

HOUSE RESEARCH

Bill Summary

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Authors: Lipman and others

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Analyst: Deborah K. McKnight (651-296-5056)

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Overview

Article 1 governs spending of federal Help America Vote Act (HAVA) money in Minnesota, requires a uniform voting system, and requires making state and local voting system purchases through a master contract.

Article 2 makes changes in the election code required by HAVA.

Article 3 makes technical changes in election administration law.

Article 1

Voting System

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1 1

Voting systems acquisition.

Subd. 1. Appropriation. Appropriates to the Secretary of State all previously unappropriated money in the Help America Vote Act (HAVA) account and any funds received by that account until June 20, 2007. The funds are to be used to purchase a uniform statewide voting system or component items to create such a system, or for

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making grants to counties and municipalities to make such purchases.

Subd. 2. Soliciting voting systems. Authorizes the Secretary to issue requests for proposals for voting systems or components of systems that comply with HAVA and also: let voters verify their votes, change votes or correct errors before their ballots are counted, produce a permanent paper record of the ballots cast, and preserve the record for use in a recount.

Subd. 3. Uniform voting system. Authorizes the Secretary to choose one or more vendors for a uniform statewide voting system.

Subd. 4. Voting systems requirement. Requires each voting system to (1) create a marked optical scan ballot for tabulation by an existing precinct scan machine or a machine to be purchased; or (2) accept a marked optical scan ballot.

Subd. 5. Certification standards. Specifications for equipment to be purchased.

Subd. 6. Remaining funds. Allows funds remaining after purchase of voting systems to be used for replacement of incompatible precinct-count optical scan equipment. Allows the Secretary to designate one model to be purchased as replacement equipment.

Subd. 7. Master purchasing contract. Requires state and local government voting systems purchases to be made from a master contract negotiated by the Secretary.

2 **Effective date.** Immediate.

Article 2

HAVA Conformity

- 1 1 **Permanent registration system.** Amends the current system, which is described as linked county systems. Changes this to "a single centralized, statewide voter registrations list." Requires assigning a unique identifier to each legally registered voter.
- 2 **Establishment.** Relocates from rules to statute existing language on factors the statewide registration system must satisfy. Adds accepting the driver license/state identification number and last four digits of the social security number for each voter, assigning a unique identifier to each registered voter, and coordinating with other state agency data bases. Requires the secretary to remove ineligible voters from the system.
- 3 **Registration in person before election day.** Stricken language on registering to vote by mail is moved to a new subdivision (section 5). Substitutes the term "voter registration application" for "registration card".
- 4 **Registration by mail.** Requires an individual who has not previously voted in Minnesota for federal office to provide a copy of a current and valid photo identification or current utility bill, bank statement, government check, paycheck, or government document that shows the voter's name and address. If a voter does not comply with these requirements, the county auditor (auditor) must notify the voter to (1) submit one of the above items; (2) bring one of the items to the polling place and register on election day; or (3) register in person. An

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individual who wants to vote by mail must submit one of the items above or must follow the election day registration procedures for absentee voters provided in current law.

5 **Duty to forward.** See section 3.

6 **Election day registration.** Amends the law on what can be used as proof of residence for election day registration. Requires a form of picture identification.

7 **Form.** Requires the voter registration form to contain space for (1) a driver license or state identification number, or (2) if the voter does not have one of these, the last four digits of the social security number.

8 **Deficient registration.** Amends the statute on information required to prevent a voter registration from being deficient. Adds driver license or state identification number, or if the voter does not have one of these, the last four digits of the social security number. Does not require this information on registrations accepted before January 1, 2004. Lets election officials try to get this information for "grandfathered" voters any time except at the polls.

9 **Deficient identification or residence information.** Adds a new subdivision stating that a voter registration for someone who has not previously voted in Minnesota for federal office is deficient until it has the identification information required by section 201.061, proposed subdivision 4.

10 **Master list.** Specifies that a list of registered voters provided to law enforcement or for purposes of jury selection must not include the last four digits of a voter's social security number.

11 **Polling place rosters.** Prohibits including the last four digits of a voter's social security number in a polling place roster.

12 **Public information lists.** Requires the secretary to withhold from the public information list the last four digits of a voter's social security number.

13 **Copy of list to registered voter.** Allows the secretary to provide the public information lists in electronic or other media.

14 **Entry of registration information.** Requires the auditor to enter voter registration information in the statewide registration system on an expedited basis, but not later than 42 days after receipt.

15 **Commissioner of health, reports of deceased residents.** Current law requires the health department to report monthly to the secretary the deaths of adult residents of the state. The amendment adds "pursuant to HAVA" and requires electronic reporting. The amendment also allows the secretary to designate the county auditor to modify the statewide voter registration system in response to a report under this section.

16 **District judge, report guardianships and commitments.** Amends current reporting requirements affecting voter registration records. Adds "pursuant to HAVA" and requires electronic reporting. The amendment also allows the secretary to designate the county auditor to modify the statewide voter registration system in response to a report under this section.

17 **Report on felony convictions.** Amends current reporting requirements affecting voter registration records. Adds "pursuant to HAVA" and requires electronic reporting. The amendment also allows the secretary to designate the county auditor to modify the statewide voter registration system in response to a report under this section.

18 **Driver's license and identification card applications.** Amends the law on providing voter registration applications to driver license applicants. Requires information to be transmitted at least weekly to the secretary. Eliminates sending completed registrations to the auditor. Information will go to the secretary for the statewide registration system.

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- 19 Information sharing; use of social security number; felony.** Requires the secretary to enter an agreement with the department of public safety to match information and verify the accuracy of voter registration applications. Requires the commissioner of public safety to enter an agreement with the Social Security Administration to use the last four digits of the social security number to verify voter registration and to assure confidentiality of information.
- 20 Posting voting history, failure to vote, registration removed.** Specifies how the secretary must maintain the statewide voter registration list. Duplicate entries for one person must be removed. Only ineligible voters or persons who are not registered must be removed.
- 21 Uniform procedures for counties.** Amends the statute on uniform voter registration procedures. Adds that the registration system must conform to applicable federal laws and rules.
- 22 Procedure for polling place rosters.** Adds to the content of polling place rosters: any other information the secretary prescribes as necessary to permit election judges to perform duties required by law.
- 23 Registration check.** Amends the absentee ballot application law. Provides that if an applicant's voter registration is deficient, the election official will include with the absentee ballots, materials for completing registration. Requires the secretary to publish sample instructions and materials to allow compliance.
- 24 Procedures on receipt of ballots.** Requires the auditor or municipal clerk to deliver to election judges on election day all ballots received as of the last U.S. mail delivery that day. Provides that a town clerk may request the postal service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.
- 25 Examination of return envelopes.** Amends the statute on criteria for accepting absentee ballots. Adds that in the case of a deficient registration, the ballots will be accepted if the voter has included a copy of a current and valid photo identification or current utility bill, bank statement, government check, paycheck, or government document that shows the voter's name and address.
- 26 Designation of office.** Specifies that the secretary is responsible for information about voter registration and absentee ballot procedures for military and overseas voters.
- 27 Application for ballot.** Makes an absentee ballot application by a military or overseas voter valid for all primaries, general elections, and special primaries and elections held during the same time period as the next two general elections for federal offices. Currently such a ballot application is valid throughout the calendar year in which it is received.
- 28** Requires these voters to use the oath specified in federal law.
- Recording applications.** Requires the auditor to enter a military or overseas voter's ballot application in the statewide registration system. Requires the auditor to keep a record for six years rather than the current four years. Requires notifying persons whose applications are rejected (1) that the application was rejected, and (2) why.
- By 60 days after the general election, the auditors must notify the secretary of the total absentee ballots sent to military and overseas voters and the combined number of ballots returned and cast by these voters. Lets the secretary require reporting by (1) category of voter (military, spouse, temporarily abroad, permanently abroad), or (2) precinct. By 90 days after the general election, requires the secretary to report to the federal election assistance commission the number of absentee ballots transmitted to military and overseas voters.

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- 29 Voting more than once.** Requires election judges to record whether an absentee ballot was accepted for each applicant whose name is recorded. Requires election judges to return this record to the municipal clerk or county auditor with the election materials.
- 30 Separate record.** Requires the content of the record of absentee ballots kept in each precinct to be as prescribed by the secretary.
- 31 Alternative election procedures.** Amends a statute that authorizes alternate election procedures if necessary because of a court order. Authorizes procedures for voting and handling ballots cast after 8:00 PM because of a court or other order extending the time for closing the polls.
- 32 Permanent registration; verification.** Amends the polling place roster law. Under current law, the roster that an individual seeking to vote must sign states that the individual is not under guardianship of the person. The amendment provides that this is limited to guardianships in which the court order provides that the ward does not have the right to vote. Provides that any voter who registered by mail who has not previously voted in Minnesota for a federal office and who has not previously presented identification or documentation set forth in section 4 must present identification to the election judge before signing the roster. If the voter is not able to present identification listed in section 4, the voter must be directed to register in section 201.061, subdivision 3.
- 33 Rules; vote counting standards.** Requires the secretary to adopt permanent rules on uniform and nondiscriminatory standards of what constitutes a vote for each method of voting and each type of voting system.
- 34 Post-election security and certification review.**

Subd. 1. Selection for review. Beginning with the 2006 general election, requires the secretary to randomly choose 80 precincts for review. The choice must be made within three days after the state general election. Ten precincts must be chosen in each congressional district. A week before the election, the secretary must post on the office Web site the date, time, and place precincts shall be selected. Each major party may send an observer.

Subd. 2. Scope and Conduct. Details how a hand recount is to be done by local officials. Requires the secretary to review the procedures used in each chosen precinct.

Subd. 3. Standard for tabulating equipment. Requires equipment to be accurate within one-half of one percent for a contested election. For a greater discrepancy, the secretary must review at least ten percent of the equipment used in that jurisdiction. If the second round shows a discrepancy greater than one-half of one percent, the secretary must audit the whole election that has a discrepancy.

Subd. 4. Standard for election judges and administrators. Expected: no substantive errors and minimal technical errors.

Subd. 5. Failure to meet standard. A failed voting system must be re-certified and the vendor is liable for contract penalties. Judges and election administrators would have to take training if they do not meet standard.

Subd. 6. Costs of review. Local governments must pay for the first round of review. The secretary will pay for actions of its office.

- 35 Voting system for disabled voters.** Provides that after December 31, 2005, each polling

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place must have a voting system that provides privacy and independence for visually impaired voters.

- 36 **Required certification.** Adds to current law on certifying voting systems. Requires additional certification by an independent testing authority approved by the secretary. Requires the system to conform to standards issued by the Federal Election Commission.
- 37 **Electronic voting systems; experimental use.** In law dealing with experimental electronic voting, substitutes the term "approve" for "license" in regard to voting systems
- 38 **Agreements.** Requires the secretary to enter an agreement with (1) the commissioner of health for electronic transfer of death records, (2) the state court administrator for electronic transfer of guardianship and felony conviction records, and (3) the commissioner of public safety for electronic transfer of driver's license records.
- 39 **Effective date.** Sections 1 to 38 are effective the day following final enactment.

Article 3

Elections Administration Technical Changes

- 1 1 **Legislative manual.** Amends the law on the legislative manual contents. Strikes postmasters from the list of included offices. Reduces from 15,000 to 10,000 the number of copies that will be produced. Reduces from 25 to 20 the number of copies to be provided each legislator. Provides for giving each county recorder and county attorney a copy.
- 2 **Collection of data.** Amends a provision of the statutes concerning appointments to multi-member agencies. Requires the agencies to give the secretary of state (secretary) agency information in electronic format and to provide e-mail addresses of members.
- 3 **Publication of agency data.** Requires the secretary to place on the web information about multi-member agencies specified in current law. The information now appears in the state register. Requires the information to be provided to the governor and legislature electronically.
- 4 **Notice of vacancies.** Amends the open appointment law to require covered agencies to give the secretary electronic notice of vacancies and requires the secretary to put the vacancies on the web.
- 5 **Nominations for vacancies.** Provides for applications under the open appointment law to include the applicant's e-mail address and a statement whether the applicant has ever been convicted of a felony. Provides for the secretary to forward the applications electronically to the appointing authority.
- 6 **Appointments.** Changes from "in writing" to "by electronic means" the method by which an agency must notify the secretary when it has decided who it will appoint.
- 7 **Report.** Provides for electronic filing of the secretary's report to the governor and legislature under the open appointments law.
- 8 **Registration; information required.** Requires a newly established agency to give the secretary its e-mail address and the e-mail addresses of its members.
- 9 **Referendum revenue.** Amends the statute on the general education revenue referendum. States that the notice a school district is required to send voters before the election is not an official ballot.
- 10 **Deficient registration.** Relocates current law that requires the secretary to prescribe a form for a county or municipality to use to get currently registered voters' birthdates. Moved from

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section 201.221, subdivision 3.

States that a registration card is not deficient for lack of a phone number.

- 11 **Driver's license and identification card applications.** Requires driver license and identification card application forms to contain all the information that is on voter registration cards prescribed by the secretary.

- 12 **Forms.** Requires school districts to make voter registration cards available each May and September to students who will be eligible to vote at the next election. Exempts schools from providing forms to students who reside in the district but do not attend a school operated by the district.

- 13 **Registration removed.** Requires voters who have been classified "inactive" (because of not voting for four years) to register before voting again.

- 14 **Procedures for polling place rosters.** Language stricken here was moved to section 10.

Requires polling place rosters to be kept for 22 months after an election. Current law is one year.

- 15 **Notice.** Requires the parties to notify the city clerk of the date, time, and places of precinct caucuses. Requires the county auditor to make this information available on request at least ten days before the caucuses.

- 16 **County auditor and municipal clerk's offices to remain open.** Requires a municipal clerk's office that is administering absentee balloting to be open the same hours as the county auditor's office. Specifies that the clerk and auditor's office must be open until 5:00 PM the day before a primary or election, unless that day is a Saturday or Sunday.

- 17 **Secretary of state to make rules.** Authorizes the secretary to designate alternate methods to handle absentee ballots during state or national emergencies. Exempts this from the administrative procedures act.

- 18 **Form of affidavit.** Amends the affidavit of candidacy statute. Clarifies that the law does not apply to presidential and vice-presidential candidates, who are not required to file an affidavit.

- 19 **Petitions for presidential electors.** Re-arranges language.

- 20 **Candidates in state and county general elections.** Clarifying cross-reference.

- 21 **Write-in candidates.** Amends the law that requires a write-in candidate to file a written request to have votes for him or her counted. Requires filing the request by the fifth day before the election. Current law allows filing the day before the election.

- 22 **Separate precincts; combined polling place.** Creates a new circumstance in which a combined polling place can be used for two contiguous precincts: when one of the precincts has fewer than 100 registered voters.

- 23 **Designation effective until changed.** Clarifies that polling places for school district elections and referenda must be designated on the same time frames as polling places in other elections: 90 days before the election.

- 24 **Booths.** Amends the statute on voting booths. Strikes the provision that a booth must have a door or curtains.

- 25 **Individuals qualified to be election judges.** Allows an individual to serve as an election judge if he or she is eligible to vote in this state. Current law requires judges to live in the precinct where they serve; or if not enough judges are available, then in the municipality or school district; and if still not enough, then in the county.

- 26 **High school students.** Amends the statute allowing high school students to act as trainee

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election judges. Adds home-schooled students.

Strikes the current requirement that a student must have finished or be taking a government class in order to serve as a trainee judge.

27 **Election judge trainees not counted.** Provides that trainee judges cannot be counted toward satisfying the minimum required number of election judges.

28 **Judicial candidates.** Requires the judicial ballot to include as a header over each candidate group: "supreme court," "court of appeals," and "district court".

29 **Vacancy in nomination; changing ballots.** Amends the law on vacancy in nomination due to death or catastrophic illness. Requires new absentee ballots to be provided to voters who request them. Requires the appropriate ballots (the regular ballot with the changed office stricken, plus a supplemental ballot showing the new candidates) to be delivered to health care facilities in the manner required by the health care facility absentee voting law.

30 **Access for news media.** Lets a municipal or school clerk or county auditor give news media written authorization to enter polling places for up to 15 minutes during voting hours to observe the process. Puts restrictions on reporters as follows: cannot approach within six feet of an election judge or voter, talk to or interview a voter in the polling place, make a list of persons voting or not voting, or photograph a voter without a signed release from the voter.

31 **Permanent registration; verification.** Requires the polling place roster that voters sign to state that the individual understands that giving false information is a felony punishable by the stated penalties.

32 **Refusal to answer questions.** Provides that a challenged individual who is found ineligible to vote or who refuses to answer questions or sign a polling place roster is reclassified in voter registration files as "inactive" within 14 days.

33 **Excess ballots.** Provides that if the number of ballots does not exceed the number to be counted, the absence of one or both sets of election judges' initials does not by itself disqualify the vote and is not the basis for a challenge in a recount.

34 **Information requirements.** Requires precinct summary statements to include the number of votes for write-in candidates for state or federal office who have requested that votes for those candidates be tallied.

35 **County canvass.** Amends the statute on the county canvassing board reports. Requires that they include the votes received by state or federal write-in candidates who have requested that votes for them be counted.

36 **Automatic recounts.** Amends the state primary and general election automatic recount provisions to state that the scope of the recount is limited to recounting the votes validly cast.

37 **Automatic recounts.** Amends the local election automatic recount law. Reorganizes language and makes the following substantive changes.

Eliminates the provision that the candidate requests an automatic recount. Instead, the recount is performed when the vote difference formula applies, unless a losing candidate waives it by filing a written waiver with the canvassing board.

States that the scope of the recount is limited to recounting the votes counted on election day.

Prohibits a recount from delaying any other part of the canvass. Requires certifying recount results as soon as possible.

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Provides for the time for a contest notice to start running upon certification of recount results by the canvassing board.

38 **Ballot question recounts.** Requires the cost to be paid by the political subdivision that put the question on the ballot.

39 **Scope of recount.** Amends the local recount statute to provide that it is limited to determining the number of votes validly cast for the office being recounted. Allows considering only the ballots cast in the election and the summary statements certified by the election judges.

40 **Rules for recounts.** Over-rides a recount rule by stating that the requirement that ballots be segregated by precinct is satisfied if ballots for different precincts are recounted in physically separate locations within one room.

41 **Uncontested judicial office.** Provides that judicial offices for which there is only one candidate filed must appear after all judicial offices on the canary ballot.

42 **Example supplemental ballot.** Amends the law on the supplemental ballot when there is a vacancy in nomination. Requires the secretary of state to give the auditors a sample supplemental ballot at least three days before the election, if there will be a supplemental ballot. Requires the auditors to give local election officials a copy of the example. Allows anyone to report to the county attorney if the official ballot does not match the example ballot.

43 **Certificate of legislative election.** Provides for legislative certificates of election in special elections to be issued by the secretary of state rather than the county auditor. Conforms to general election practice.

44 **Minnesota election law.** Amends the municipal election chapter of the election code. Provides for the election law to apply to municipal elections unless "expressly provided by law," which would allow a statute outside the election code to over-ride the election code. Current law provides that only the election code can exempt cities from its provisions.

45 **More than one seat to be filled at any election.** Amends a provision on candidates for town supervisor to require that when more than one seat is being filled at an election, a candidate must designate which seat he or she seeks.

46 **Notice to auditor.** Changes from 49 to 53 days before the election: the deadline for the municipal clerk to notify the auditor of municipal offices, ballot questions, and the date of the election.

47 **Notice to secretary.** At least 46 days before a municipal election; when the auditor gets an election notice from the municipal clerk, the notice must be passed on to the secretary.

48 **Election, conduct.** Requires a municipal election to be held in the manner provided by state law "except as expressly provided by law." Current law is "so far as practicable."

49 **Canvass of returns.** Amends the municipal canvass law to provide that the governing body canvasses special municipal elections and acts as the canvassing board.

50 **Election law applicable.** Amends the school election law. Requires a school election to be held in the manner provided by state law "except as expressly provided by law." Current law is "so far as practicable."

51 **Notice to auditor.** Changes from 49 to 53 days before the election: the deadline for the school clerk to notify the auditor of school offices, ballot questions, and the date of the election.

52 **Notice to secretary.** At least 46 days before a school election, when the auditor gets notice from the school clerk, the notice must be passed on to the secretary.

53 **Ballots.** Requires the front of optical scan ballots to include "Official Ballot," the election

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date, and lines for election judges' initials.

54 Electronic reporting. Amends the local campaign reporting requirements in chapter 211A. Allows reports to be filed electronically with the approval of the filing officer.

55 Withdrawal or resignation. Amends the statute on resignation from public office. Provides that a resignation submitted under that law may only be withdrawn before it is accepted by (1) resolution of the body or board, or (2) written acceptance of the officer authorized to receive the resignation.

56 Officers; other business. Specifies that ballot questions may be considered at the annual town meeting.

57 Deputy clerk. Specifies that if a town clerk has not appointed a deputy, the town treasurer performs clerk duties regarding candidate filings when the clerk is absent.

58 Initiating the proceeding. Clarifies a signature requirement for initiating a municipal proceeding. A petition must be signed by a "number of residents eligible to vote equivalent to" five percent of the resident voters of a municipality.

59 Election notices. Requires the hospital district clerk to provide a notice of the date and the offices and questions to be voted on in the hospital district 53 days before the hospital district election to the auditor of every county in which the hospital district is located.

60 Candidates; ballots; certifying election. Same filing period for hospital district candidates as the bill would apply to municipal and school district candidates.