

HOUSE RESEARCH

Bill Summary

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Overview

This bill makes a number of changes to the laws governing elections and voting, including establishing a process for early voting, adopting new procedures for the processing of absentee ballots, making a number of changes to election administration process, adopting a new process in the event of a vacancy in nomination, and requiring online voter registration confirmation and online registration, if technically possible.

Article 1: Early and Absentee Voting (HF 1351 – Winkler; HF 1113 – Morgan)

Section

- 1 Absentee ballots.** Updates a cross-reference to reflect changes made elsewhere in the bill.
- 2 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.
- 3 Applicability.** Provides that the laws governing elections in Minnesota also govern early voting.
- 4 Early voting; definition.** Defines the term “early voting” for purposes of Minnesota law.
- 5 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.
- 6 Absentee ballot application.** Requires the absentee ballot application form to request a voter’s date of birth, driver’s license or state identification card number, and the last four digits of the voter’s social security number, if the voter has these numbers. The form must also contain an oath that the applicant is applying for an absentee ballot on his or her own behalf and that the information contained on the form is accurate, under penalty of perjury.

Current law does not require that an identification number be requested from an absentee ballot applicant. A voter's date of birth, driver's license or identification card number, and social security number may not be made public.

This section also contains a conforming change to reflect the automatic receipt of an absentee ballot, rather than just a ballot application.

- 7 Ongoing absentee status.** Permits a voter who has requested ongoing absentee ballot status to decline to receive an absentee ballot for an election, and requires automatic delivery of an absentee ballot, rather than an absentee ballot application, for ongoing absentee voters.

The county auditor must mail a nonforwardable postcard to all ongoing absentee voters notifying them of the anticipated date for delivery of absentee ballots.

Each county auditor is also required to notify ongoing absentee voters of the changes to the ongoing absentee voter laws provided in this section. In order to maintain ongoing status, the voter must return an updated ongoing absentee voter application to the county auditor.

- 8 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.
- 9 Delivery of ballots.** Updates a cross reference to reflect changes made elsewhere in the bill.
- 10 Recording applications.** Requires use of the statewide voter registration system to record acceptance of an absentee ballot application, receipt of a returned absentee ballot, and the disposition of the ballot. If an absentee ballot is rejected, the reason for rejection must be noted in the system.
- 11 Design of return envelopes.** Requires that all absentee ballot return envelopes be designed to conceal personal identification numbers or information.
- 12 Absentee voter eligibility certificate; witness requirement.** Requires the absentee voter eligibility certificate to contain a space for the voter's driver's license or state identification card number, or the last four digits of the voter's social security number, or an option to indicate that the voter does not have one of these numbers.
- This section also eliminates the required witness certification that exists under current law, except as applied to voters who are not previously registered to vote. If a voter was not previously registered, the voter must show proof of residence to another person who is a United States citizen, and that person must also sign the return envelope.
- 13 Return envelope address.** Requires the absentee ballot return envelope be addressed to the appropriate county auditor or municipal clerk.
- 14 Receipt of ballots.** Requires the county auditor or municipal clerk to deliver each absentee ballot to a ballot board for processing, within five days of receipt. Absentee ballots received within 14 days of an election must be delivered to a ballot board within three days of

receipt.

- 15** **Locations for in-person absentee voting.** Provides that absentee voting is available between 30 and three days prior to an election, except for times when early voting is available. This means that a voter would be permitted to cast an absentee ballot in person roughly during the third and fourth week before the election.

On the day prior to an election, a voter may vote by absentee ballot only if the voter learned of circumstances in the last four days which would prevent them from appearing in the polling place on election day.

- 16** **Hours for in-person absentee voting.** Requires that absentee voters be permitted to cast a ballot until noon on the Saturday prior to an election. On the day prior to the election, a voter must be permitted to cast an absentee ballot if they learned of circumstances in the last four days that would prevent them from appearing in the polling place on election day.

- 17** **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.

- 18** **Ballot board.** Requires the establishment of ballot boards to process absentee ballots and administer early voting.

Makeup of ballot board. A jurisdiction may use staff that is trained as election judges to serve on the ballot board. If staff is used, the board is exempt from party balance requirements. Members of a ballot board must be paid for their services by the local jurisdiction.

Absentee voting. Members of the ballot board are responsible for many of the duties required of election judges in the precinct under current law. The ballot board must review return envelopes, and accept or reject them. The board must verify that the identification numbers provided on an absentee ballot application and an absentee ballot return envelope match. If they do not, the board must make a reasonable effort to determine whether the ballot was returned by the same person that requested it, using other available information.

Accepted absentee ballots must be noted on the polling place roster or in a supplemental report to the precinct. In state elections, a notation in the statewide voter registration system must also be made.

If a ballot is rejected at least five days prior to an election, a replacement ballot must be sent to the voter. If rejected within five days of an election, an attempt must be made to notify the voter by telephone or email of the rejection.

Early voting. The ballot board is required to administer the process of early voting, following procedures established elsewhere in law.

Counting absentee and early voting ballots. Upon accepting an absentee ballot, the ballot board must open the envelope and place the ballot into a ballot box. The ballot may be duplicated by the board, if necessary. Early voting voters place their own ballot directly into the ballot box.

The appropriate polling place rosters must be marked indicating the voters whose ballots were accepted or cast by absentee or early voting. At the end of each day, the number of ballots in the ballot box must be reconciled with the number of voters casting early ballots and the number of voters whose absentee ballots were accepted that day.

Voters who vote early or have their absentee ballot accepted may not appear in person on election day to cast a ballot. After the close of the polls on election day, the ballot board must tabulate the ballots in public. The vote totals must be added to the totals from each appropriate precinct in a state election. For other elections, the totals may be distributed by precinct, or counted as one separate total.

Accepted absentee ballots that arrive after the polling place rosters are marked, and after a supplemental report is sent to each precinct, must not be counted until the ballot board verifies that the voter did not appear in person on election day to cast a ballot.

- 19 Rules.** Updates a cross reference to reflect changes made elsewhere in the bill.
- 20 Establishment of ballot board.** Provides a conforming change to reflect new duties to be performed by members of a ballot board.
- 21 Absentee ballot board; UOCAVA ballots.** Modifies certain procedures related to standard UOCAVA absentee ballots and UOCAVA voters who use a federal write-in absentee ballot.
- Standard UOCAVA absentee ballots must be opened and deposited in a ballot box by members of the absentee ballot board. Federal write-in ballots must also be deposited in a ballot box by board members, but not until after 5:00 p.m. on the fourth day before the election, unless the voter has submitted another accepted ballot that contains a later postmark.
- This section also specifies that UOCAVA ballot vote totals may not be made public until after the close of voting on election day.
- 22 Review of ballots; UOCAVA.** Requires a ballot board to accept and reject UOCAVA ballots, including a new provision to verify that a voter is not known to have died.
- 23 Precinct election judge review; UOCAVA.** Eliminates certain duties of the precinct election judges related to processing of UOCAVA ballots.
- 24 Early voting.** Grants every eligible voter the right to vote in person prior to election day following the procedures established in this bill.
- 25 Time period.** Requires early voting to be open between the 15th day and the fourth day prior to an election.
- 26 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.
- 27 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.

28 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.

29 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 procedure for updating voting records and counting of the early voted ballots is provided in section 18 of this article.

30 Ballot board review; vote-by-mail elections. Requires ballot processing by a ballot board for local elections conducted by mail only. The procedures are identical to those provided in section 9 of the bill for standard absentee ballot processing.

31 Ballot board review; vote-by-mail elections. Requires ballot processing by a ballot board for local elections conducted by mail only. The procedures are identical to those provided in section 9 of the bill for standard absentee ballot processing.

32 Polling place roster. Provides and modifies the exact text of the certification required to appear on the polling place roster. Additional text is required to be printed for a roster used for early voting.

This section also requires the election judges to verify that the roster has not been marked, or a supplemental report provided, to indicate that a voter submitted an absentee ballot that was accepted by a ballot board.

33 Challenge of voter. Eliminates the duty of the election judges in a precinct to determine whether to receive or accept absentee ballots submitted by a voter whose eligibility is challenged.

34 Challenger of voter. Updates a cross reference to reflect changes made elsewhere in the bill.

35 Rejected absentee ballots. Requires all rejected absentee ballots, along with the absentee ballot applications that correspond to those ballots, to be delivered to the county auditor within 48 hours of the end of voting on election day.

36 Review of rejected absentee ballots. Requires the county auditor to review all rejected absentee ballots prior to the meeting of the county canvassing board. If the county auditor determines that an absentee ballot was rejected in error, and the canvassing board agrees, the canvassing board must open and count the ballot. The privacy of a voter's choices must

be protected to the extent practicable.

- 37 County canvassing board.** Extends the deadline for the county canvassing board to canvass the returns of an election. Under current law, the canvassing board must meet on or before the seventh day following a state general election. This section would require a meeting between the third and tenth day following the state general election.
- 38 State canvassing board.** Provides a later meeting date for the state canvassing board. Under current law, the state canvassing board must meet on the second Tuesday following a state general election. This section would set the meeting date as the third Tuesday following the election.
- 39 Canvass of municipal elections.** Provides a later meeting date for the canvass of a municipal election. Under current law, a municipal election must be canvassed within seven days of the election. This section would require the canvass to occur between 11 and 17 days after a state general election and within 17 days of any other election. The governing body of a city or town acts as the canvassing board for a municipal election.
- 40 Review of rejected ballots; municipal elections.** Permits a municipal clerk to arrange to have rejected absentee ballots reviewed by an administrator from another city or county. If these arrangements are not made, the rejected ballots may not be reviewed except during an election contest. Absentee ballots found to be rejected in error must be opened and counted. If the number of rejected absentee ballots is not enough to determine the outcome of an election, the clerk may cancel review of the ballots.
- 41 School district elections; absentee ballots.** Makes a technical cross-reference correction to reflect modifications made elsewhere in the bill.
- 42 Canvass of school district elections.** Provides a later meeting date for the canvass of a school district election. Under current law, a school district election must be canvassed within seven days of the election. This section would require the canvass to occur between 11 and 17 days after a state general election and within 17 days of any other election. The school board acts as the canvassing board in a school district election.
- 43 Review of rejected ballots; school district elections.** Permits a school district clerk to arrange to have rejected absentee ballots reviewed by an administrator from another city or county. If these arrangements are not made, the rejected ballots may not be reviewed except during an election contest. Absentee ballots found to be rejected in error must be opened and counted. If the number of rejected absentee ballots is not enough to determine the outcome of an election, the clerk may cancel review of the ballots.
- 44 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.
- 45 Post-election review.** Requires that the ballots counted by a ballot board be considered one eligible precinct for purposes of selecting precincts for post-election review.
- 46 Presidential electors; state canvassing board.** Makes a conforming change to reflect a new date for the meeting of the state canvassing board following a state general election.

47 Repealer. Repeals several sections of law related to absentee voting:

203B.04, subdivision 5: Relates to permanent absentee status for voters who have a permanent illness or disability.

203B.10: Specifies procedures for delivery of absentee ballot applications to the election judges in a polling place.

203B.11, subdivision 2: 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.

203B.12: Existing language related to processing of absentee ballots. Much of this language is recodified in a new section of statute.

203B.13: Specifies procedures for establishment, required duties, and compensation of an absentee ballot board. This section is effectively recodified in section 9 of the bill.

203B.25: Provides special procedures related to the death of a voter, and absentee voters who appear and cast a ballot on election day. The substance of this section is recodified elsewhere in this bill.

48 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.

Special effective dates are provided for a number of the sections related to absentee ballot procedures, these effective dates are attached to the appropriate sections throughout this article.

Article 2: Election Administration (HF 1011 – Hilty)

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.

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 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.

- 10 Boundary changes.** Makes a grammatical correction to a section of law related to the modification of municipal precinct boundaries.
- 11 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.

- 12 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.

- 13 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.

- 14 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.

- 15 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.

- 16 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.

- 17 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.

- 18 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.

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 Voting booths.** Clarifies that a voter is not required to stand at a voting booth to complete a ballot.
- 24 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.
- 25 Secrecy.** Prohibits a voter from taking a picture of his or her ballot.
- 26 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.
- 27 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.
- 28 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.
- 29 Ballot printing.** Specifies that a ballot printer is only required to furnish a bond if the local election official requests it.
- 30 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.
- 31 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.
- 32 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.
- 33 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.
- 34 U.S. Senate vacancies; candidate filing.** Modifies the timeline for filing by candidates to fill a vacant U.S. Senate seat.
- 35 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.

- 36 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.
- 37 Vacant city office.** Requires a candidate seeking to fill a vacant city office at a special election to file an affidavit of candidacy.
- 38 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.
- 39 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.
- 40 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.
- 41 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.
- 42 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.
- 43 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.
- 44 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.

- 45 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.
- 46 School district office vacancy.** Specifies the procedure when more than one at-large school district vacancies are to be filled at one special election.
- 47 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.
- 48 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.
- 49 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.
- 50 Certification of election equipment.** Modifies the process and requirements for certification of a voting system for use in Minnesota.
- 51 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.
- 52 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.
- 53 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.
- 54 - 58 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.
- 59 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.

Article 3: Miscellaneous

(HF 817 – Kahn; HF 729 – Poppe; HF 1152 – Kahn)

- 1 Residential housing list.** Requires certain postsecondary institutions to provide a list of current students, along with the address of each student, to the secretary of state roughly one month prior to a November general election. Minnesota State Colleges and Universities institutions are required to provide a list; the University of Minnesota is requested to provide a list; and other postsecondary institutions may choose to do so at their discretion.

The secretary of state must combine the data received from each institution and match student names and addresses with their appropriate precinct. At least two weeks prior to the election, the secretary of state is required to forward appropriate precinct lists to each county auditor for use in election day registration. The lists may be forwarded electronically, or in another medium if a written agreement is entered between the county and the secretary of state.

If the data provided by an institution is insufficient to determine an appropriate precinct for a student, that student's name may not be forwarded to a county auditor.

Student residential lists are used to verify the residence of students who appear in a polling place on election day and are not previously registered to vote.

- 2 Online voter registration.** Permits individuals who have a Minnesota driver's license, identification card, or learner's permit to register to vote online, if the secretary of state's website provides a process for online registration.
- 3 Election-day registration.** Eliminates a reference to certification of student housing lists to a county auditor.
- 4 Voter registration application.** Eliminates the requirement that a voter registration application be of suitable size and weight for mailing, unless the application is a paper application that will not be used for election day registration. Online registration would be permitted under section 2 of the bill.

This section also eliminates the requirement that a registration application contain a space for a voter's signature, unless it is a paper application.

- 5 Registration confirmation.** Requires that the secretary of state's website provide a voter registration confirmation feature. An individual must be informed of their current registration status, and polling place location, if their name, address, and date of birth matches an active voter record in the statewide registration system.

If an individual's name, address, and date of birth does not match a record in the system, the individual must be advised to contact the county auditor for further information.

This section is not effective until the secretary of state has certified that the web site has been tested and operates properly.

- 6 Report to legislature.** Requires the secretary of state to report to the legislature by January 15 following every general election on the number of voter registration notices returned as undeliverable, including the reason why each notice could not be delivered.
- 7 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.
- 8 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.
- 9 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.
- 10 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.
- 11 Nominating petitions.** Eliminates a reference to filing a nominating petition to fill a vacancy in nomination.
- 12 Petition in place of filing fee.** Eliminates a reference to filing a nominating petition to fill a vacancy in nomination for nonpartisan office.
- 13-16 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.

- 17 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.

- 18 Date of election.** Allows a town to move the date for the March general election in the event of bad weather under the same provisions that govern rescheduling of the annual town meeting for bad weather. (“If there is bad weather on the day of the meeting and election in March, the town board shall set the meeting and election for the third Tuesday in March. If there is bad weather on the third Tuesday in March, the town board shall set another date for the meeting and election within 30 days of the third Tuesday in March. If the meeting and election are postponed, the notice requirements in subdivision 2 shall apply to the postponed meeting and election.”)
- 19 Return to March election.** Permits a town board that has adopted the alternative November election date to adopt a resolution returning to the second Tuesday in March as the date of the town general election, if the town has already conducted at least two elections on the alternative date. The resolution requires a unanimous vote of town supervisors and must specify that the terms of office are shorter or longer to provide an orderly transition to the new election date. The resolution becomes effective after a majority of voters have approved it at the next town general election.
- 20 Officers; November election.** Cross-reference.
- 21 Optional six-year terms.** Permits a town opting for a November election to also provide for six-year terms for town supervisors. The change may be proposed by the town board or by a resolution of electors that is adopted at the annual town meeting and it becomes effective after an affirmative vote of electors at the next town general election.
- 22 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.
- 23 Expiration.** Establishes a sunset provision for the new vacancy in nomination procedure established in this article. The provisions would expire June 30, 2013.