

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes a number of modifications to the way elections are processed, including specification of the use of a centralized election results reporting system and the statewide voter registration system. This bill also prohibits a power of attorney from completing election-related documents on behalf of a voter, prohibits voters from photographing their ballot, permits voters to be absent from work during the day for purposes of voting, and establishes procedures consistent with federal Continuity of Congress laws. Certain school district and municipal election procedures and local candidate financial reporting requirements are also modified.

Section

- 1 Violations; penalty.** Requires that a notice be mailed to any voter who votes in a precinct in which the voter does not reside on election day.
- 2 Duration of residence.** Provides that a voter who has not changed residence within the 30 days prior to an election meets the residency requirement for voting, even if political boundaries are changed during that time and result in the voter being placed in a new precinct.
- 3 Signature of voter; power of attorney.** Provides that a power of attorney may not sign election-related documents for a person, unless the authority to do so is otherwise provided in law.
- 4 Voter registration applications.** Specifies that a person or agency collecting voter registration applications must submit them to the county auditor or secretary of state within ten business days of the date the voter signs the application. Current law requires submission within ten calendar days.
- 5 Precinct boundaries; modified addresses.** Requires the county auditor to update the statewide voter registration system to reflect the change of a street name or numbered residential address in a municipality. The clerk in the affected municipality must notify the auditor of the change. Changes to a residential address designation may not be made

effective during the 45 days prior to an election.

- 6 Address updates.** Requires a county auditor who receives an election mailing that is returned as undeliverable, but with a forwarding address in Minnesota, to transmit a copy of the mailing to the appropriate county auditor. If an election is to occur within 47 days, the appropriate county auditor must update voter's record in the statewide database promptly. If an election will not occur within 47 days, the auditor may wait until the secretary of state transmits an official list of address changes from the U.S. postal service.

Section 7 of the bill contains some parallel conforming provisions.

This section is effective immediately.

- 7 Address updates; death notices.** Eliminates an existing requirement that a written statement containing a death notice may only be submitted by a registered voter in the same county.

This section also contains address update provisions parallel to those contained in section 5. Current law requires that the secretary of state utilize the U.S. postal service change of address notification system. This section prohibits use of that system during the 47 days prior to a state primary or general election.

If necessary, and the proper new precinct within Minnesota can be determined, the county auditor is required to update the voter's address in the statewide database. If the voter has moved out of state, the voter's status must be changed to "inactive." The voter must be notified of the update, unless the voter's record is challenged due to a name change or lack of eligibility to vote.

This section is effective immediately.

- 8 Notice of precinct caucus.** Requires the state party chair to notify the secretary of state of the date, time, and place of a scheduled precinct caucus at least 30 days prior to the caucus date. The secretary of state must publish the information online.
- 9 Power of attorney; absentee voting.** Prohibits a voter's power of attorney from signing on behalf of a voter election-related documents related to absentee voting, unless the authority to do so is otherwise provided in law.
- 10 Write-in candidates; filing fee.** Requires a write-in candidate who would like the candidate's votes to be counted in a federal, state, or county race to pay a filing fee or submit a petition in place of the filing fee.

The fee for a presidential candidate is the same as the fee for a U.S. senate candidate.

- 11 Boundary changes.** Makes a grammatical correction to a section of law related to the modification of municipal precinct boundaries.
- 12 Boundary changes; effective date.** Prohibits election precinct boundaries that are affected by a municipal boundary adjustment from taking effect within 21 days of a scheduled election.
- 13 Polling places; location.** Eliminates the requirement that a metro-area school district

polling place be located within one mile of the boundaries of the precinct.

This section is effective June 1, 2010.

- 14 Accessible voting equipment.** Requires local officials to share Automark voting equipment purchased with HAVA funds with other jurisdictions, if the equipment is needed for another election. The local official may charge for use of the equipment. Funds received must be placed in the jurisdiction's Help America Vote Act account.
- 15 Publication of election laws.** Requires the secretary of state to publish a hard-copy version of the state's election laws for county auditors and municipal clerks by August 1 of each odd-numbered year, and an electronic version by July 1 of each even-numbered year.
- 16 Notice of offices to be elected.** Requires the county auditor or municipal clerk to post a notice of offices to be filled in hard copy at the auditor or clerk's office, and online, if the jurisdiction has a website.
- 17 Election results reporting system.** Requires the county auditor to use the Election Results Reporting System in state primary and general elections. Initial entries into the system listing candidate names and offices must be completed at least 46 days before an election.
- This section is not effective until the secretary of state certifies that the system has been tested and is operational.
- 18 Identical names on ballot.** Limits the allowance for additional descriptive words to be placed on a ballot next to a candidate's name to situations where both the first and last names of two candidates are similar enough to cause confusion.
- 19 Signature of voter; power of attorney.** Provides that a power of attorney may not sign election-related documents for a person, unless the authority to do so is otherwise provided in law.
- 20 Right to be absent.** Permits an employee to be absent from work at any time during the day for the time necessary to appear at a polling place, cast a ballot, and return to work.
- Current law only permits an employee to be absent on the morning of an election.
- 21 Exit polling.** Exempts representatives of the media and academic institutions who are conducting exit polling from the prohibition on standing within 100 feet of a building that contains a polling place.
- 22 Voter's bill of rights.** Amends the Voter's Bill of Rights to clarify that a voter may be absent from work without loss of pay, personal leave, or vacation time in order to vote, and clarifies that any voter who is in line before 8:00 p.m. on election day has the right to vote, regardless of how early they arrived to meet that deadline.
- The changes in this section are effective beginning at the state primary election in 2010.
- 23 Opening of ballot boxes.** Permits two election judges from different major political parties to open a ballot box during election day in order to straighten the ballots and prevent the box from overflowing.

Any ballots that are removed from the ballot box must be sealed. A notation must be made

on the polling place's incident log.

Election judges are not permitted to count or inspect any ballots during this process.

Current law prohibits a locked ballot box from being opened during voting hours.

- 24 Voting booths.** Clarifies that a voter is not required to stand at a voting booth to complete a ballot.
- 25 Voting lines.** Requires election judges to inform voters about the availability of a chair, if needed while waiting in line or voting, and that elderly or disabled voters may request to be moved to the front of the line or provided other assistance if waiting in line would cause unreasonable physical strain on the voter.
- 26 Secrecy.** Prohibits a voter from taking a picture of his or her ballot.
- 27 Election results reporting.** Requires the county auditor to use the election results reporting system to enter vote totals.
- This section is not effective until the secretary of state certifies that the system has been tested and is operational.
- 28 County canvass report.** Eliminates the requirement that the county canvass report contain the names and vote totals for write-in candidates who requested their votes be counted. Instead, the vote totals for these candidates must be included in a separate report.
- 29 County canvass; delivery to secretary of state.** Reduces the number of canvass reports required for delivery to the secretary of state from two to one. The report must be sent by express mail or delivered to the secretary of state's office.
- 30 Ballot printing.** Specifies that a ballot printer is only required to furnish a bond if the local election official requests it.
- 31 Sample ballots.** Modifies the listing of candidate names on a sample ballot. Instead of being listed alphabetically, they must be listed in the first base rotation order that will appear on the actual ballot.
- 32 U.S. Senate vacancies; state primary date.** Clarifies the date of the regular state primary in the section of law governing U.S. Senate vacancies.
- 33 U.S. Senate vacancies; special election.** Modifies the time period during which a special election must be held in the event of a vacancy in the office of United States Senator.
- 34 U.S. Senate vacancies; notice of special election.** Modifies the timeline for posting notice of a special election to fill a vacant U.S. Senate seat.
- 35 U.S. Senate vacancies; candidate filing.** Modifies the timeline for filing by candidates to fill a vacant U.S. Senate seat.
- 36 Continuity of Congress.** Specifies the procedure for filling a vacancy if more than 100 seats in the United States House of Representatives are declared vacant. This section brings state law into compliance with federal law.

In these circumstances, a special election must be held within 49 days, unless an election

has already been scheduled for the office within that time. The political party chairs would be required to certify their nominee, and other persons may file a petition to run for the vacant office. Nominations and petitions must be certified to the secretary of state within ten days of the occurrence of the vacancy.

Absentee ballots must be transmitted to military and overseas voters within 15 days of the vacancy, to the extent practicable. A valid, voted ballot must be counted if it is received within 45 days of its transmittal.

- 37 City primary election.** Requires the governing body of a city that wishes to hold a primary election for municipal offices to adopt an ordinance or resolution at least six months prior to the next municipal general election. Current law requires that the ordinance or resolution be adopted at least three months prior to the general election.
- 38 Vacant city office.** Requires a candidate seeking to fill a vacant city office at a special election to file an affidavit of candidacy.
- 39 Vacant city office.** Requires the municipal clerk to post notice of any offices for which an affidavit of candidacy is required to fill a vacant city office at a special election.
- 40 Election results reporting system.** Requires the use of the election results reporting system for regularly scheduled municipal elections in an even numbered year. The reporting system may be used for regularly scheduled municipal elections in an odd-numbered year upon notice to the secretary of state.
- This section is not effective until the secretary of state certifies that the system has been tested and is operational.
- 41 Municipal sample ballot.** Requires publication of a sample ballot for a municipal election at least two weeks prior to election day. Current law requires publication at least one week prior to election day.
- 42 Municipal sample ballot.** Requires a sample ballot for a municipal election to be available for public inspection at least two weeks prior to election day.
- 43 Election results reporting system.** Specifies use of the election results reporting system for municipal elections held in even-numbered years and, if applicable, odd-numbered years.
- This section is not effective until the secretary of state certifies that the system has been tested and is operational.
- 44 School district primary election.** Specifies that a school district primary election is only required where the number of individuals who have filed for office is more than twice the number of seats to be filled at the election.
- 45 School district transitions.** Clarifies the process for a school district's transition from an odd-numbered year election to an even-numbered year election, and vice versa. To transition, the school board must adopt a resolution containing an orderly plan for the transition.
- 46 School district special election.** Prohibits a school district special election from being held

within 45 days before or after a state primary, within 45 days before a state general election, within 40 days after a state general election, within 20 days before or after a March election within the municipality, or within 45 days before and 30 days after a regularly scheduled November election within the municipality.

- 47 School district office vacancy.** Specifies the procedure when more than one at-large school district vacancies are to be filled at one special election.
- 48 School district sample ballot.** Requires posting of a school district sample ballot at least two weeks before an election. Current law requires posting at least four days before the election.

- 49 Election results reporting system.** Requires the use of the election results reporting system for regularly scheduled school district elections in an even-numbered year. The reporting system may be used for regularly scheduled school district elections in an odd-numbered year upon notice to the secretary of state.

This section is not effective until the secretary of state certifies that the system has been tested and is operational.

- 50 Election results reporting system.** Specifies use of the election results reporting system for school district elections held in even-numbered years and, if applicable, odd-numbered years.

This section is not effective until the secretary of state certifies that the system has been tested and is operational.

- 51 Certification of election equipment.** Modifies the process and requirements for certification of a voting system for use in Minnesota.

- 52 Order of names on ballot.** Requires random selection, using the statewide election reporting system, of the base rotation of candidate names to appear on a ballot in a state primary and state general election.

- 53 Local candidate financial report; contents.** Establishes a new requirement that a local candidate or committee's financial report include a listing of the total amount of cash on hand.

This section is effective June 1, 2010.

- 54 Local candidate financial report; failure to file.** Requires notification to a candidate or committee if an initial financial report was filed, but a subsequent report was not.

- 55 Write-in candidate; ballot labels.** Prohibits write-in candidates from distributing labels to voters for purposes of sticking them onto a ballot. A candidate is subject to a \$5,000 civil penalty per precinct in the district, payable to the jurisdiction that owns the equipment. The cost of the administrative process to obtain the penalty must be paid by the candidate.

- 56 Local candidate finance; charitable giving.** Permits an unlimited amount of funds to be used for charitable giving by a candidate for local office, if the candidate's campaign fund dissolves within one year of the contribution.

- 57** **Vacant city office.** Specifies the procedure for filling city council vacancies where more than one vacant office with the same term-length is to be filled at a special election.
- 58 - 62** **Annexation.** Prohibits an incorporation or annexation of land into a municipality from becoming effective during the 21 days before a state primary or general election.
- 63** **Repealer.** Repeals the following sections of law:
- 201.096.** Regulating the use of the statewide voter registration system by school districts.
- 206.805, subd. 2.** Specifying the treatment of source code related to a voting system. This language is recodified in section 51 of the bill.