

HOUSE RESEARCH

Bill Summary

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Overview

This bill establishes a process for early voting in Minnesota, and modifies the existing procedures in the event there is a vacancy in nomination for office.

Section

Article 1: Early Voting

- 1 Statewide voter registration system.** Requires the statewide voter registration system maintained by the secretary of state to be capable of providing data and reports necessary for early voting.
- 2 Applicability.** Provides that the laws governing elections in Minnesota also govern early voting.
- 3 Early voting; definition.** Defines the term “early voting” for purposes of Minnesota law.
- 4 Violation of law; felony offense.** Provides that the activities prohibited in the context of absentee voting are also prohibited in the context of early voting. Intentional violation is a felony.
- 5 Administration of law.** Provides that a municipal clerk may only administer the absentee and early voting laws if the clerk has the technical capacity to access the statewide voter registration system in a secure manner. Clerks are required to complete a training course approved by the secretary of state.
- 6 Absentee voting.** Provides that a voter may not submit an absentee ballot in person during the time period for early voting.
- 7 Delivery of ballots to healthcare facility patients and residents.** Provides for the early voting structure, rather than absentee voting, to be administered by election judges traveling

to a health care facility. Instead of sealing ballots in a return envelope, voters would place their ballots into a ballot box. The election judges may use an electronic voting machine for this purpose.

- 8 Early voting.** Grants every eligible voter the right to vote in person prior to election day following the procedures established in this bill.
- 9 Time period.** Requires early voting to be open between the 15th day and the fourth day prior to an election.
- 10 Hours for voting.** Requires early voting to be open from 8:00 a.m. to 4:30 p.m. on weekdays, and 8:00 a.m. to 8:00 p.m. on at least one of those days. Early voting must also be available from 10:00 a.m. to 3:00 p.m. on the second Saturday prior to election day.
- 11 Locations.** Requires early voting locations to be designated by the county auditor or municipal clerk at least 90 days prior to the election. At a minimum, at least one polling place must be designated in the county auditor's office, and in a municipality where the municipal clerk has been delegated the responsibility to administer absentee voting, at the clerk's office.

Each designated polling place must be supplied with equipment for voters with disabilities. An electronic ballot counter must be available as soon as practicable following the required public accuracy test.

- 12 Notice to voters.** Requires notice of the dates, times, and locations of early voting to be published on the appropriate county and municipal websites at least 14 days before early voting begins.
- 13 Early voting procedure.** Establishes the process for early voting, requirements for the voting record, and storage and counting of early vote ballots.

A voter voting early must sign a polling place roster that contains, in addition to the certification requirements of existing law, a statement that the voter understands that once an early voting ballot is cast, the voter can not vote again at the same election. Voters are prohibited from leaving a polling place with an early voting ballot.

The polling place rosters used in each precinct on election day must be marked prior to the start of voting on election day to indicate which voters appeared and voted early. If a voter appears in the polling place on election day, the voter may not cast a ballot. If the voter submitted an absentee ballot, the absentee ballot must be rejected.

Ballots must be removed from the ballot box by two staff of the county auditor's office, or two election judges of different major political parties, at the end of each day on which early voting ballots were cast. The ballots must be secured, and the number of ballots removed from the machine verified with the number of voters who voted early on that day.

Following the close of the polls on election day, two staff members in the county auditor's office, or two election judges of different major political parties, must count the votes contained on the early voting ballots. The counting must be public, and must not occur prior to the close of voting on election day.

- 14 Polling place roster.** Requires a polling place roster used for early voting to contain an

additional statement to be signed by the voter: “I understand that after I have cast my ballot today, I cannot vote again in this election.” The statement must be in bold type.

- 15 Testing of voting equipment.** Requires that equipment to be used for early voting be tested as soon as practicable after the equipment is programmed. The existing requirement that equipment scheduled for use only on election day must be tested within 14 days of election day remains unchanged.
- 16 Postelection review.** Provides that the entire block of centrally counted early voting ballots are considered one independent “precinct” for purposes of selecting precincts for the postelection review.
- 17 Repealer.** Repeals a subdivision of law related to the delivery of absentee ballots to voters in a health care facility who have applied to receive one. Instead of voting absentee, these voters would be permitted to vote early. The early voting process established in this bill does not require an application.
- 18 Effective date; applicability.** Provides that the early voting procedures established in the bill are not effective until the secretary of state certifies that the statewide voter registration system and voting equipment is capable of handling the demands of early voting.

Early voting is required for all federal, state, county, and city elections beginning in 2010. In all other elections (including township, school district, and hospital district elections), early voting must be implemented by 2014.

Article 2: Vacancy in Nomination

- 1 Supplemental ballots.** Eliminates a cross-reference in the absentee voting laws to supplemental ballots. Under current law, a supplemental ballot must be prepared if a vacancy in nomination occurs. Under the provisions of this bill, supplemental ballots would no longer be used.
- 2 Nomination by primary.** Prohibits a candidate who seeks to be nominated for nonpartisan office at a primary election from also filling for the same nonpartisan office by nominating petition.
- 3 Nonpartisan office.** Prohibits a candidate for nonpartisan office from being nominated by nominating petition. This is a parallel change to that made in section 2 of this article.
- 4 Nominating petitions.** Eliminates a reference to nominating petitions by a candidate for nonpartisan office. This is a parallel change to that made in section 2 of this article.
- 5 Nominating petitions.** Eliminates a reference to filing a nominating petition to fill a vacancy in nomination.
- 6 Petition in place of filing fee.** Eliminates a reference to filing a nominating petition to fill a vacancy in nomination for nonpartisan office.
- 7 - 10 Vacancy in nomination; procedure.** Establishes the new substantive procedure for addressing vacancies in nomination.

A vacancy in nomination occurs where a candidate nominated at a primary dies, or in the case of a major party candidate for office, the candidate (or legal guardian) files an affidavit of vacancy at least one day prior to election day. An affidavit of vacancy may only be filed if the candidate has a catastrophic illness that was diagnosed after the deadline for withdrawal, and the illness will permanently and continuously incapacitate the candidate and prevent performance of the duties of office. The affidavit must be accompanied by a certificate signed by two licensed physicians verifying the illness.

If a vacancy in nomination occurs consistent with the requirements provided here, the regularly scheduled election for that office is effectively cancelled, and a special election must be called. All candidates remaining in nomination for the office must appear on the special election ballot.

A major political party may choose a new nominee to fill a vacant nomination. A formal primary may not be held to choose the nominee.

The special election to fill the office must be held on the second Tuesday in December. All voters who applied for an absentee ballot at the general election must automatically be sent ballots for the special election.

- 11** **Subsequent vacancy.** Provides a procedure for filling a vacancy in nomination that occurs prior to a special election scheduled due to an earlier vacancy in nomination. The special election would be cancelled and rescheduled for the next month. The vacancy in nomination may be filled in the same manner as provided for other vacancies.
- 12** **Repealers.** Repeals several sections and subdivisions of law related to the current process for filing vacancies in nomination and the creation of supplemental ballots. These procedures are replaced by the provisions of this article.
- 13** **Expiration.** Establishes a sunset provision for the new vacancy in nomination procedure established in this article. The provisions would expire June 30, 2013.