

This Document can be made available in alternative formats upon request

Printed Page No. **38**

State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 1010**

February 23, 2009

Authored by Kalin, Sterner, Kiffmeyer, Lillie, Norton and others

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

March 5, 2009

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act  
1.2 relating to elections; changing certain provisions concerning military and  
1.3 overseas voting; amending Minnesota Statutes 2008, sections 203B.16,  
1.4 subdivision 2; 203B.17, subdivision 1; 203B.21, subdivision 2; 203B.22;  
1.5 203B.225, subdivision 1; 203B.227.

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

1.7 Section 1. Minnesota Statutes 2008, section 203B.16, subdivision 2, is amended to read:

1.8 Subd. 2. **Permanent residence outside United States.** Sections 203B.16 to  
1.9 203B.27 provide the exclusive voting procedure for United States citizens who are  
1.10 living permanently outside the territorial limits of the United States who meet all the  
1.11 qualifications of an eligible voter except residence in Minnesota, but who are authorized  
1.12 by federal law to vote in Minnesota because they or, if they have never resided in the  
1.13 United States, a parent maintained residence in Minnesota for at least 20 days immediately  
1.14 prior to their departure from the United States. Individuals described in this subdivision  
1.15 shall be permitted to vote only for the offices of president, vice-president, senator in  
1.16 Congress, and representative in Congress.

1.17 Sec. 2. Minnesota Statutes 2008, section 203B.17, subdivision 1, is amended to read:

1.18 Subdivision 1. **Submission of application.** (a) An application for absentee ballots  
1.19 for a voter described in section 203B.16 may be submitted in writing or by electronic  
1.20 facsimile device, or by electronic mail ~~upon determination by the secretary of state that~~  
1.21 ~~security concerns have been adequately addressed~~ as an attachment. An application for  
1.22 absentee ballots for a voter described in section 203B.16 may be submitted by that voter  
1.23 or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. ~~For~~  
1.24 ~~purposes of an application under this subdivision, a person's Social Security number, no~~

2.1 ~~matter how it is designated, qualifies as the person's military identification number if the~~  
 2.2 ~~person is in the military.~~

2.3 (b) An application for a voter described in section 203B.16, subdivision 1, shall be  
 2.4 submitted to the county auditor of the county where the voter maintains residence.

2.5 (c) An application for a voter described in section 203B.16, subdivision 2, shall be  
 2.6 submitted to the county auditor of the county where the voter or the voter's parent last  
 2.7 maintained residence in Minnesota.

2.8 (d) An application for absentee ballots shall be valid for any primary, special  
 2.9 primary, general election, or special election from the time the application is received  
 2.10 through the next two regularly scheduled general elections for federal office held after the  
 2.11 date on which the application is received.

2.12 (e) There shall be no limitation of time for filing and receiving applications for  
 2.13 ballots under sections 203B.16 to 203B.27.

2.14 Sec. 3. Minnesota Statutes 2008, section 203B.21, subdivision 2, is amended to read:

2.15 Subd. 2. **Mailing of ballots; return.** Except as provided by section 203B.225,  
 2.16 ballots and instructions for marking them, ballot envelopes, and return envelopes shall  
 2.17 be sent by first class mail to addresses within the continental United States and by air  
 2.18 mail to addresses outside the continental United States. The ballot envelope and return  
 2.19 envelope shall be marked "Official Ballot," and shall contain sufficient postage to assure  
 2.20 proper return delivery. The return envelope shall be addressed to comply with any method  
 2.21 for return of absentee ballots as authorized under section 203B.08, subdivision 2. The  
 2.22 requirements of this subdivision do not apply to ballots and related materials provided  
 2.23 under section 203B.225.

2.24 Sec. 4. Minnesota Statutes 2008, section 203B.22, is amended to read:

2.25 **203B.22 MAILING TRANSMITTING BALLOTS.**

2.26 The county auditor shall ~~mail~~ transmit the appropriate ballots, as promptly as  
 2.27 possible, to an absent voter whose application has been recorded under section 203B.19.  
 2.28 If the county auditor determines that a voter is not eligible to vote at the primary but  
 2.29 will be eligible to vote at the general election, only general election ballots shall be  
 2.30 ~~mailed~~ transmitted. Only one set of ballots shall be ~~mailed~~ transmitted to any applicant  
 2.31 for any election, except that the county auditor may ~~mail~~ transmit a replacement ballot  
 2.32 to a voter whose ballot has been spoiled or lost in transit or whose mailing address has  
 2.33 changed after the date on which the original application was submitted as confirmed by  
 2.34 the county auditor. Ballots to be sent outside the United States shall be given priority in

3.1 ~~mailing transmission~~. A county auditor may make use of any special service provided  
3.2 by the United States government for the ~~mailing transmission~~ of voting materials under  
3.3 sections 203B.16 to 203B.27.

3.4 Sec. 5. Minnesota Statutes 2008, section 203B.225, subdivision 1, is amended to read:

3.5 Subdivision 1. **Transmitting ballot and certificate of voter eligibility.** A voter  
3.6 described in section 203B.16 may include in an application for absentee ballots a request  
3.7 that the ballots, instructions, and a certificate of voter eligibility meeting the requirements  
3.8 of section 203B.21, subdivision 3, be transmitted to the voter electronically. Upon receipt  
3.9 of a properly completed application requesting electronic transmission, the county auditor  
3.10 shall electronically transmit the requested materials to the voter. The county auditor is not  
3.11 required to provide return postage to voters to whom ballots are transmitted electronically.

3.12 Sec. 6. Minnesota Statutes 2008, section 203B.227, is amended to read:

3.13 **203B.227 WRITE-IN ABSENTEE BALLOT.**

3.14 A voter described in section 203B.16, subdivision 1, may use ~~a state write-in~~  
3.15 ~~absentee ballot or~~ the federal write-in absentee ballot to vote in any federal, state, or local  
3.16 election. In a state or local election, a vote for a political party without specifying the  
3.17 name of a candidate must not be counted.