary but before general**
29.12 **election day.** (a) If a vacancy occurs from 22 weeks before the state primary to the day
29.13 before the general election, no special election will be held. The winner of the general
29.14 election for the next full term for that office will serve the remainder of the unexpired term
29.15 and is eligible to be seated in Congress immediately upon issuance of a certificate of
29.16 election.

29.17 (b) If the incumbent filed an affidavit of candidacy for reelection as the candidate of
29.18 a major political party and was nominated for the general election ballot by that party and
29.19 a vacancy occurs from the day of the state primary until the date of the general election,
29.20 there is a vacancy in nomination to be resolved pursuant to section 204B.13.

29.21 Subd. 5. **Vacancy on or after election day and before the day new members of**
29.22 **Congress take office.** (a) If a vacancy occurs between the day of the general election and
29.23 the day new members of Congress take office and the incumbent was not the winner of
29.24 the general election, the winner of the general election for the next full term for that
29.25 office is eligible to be seated in Congress immediately upon issuance of a certificate of
29.26 election or the vacancy, whichever occurs last.

29.27 (b) If a vacancy occurs on or after election day but before the day new members
29.28 of Congress take office and the incumbent was the winner of the general election, the
29.29 vacancy must be filled pursuant to subdivision 2.

29.30 Sec. 53. Minnesota Statutes 2008, section 205.065, subdivision 1, as amended by Laws
29.31 2010, chapter 184, section 26, is amended to read:

29.32 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
29.33 nominating elective officers may be held in any city on the second Tuesday in August of
29.34 any year in which a municipal general election is to be held for the purpose of electing

30.1 officers. The date of a municipal primary held in an odd-numbered year may be postponed
30.2 for inclement weather as provided in section 205.105.

30.3 Sec. 54. Minnesota Statutes 2008, section 205.07, subdivision 1, is amended to read:

30.4 Subdivision 1. **Date of election.** The municipal general election in each city shall
30.5 be held on the first Tuesday after the first Monday in November in every even-numbered
30.6 year. Notwithstanding any provision of law to the contrary and subject to the provisions of
30.7 this section, the governing body of a city may, by ordinance passed at a regular meeting
30.8 held before June 1 of any year, elect to hold the election on the first Tuesday after the first
30.9 Monday in November in each odd-numbered year. A city may hold elections in either
30.10 the even-numbered year or the odd-numbered year, but not both. When a city changes
30.11 its elections from one year to another, and does not provide for the expiration of terms
30.12 by ordinance, the term of an incumbent expiring at a time when no municipal election is
30.13 held in the months immediately prior to expiration is extended until the date for taking
30.14 office following the next scheduled municipal election. If the change results in having
30.15 three council members to be elected at a succeeding election, the two individuals receiving
30.16 the highest vote shall serve for terms of four years and the individual receiving the
30.17 third highest number of votes shall serve for a term of two years. To provide an orderly
30.18 transition to the odd or even year election plan, the governing body of the city may adopt
30.19 supplementary ordinances regulating initial elections and officers to be chosen at the
30.20 elections and shortening or lengthening the terms of incumbents and those elected at the
30.21 initial election. The term of office for the mayor may be either two or four years. The
30.22 term of office of council members is four years. Whenever the time of the municipal
30.23 election is changed, the city clerk immediately shall notify in writing the county auditor
30.24 and secretary of state of the change of date. Thereafter the municipal general election shall
30.25 be held on the first Tuesday after the first Monday in November in each odd-numbered
30.26 or even-numbered year until the ordinance is revoked and notification of the change is
30.27 made. A municipal general election scheduled to be held in an odd-numbered year may be
30.28 postponed for inclement weather as provided in section 205.105.

30.29 Sec. 55. Minnesota Statutes 2008, section 205.07, is amended by adding a subdivision
30.30 to read:

30.31 Subd. 1a. **City council members; expiration of terms.** The terms of all city
30.32 council members of charter cities expire on the first Monday in January of the year in
30.33 which they expire.

31.1 Sec. 56. **[205.105] POSTPONEMENT OF ELECTION; INCLEMENT**
31.2 **WEATHER.**

31.3 Subdivision 1. **Applicability.** This section applies to a primary, special, or general
31.4 election held in a city that is not held in conjunction with a state or federal election, and to
31.5 town elections when postponement of the town election is not subject to section 365.51.

31.6 Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather,
31.7 the municipal clerk may postpone an election when the National Weather Service or a
31.8 law enforcement agency has issued storm warnings or travel advisories indicating that the
31.9 weather conditions would make travel to a polling place difficult or hazardous for voters
31.10 and election judges. When one or more jurisdictions are holding elections in conjunction
31.11 with one another, the jurisdiction that covers the largest geographic area has the authority,
31.12 after consulting with the other auditors and clerks, to make the decision to postpone
31.13 all of the elections. A decision to postpone an election must apply to every precinct in
31.14 the jurisdiction.

31.15 (b) A decision to postpone an election must be made no later than 6:00 p.m. on
31.16 the day before the election. The clerk must contact the election judges and notify local
31.17 media outlets of the postponement. The clerk must also post a notice on the jurisdiction's
31.18 Web site, if practicable.

31.19 (c) A postponed election must be rescheduled for the next following Tuesday after
31.20 the election was originally scheduled. The date on which the postponed election will be
31.21 held shall be considered the date of the election for purposes of absentee voting under
31.22 chapter 203B. An election that is postponed due to weather may be postponed again
31.23 if necessary under this section.

31.24 Sec. 57. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

31.25 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
31.26 become a candidate for an office to be voted for at the municipal general election shall file
31.27 an affidavit of candidacy with the municipal clerk. Candidates for a special election to
31.28 fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit
31.29 of candidacy for the specific office to fill the unexpired portion of the term. Subject to
31.30 the approval of the county auditor, the town clerk may authorize candidates for township
31.31 offices to file affidavits of candidacy with the county auditor. The affidavit shall be in
31.32 substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk
31.33 shall also accept an application signed by not less than five voters and filed on behalf of an
31.34 eligible voter in the municipality whom they desire to be a candidate, if service of a copy
31.35 of the application has been made on the candidate and proof of service is endorsed on the

32.1 application being filed. Upon receipt of the proper filing fee, the clerk shall place the name
32.2 of the candidate on the official ballot without partisan designation.

32.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.4 Sec. 58. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

32.5 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file
32.6 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last
32.7 dates on which affidavits of candidacy may be filed in the clerk's office and the closing
32.8 time for filing on the last day for filing. The clerk shall post a similar notice at least ten
32.9 days before the first day to file affidavits of candidacy. The notice must separately list
32.10 any office for which affidavits of candidacy may be filed to fill the unexpired portion
32.11 of a term when a special election is being held to fill a vacancy as provided in section
32.12 412.02, subdivision 2a.

32.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.14 Sec. 59. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

32.15 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal
32.16 clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the
32.17 official newspaper of the municipality, except that the governing body of a fourth class
32.18 city or a town not located within a metropolitan county as defined in section 473.121
32.19 may dispense with publication.

32.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.21 Sec. 60. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

32.22 Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal
32.23 clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot
32.24 for the municipality, make them available for public inspection in the clerk's office ~~for~~
32.25 ~~public inspection~~, and post a sample ballot in each polling place on election day.

32.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.27 Sec. 61. Minnesota Statutes 2008, section 205A.03, subdivision 2, as amended by
32.28 Laws 2010, chapter 184, section 32, is amended to read:

32.29 Subd. 2. **Date.** The school district primary must be held on the second Tuesday in
32.30 August in the year when the school district general election is held. The clerk shall give

33.1 notice of the primary in the manner provided in section 205A.07. The date of a school
33.2 district primary held in an odd-numbered year may be postponed for inclement weather
33.3 as provided in section 205A.055.

33.4 Sec. 62. Minnesota Statutes 2008, section 205A.04, subdivision 1, is amended to read:

33.5 Subdivision 1. **School district general election.** The general election in each school
33.6 district must be held on the first Tuesday after the first Monday in November of either the
33.7 odd-numbered or the even-numbered year. A general election held in an odd-numbered
33.8 year may be postponed for inclement weather as provided in section 205A.055.

33.9 Sec. 63. **[205A.046] SCHOOL BOARD MEMBER TERM EXPIRATION.**

33.10 The terms of all school board members expire on the first Monday in January of the
33.11 year in which they expire.

33.12 Sec. 64. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

33.13 Subdivision 1. **Questions.** Special elections must be held for a school district on a
33.14 question on which the voters are authorized by law to pass judgment. The school board
33.15 may on its own motion call a special election to vote on any matter requiring approval of
33.16 the voters of a district. Upon petition filed with the school board of 50 or more voters of
33.17 the school district or five percent of the number of voters voting at the preceding school
33.18 district general election, whichever is greater, the school board shall by resolution call
33.19 a special election to vote on any matter requiring approval of the voters of a district.
33.20 A question is carried only with the majority in its favor required by law. The election
33.21 officials for a special election are the same as for the most recent school district general
33.22 election unless changed according to law. Otherwise, special elections must be conducted
33.23 and the returns made in the manner provided for the school district general election. A
33.24 special election may not be held during the 30 days before and the 30 days after the state
33.25 primary, during the 30 days before and the 40 days after the state general election. In
33.26 addition, a special election may not be held during the 20 days before and the 20 days
33.27 after any regularly scheduled election of a municipality wholly or partially within the
33.28 school district. Notwithstanding any other law to the contrary, the time period in which a
33.29 special election must be conducted under any other law may be extended by the school
33.30 board to conform with the requirements of this subdivision.

33.31 Sec. 65. **[205A.055] POSTPONEMENT OF ELECTION; INCLEMENT**
33.32 **WEATHER.**

34.1 Subdivision 1. **Applicability.** This section applies to a primary, special, or general
34.2 election held in a school district that is not held in conjunction with a state or federal
34.3 election.

34.4 Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather,
34.5 the school district clerk may postpone an election when the National Weather Service
34.6 or a law enforcement agency has issued storm warnings or travel advisories indicating
34.7 that the weather conditions would make travel to a polling place difficult or hazardous
34.8 for voters and election judges. When one or more jurisdictions are holding elections in
34.9 conjunction with one another, the jurisdiction that covers the largest geographic area has
34.10 the authority, after consulting with the other auditors and clerks, to make the decision to
34.11 postpone all of the elections. A decision to postpone an election must apply to every
34.12 precinct in the jurisdiction.

34.13 (b) A decision to postpone an election must be made no later than 6:00 p.m. on
34.14 the day before the election. The clerk must contact the election judges and notify local
34.15 media outlets of the postponement. The clerk must also post a notice on the jurisdiction's
34.16 Web site, if practicable.

34.17 (c) A postponed election must be rescheduled for the next following Tuesday after
34.18 the election was originally scheduled. The date on which the postponed election will be
34.19 held shall be considered the date of the election for purposes of absentee voting under
34.20 chapter 203B. An election that is postponed due to weather may be postponed again
34.21 if necessary under this section.

34.22 Sec. 66. Minnesota Statutes 2008, section 205A.11, subdivision 3, is amended to read:

34.23 Subd. 3. **Procedure.** The designation of a polling place pursuant to this section
34.24 remains effective until a different polling place is designated. No designation of a new or
34.25 different polling place becomes effective less than 90 days prior to an election, except
34.26 that a new polling place may be designated to replace a polling place that has become
34.27 unavailable for use. The school board must notify the county auditor within 30 days after
34.28 the establishment of a polling place as provided in this section. The notice must include a
34.29 list of the precincts that will be voting at each polling place. The school board must send
34.30 the notice required by section 204B.16, subdivision 1a, after a polling place is established
34.31 as provided in this section, but no additional notices of this kind are required for any
34.32 subsequent similar elections until the location of the polling place or the combination
34.33 of precincts voting at the polling place is changed. The secretary of state shall provide
34.34 a single polling place roster for use in any polling place established as provided in this
34.35 section. A single set of election judges must be appointed to serve in the polling place.

35.1 The number of election judges required must be based on the total number of persons
35.2 voting at the last similar election in all the precincts to be voting at the single polling
35.3 place. A single ballot box may be provided for all the ballots.

35.4 Sec. 67. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

35.5 Subd. 6. **Required certification.** In addition to the requirements in subdivision
35.6 1, a voting system must be certified by an independent testing authority ~~approved~~
35.7 accredited by the secretary of state and conform to current standards for voting equipment
35.8 Election Assistance Commission at the time of submission of the application required by
35.9 subdivision 1 to be in conformity with voluntary voting system guidelines issued by
35.10 the Federal Election Commission or its successor, the Election Assistance Commission.
35.11 The application must be accompanied by the certification report of the voting systems
35.12 test laboratory. A certification under this section from an independent testing authority
35.13 accredited by the Election Assistance Commission meets the requirement of Minnesota
35.14 Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the
35.15 voting system to the secretary of state. A chair of a major political party or the secretary of
35.16 state may select, in consultation with the vendor, an independent third-party evaluator to
35.17 examine the source code to ensure that it functions as represented by the vendor and that
35.18 the code is free from defects. A major political party that elects to have the source code
35.19 examined must pay for the examination. Except as provided by this subdivision, a source
35.20 code that is trade secret information must be treated as nonpublic information, according
35.21 to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

35.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

35.23 Sec. 68. Minnesota Statutes 2008, section 208.03, is amended to read:

35.24 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS.**

35.25 Presidential electors for the major political parties of this state shall be nominated by
35.26 delegate conventions called and held under the supervision of the respective state central
35.27 committees of the parties of this state. On or before primary election day the chair of
35.28 the major political party shall certify to the secretary of state the names of the persons
35.29 nominated as presidential electors, the names of eight alternate presidential electors, and
35.30 the names of the party candidates for president and vice president. The chair shall also
35.31 certify that the party candidates for president and vice president have no affidavit on file as
35.32 a candidate for any office in this state at the ensuing general election.

36.1 Sec. 69. Minnesota Statutes 2008, section 365.51, subdivision 1, is amended to read:

36.2 Subdivision 1. **When; postponement for bad weather.** (a) A town's annual town
36.3 meeting must be held on the second Tuesday of March at the place named by the last
36.4 annual town meeting. If no place was named then, the meeting must be held at the place
36.5 named by the town board. The place may be outside the town if the place is within five
36.6 miles of a town boundary. ~~If there is bad weather,~~ on the day of the meeting and election in
36.7 March, ~~the town board shall set~~ the National Weather Service or a law enforcement agency
36.8 has issued storm warnings or travel advisories such that the clerk determines travel to a
36.9 polling place would be difficult or hazardous for voters and election judges, the clerk may
36.10 postpone the election and meeting. If the meeting and election are postponed, the meeting
36.11 and election for shall be held on the third Tuesday in March. ~~If there is bad weather on the~~
36.12 ~~third Tuesday in March,~~ Prior to providing notice of the election and meeting, the town
36.13 board shall by resolution set another date for the meeting and election within 30 days of
36.14 the third Tuesday in March on which the meeting and election shall be held if bad weather
36.15 forces postponement of the meeting and election on the third Tuesday in March. The
36.16 decision to postpone the meeting and election must be made no later than three hours
36.17 before the opening of the polling place or the convening of the meeting, whichever comes
36.18 first. The clerk shall notify the election judges and local media offices of the decision to
36.19 postpone the meeting and election. If the meeting and election are postponed, the notice
36.20 requirements in subdivision 2 shall apply to the postponed meeting and election.

36.21 The balloting of the town election must be concluded on the same day the election
36.22 is commenced.

36.23 (b) If any other political subdivision is conducting an election in conjunction with
36.24 the township election, postponement of the election shall be subject to section 205.105,
36.25 205A.055, or 373.50. If an election is postponed under section 205.105, 205A.055, or
36.26 373.50, the town meeting shall also be postponed as if postponed under this section.

36.27 Sec. 70. **[373.50] POSTPONEMENT OF ELECTION; INCLEMENT WEATHER.**

36.28 Subdivision 1. **Applicability.** This section applies to a primary, special, or general
36.29 election held in a county that is not held in conjunction with a state or federal election.

36.30 Subd. 2. **Postponement of election.** (a) In the event of severe or inclement
36.31 weather, the county auditor may postpone an election when the National Weather Service
36.32 or a law enforcement agency has issued storm warnings or travel advisories indicating
36.33 that the weather conditions would make travel to a polling place difficult or hazardous
36.34 for voters and election judges. When one or more jurisdictions are holding elections in
36.35 conjunction with one another, the jurisdiction that covers the largest geographic area has

37.1 the authority, after consulting with the other auditors and clerks, to make the decision to
 37.2 postpone all of the elections. A decision to postpone an election must apply to every
 37.3 precinct in the jurisdiction.

37.4 (b) A decision to postpone an election must be made no later than 6:00 p.m. on the
 37.5 day before the election. The auditor must contact the election judges and notify local
 37.6 media outlets of the postponement. The auditor must also post a notice on the jurisdiction's
 37.7 Web site, if practicable.

37.8 (c) A postponed election must be rescheduled for the next following Tuesday after
 37.9 the election was originally scheduled. The date on which the postponed election will be
 37.10 held shall be considered the date of the election for purposes of absentee voting under
 37.11 chapter 203B. An election that is postponed due to weather may be postponed again
 37.12 if necessary under this section.

37.13 Sec. 71. Minnesota Statutes 2008, section 375.101, subdivision 1, is amended to read:

37.14 Subdivision 1. **Option for filling vacancies; special election in 30 to 90 days.**

37.15 Except as provided in subdivision 3, a vacancy in the office of county commissioner may
 37.16 be filled as provided in this subdivision ~~and subdivision 2~~; or as provided in subdivision 4.
 37.17 If the vacancy is to be filled under this subdivision ~~and subdivision 2~~, it must be filled at
 37.18 a special election ~~not less than 30 nor more than 90 days after the vacancy occurs. The~~
 37.19 ~~special primary or special election may be held on the same day as a regular primary or~~
 37.20 ~~regular election but the special election shall be held not less than 14 days after the special~~
 37.21 ~~primary. The county board may by resolution call for the special election to be held as~~
 37.22 soon as practicable following the declaration of vacancy, but not less than 12 weeks before
 37.23 the next regularly scheduled primary election; at an election held concurrently with the
 37.24 next regularly scheduled primary and general elections; or at an election held no sooner
 37.25 than 120 days following the next regularly scheduled general election. The person elected
 37.26 at the special election shall take office immediately after receipt of the certificate of
 37.27 election and upon filing the bond and taking the oath of office and shall serve the remainder
 37.28 of the unexpired term. If the county has been reapportioned since the commencement of
 37.29 the term of the vacant office, the election shall be based on the district as reapportioned.

37.30 Sec. 72. Minnesota Statutes 2008, section 375.101, subdivision 4, is amended to read:

37.31 Subd. 4. **Vacancies ~~of less than one year~~; **appointment option.**** Except as
 37.32 provided in subdivision 3, and as an alternative to the procedure provided in ~~subdivisions~~
 37.33 subdivision 1 and 2, any other, a vacancy in the office of county commissioner may be
 37.34 filled by board appointment at a regular or special meeting. The appointment shall be

38.1 evidenced by a resolution entered in the minutes and shall continue until an election is
38.2 held ~~under this subdivision~~. All elections to fill vacancies shall be for the unexpired
38.3 term. If one year or more remains in the unexpired term, a special election must be held
38.4 under subdivision 1. ~~If less than one year remains~~ Regardless of the time remaining in
38.5 the unexpired term, the county board may appoint a person to fill the a vacancy for the
38.6 remainder of the unexpired term, unless the vacancy occurs within 90 days of the next
38.7 county general election, in which case an appointment shall not be made and the vacancy
38.8 must be filled at the general election until a successor is elected and qualified. The person
38.9 elected ~~to fill a vacancy~~ at the general election takes office immediately in the same
38.10 manner as for a special election under subdivision 1, and serves the remainder of the
38.11 unexpired term and the new term for which the election was otherwise held.

38.12 Sec. 73. **REPEALER.**

38.13 Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10,
38.14 subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; 206.91; and 375.101,
38.15 subdivision 2, are repealed.

3.22 PAYMENT.

The publisher of each newspaper publishing the proposed amendments shall, before receiving fees for the publication and before the first day of January following an election year, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and stating that the amendments have been published as required by law.

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subd. 3. **Minimum number required in certain precincts.** At each state primary or state general election in precincts using an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

204D.10 PRIMARY RESULTS; NOMINEES.

Subd. 2. **Party primary; ten percent requirement.** If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, and attorney general.

206.57 EXAMINATION OF NEW VOTING SYSTEMS.

Subd. 7. **Election assistance commission standards.** If the federal Election Assistance Commission has not established by January 1, 2006, standards for an electronic ballot marker or other voting system component that is required to enable a voting system to meet the requirements of subdivision 5, the secretary of state may certify the voting system on an experimental basis pending the completion of federal standards, notwithstanding subdivision 6. Within two years after the Election Assistance Commission issues standards for a voting system component used in a voting system authorized under this subdivision, the secretary of state must review or reexamine the voting system to determine whether the system conforms to federal standards.

206.805 STATE VOTING SYSTEMS CONTRACTS.

Subd. 2. **Escrow of source code.** The contracts must require the voting system vendor to provide a copy of the source code for the voting system to an independent third-party evaluator selected by the vendor, the secretary of state, and the chairs of the major political parties. The evaluator must examine the source code and certify to the secretary of state that the voting system will record and count votes as represented by the vendor. Source code that is trade secret information must be treated as nonpublic information, in accordance with section 13.37. Each major political party may designate an agent to examine the source code to verify that the voting system will record and count votes as represented by the vendor; the agent must not disclose the source code to anyone else.

206.91 VOTING MACHINES OPTIONS WORKING GROUP.

(a) A working group is hereby established to investigate and recommend to the legislature requirements for additional options for voting equipment that complies with the requirements of section 301 of the Help America Vote Act, Public Law 107-252, to provide private and independent voting for individuals with disabilities.

The working group must be cochaired by representatives of the Minnesota Disability Law Center and Citizens for Election Integrity - Minnesota.

(b) The working group must convene its first meeting by June 30, 2006, and must report to the legislature by February 15, 2007.

(c) The working group must include, but is not limited to:

(1) the disability community;

APPENDIX

Repealed Minnesota Statutes: H3108-1

- (2) the secretary of state;
 - (3) county and local election officials;
 - (4) major and minor political parties;
 - (5)(i) one member of the senate majority caucus and one member of the senate minority caucus appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and
 - (ii) one member of the house of representatives majority caucus and one member of the house of representatives minority caucus appointed by the speaker;
 - (6) nonpartisan organizations;
 - (7) at least one individual with computer security expertise and knowledge of elections; and
 - (8) members of the public, other than vendors of election equipment, selected by consensus of the other members, including representatives of language and other minorities.
- (d) Members of the working group will be selected by:
- (1) a representative of the Office of the Secretary of State;
 - (2) a representative of the county election officials;
 - (3) the cochairs; and
 - (4) two legislators representing each party.

375.101 VACANCY IN OFFICE OF COUNTY COMMISSIONER.

Subd. 2. **When victor seated immediately.** If a vacancy for which a special election is required occurs less than 60 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office.