

This Document can be made available
in alternative formats upon request

State of Minnesota

Printed
Page No.

416

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3108**

February 22, 2010

Authored by Winkler, Kiffmeyer, Pelowski, Simon, Brod 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 8, 2010

Committee Recommendation and Adoption of Report:
To Pass as Amended
Read Second Time

March 11, 2010

Calendar For The Day
Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

A bill for an act

1.1 relating to elections; changing and clarifying certain provisions; amending
1.2 Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision
1.3 1; 201.11; 201.12; 201.121, subdivision 3; 201.13; 201.14; 201.15, subdivisions
1.4 1, 2; 201.155; 201.171; 203B.02, subdivision 3; 203B.04, subdivision 1;
1.5 203B.06, subdivisions 1, as amended, 5; 203B.081, as amended; 203B.16,
1.6 subdivision 2; 203B.19; 203B.227; 204B.04, subdivision 2; 204B.135,
1.7 subdivision 4; 204B.14, by adding a subdivision; 204B.18, subdivision 1;
1.8 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, by
1.9 adding a subdivision; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06,
1.10 subdivision 1; 204C.08; 204C.09, subdivision 1; 204C.12, subdivision 2;
1.11 204C.13, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivisions 1, 2;
1.12 204C.33, subdivision 1; 204C.35, subdivisions 2, 3; 204C.36, subdivisions 3, 4;
1.13 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision
1.14 1; 204D.17; 204D.19; 204D.20, subdivision 1; 205.065, subdivision 1, as
1.15 amended; 205.07, subdivision 1, by adding a subdivision; 205.13, subdivisions
1.16 1, 2; 205.16, subdivisions 2, 3, 4, as amended, 5, as amended; 205A.03,
1.17 subdivision 2, as amended; 205A.04, subdivision 1; 205A.05, subdivision 1;
1.18 205A.07, subdivisions 3, as amended, 3a, as amended, 3b, as amended; 205A.11,
1.19 subdivision 3; 206.57, subdivision 6; 208.03; 365.51, subdivision 1; 375.101,
1.20 subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters
1.21 201; 204D; 205; 205A; 373; repealing Minnesota Statutes 2008, sections 3.22;
1.22 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805,
1.23 subdivision 2; 206.91.

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

1.26 Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to
1.27 read:

1.28 Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice
1.29 to any voter who the county auditor can determine has ~~voted~~: (1) provided the address at
1.30 which the voter maintains residence, but was allowed to vote in a precinct other than the
1.31 precinct in which the voter maintains residence; and (2) not voted in the wrong precinct
1.32 previously. The notice must be in the form provided by the secretary of state.

2.1 (b) The county auditor shall mail a violation notice to any voter who otherwise voted
2.2 in a precinct in which the voter did not maintain residence on election day. The county
2.3 auditor shall also change the status of the voter in the statewide registration system to
2.4 "challenged" and the voter shall be required to provide proof of residence to either the
2.5 county auditor or to the election judges in the voter's precinct before voting in the next
2.6 election. Any of the forms authorized by section 201.061 for registration at the polling
2.7 place may be used for this purpose.

2.8 ~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the
2.9 voter maintains residence after receiving an initial violation notice as provided in this
2.10 subdivision is guilty of a petty misdemeanor.

2.11 ~~(c)~~ (d) A voter who votes in a precinct other than the precinct in which the voter
2.12 maintains residence after having been found to have committed a petty misdemeanor
2.13 under paragraph (b) is guilty of a misdemeanor.

2.14 ~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of
2.15 the voter's polling place provided by the state, county, or municipality is an affirmative
2.16 defense to a prosecution under this subdivision.

2.17 Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

2.18 Subdivision 1. **Prior to election day.** At any time except during the 20 days
2.19 immediately preceding any regularly scheduled election, an eligible voter or any
2.20 individual who will be an eligible voter at the time of the next election may register to vote
2.21 in the precinct in which the voter maintains residence by completing a voter registration
2.22 application as described in section 201.071, subdivision 1, and submitting it in person
2.23 or by mail to the county auditor of that county or to the Secretary of State's Office.

2.24 A registration that is received no later than 5:00 p.m. on the 21st day preceding any
2.25 election shall be accepted. An improperly addressed or delivered registration application
2.26 shall be forwarded within two working days after receipt to the county auditor of the
2.27 county where the voter maintains residence. A state or local agency or an individual that
2.28 accepts completed voter registration applications from a voter must submit the completed
2.29 applications to the secretary of state or the appropriate county auditor within ten calendar
2.30 days after the applications are dated by the voter.

2.31 For purposes of this section, mail registration is defined as a voter registration
2.32 application delivered to the secretary of state, county auditor, or municipal clerk by the
2.33 United States Postal Service or a commercial carrier.

3.1 Sec. 3. Minnesota Statutes 2008, section 201.11, is amended to read:

3.2 **201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS**
3.3 **CHANGED, CHANGE OF FILES.**

3.4 Subdivision 1. Precinct boundaries changed. When the boundaries of a precinct
3.5 are changed, the county auditor shall immediately update the voter records for that
3.6 precinct in the statewide voter registration system to accurately reflect those changes.

3.7 Subd. 2. House number or street address changed. If a municipality
3.8 administratively changes the number or name of a street address of an existing residence,
3.9 the municipal clerk shall promptly notify the county auditor and the county auditor
3.10 shall immediately update the voter records of registered voters in the statewide voter
3.11 registration system to accurately reflect that change. A municipality must not make a
3.12 change to the number or name of a street address of an existing residence effective during
3.13 the 45 days prior to any election in a jurisdiction which includes the affected residence.

3.14 Sec. 4. Minnesota Statutes 2008, section 201.12, is amended to read:

3.15 **201.12 PROPER REGISTRATION; VERIFICATION BY MAIL;**
3.16 **CHALLENGES.**

3.17 Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate
3.18 excess names, the county auditor may mail to any registered voter a notice stating the
3.19 voter's name and address as they appear in the registration files. The notice shall request
3.20 the voter to notify the county auditor if there is any mistake in the information.

3.21 Subd. 2. **Moved within state.** If any nonforwardable mailing from an election
3.22 official is returned as undeliverable but with a permanent forwarding address in this state,
3.23 the county auditor may change the voter's status to "inactive" in the statewide registration
3.24 system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which
3.25 the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to
3.26 occur in the precinct in which the voter resides in the next 47 days, the county auditor
3.27 shall promptly update the voter's address in the statewide voter registration system ~~and~~.
3.28 If there is not an election scheduled, the auditor may wait to update the voter's address
3.29 until after the next list of address changes is received from the secretary of state. Once
3.30 updated, the county auditor shall mail to the voter a notice stating the voter's name,
3.31 address, precinct, and polling place, except that if the voter's record is challenged due to a
3.32 felony conviction, noncitizenship, name change, incompetence, or a court's revocation of
3.33 voting rights of individuals under guardianship, the auditor must not mail the notice. The
3.34 notice must advise the voter that the voter's voting address has been changed and that the
3.35 voter must notify the county auditor within 21 days if the new address is not the voter's

4.1 address of residence. The notice must state that it must be returned if it is not deliverable
4.2 to the voter at the named address.

4.3 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
4.4 official is returned as undeliverable but with a permanent forwarding address outside this
4.5 state, the county auditor shall promptly mail to the voter at the voter's new address a notice
4.6 advising the voter that the voter's status in the statewide voter registration system will be
4.7 changed to "inactive" unless the voter notifies the county auditor within 21 days that the
4.8 voter is retaining the former address as the voter's address of residence. If the notice is not
4.9 received by the deadline, the county auditor shall change the voter's status to "inactive"
4.10 in the statewide voter registration system.

4.11 Subd. 4. **Challenges.** If any nonforwardable mailing from an election official
4.12 is returned as undeliverable but with no forwarding address, the county auditor shall
4.13 change the registrant's status to "challenged" in the statewide voter registration system.
4.14 An individual challenged in accordance with this subdivision shall comply with the
4.15 provisions of section 204C.12, before being allowed to vote. If a notice mailed at least
4.16 60 days after the return of the first nonforwardable mailing is also returned by the postal
4.17 service, the county auditor shall change the registrant's status to "inactive" in the statewide
4.18 voter registration system.

4.19 **EFFECTIVE DATE.** This section is effective June 1, 2011.

4.20 Sec. 5. Minnesota Statutes 2008, section 201.121, subdivision 3, is amended to read:

4.21 Subd. 3. **Postelection sampling.** Within ten days after an election, the county
4.22 auditor shall send the notice required by subdivision 2 to a random sampling of the
4.23 individuals registered on election day. The random sampling shall be determined in
4.24 accordance with the rules of the secretary of state. As soon as practicable after the
4.25 election, the county auditor shall mail the notice required by subdivision 2 to all other
4.26 individuals registered on election day. If a notice is returned as not deliverable, the county
4.27 auditor shall attempt to determine the reason for the return. A county auditor who does not
4.28 receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately
4.29 notify the county attorney of all of the relevant information and the secretary of state of
4.30 the numbers by precinct. By March 1 of every odd-numbered year, the secretary of state
4.31 shall report to the chair and ranking minority members of the legislative committees with
4.32 jurisdiction over elections the number of notices reported under this subdivision to the
4.33 secretary of state for the previous state general election by county and precinct.

5.1 Sec. 6. Minnesota Statutes 2008, section 201.13, is amended to read:

5.2 **201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER**
5.3 **RECORDS.**

5.4 Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant
5.5 to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health
5.6 shall report monthly by electronic means to the secretary of state the name, address, date
5.7 of birth, and county of residence of each individual 18 years of age or older who has died
5.8 while maintaining residence in Minnesota since the last previous report. The secretary of
5.9 state shall determine if any of the persons listed in the report are registered to vote and
5.10 shall prepare a list of those registrants for each county auditor. Within 60 days after
5.11 receiving the list from the secretary of state, the county auditor shall change the status of
5.12 those registrants to "deceased" in the statewide voter registration system.

5.13 Subd. 1a. **Social Security Administration; reports of deceased residents.** The
5.14 secretary of state shall determine if any of the persons listed on the Social Security
5.15 Death Index are registered to vote and prepare a list of those registrants for each county
5.16 auditor. The county auditor shall change the status of those registrants to "deceased"
5.17 in the statewide voter registration system.

5.18 Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has
5.19 died outside the county, the county auditor shall change the voter's status to "deceased."
5.20 Notice must be in the form of a printed obituary or a written statement signed by a
5.21 registered Minnesota voter ~~of the county~~.

5.22 Subd. 3. **Use of change of address system.** (a) At least once each month the
5.23 secretary of state shall obtain a list of individuals registered to vote in this state who
5.24 have filed with the United States Postal Service a change of their permanent address.
5.25 However, the secretary of state shall not load data derived from this list into the statewide
5.26 voter registration system within the 47 days before the state primary or 47 days before a
5.27 November general election.

5.28 (b) If the address is changed to another address in this state, the secretary of state
5.29 shall locate the precinct in which the voter resides, if possible. If the secretary of state
5.30 is able to locate the precinct in which the voter resides, the secretary must transmit the
5.31 information about the changed address by electronic means to the county auditor of the
5.32 county in which the new address is located. If the voter has not voted or submitted a
5.33 voter registration application since the address change, upon receipt of the information,
5.34 the county auditor shall update the voter's address in the statewide voter registration
5.35 system and. The county auditor shall mail to the voter a notice stating the voter's name,
5.36 address, precinct, and polling place, unless the voter's record is challenged due to a felony

6.1 conviction, noncitizenship, name change, incompetence, or a court's revocation of voting
 6.2 rights of individuals under guardianship, in which case the auditor must not mail the
 6.3 notice. The notice must advise the voter that the voter's voting address has been changed
 6.4 and that the voter must notify the county auditor within 21 days if the new address is not
 6.5 the voter's address of residence. The notice must state that it must be returned if it is not
 6.6 deliverable to the voter at the named address.

6.7 ~~(b)~~ (c) If the change of permanent address is to an address outside this state, the
 6.8 secretary of state shall notify by electronic means the auditor of the county where the
 6.9 voter formerly resided that the voter has moved to another state. If the voter has not voted
 6.10 or submitted a voter registration application since the address change, the county auditor
 6.11 shall promptly mail to the voter at the voter's new address a notice advising the voter that
 6.12 the voter's status in the statewide voter registration system will be changed to "inactive"
 6.13 unless the voter notifies the county auditor within 21 days that the voter is retaining the
 6.14 former address as the voter's address of residence, except that if the voter's record is
 6.15 challenged due to a felony conviction, noncitizenship, name change, incompetence, or
 6.16 a court's revocation of voting rights of individuals under guardianship, the auditor must
 6.17 not mail the notice. If the notice is not received by the deadline, the county auditor shall
 6.18 change the voter's status to "inactive" in the statewide voter registration system.

6.19 Subd. 4. **Request for removal of voter record.** If a voter makes a written request
 6.20 for removal of the voter's record, the county auditor shall remove the record of the voter
 6.21 from the statewide voter registration system.

6.22 **EFFECTIVE DATE.** Subdivision 1a is effective the day following final enactment.
 6.23 Subdivision 3 is effective June 1, 2011. The remainder of this section is effective August
 6.24 1, 2010.

6.25 Sec. 7. Minnesota Statutes 2008, section 201.14, is amended to read:

6.26 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
 6.27 **CHANGES OF NAMES.**

6.28 The state court administrator ~~of district court in each county~~ shall regularly report
 6.29 ~~monthly~~ by electronic means to the ~~county auditor~~ secretary of state the name ~~and,~~ address,
 6.30 and, if available, driver's license or state identification card number of each individual, 18
 6.31 years of age or over, ~~who maintains residence in that county and~~ whose name was changed
 6.32 ~~during the month preceding the date of the~~ since the last report, by marriage, divorce or any
 6.33 order or decree of the court. The secretary of state shall determine if any of the persons in
 6.34 the report are registered to vote under their previous name and shall prepare a list of those

7.1 registrants for each county auditor. Upon receipt of the report list, the county auditor shall
 7.2 notify by mail each registered voter whose name was changed that it will be necessary to
 7.3 reregister under the changed name in order to vote make the change in the voter's record
 7.4 and mail to the voter the notice of registration required by section 201.121, subdivision 2.

7.5 **EFFECTIVE DATE.** This section is effective June 1, 2011.

7.6 Sec. 8. Minnesota Statutes 2008, section 201.15, subdivision 1, is amended to read:

7.7 Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America
 7.8 Vote Act of 2002, Public Law 107-252, the state court administrator shall report ~~monthly~~
 7.9 regularly by electronic means to the secretary of state the name, address, ~~and~~ date of birth,
 7.10 and, if available, driver's license or state identification card number of each individual 18
 7.11 years of age or over, who ~~during the month preceding the date of the~~ since the last report:

7.12 ~~(a)~~ (1) was placed under a guardianship in which the court order revokes the ward's
 7.13 right to vote; or

7.14 ~~(b)~~ (2) was adjudged legally incompetent.

7.15 The court administrator shall also report the same information for each individual
 7.16 transferred to the jurisdiction of the court who meets a condition specified in clause ~~(a)~~
 7.17 (1) or ~~(b)~~ (2). The secretary of state shall determine if any of the persons in the report is
 7.18 registered to vote and shall prepare a list of those registrants for the county auditor. The
 7.19 county auditor shall change the status on the record in the statewide registration system
 7.20 of any individual named in the report to indicate that the individual is not eligible to
 7.21 reregister or vote.

7.22 Sec. 9. Minnesota Statutes 2008, section 201.15, subdivision 2, is amended to read:

7.23 Subd. 2. **Guardianship termination or modification.** Pursuant to the Help
 7.24 America Vote Act of 2002, Public Law 107-252, the state court administrator shall report
 7.25 ~~monthly~~ regularly by electronic means to the secretary of state the name, address, ~~and~~
 7.26 date of birth, and, if available, driver's license or state identification card number of each
 7.27 individual whose guardianship was modified to restore the ward's right to vote or whose
 7.28 guardianship was terminated by order of the court under section 524.5-317 after being
 7.29 ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state
 7.30 shall determine if any of the persons in the report is registered to vote and shall prepare a
 7.31 list of those registrants for the county auditor. The county auditor shall change the status
 7.32 on the voter's record in the statewide registration system to "active."

8.1 Sec. 10. Minnesota Statutes 2008, section 201.155, is amended to read:

8.2 **201.155 REPORT ON FELONY CONVICTIONS.**

8.3 Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state
8.4 court administrator shall report ~~monthly~~ regularly by electronic means to the secretary
8.5 of state the name, address, date of birth, and, if available, driver's license or state
8.6 identification card number, date of sentence, effective date of the sentence, and county
8.7 in which the conviction occurred of each person who has been convicted of a felony.
8.8 The state court administrator shall also report the name, address, and date of birth of
8.9 each person previously convicted of a felony whose civil rights have been restored. The
8.10 secretary of state shall determine if any of the persons in the report is registered to vote
8.11 and shall prepare a list of those registrants for each county auditor. The county auditor
8.12 shall change the status of those registrants in the appropriate manner in the statewide
8.13 registration system.

8.14 Sec. 11. **[201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

8.15 As required by the Help America Vote Act of 2002, Public Law 107-252, the
8.16 commissioner of corrections shall make electronic data available to the secretary of state
8.17 on individuals 18 years of age or older who are currently serving felony sentences under
8.18 the commissioner's jurisdiction. The data must include the name, date of birth, corrections'
8.19 state identification number, and if available, the driver's license or state identification card
8.20 number, and, if an individual has completed the sentence, the date of discharge.

8.21 The secretary of state must determine if any data newly indicates that:

8.22 (1) an individual with an active voter registration in the statewide voter registration
8.23 system is currently serving a felony sentence under the commissioner's jurisdiction and
8.24 the individual's voter record does not already have a challenged status due to a felony
8.25 conviction;

8.26 (2) an individual with an active voter registration in the statewide voter registration
8.27 system who is currently serving a felony sentence under the commissioner's jurisdiction
8.28 appears to have registered to vote or to have voted during a period when the individual's
8.29 civil rights were revoked; and

8.30 (3) an individual with a voter record that has a challenged status due to a felony
8.31 conviction who was serving a felony sentence under the commissioner's jurisdiction has
8.32 been discharged from a sentence.

8.33 The secretary of state shall prepare a list of the registrants included under clause (1),
8.34 (2), or (3) for each county auditor. For individuals under clause (1), the county auditor
8.35 shall challenge the individual's record in the statewide voter registration system. The

9.1 county auditor must provide information to the county attorney about individuals under
9.2 clause (2) for the county attorney's investigation. For individuals under clause (3), the
9.3 county auditor must determine if the challenge status should be removed from the voter
9.4 record for the individual, and if so, must remove the challenge.

9.5 The secretary of state must make the required determinations and provide the
9.6 required lists to the county auditors at least monthly.

9.7 For each state general election that occurs prior to the statewide voter registration
9.8 system being programmed to generate lists as required by this section, the secretary of
9.9 state must make the determination and provide lists to the county auditors between 30 and
9.10 60 days before the election and again between six and ten weeks after the election. In the
9.11 year following that state election, the secretary of state must make this determination and
9.12 provide lists to the county auditors again as part of the annual list maintenance.

9.13 **EFFECTIVE DATE.** This section is effective August 1, 2010.

9.14 **Sec. 12. [201.158] USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

9.15 As required by the Help America Vote Act of 2002, Public Law 107-252, the
9.16 commissioner of public safety shall make electronic data on citizenship available to the
9.17 secretary of state. The secretary of state must determine whether the data newly indicates
9.18 that any individuals who have active records in the statewide voter registration system
9.19 are not citizens. The secretary of state shall prepare a list of those voters for each county
9.20 auditor. The county auditor shall change the status of those registrants in the statewide
9.21 voter registration system to reflect that they are challenged based upon their citizenship
9.22 and must notify the county attorney.

9.23 In 2010, the secretary of state must make the determination and provide lists
9.24 to the county auditors between 30 and 60 days before the general election and again
9.25 between six and ten weeks after the election. In 2011, the secretary of state must make
9.26 this determination again as part of the annual list maintenance. By August 1, 2012, the
9.27 secretary of state must provide electronic lists to the counties at least monthly.

9.28 **Sec. 13. Minnesota Statutes 2008, section 201.171, is amended to read:**

9.29 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**
9.30 **REGISTRATION REMOVED.**

9.31 Within six weeks after every election, the county auditor shall post the voting
9.32 history for every person who voted in the election. After the close of the calendar year, the
9.33 secretary of state shall determine if any registrants have not voted during the preceding

10.1 four years. The secretary of state shall perform list maintenance by changing the status of
10.2 those registrants to "inactive" in the statewide registration system. The list maintenance
10.3 performed must be conducted in a manner that ensures that the name of each registered
10.4 voter appears in the official list of eligible voters in the statewide registration system.
10.5 A voter must not be removed from the official list of eligible voters unless the voter is
10.6 not eligible or is not registered to vote. List maintenance must include procedures for
10.7 eliminating duplicate names from the official list of eligible voters.

10.8 The secretary of state shall also prepare a report to the county auditor containing the
10.9 names of all registrants whose status was changed to "inactive."

10.10 Registrants whose status was changed to "inactive" must register in the manner
10.11 specified in section 201.054 before voting in any primary, special primary, general, school
10.12 district, or special election, as required by section 201.018.

10.13 Although not counted in an election, a late or rejected absentee or mail ballot must
10.14 be considered a vote for the purpose of continuing registration under this section, but is
10.15 not considered voting history for the purpose of public information lists available under
10.16 section 201.091, subdivision 4.

10.17 Sec. 14. Minnesota Statutes 2008, section 203B.02, subdivision 3, is amended to read:

10.18 Subd. 3. **Permanent Indefinite residence abroad.** A United States citizen living
10.19 ~~permanently~~ indefinitely outside the United States who is eligible under federal law to
10.20 vote in federal elections in Minnesota may vote by absentee ballot only as provided in
10.21 sections 203B.16 to 203B.27.

10.22 Sec. 15. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

10.23 Subdivision 1. **Application procedures.** Except as otherwise allowed by
10.24 subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots
10.25 for any election may be submitted at any time not less than one day before the day of
10.26 that election. The county auditor shall prepare absentee ballot application forms in the
10.27 format provided by the secretary of state, ~~notwithstanding rules on absentee ballot forms;~~
10.28 and shall furnish them to any person on request. By January 1 of each even-numbered
10.29 year, the secretary of state shall make the forms to be used available to auditors through
10.30 electronic means. An application submitted pursuant to this subdivision shall be in writing
10.31 and shall be submitted to:

10.32 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or

10.33 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where
10.34 the applicant maintains residence.

11.1 An application shall be approved if it is timely received, signed and dated by the
11.2 applicant, contains the applicant's name and residence and mailing addresses, and states
11.3 that the applicant is eligible to vote by absentee ballot for one of the reasons specified in
11.4 section 203B.02. The application may contain a request for the voter's date of birth, which
11.5 must not be made available for public inspection. An application may be submitted to
11.6 the county auditor or municipal clerk by an electronic facsimile device. An application
11.7 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter
11.8 by a person other than the voter must be deposited in the mail or returned in person to
11.9 the county auditor or municipal clerk within ten days after it has been dated by the voter
11.10 and no later than six days before the election. The absentee ballot applications or a list of
11.11 persons applying for an absentee ballot may not be made available for public inspection
11.12 until the close of voting on election day.

11.13 An application under this subdivision may contain an application under subdivision
11.14 5 to automatically receive an absentee ballot application.

11.15 Sec. 16. Minnesota Statutes 2008, section 203B.06, subdivision 1, as amended by
11.16 Laws 2010, chapter 184, section 5, is amended to read:

11.17 Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal
11.18 clerk shall prepare and print a sufficient number of blank application forms for absentee
11.19 ballots. The county auditor or municipal clerk shall deliver a blank application form to
11.20 any voter who requests one pursuant to section 203B.04. Blank application forms must be
11.21 mailed to eligible voters who have requested an application pursuant to section 203B.04,
11.22 subdivision 5 or 6, at least 60 days before:

11.23 (1) each regularly scheduled primary for federal, state, county, city, or school board
11.24 office;

11.25 (2) each regularly scheduled general election for city or school board office for
11.26 which a primary is not held; and

11.27 (3) a special primary to fill a federal or county office vacancy or special election
11.28 to fill a federal or county office vacancy, if ~~no major party has more than one candidate~~
11.29 ~~after the time for withdrawal has expired~~ a primary is not required to be held pursuant to
11.30 section 204D.03, subdivision 3, or 204D.07, subdivision 3; and

11.31 (4) any election held in conjunction with an election described in clauses (1) to (3);
11.32 or at least 45 days before any other primary or other election for which a primary is not
11.33 held.

11.34 Sec. 17. Minnesota Statutes 2008, section 203B.06, subdivision 5, is amended to read:

12.1 Subd. 5. **Preservation of records.** An application for absentee ballots shall be
12.2 dated by the county auditor or municipal clerk when it is received and shall be initialed
12.3 when absentee ballots are mailed or delivered to the applicant. All applications shall be
12.4 preserved by the county auditor or municipal clerk ~~and arranged according to precincts~~
12.5 ~~and the initial letter of the applicant's surname~~ for 22 months.

12.6 Sec. 18. Minnesota Statutes 2008, section 203B.081, as amended by Laws 2010,
12.7 chapter 184, section 6, is amended to read:

12.8 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

12.9 An eligible voter may vote by absentee ballot in the office of the county auditor and
12.10 at any other polling place designated by the county auditor during the 46 days before:

12.11 (1) a regularly scheduled election for federal, state, county, city, or school board
12.12 office ~~or;~~

12.13 (2) a special election for a federal or county office; and

12.14 (3) an election held in conjunction with an election described in clauses (1) and (2),

12.15 and during the 30 days before any other election. The county auditor shall make such
12.16 designations at least 14 weeks before the election. At least one voting booth in each
12.17 polling place must be made available by the county auditor for this purpose. The county
12.18 auditor must also make available at least one electronic ballot marker in each polling place
12.19 that has implemented a voting system that is accessible for individuals with disabilities
12.20 pursuant to section 206.57, subdivision 5.

12.21 Sec. 19. Minnesota Statutes 2008, section 203B.16, subdivision 2, is amended to read:

12.22 Subd. 2. **~~Permanent~~ Indefinite residence outside United States.** Sections 203B.16
12.23 to 203B.27 provide the exclusive voting procedure for United States citizens who are
12.24 living ~~permanently~~ indefinitely outside the territorial limits of the United States who meet
12.25 all the qualifications of an eligible voter except residence in Minnesota, but who are
12.26 authorized by federal law to vote in Minnesota because they maintained residence in
12.27 Minnesota for at least 20 days immediately prior to their departure from the United States.
12.28 Individuals described in this subdivision shall be permitted to vote only for the offices of
12.29 president, vice-president, senator in Congress, and representative in Congress.

12.30 Sec. 20. Minnesota Statutes 2008, section 203B.19, is amended to read:

12.31 **203B.19 RECORDING APPLICATIONS.**

13.1 Upon accepting an application, the county auditor shall record in the statewide
 13.2 registration system the voter's name, address of present or former residence in Minnesota,
 13.3 mailing address, school district number, passport number, Minnesota driver's license
 13.4 number or state identification card number, or the last four digits of the voter's Social
 13.5 Security number, and whether the voter is in the military or the spouse or dependent of an
 13.6 individual serving in the military, is a voter temporarily outside the territorial limits of the
 13.7 United States, or is living permanently outside the territorial limits of the United States
 13.8 and voting under federal law. The county auditor shall retain the record for six years. A
 13.9 voter whose name is recorded as provided in this section shall not be required to register
 13.10 under any other provision of law in order to vote under sections 203B.16 to 203B.27.
 13.11 Persons from whom applications are not accepted must be notified by the county auditor
 13.12 and provided with the reasons for the rejection.

13.13 No later than 60 days after the general election, the county auditor shall report to the
 13.14 secretary of state the combined number of absentee ballots transmitted to ~~absent voters~~
 13.15 ~~described in section 203B.16. No later than 60 days after the general election, the county~~
 13.16 ~~auditor shall report to the secretary of state~~ and the combined number of absentee ballots
 13.17 returned and cast by absent voters described in section 203B.16. The secretary of state
 13.18 may require the information be reported by category under section 203B.16 or by precinct.

13.19 No later than 90 days after the general election, the secretary of state shall report to
 13.20 the federal Election Assistance Commission the number of absentee ballots transmitted
 13.21 to voters under section 203B.16.

13.22 Sec. 21. Minnesota Statutes 2008, section 203B.227, is amended to read:

13.23 **203B.227 WRITE-IN ABSENTEE BALLOT.**

13.24 (a) A voter described in section 203B.16, subdivision 1, may use a state write-in
 13.25 absentee ballot or the federal write-in absentee ballot to vote in any federal, state, or local
 13.26 election. In a state or local election, a vote for a political party without specifying the
 13.27 name of a candidate must not be counted.

13.28 (b) If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post
 13.29 Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter
 13.30 registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card
 13.31 Application. If the voter has not already voted and the accompanying certificate is properly
 13.32 completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

13.33 Sec. 22. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

14.1 Subd. 2. **Candidates seeking nomination by primary.** No individual who
14.2 seeks nomination for any partisan or nonpartisan office at a primary shall be nominated
14.3 for the same office by nominating petition, except as otherwise provided for ~~partisan~~
14.4 ~~offices in section 204D.10, subdivision 2, and for~~ nonpartisan offices in section 204B.13,
14.5 subdivision 4.

14.6 Sec. 23. Minnesota Statutes 2008, section 204B.135, subdivision 4, is amended to read:

14.7 Subd. 4. **Special elections; limitations.** No municipality or school district may
14.8 conduct a special election during the 19 weeks before the state primary election in the year
14.9 ending in two, ~~except for special elections conducted on the date of the school district~~
14.10 ~~general election.~~ A school district special election required by any other law may be
14.11 deferred until the date of the next school district general election, the state primary
14.12 election, or the state general election.

14.13 Sec. 24. Minnesota Statutes 2008, section 204B.14, is amended by adding a
14.14 subdivision to read:

14.15 Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary
14.16 of an election precinct that has occurred as a result of a municipal boundary adjustment
14.17 made under chapter 414 that is effective more than 21 days before a regularly scheduled
14.18 election takes effect at the scheduled election.

14.19 A change in the boundary of an election precinct that has occurred as a result of a
14.20 municipal boundary adjustment made under chapter 414 that is effective less than 21 days
14.21 before a regularly scheduled election takes effect the day after the scheduled election.

14.22 Sec. 25. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

14.23 Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a
14.24 number of voting booths or voting stations in proportion to the number of individuals
14.25 eligible to vote in the precinct. Each booth or station must be at least six feet high,
14.26 three feet deep and two feet wide with a shelf at least two feet long and one foot wide
14.27 placed at a convenient height for writing. The booth or station shall permit the voter to
14.28 vote privately and independently.

14.29 (b) Each polling place must have at least one accessible voting booth or other
14.30 accessible voting station and beginning with federal and state elections held after
14.31 December 31, 2005, and county, municipal, and school district elections held after
14.32 December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help
14.33 America Vote Act, Public Law 107-252.

15.1 (c) Local jurisdictions must make accessible voting stations purchased with funds
15.2 provided from the Help America Vote Act account available to other local jurisdictions
15.3 holding stand-alone elections. The jurisdiction providing the equipment may require the
15.4 jurisdiction using the equipment to reimburse any direct actual costs incurred as a result
15.5 of the equipment's use and any prorated indirect costs of maintaining and storing the
15.6 equipment. A rental or other similar use fee may not be charged.

15.7 Any funds received under this clause for expenses incurred by that local jurisdiction
15.8 as a direct result of making the equipment available that were not paid for in whole or in
15.9 part with funds from the Help America Vote Act account are not program income under
15.10 the Help America Vote Act, Public Law 107-252.

15.11 Any funds received by a local jurisdiction making the equipment available as
15.12 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,
15.13 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from
15.14 the Help America Vote Act account must be treated as program income and deposited into
15.15 the jurisdiction's Help America Vote Act account in the direct proportion that funds from
15.16 the Help America Vote Act account were used to pay for those "operating costs."

15.17 (d) All booths or stations must be constructed so that a voter is free from observation
15.18 while marking ballots. During the hours of voting, the booths or stations must have
15.19 instructions, a pencil, and other supplies needed to mark the ballots. A chair must be
15.20 provided for elderly voters and voters with disabilities to use while voting or waiting
15.21 to vote. Stable flat writing surfaces must also be made available to voters who are
15.22 completing election-related forms.

15.23 (e) All ballot boxes, voting booths, voting stations, and election judges must be
15.24 in open public view in the polling place.

15.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.26 Sec. 26. Minnesota Statutes 2008, section 204B.22, subdivision 1, is amended to read:

15.27 Subdivision 1. **Minimum number required.** (a) A minimum of ~~three~~ four election
15.28 judges shall be appointed for each precinct, except as provided by subdivision 2. In a
15.29 combined polling place under section 204B.14, subdivision 2, at least one judge must be
15.30 appointed from each municipality in the combined polling place, provided that not less
15.31 than three judges shall be appointed for each combined polling place. The appointing
15.32 authorities may appoint election judges for any precinct in addition to the number required
15.33 by this subdivision including additional election judges to count ballots after voting has
15.34 ended.

16.1 (b) An election judge may serve for all or part of election day, at the discretion of
 16.2 the appointing authority, as long as the minimum number of judges required is always
 16.3 present. The head election judge designated under section 204B.20 must serve for all of
 16.4 election day and be present in the polling place unless another election judge has been
 16.5 designated by the head election judge to perform the functions of the head election judge
 16.6 during any absence.

16.7 Sec. 27. Minnesota Statutes 2008, section 204B.22, subdivision 2, is amended to read:

16.8 Subd. 2. ~~Additional election judges in paper ballot precincts~~ Exception. In
 16.9 ~~precincts using paper ballots;~~ A minimum of three election judges shall be appointed in
 16.10 precincts not using electronic voting equipment. One additional election judge shall be
 16.11 appointed for each 150 votes cast in that precinct at the last similar election. ~~At each~~
 16.12 ~~state primary or state general election in precincts using paper ballots and in which more~~
 16.13 ~~than 300 votes were cast at the last similar election, additional election judges shall be~~
 16.14 ~~appointed to count the ballots and complete the returns in place of the election board~~
 16.15 ~~that served while voting was taking place.~~

16.16 Sec. 28. Minnesota Statutes 2008, section 204B.24, is amended to read:

16.17 **204B.24 ELECTION JUDGES; OATH.**

16.18 Each election judge shall sign the following oath before assuming the duties of
 16.19 the office:

16.20 "I solemnly swear (or affirm) that I will perform the duties of election judge
 16.21 according to law and the best of my ability and will diligently endeavor to prevent fraud,
 16.22 deceit and abuse in conducting this election. I will perform my duties in a fair and impartial
 16.23 manner and not attempt to create an advantage for my party or for any candidate."

16.24 The oath shall be attached to the summary statement of the election returns of that
 16.25 precinct. If there is no individual present who is authorized to administer oaths, the
 16.26 election judges may administer the oath to each other.

16.27 Sec. 29. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

16.28 Subd. 2. **Election law and instructions.** The secretary of state shall prepare and
 16.29 publish a volume containing all state general laws relating to elections. The attorney
 16.30 general shall provide annotations to the secretary of state for this volume. On or before
 16.31 ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall
 16.32 furnish to the county auditors and municipal clerks enough copies of this volume so that
 16.33 each county auditor and municipal clerk will have at least one copy. On or before July 1

17.1 of every even-numbered year, the secretary of state shall prepare and make an electronic
17.2 copy available on the office's Web site. The secretary of state may prepare and transmit
17.3 to the county auditors and municipal clerks detailed written instructions for complying
17.4 with election laws relating to the conduct of elections, conduct of voter registration and
17.5 voting procedures.

17.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.7 Sec. 30. Minnesota Statutes 2008, section 204B.27, subdivision 3, is amended to read:

17.8 Subd. 3. **Instruction posters.** At least 25 days before every state primary election
17.9 the secretary of state shall prepare and furnish to the county auditor of each county ~~in~~
17.10 ~~which paper ballots are used,~~ voter instruction posters printed in large type upon cards or
17.11 heavy paper. The instruction posters must contain the information needed to enable the
17.12 voters to cast their paper ballots quickly and correctly and indicate the types of assistance
17.13 available for elderly and disabled voters. Two instruction posters shall be furnished for
17.14 each precinct ~~in which paper ballots are used.~~ Upon mutual agreement, the secretary of
17.15 state may provide the posters in an electronic format.

17.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.17 Sec. 31. Minnesota Statutes 2008, section 204B.28, is amended by adding a
17.18 subdivision to read:

17.19 Subd. 3. **Certification of number.** The county auditor or municipal clerk must
17.20 certify the number of ballots being provided to each precinct and provide this number to
17.21 the election judges for inclusion on the summary statement. The auditor or clerk must not
17.22 open prepackaged ballots, but must count the ballots, presuming that the total count for
17.23 each package is correct.

17.24 Sec. 32. Minnesota Statutes 2008, section 204B.38, is amended to read:

17.25 **204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.**

17.26 When the similarity of ~~surnames~~ both the first and last names of two or more
17.27 candidates for the same office at the same election may cause confusion to voters, up to
17.28 three additional words may be printed on the ballot after each surname to indicate the
17.29 candidate's occupation, office, residence or any combination of them if the candidate
17.30 furnishes the identifying words to the filing officer by the last day for withdrawal of
17.31 candidacy.

18.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.2 Sec. 33. Minnesota Statutes 2008, section 204C.02, is amended to read:

18.3 **204C.02 APPLICATION.**

18.4 This chapter applies to all elections held in this state except as otherwise provided
18.5 by law.

18.6 An individual who is unable to write the individual's name must sign election-related
18.7 documents in the manner provided by section 645.44, subdivision 14. An individual who
18.8 has power of attorney for another person may not sign election-related documents for that
18.9 person, except as provided by this section.

18.10 Sec. 34. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

18.11 Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an
18.12 election has the right to be absent from work ~~for the purpose of voting during the morning~~
18.13 ~~of~~ for the time necessary to appear at the employee's polling place, cast a ballot, and return
18.14 to work on the day of that election, without penalty or deduction from salary or wages
18.15 because of the absence. An employer or other person may not directly or indirectly refuse,
18.16 abridge, or interfere with this right or any other election right of an employee.

18.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

18.18 Sec. 35. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

18.19 Subdivision 1. ~~Lingering Persons allowed near polling place.~~ An individual shall
18.20 be allowed to go to and from the polling place for the purpose of voting without unlawful
18.21 interference. No one except an election official or an individual who is waiting to register
18.22 or to vote or an individual who is conducting exit polling shall stand within 100 feet of
18.23 the building in which a polling place is located. "Exit polling" is defined as approaching
18.24 voters in a predetermined pattern as they leave the polling place after they have voted and
18.25 asking voters to fill out an anonymous, written questionnaire.

18.26 Sec. 36. Minnesota Statutes 2008, section 204C.08, is amended to read:

18.27 **204C.08 OPENING OF POLLING PLACES.**

18.28 Subdivision 1. **Arrival; ballots.** The election judges shall meet at the polling place
18.29 at least one hour before the time for opening the polls. Before the polls open, the election
18.30 judges shall compare the ballots used with the sample ballots, electronic ballot displays,
18.31 and audio ballot reader furnished to see that the names, numbers, and letters on both agree

19.1 and shall certify to that fact on forms provided for that purpose. The certification must
19.2 be filed with the election returns.

19.3 Subd. 1a. **Display of flag.** Upon their arrival at the polling place on the day of
19.4 election, the election judges shall cause the national flag to be displayed on a suitable
19.5 staff at the entrance to the polling place. The flag shall be displayed continuously during
19.6 the hours of voting and the election judges shall attest to that fact by signing the flag
19.7 certification statement on the precinct summary statement. The election judges shall
19.8 receive no compensation for any time during which they intentionally fail to display
19.9 the flag as required by this subdivision.

19.10 Subd. ~~1a.~~ **1b. Voter's Bill of Rights.** The county auditor shall prepare and provide
19.11 to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as
19.12 set forth in this section. Before the hours of voting are scheduled to begin, the election
19.13 judges shall post it in a conspicuous location or locations in the polling place. The Voter's
19.14 Bill of Rights is as follows:

19.15 "VOTER'S BILL OF RIGHTS

19.16 For all persons residing in this state who meet federal voting eligibility requirements:

19.17 (1) You have the right to be absent from work for the purpose of voting ~~during the~~
19.18 ~~morning of~~ without reduction to your pay, personal leave, or vacation time on election day
19.19 for the time necessary to appear at your polling place, cast a ballot, and return to work.

19.20 (2) If you are in line at your polling place any time ~~between 7:00 a.m. and before~~
19.21 8:00 p.m., you have the right to vote.

19.22 (3) If you can provide the required proof of residence, you have the right to register
19.23 to vote and to vote on election day.

19.24 (4) If you are unable to sign your name, you have the right to orally confirm your
19.25 identity with an election judge and to direct another person to sign your name for you.

19.26 (5) You have the right to request special assistance when voting.

19.27 (6) If you need assistance, you may be accompanied into the voting booth by a
19.28 person of your choice, except by an agent of your employer or union or a candidate.

19.29 (7) You have the right to bring your minor children into the polling place and into
19.30 the voting booth with you.

19.31 (8) If you have been convicted of a felony but your felony sentence has expired (been
19.32 completed) or you have been discharged from your sentence, you have the right to vote.

19.33 (9) If you are under a guardianship, you have the right to vote, unless the court
19.34 order revokes your right to vote.

19.35 (10) You have the right to vote without anyone in the polling place trying to
19.36 influence your vote.

20.1 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
20.2 right to receive a replacement ballot and vote.

20.3 (12) You have the right to file a written complaint at your polling place if you are
20.4 dissatisfied with the way an election is being run.

20.5 (13) You have the right to take a sample ballot into the voting booth with you.

20.6 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
20.7 booth with you."

20.8 Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled
20.9 to begin, the election judges shall post any official voter instruction posters furnished to
20.10 them in a conspicuous location or locations in the polling place.

20.11 Subd. 2a. **Sample ballots.** ~~At least two~~ sample ballot ballots must be posted in a
20.12 conspicuous location in the polling place and must remain open to inspection by the voters
20.13 throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices,
20.14 candidates, and rotation sequence on the ballots used in that polling place. The sample
20.15 ballots may be either in full or reduced size.

20.16 Subd. 3. **Locking of ballot ~~boxes~~ box.** Immediately before the time when voting
20.17 is scheduled to begin, one of the election judges shall open the ballot ~~boxes~~ box in the
20.18 presence of the individuals assembled at the polling place, ~~turn the boxes upside down to~~
20.19 demonstrate that it is empty ~~them,~~ lock ~~them~~ it, and deliver the key to another election
20.20 judge. Except as provided by law or rule, the ~~boxes~~ box shall not be reopened ~~except~~
20.21 ~~to count the ballots~~ until after the hours for voting have ended and all voting has been
20.22 concluded. The ~~boxes~~ box shall be kept in public view at all times during voting hours.
20.23 After locking the ballot ~~boxes~~ box, the election judges shall proclaim that voting may
20.24 begin, and shall post outside the polling place conspicuous written or printed notices of
20.25 the time when voting is scheduled to end.

20.26 Subd. 4. **Ballot ~~boxes,~~ box ~~boxcar~~ seals.** The governing body of a municipality or
20.27 school district by resolution may direct the municipal or school district clerk to furnish
20.28 a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a
20.29 numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap
20.30 so that the other end may be inserted and securely locked in the seal. No two ~~metal~~ straps
20.31 shall bear the same number.

20.32 Sec. 37. Minnesota Statutes 2008, section 204C.09, subdivision 1, is amended to read:

20.33 Subdivision 1. **Counting and initialing.** (a) Before the voting begins, at least two
20.34 election judges must certify the number of ballots delivered to the precinct. Election
20.35 judges may conduct this count, presuming that the total count provided for prepackaged

21.1 ballots is correct. As each package is opened, two judges must count the ballots in the
21.2 package to ensure that the total count provided for the package is correct. Any discrepancy
21.3 must be noted on the incident log.

21.4 (b) Before the voting begins, or as soon as possible after it begins, at least two
21.5 election judges shall each initial the backs of all the ballots. The election judges shall
21.6 not otherwise mark the ballots.

21.7 Sec. 38. Minnesota Statutes 2008, section 204C.12, subdivision 2, is amended to read:

21.8 Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state.
21.9 The secretary of state shall prepare a form that challengers must complete and sign when
21.10 making a challenge. The form must include space to state the ground for the challenge,
21.11 a statement that the challenge is based on the challenger's personal knowledge, and a
21.12 statement that the challenge is made under oath. The form must include a space for the
21.13 challenger's printed name, signature, telephone number, and address.

21.14 An election judge shall administer to the challenged individual the following oath:

21.15 "Do you solemnly swear (or affirm) that you will fully and truly answer all questions
21.16 put to you concerning your eligibility to vote at this election?"

21.17 The election judge shall then ask the challenged individual sufficient questions to
21.18 test that individual's residence and right to vote.

21.19 Sec. 39. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

21.20 Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the
21.21 proper method of marking and folding the ballots and, during a primary election, the effect
21.22 of attempting to vote in more than one party's primary. Except as otherwise provided in
21.23 section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and~~ or, at the
21.24 voter's discretion, the voter may choose to use another writing surface. The voter shall
21.25 mark the ballots without undue delay. The voter may take sample ballots into the booth to
21.26 assist in voting. The election judges may adopt and enforce reasonable rules governing the
21.27 amount of time a voter may spend in the voting booth marking ballots.

21.28 Sec. 40. Minnesota Statutes 2008, section 204C.24, subdivision 1, is amended to read:

21.29 Subdivision 1. **Information requirements.** Precinct summary statements shall be
21.30 submitted by the election judges in every precinct. For all elections, the election judges
21.31 shall complete three or more copies of the summary statements, and each copy shall
21.32 contain the following information for each kind of ballot:

22.1 (a) the number of ballots delivered to the precinct as adjusted by the actual count
 22.2 made by the election judges, the number of unofficial ballots made, and the number of
 22.3 absentee ballots delivered to the precinct;

22.4 (b) the number of votes each candidate received or the number of yes and no votes
 22.5 on each question, the number of undervotes ~~or partially blank ballots, and,~~ the number of
 22.6 overvotes ~~or partially,~~ and the number of defective ballots with respect to each office or
 22.7 question;

22.8 ~~(b) the number of totally blank ballots, the number of totally defective ballots,~~ (c) the
 22.9 number of spoiled ballots, the number of duplicate ballots made, the number of absentee
 22.10 ballots rejected, and the number of unused ballots, presuming that the total count provided
 22.11 on each package of unopened prepackaged ballots is correct;

22.12 ~~(c)~~ (d) the number of individuals who voted at the election in the precinct which
 22.13 must equal the total number of ballots cast in the precinct, as required by sections 204C.20
 22.14 and 206.86, subdivision 1;

22.15 ~~(d)~~ (e) the number of voters registering on election day in that precinct; and

22.16 ~~(e)~~ (f) the signatures of the election judges who counted the ballots certifying that
 22.17 all of the ballots cast were properly piled, checked, and counted; and that the numbers
 22.18 entered by the election judges on the summary statements correctly show the number of
 22.19 votes cast for each candidate and for and against each question.

22.20 At least two copies of the summary statement must be prepared for elections not
 22.21 held on the same day as the state elections.

22.22 Sec. 41. Minnesota Statutes 2008, section 204C.28, subdivision 1, is amended to read:

22.23 Subdivision 1. **County auditor.** Every county auditor shall remain at the auditor's
 22.24 office to receive delivery of the returns, to permit public inspection of the summary
 22.25 statements, and to tabulate the votes until all have been tabulated and the results made
 22.26 known, or until 24 hours have elapsed since the end of the hours for voting, whichever
 22.27 occurs first. Every county auditor shall, in the presence of the municipal clerk or the
 22.28 election judges who deliver the returns, make a record of all materials delivered, the time of
 22.29 delivery, and the names of the municipal clerk or election judges who made delivery. The
 22.30 record must include the number of ballots delivered to the precinct, as certified by section
 22.31 204B.28, and the total number of ballots returned, as certified by the election judges under
 22.32 section 204C.24. A discrepancy between the number of ballots delivered to the precinct
 22.33 and the number of total ballots returned by election judges that cannot be reconciled by
 22.34 taking into account the adjustments made by the election judge counts and any unofficial
 22.35 ballots must be noted, but does not disqualify the votes from that precinct or invalidate the

23.1 election. The county auditor shall file the record and all envelopes containing ballots in a
23.2 safe and secure place with envelope seals unbroken. Access to the record and ballots shall
23.3 be strictly controlled. Accountability and a record of access shall be maintained by the
23.4 county auditor during the period for contesting elections or, if a contest is filed, until the
23.5 contest has been finally determined. Thereafter, the record shall be retained in the auditor's
23.6 office for the same period as the ballots as provided in section 204B.40.

23.7 The county auditor shall file all envelopes containing ballots in a safe place
23.8 with seals unbroken. If the envelopes were previously opened by proper authority for
23.9 examination or recount, the county auditor shall have the envelopes sealed again and
23.10 signed by the individuals who made the inspection or recount. The envelopes may be
23.11 opened by the county canvassing board if necessary to procure election returns that the
23.12 election judges inadvertently may have sealed in the envelopes with the ballots. In that
23.13 case, the envelopes shall be sealed again and signed in the same manner as otherwise
23.14 provided in this subdivision.

23.15 Sec. 42. Minnesota Statutes 2008, section 204C.28, subdivision 2, is amended to read:

23.16 Subd. 2. **Clerks.** The clerk of every first, second, and third class city shall remain at
23.17 the clerk's office to receive delivery of returns, or until 24 hours have elapsed since the
23.18 end of the hours for voting, whichever occurs first. The clerk of every first class city shall
23.19 keep a book in which, in the presence of the election judges or other individuals who
23.20 deliver the returns, the clerk shall make a record of all materials delivered, the time of
23.21 delivery, and the names of the election judges or other individuals who made delivery.
23.22 The record must include the number of ballots delivered to the precinct, as certified by
23.23 section 204B.28, and the total number of ballots returned, as certified by the election
23.24 judges under section 204C.24. A discrepancy between the number of ballots delivered
23.25 to the precinct and the number of total ballots returned by election judges that cannot be
23.26 reconciled by taking into account the adjustments made by the election judge counts and
23.27 any unofficial ballots must be noted, but does not disqualify the votes from that precinct or
23.28 invalidate the election. The book shall be retained in the clerk's office for the same period
23.29 as the ballots as provided in section 204B.40.

23.30 Sec. 43. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

23.31 Subdivision 1. **County canvass.** The county canvassing board shall meet at the
23.32 county auditor's office on or before the seventh day following the state general election.
23.33 After taking the oath of office, the board shall promptly and publicly canvass the general

24.1 election returns delivered to the county auditor. Upon completion of the canvass, the board
 24.2 shall promptly prepare and file with the county auditor a report which states:

24.3 (a) the number of individuals voting at the election in the county and in each precinct;

24.4 (b) the number of individuals registering to vote on election day and the number of
 24.5 individuals registered before election day in each precinct;

24.6 (c) the names of the candidates for each office and the number of votes received
 24.7 by each candidate in the county and in each precinct, ~~including write-in candidates for~~
 24.8 ~~state and federal office who have requested under section 204B.09 that votes for those~~
 24.9 ~~candidates be tallied;~~

24.10 (d) the number of votes counted for and against a proposed change of county lines
 24.11 or county seat; and

24.12 (e) the number of votes counted for and against a constitutional amendment or other
 24.13 question in the county and in each precinct.

24.14 The result of write-in votes cast on the general election ballots must be compiled by
 24.15 the county auditor before the county canvass, except that write-in votes for a candidate for
 24.16 federal, state, or federal county office must not be counted unless the candidate has timely
 24.17 filed a request under section 204B.09, subdivision 3. The county auditor shall arrange
 24.18 for each municipality to provide an adequate number of election judges to perform this
 24.19 duty or the county auditor may appoint additional election judges for this purpose. The
 24.20 county auditor may open the envelopes or containers in which the voted ballots have been
 24.21 sealed in order to count and record the write-in votes and must reseal the voted ballots at
 24.22 the conclusion of this process. The county auditor must prepare a separate report of votes
 24.23 received by precinct for write-in candidates for federal, state, and county offices who have
 24.24 requested under section 204B.09 that votes for those candidates be tallied.

24.25 Upon completion of the canvass, the county canvassing board shall declare the
 24.26 candidate duly elected who received the highest number of votes for each county and state
 24.27 office voted for only within the county. The county auditor shall transmit ~~one of the~~ a
 24.28 ~~certified copies~~ copy of the county canvassing board report for state and federal offices to
 24.29 the secretary of state by messenger, express mail, or similar service immediately upon
 24.30 conclusion of the county canvass.

24.31 Sec. 44. Minnesota Statutes 2008, section 204C.35, subdivision 2, is amended to read:

24.32 Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was
 24.33 on the ballot for nomination or election to a statewide federal office, state constitutional
 24.34 office, statewide judicial office, congressional office, state legislative office, or district
 24.35 judicial office may request a recount in a manner provided in this section at the candidate's

25.1 own expense when the vote difference is greater than the difference required by this
25.2 section. The votes shall be manually recounted as provided in this section if the candidate
25.3 files a request during the time for filing notice of contest of the primary or election for
25.4 which a recount is sought.

25.5 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety
25.6 in an amount set by the filing officer for the payment of the recount expenses. The
25.7 requesting candidate is responsible for the following expenses: the compensation of the
25.8 secretary of state, or designees, and any election judge, municipal clerk, county auditor,
25.9 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
25.10 ~~operation, preparation of ballot counting equipment;~~ necessary supplies and travel
25.11 related to the recount; the compensation of the appropriate canvassing board and costs of
25.12 preparing for the canvass of recount results; and any attorney fees incurred in connection
25.13 with the recount by the governing body responsible for the recount.

25.14 (c) The requesting candidate may provide the filing officer with a list of up to three
25.15 precincts that are to be recounted first and may waive the balance of the recount after these
25.16 precincts have been counted. If the candidate provides a list, the recount official must
25.17 determine the expenses for those precincts in the manner provided by paragraph (b).

25.18 (d) If the winner of the race is changed by the optional recount, the cost of the
25.19 recount must be paid by the jurisdiction conducting the recount.

25.20 (e) If a result of the vote counting in the manual recount is different from the result
25.21 of the vote counting reported on election day by a margin greater than the standard for
25.22 acceptable performance of voting systems provided in section 206.89, subdivision 4, the
25.23 cost of the recount must be paid by the jurisdiction conducting the recount.

25.24 Sec. 45. Minnesota Statutes 2008, section 204C.35, subdivision 3, is amended to read:

25.25 Subd. 3. **Scope of recount.** A recount conducted as provided in this section is
25.26 limited in scope to the determination of the number of votes validly cast for the office to
25.27 be recounted. Only the ballots cast in the election and the summary statements certified
25.28 by the election judges may be considered in the recount process. Original ballots that
25.29 have been duplicated under section 206.86, subdivision 5, are not within the scope of a
25.30 recount and must not be examined except as provided by a court in an election contest
25.31 under chapter 209.

25.32 Sec. 46. Minnesota Statutes 2008, section 204C.36, subdivision 3, is amended to read:

25.33 Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted
25.34 for a ballot question when the difference between the votes for and the votes against the

26.1 question is less than or equal to the difference provided in subdivision 1. A recount may
 26.2 be requested by any person eligible to vote on the ballot question. A written request for a
 26.3 recount must be filed with the filing officer of the county, municipality, or school district
 26.4 placing the question on the ballot and must be accompanied by a petition containing the
 26.5 signatures of 25 voters eligible to vote on the question. Upon receipt of a written request
 26.6 when the difference between the votes for and the votes against the question is less than or
 26.7 equal to the difference provided in subdivision 1, the county auditor shall recount the votes
 26.8 for a county question at the expense of the county, the governing body of the municipality
 26.9 shall recount the votes for a municipal question at the expense of the municipality, and the
 26.10 school board of the school district shall recount the votes for a school district question at
 26.11 the expense of the school district. If the difference between the votes for and the votes
 26.12 against the question is greater than the difference provided in subdivision 1, the person
 26.13 requesting the recount shall also file with the filing officer of the county, municipality, or
 26.14 school district a bond, cash, or surety in an amount set by the appropriate governing body
 26.15 for the payment of recount expenses. The written request, petition, and any bond, cash,
 26.16 or surety required must be filed during the time for notice of contest for the election for
 26.17 which the recount is requested.

26.18 Sec. 47. Minnesota Statutes 2008, section 204C.36, subdivision 4, is amended to read:

26.19 Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a
 26.20 discretionary recount, is responsible for the following expenses: the compensation of the
 26.21 secretary of state, or designees, and any election judge, municipal clerk, county auditor,
 26.22 administrator, or other personnel who participate in the recount; ~~the costs of computer~~
 26.23 ~~operation, preparation of ballot counting equipment;~~ necessary supplies and travel
 26.24 related to the recount; the compensation of the appropriate canvassing board and costs of
 26.25 preparing for the canvass of recount results; and any attorney fees incurred in connection
 26.26 with the recount by the governing body responsible for the recount.

26.27 Sec. 48. Minnesota Statutes 2008, section 204C.37, is amended to read:

26.28 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
 26.29 **STATE.**

26.30 ~~Two copies~~ A copy of the ~~reports~~ report required by sections 204C.32, subdivision
 26.31 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county
 26.32 auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary
 26.33 of state, with the county auditor's name and official address and the words "Election
 26.34 Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by~~

27.1 ~~express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail
27.2 or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary
27.3 of state within ten days following the applicable election, the secretary of state shall
27.4 immediately notify the county auditor, who shall deliver another copy to the secretary of
27.5 state by special messenger.

27.6 Sec. 49. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

27.7 Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with
27.8 the preparation and distribution of the ballots shall prepare instructions to the printer for
27.9 rotation of the names of candidates and for layout of the ballot.

27.10 (b) Except as provided in paragraph (c), the instructions shall be approved by the
27.11 legal advisor of the official before delivery to the printer.

27.12 (c) The legal advisor of a town official is not required to approve instructions
27.13 regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

27.14 (d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer
27.15 shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified
27.16 check, acceptable to the official responsible for printing the ballots, conditioned on
27.17 printing the ballots in conformity with the Minnesota Election Law and the instructions
27.18 delivered. The official responsible for printing the ballots shall set the amount of the bond,
27.19 letter of credit, or certified check in an amount equal to the value of the purchase.

27.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

27.21 Sec. 50. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

27.22 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county
27.23 auditor shall prepare a sample state partisan primary ballot and a sample state and county
27.24 nonpartisan primary ballot for public inspection. The names of all of the candidates to
27.25 be voted for in the county shall be placed on the sample ballots, with the names of the
27.26 candidates for each office arranged ~~alphabetically according to the surname~~ in the base
27.27 rotation as determined by section 206.61, subdivision 5. Only one sample state partisan
27.28 primary ballot and one sample state and county nonpartisan ballot shall be prepared for
27.29 any county. The county auditor shall post the sample ballots in a conspicuous place in the
27.30 auditor's office and shall cause them to be published at least one week before the state
27.31 primary in at least one newspaper of general circulation in the county.

27.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

28.1 Sec. 51. Minnesota Statutes 2008, section 204D.10, subdivision 1, is amended to read:

28.2 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a
28.3 major political party for a partisan office on the state partisan primary ballot who receives
28.4 the highest number of votes shall be the nominee of that political party for that office;
28.5 ~~except as otherwise provided in subdivision 2.~~

28.6 Sec. 52. Minnesota Statutes 2008, section 204D.17, is amended to read:

28.7 **204D.17 REPRESENTATIVE IN CONGRESS; STATE SENATOR; STATE**
28.8 **REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.**

28.9 Subdivision 1. **Special elections; exceptions.** A vacancy in the office of
28.10 ~~representative in Congress or~~ state senator or state representative shall be filled for the
28.11 unexpired term by special election upon the writ of the governor as provided in sections
28.12 204D.17 to 204D.27; except that if ~~Congress or~~ the legislature will not be in session before
28.13 the expiration of the vacant term no special election is required.

28.14 Subd. 2. **Two or more vacancies.** Two or more vacancies may be filled at the same
28.15 special election and the candidates may be nominated at the same special primary. Any
28.16 special primary or special election held pursuant to sections 204D.17 to 204D.27 may be
28.17 held on the same day as any other election.

28.18 Sec. 53. Minnesota Statutes 2008, section 204D.19, is amended to read:

28.19 **204D.19 SPECIAL ELECTIONS; WHEN HELD.**

28.20 Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more
28.21 than 150 days before the next state general election, and the ~~Congress or the~~ legislature
28.22 will not be in session before the final canvass of the state general election returns, the
28.23 vacancy shall be filled at the next state general election.

28.24 Subd. 2. **Special election when ~~Congress or~~ legislature will be in session.** Except
28.25 for vacancies in the legislature which occur at any time between the last day of session
28.26 in an odd-numbered year and the 40th day prior to the opening day of session in the
28.27 succeeding even-numbered year, when a vacancy occurs and the ~~Congress or~~ legislature
28.28 will be in session so that the individual elected as provided by this section could take office
28.29 and exercise the duties of the office immediately upon election, the governor shall issue
28.30 within five days after the vacancy occurs a writ calling for a special election. The special
28.31 election shall be held as soon as possible, consistent with the notice requirements of section
28.32 204D.22, subdivision 3, but in no event more than 35 days after the issuance of the writ.

28.33 Subd. 3. **Special election at other times.** When a vacancy occurs at a time other
28.34 than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a

29.1 special election to be held so that the individual elected may take office at the opening of
 29.2 the next session ~~of the Congress or~~ of the legislature, or at the reconvening of a session of
 29.3 the ~~Congress or of the~~ legislature.

29.4 Subd. 4. **Writ when vacancy results from election contest.** If a vacancy results
 29.5 from a successful election contest, the governor shall issue 22 days after the first day of
 29.6 the legislative session a writ calling for a special election unless the house in which the
 29.7 contest may be tried has passed a resolution which states that it will or will not review
 29.8 the court's determination of the contest. If the resolution states that the house will not
 29.9 review the court's determination, the writ shall be issued within five days of the passage of
 29.10 the resolution.

29.11 Sec. 54. **[204D.195] DATE OF SPECIAL ELECTION; CERTAIN TIMES**
 29.12 **PROHIBITED.**

29.13 Notwithstanding any other provision of law, a special primary and special general
 29.14 election may not be held for a period beginning the day following the date of the state
 29.15 primary election, and ending the day prior to the date of the state general election.

29.16 Sec. 55. Minnesota Statutes 2008, section 204D.20, subdivision 1, is amended to read:

29.17 Subdivision 1. **Special primary.** Except as provided in subdivision 2, the candidates
 29.18 of the major political parties to fill a vacancy shall be nominated at a special primary. The
 29.19 candidate of each party who receives the highest number of votes at the special primary
 29.20 shall be nominated ~~without reference to the ten percent requirement of section 204D.10,~~
 29.21 ~~subdivision 2.~~

29.22 Sec. 56. **[204D.29] REPRESENTATIVE IN CONGRESS VACANCY.**

29.23 Subdivision 1. **Scope; definition.** (a) A vacancy in the office of representative in
 29.24 Congress must be filled as specified in this section.

29.25 (b) "Vacancy," as used in this section, means a vacancy in the office of representative
 29.26 in Congress.

29.27 Subd. 2. **Vacancy 27 weeks or more before state primary.** (a) If a vacancy occurs
 29.28 27 weeks or more before the state primary, the governor must issue a writ within three
 29.29 days of the vacancy for a special election for that office to be held between 20 and 24
 29.30 weeks of the vacancy, but not fewer than 47 days before a state primary. A special primary
 29.31 must be held 11 weeks before the special election or on the second Tuesday in August if
 29.32 the general election is held on the first Tuesday after the first Monday in November if any
 29.33 major party has more than one candidate after the time for withdrawal has expired.

30.1 (b) The filing period for a special election under this subdivision must end on or
30.2 before the 131st day before the special election. Minor party and independent candidates
30.3 must submit their petitions by the last day for filing and signatures on the petitions must be
30.4 dated from the date of the vacancy through the last day for filing. There must be a one-day
30.5 period for withdrawal of candidates after the last day for filing.

30.6 **Subd. 3. Vacancy more than 22 weeks but fewer than 27 weeks before state**
30.7 **primary.** (a) If a vacancy occurs more than 22 weeks but fewer than 27 weeks before the
30.8 state primary, the governor must issue a writ within three days of the vacancy for a special
30.9 election for that office to be held on the day of the state primary with a special primary
30.10 held 11 weeks before the state primary, if any major party has more than one candidate
30.11 after the time for withdrawal has expired. The regularly scheduled election to fill the
30.12 next full term shall proceed pursuant to law.

30.13 (b) The filing period for a special election under this subdivision must end on or
30.14 before the 147th day before the state primary. Minor party and independent candidates
30.15 must submit their petitions by the last day for filing and signatures on the petitions must be
30.16 dated from the date of the vacancy through the last day for filing. There must be a one-day
30.17 period for withdrawal of candidates after the last day for filing. Candidates for a special
30.18 election under this subdivision are not subject to the prohibition in section 204B.06 against
30.19 having more than one affidavit of candidacy on file for the same election.

30.20 (c) The winner of a special election on the day of the state primary under this
30.21 subdivision shall serve the remainder of the vacant term and is eligible to be seated
30.22 in Congress upon issuance of the certificate of election. The winner of the regularly
30.23 scheduled term for that office at the general election shall take office on the day new
30.24 members of Congress take office.

30.25 **Subd. 4. Vacancy 22 or fewer weeks before state primary but before general**
30.26 **election day.** (a) If a vacancy occurs from 22 weeks before the state primary to the day
30.27 before the general election, no special election will be held. The winner of the general
30.28 election for the next full term for that office will serve the remainder of the unexpired term
30.29 and is eligible to be seated in Congress immediately upon issuance of a certificate of
30.30 election.

30.31 (b) If the incumbent filed an affidavit of candidacy for reelection as the candidate of
30.32 a major political party and was nominated for the general election ballot by that party and
30.33 a vacancy occurs from the day of the state primary until the date of the general election,
30.34 there is a vacancy in nomination to be resolved pursuant to section 204B.13.

30.35 **Subd. 5. Vacancy on or after election day and before the day new members of**
30.36 **Congress take office.** (a) If a vacancy occurs between the day of the general election and

31.1 the day new members of Congress take office and the incumbent was not the winner of
31.2 the general election, the winner of the general election for the next full term for that
31.3 office is eligible to be seated in Congress immediately upon issuance of a certificate of
31.4 election or the vacancy, whichever occurs last.

31.5 (b) If a vacancy occurs on or after election day but before the day new members
31.6 of Congress take office and the incumbent was the winner of the general election, the
31.7 vacancy must be filled pursuant to subdivision 2.

31.8 Sec. 57. Minnesota Statutes 2008, section 205.065, subdivision 1, as amended by Laws
31.9 2010, chapter 184, section 26, is amended to read:

31.10 Subdivision 1. **Establishing primary.** A municipal primary for the purpose of
31.11 nominating elective officers may be held in any city on the second Tuesday in August of
31.12 any year in which a municipal general election is to be held for the purpose of electing
31.13 officers. The date of a municipal primary held in an odd-numbered year may be postponed
31.14 for inclement weather as provided in section 205.105.

31.15 Sec. 58. Minnesota Statutes 2008, section 205.07, subdivision 1, is amended to read:

31.16 Subdivision 1. **Date of election.** The municipal general election in each city shall
31.17 be held on the first Tuesday after the first Monday in November in every even-numbered
31.18 year. Notwithstanding any provision of law to the contrary and subject to the provisions of
31.19 this section, the governing body of a city may, by ordinance passed at a regular meeting
31.20 held before June 1 of any year, elect to hold the election on the first Tuesday after the first
31.21 Monday in November in each odd-numbered year. A city may hold elections in either
31.22 the even-numbered year or the odd-numbered year, but not both. When a city changes
31.23 its elections from one year to another, and does not provide for the expiration of terms
31.24 by ordinance, the term of an incumbent expiring at a time when no municipal election is
31.25 held in the months immediately prior to expiration is extended until the date for taking
31.26 office following the next scheduled municipal election. If the change results in having
31.27 three council members to be elected at a succeeding election, the two individuals receiving
31.28 the highest vote shall serve for terms of four years and the individual receiving the
31.29 third highest number of votes shall serve for a term of two years. To provide an orderly
31.30 transition to the odd or even year election plan, the governing body of the city may adopt
31.31 supplementary ordinances regulating initial elections and officers to be chosen at the
31.32 elections and shortening or lengthening the terms of incumbents and those elected at the
31.33 initial election. The term of office for the mayor may be either two or four years. The
31.34 term of office of council members is four years. Whenever the time of the municipal

32.1 election is changed, the city clerk immediately shall notify in writing the county auditor
32.2 and secretary of state of the change of date. Thereafter the municipal general election shall
32.3 be held on the first Tuesday after the first Monday in November in each odd-numbered
32.4 or even-numbered year until the ordinance is revoked and notification of the change is
32.5 made. A municipal general election scheduled to be held in an odd-numbered year may be
32.6 postponed for inclement weather as provided in section 205.105.

32.7 Sec. 59. Minnesota Statutes 2008, section 205.07, is amended by adding a subdivision
32.8 to read:

32.9 Subd. 1a. **City council members; expiration of terms.** The terms of all city
32.10 council members of charter cities expire on the first Monday in January of the year in
32.11 which they expire.

32.12 Sec. 60. **[205.105] POSTPONEMENT OF ELECTION; INCLEMENT**
32.13 **WEATHER.**

32.14 Subdivision 1. **Applicability.** This section applies to a primary, special, or general
32.15 election held in a city that is not held in conjunction with a state or federal election, and to
32.16 town elections when postponement of the town election is not subject to section 365.51.

32.17 Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather,
32.18 the municipal clerk may postpone an election when the National Weather Service or a
32.19 law enforcement agency has issued storm warnings or travel advisories indicating that the
32.20 weather conditions would make travel to a polling place difficult or hazardous for voters
32.21 and election judges. When one or more jurisdictions are holding elections in conjunction
32.22 with one another, the jurisdiction that covers the largest geographic area has the authority,
32.23 after consulting with the other auditors and clerks, to make the decision to postpone
32.24 all of the elections. A decision to postpone an election must apply to every precinct in
32.25 the jurisdiction.

32.26 (b) A decision to postpone an election must be made no later than 6:00 p.m. on
32.27 the day before the election. The clerk must contact the election judges and notify local
32.28 media outlets of the postponement. The clerk must also post a notice on the jurisdiction's
32.29 Web site, if practicable.

32.30 (c) A postponed election must be rescheduled for the next following Tuesday after
32.31 the election was originally scheduled. The date on which the postponed election will be
32.32 held shall be considered the date of the election for purposes of absentee voting under
32.33 chapter 203B. An election that is postponed due to weather may be postponed again
32.34 if necessary under this section.

33.1 Sec. 61. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

33.2 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
33.3 become a candidate for an office to be voted for at the municipal general election shall file
33.4 an affidavit of candidacy with the municipal clerk. Candidates for a special election to
33.5 fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit
33.6 of candidacy for the specific office to fill the unexpired portion of the term. Subject to
33.7 the approval of the county auditor, the town clerk may authorize candidates for township
33.8 offices to file affidavits of candidacy with the county auditor. The affidavit shall be in
33.9 substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk
33.10 shall also accept an application signed by not less than five voters and filed on behalf of an
33.11 eligible voter in the municipality whom they desire to be a candidate, if service of a copy
33.12 of the application has been made on the candidate and proof of service is endorsed on the
33.13 application being filed. Upon receipt of the proper filing fee, the clerk shall place the name
33.14 of the candidate on the official ballot without partisan designation.

33.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.16 Sec. 62. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

33.17 Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file
33.18 affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last
33.19 dates on which affidavits of candidacy may be filed in the clerk's office and the closing
33.20 time for filing on the last day for filing. The clerk shall post a similar notice at least ten
33.21 days before the first day to file affidavits of candidacy. The notice must separately list
33.22 any office for which affidavits of candidacy may be filed to fill the unexpired portion
33.23 of a term when a special election is being held to fill a vacancy as provided in section
33.24 412.02, subdivision 2a.

33.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.26 Sec. 63. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

33.27 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal
33.28 clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the
33.29 official newspaper of the municipality, except that the governing body of a fourth class
33.30 city or a town not located within a metropolitan county as defined in section 473.121
33.31 may dispense with publication.

33.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.1 Sec. 64. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

34.2 Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal
34.3 clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot
34.4 for the municipality, make them available for public inspection in the clerk's office ~~for~~
34.5 ~~public inspection~~, and post a sample ballot in each polling place on election day.

34.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

34.7 Sec. 65. Minnesota Statutes 2008, section 205.16, subdivision 4, as amended by Laws
34.8 2010, chapter 184, section 29, is amended to read:

34.9 Subd. 4. **Notice to auditor.** At least 67 days before every municipal election held in
34.10 conjunction with a regularly scheduled primary for federal, state, county, city, or school
34.11 board office or a special primary for federal office, at least 74 days before every municipal
34.12 election held in connection with a regularly scheduled general election for federal, state,
34.13 county, city, or school board office or a special election for federal office, and at least 53
34.14 days before any other municipal election, the municipal clerk shall provide a written notice
34.15 to the county auditor, including the date of the election, the offices to be voted on at the
34.16 election, and the title and language for each ballot question to be voted on at the election.
34.17 At least 67 days before every municipal election held in conjunction with a regularly
34.18 scheduled primary for federal, state, county, city, or school board office or a special
34.19 primary for federal office, at least 74 days before a regularly scheduled general election for
34.20 federal, state, county, city, or school board office or a special election for federal office, and
34.21 at least 46 days before any other election, the municipal clerk must provide written notice
34.22 to the county auditor of any special election canceled under section 205.10, subdivision 6.

34.23 Sec. 66. Minnesota Statutes 2008, section 205.16, subdivision 5, as amended by Laws
34.24 2010, chapter 184, section 30, is amended to read:

34.25 Subd. 5. **Notice to secretary of state.** At least 67 days before every municipal
34.26 election held in conjunction with a regularly scheduled primary for federal, state, county,
34.27 city, or school board office or a special primary for federal office, at least 74 days before
34.28 every municipal election held in conjunction with a regularly scheduled general election
34.29 for federal, state, county, city, or school board office or a special election for federal office,
34.30 and at least 46 days before any other municipal election for which a notice is provided
34.31 to the county auditor under subdivision 4, the county auditor shall provide a notice of
34.32 the election to the secretary of state, in a manner and including information prescribed
34.33 by the secretary of state.

35.1 Sec. 67. Minnesota Statutes 2008, section 205A.03, subdivision 2, as amended by
35.2 Laws 2010, chapter 184, section 32, is amended to read:

35.3 Subd. 2. **Date.** The school district primary must be held on the second Tuesday in
35.4 August in the year when the school district general election is held. The clerk shall give
35.5 notice of the primary in the manner provided in section 205A.07. The date of a school
35.6 district primary held in an odd-numbered year may be postponed for inclement weather
35.7 as provided in section 205A.055.

35.8 Sec. 68. Minnesota Statutes 2008, section 205A.04, subdivision 1, is amended to read:

35.9 Subdivision 1. **School district general election.** The general election in each school
35.10 district must be held on the first Tuesday after the first Monday in November of either the
35.11 odd-numbered or the even-numbered year. A general election held in an odd-numbered
35.12 year may be postponed for inclement weather as provided in section 205A.055.

35.13 Sec. 69. **[205A.046] SCHOOL BOARD MEMBER TERM EXPIRATION.**

35.14 The terms of all school board members expire on the first Monday in January of the
35.15 year in which they expire.

35.16 Sec. 70. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

35.17 Subdivision 1. **Questions.** Special elections must be held for a school district on a
35.18 question on which the voters are authorized by law to pass judgment. The school board
35.19 may on its own motion call a special election to vote on any matter requiring approval of
35.20 the voters of a district. Upon petition filed with the school board of 50 or more voters of
35.21 the school district or five percent of the number of voters voting at the preceding school
35.22 district general election, whichever is greater, the school board shall by resolution call
35.23 a special election to vote on any matter requiring approval of the voters of a district.
35.24 A question is carried only with the majority in its favor required by law. The election
35.25 officials for a special election are the same as for the most recent school district general
35.26 election unless changed according to law. Otherwise, special elections must be conducted
35.27 and the returns made in the manner provided for the school district general election. A
35.28 special election may not be held during the 30 days before and the 30 days after the state
35.29 primary, during the 30 days before and the 40 days after the state general election. In
35.30 addition, a special election may not be held during the 20 days before and the 20 days
35.31 after any regularly scheduled election of a municipality wholly or partially within the
35.32 school district. Notwithstanding any other law to the contrary, the time period in which a

36.1 special election must be conducted under any other law may be extended by the school
36.2 board to conform with the requirements of this subdivision.

36.3 Sec. 71. [205A.055] POSTPONEMENT OF ELECTION; INCLEMENT
36.4 WEATHER.

36.5 Subdivision 1. Applicability. This section applies to a primary, special, or general
36.6 election held in a school district that is not held in conjunction with a state or federal
36.7 election.

36.8 Subd. 2. Postponement of election. (a) In the event of severe or inclement weather,
36.9 the school district clerk may postpone an election when the National Weather Service
36.10 or a law enforcement agency has issued storm warnings or travel advisories indicating
36.11 that the weather conditions would make travel to a polling place difficult or hazardous
36.12 for voters and election judges. When one or more jurisdictions are holding elections in
36.13 conjunction with one another, the jurisdiction that covers the largest geographic area has
36.14 the authority, after consulting with the other auditors and clerks, to make the decision to
36.15 postpone all of the elections. A decision to postpone an election must apply to every
36.16 precinct in the jurisdiction.

36.17 (b) A decision to postpone an election must be made no later than 6:00 p.m. on
36.18 the day before the election. The clerk must contact the election judges and notify local
36.19 media outlets of the postponement. The clerk must also post a notice on the jurisdiction's
36.20 Web site, if practicable.

36.21 (c) A postponed election must be rescheduled for the next following Tuesday after
36.22 the election was originally scheduled. The date on which the postponed election will be
36.23 held shall be considered the date of the election for purposes of absentee voting under
36.24 chapter 203B. An election that is postponed due to weather may be postponed again
36.25 if necessary under this section.

36.26 Sec. 72. Minnesota Statutes 2008, section 205A.07, subdivision 3, as amended by
36.27 Laws 2010, chapter 184, section 35, is amended to read:

36.28 Subd. 3. Notice to auditor. At least 67 days before every school district election
36.29 held in conjunction with a regularly scheduled primary for federal, state, county, city, or
36.30 school board office or a special primary for federal office, at least 74 days before every
36.31 school district election held in conjunction with a regularly scheduled general election for
36.32 federal, state, county, city, or school board office or a special election for federal office,
36.33 and at least 53 days before any other school district election, the school district clerk shall
36.34 provide a written notice to the county auditor of each county in which the school district is

37.1 located. The notice must include the date of the election, the offices to be voted on at the
37.2 election, and the title and language for each ballot question to be voted on at the election.
37.3 For the purposes of meeting the timelines of this section, in a bond election, a notice,
37.4 including a proposed question, may be provided to the county auditor before receipt of a
37.5 review and comment from the commissioner of education and before actual initiation of
37.6 the election. ~~Not less than~~ At least 67 days before every school district election held in
37.7 conjunction with a regularly scheduled primary for federal, state, county, city, or school
37.8 board office or a special primary for federal office, at least 74 days before an election held
37.9 in conjunction with a regularly scheduled general election for federal, state, county, city,
37.10 or school board office or a special election for federal office, ~~or~~ and at least 46 days before
37.11 any other election, the school district clerk must provide written notice to the county
37.12 auditor of any special election canceled under section 205A.05, subdivision 3.

37.13 Sec. 73. Minnesota Statutes 2008, section 205A.07, subdivision 3a, as amended by
37.14 Laws 2010, chapter 184, section 36, is amended to read:

37.15 Subd. 3a. **Notice to commissioner of education.** At least 67 days before every
37.16 school district election held in conjunction with a regularly scheduled primary for federal,
37.17 state, county, city, or school board office or a special primary for federal office, at least 74
37.18 days before every school district election held in conjunction with a regularly scheduled
37.19 general election for federal, state, county, city, or school board office or a special election
37.20 for federal office, and at least 49 days before any other school district election, under
37.21 section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall
37.22 provide a written notice to the commissioner of education. The notice must include the
37.23 date of the election and the title and language for each ballot question to be voted on at
37.24 the election. ~~Not less than~~ At least 67 days before every school district election held in
37.25 conjunction with a regularly scheduled primary for federal, state, county, city, or school
37.26 board office or a special primary for federal office, at least 74 days before every school
37.27 district election held in conjunction with a regularly scheduled general election for federal,
37.28 state, county, city, or school board office or a special election for federal office, and at least
37.29 46 days before any other school district election, the school district clerk must provide a
37.30 written notice to the commissioner of education of any special election canceled under
37.31 section 205A.05, subdivision 3. The certified vote totals for each ballot question shall be
37.32 provided in a written notice to the commissioner in a timely manner.

37.33 Sec. 74. Minnesota Statutes 2008, section 205A.07, subdivision 3b, as amended by
37.34 Laws 2010, chapter 184, section 37, is amended to read:

38.1 Subd. 3b. **Notice to secretary of state.** At least 67 days before every school
38.2 district election held in conjunction with a regularly scheduled primary for federal, state,
38.3 county, city, or school board office or a special primary for federal office, at least 74
38.4 days before every school district election held in conjunction with a regularly scheduled
38.5 general election for federal, state, county, city, or school board office or a special election
38.6 for federal office, and at least 46 days before any other school district election for which
38.7 a notice is provided to the county auditor under subdivision 3, the county auditor shall
38.8 provide a notice of the election to the secretary of state, in a manner and including
38.9 information prescribed by the secretary of state.

38.10 Sec. 75. Minnesota Statutes 2008, section 205A.11, subdivision 3, is amended to read:

38.11 Subd. 3. **Procedure.** The designation of a polling place pursuant to this section
38.12 remains effective until a different polling place is designated. No designation of a new or
38.13 different polling place becomes effective less than 90 days prior to an election, except
38.14 that a new polling place may be designated to replace a polling place that has become
38.15 unavailable for use. The school board must notify the county auditor within 30 days after
38.16 the establishment of a polling place as provided in this section. The notice must include a
38.17 list of the precincts that will be voting at each polling place. The school board must send
38.18 the notice required by section 204B.16, subdivision 1a, after a polling place is established
38.19 as provided in this section, but no additional notices of this kind are required for any
38.20 subsequent similar elections until the location of the polling place or the combination
38.21 of precincts voting at the polling place is changed. The secretary of state shall provide
38.22 a single polling place roster for use in any polling place established as provided in this
38.23 section. A single set of election judges must be appointed to serve in the polling place.
38.24 The number of election judges required must be based on the total number of persons
38.25 voting at the last similar election in all the precincts to be voting at the single polling
38.26 place. A single ballot box may be provided for all the ballots.

38.27 Sec. 76. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

38.28 Subd. 6. **Required certification.** In addition to the requirements in subdivision
38.29 1, a voting system must be certified by an independent testing authority ~~approved~~
38.30 accredited by the secretary of state and conform to current standards for voting equipment
38.31 Election Assistance Commission at the time of submission of the application required by
38.32 subdivision 1 to be in conformity with voluntary voting system guidelines issued by
38.33 the Federal Election Commission or its successor, the Election Assistance Commission.
38.34 The application must be accompanied by the certification report of the voting systems

39.1 test laboratory. A certification under this section from an independent testing authority
 39.2 accredited by the Election Assistance Commission meets the requirement of Minnesota
 39.3 Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the
 39.4 voting system to the secretary of state. A chair of a major political party or the secretary of
 39.5 state may select, in consultation with the vendor, an independent third-party evaluator to
 39.6 examine the source code to ensure that it functions as represented by the vendor and that
 39.7 the code is free from defects. A major political party that elects to have the source code
 39.8 examined must pay for the examination. Except as provided by this subdivision, a source
 39.9 code that is trade secret information must be treated as nonpublic information, according
 39.10 to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

39.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

39.12 Sec. 77. Minnesota Statutes 2008, section 208.03, is amended to read:

39.13 **208.03 NOMINATION OF PRESIDENTIAL ELECTORS.**

39.14 Presidential electors for the major political parties of this state shall be nominated by
 39.15 delegate conventions called and held under the supervision of the respective state central
 39.16 committees of the parties of this state. On or before primary election day the chair of
 39.17 the major political party shall certify to the secretary of state the names of the persons
 39.18 nominated as presidential electors, the names of eight alternate presidential electors, and
 39.19 the names of the party candidates for president and vice president. The chair shall also
 39.20 certify that the party candidates for president and vice president have no affidavit on file as
 39.21 a candidate for any office in this state at the ensuing general election.

39.22 Sec. 78. Minnesota Statutes 2008, section 365.51, subdivision 1, is amended to read:

39.23 Subdivision 1. **When; postponement for bad weather.** (a) A town's annual town
 39.24 meeting must be held on the second Tuesday of March at the place named by the last
 39.25 annual town meeting. If no place was named then, the meeting must be held at the place
 39.26 named by the town board. The place may be outside the town if the place is within five
 39.27 miles of a town boundary. ~~If there is bad weather,~~ on the day of the meeting and election in
 39.28 March, ~~the town board shall set~~ the National Weather Service or a law enforcement agency
 39.29 has issued storm warnings or travel advisories such that the clerk determines travel to a
 39.30 polling place would be difficult or hazardous for voters and election judges, the clerk may
 39.31 postpone the election and meeting. If the meeting and election are postponed, the meeting
 39.32 and election for shall be held on the third Tuesday in March. ~~If there is bad weather on the~~
 39.33 ~~third Tuesday in March,~~ Prior to providing notice of the election and meeting, the town

40.1 board shall by resolution set another date for the meeting and election within 30 days of
40.2 the third Tuesday in March on which the meeting and election shall be held if bad weather
40.3 forces postponement of the meeting and election on the third Tuesday in March. The
40.4 decision to postpone the meeting and election must be made no later than three hours
40.5 before the opening of the polling place or the convening of the meeting, whichever comes
40.6 first. The clerk shall notify the election judges and local media offices of the decision to
40.7 postpone the meeting and election. If the meeting and election are postponed, the notice
40.8 requirements in subdivision 2 shall apply to the postponed meeting and election.

40.9 The balloting of the town election must be concluded on the same day the election
40.10 is commenced.

40.11 (b) If any other political subdivision is conducting an election in conjunction with
40.12 the township election, postponement of the election shall be subject to section 205.105,
40.13 205A.055, or 373.50. If an election is postponed under section 205.105, 205A.055, or
40.14 373.50, the town meeting shall also be postponed as if postponed under this section.

40.15 Sec. 79. **[373.50] POSTPONEMENT OF ELECTION; INCLEMENT WEATHER.**

40.16 Subdivision 1. **Applicability.** This section applies to a primary, special, or general
40.17 election held in a county that is not held in conjunction with a state or federal election.

40.18 Subd. 2. **Postponement of election.** (a) In the event of severe or inclement
40.19 weather, the county auditor may postpone an election when the National Weather Service
40.20 or a law enforcement agency has issued storm warnings or travel advisories indicating
40.21 that the weather conditions would make travel to a polling place difficult or hazardous
40.22 for voters and election judges. When one or more jurisdictions are holding elections in
40.23 conjunction with one another, the jurisdiction that covers the largest geographic area has
40.24 the authority, after consulting with the other auditors and clerks, to make the decision to
40.25 postpone all of the elections. A decision to postpone an election must apply to every
40.26 precinct in the jurisdiction.

40.27 (b) A decision to postpone an election must be made no later than 6:00 p.m. on the
40.28 day before the election. The auditor must contact the election judges and notify local
40.29 media outlets of the postponement. The auditor must also post a notice on the jurisdiction's
40.30 Web site, if practicable.

40.31 (c) A postponed election must be rescheduled for the next following Tuesday after
40.32 the election was originally scheduled. The date on which the postponed election will be
40.33 held shall be considered the date of the election for purposes of absentee voting under
40.34 chapter 203B. An election that is postponed due to weather may be postponed again
40.35 if necessary under this section.

41.1 Sec. 80. Minnesota Statutes 2008, section 375.101, subdivision 1, is amended to read:

41.2 Subdivision 1. **Option for filling vacancies; special election in 30 to 90 days.** (a)

41.3 Except as provided in subdivision 3, a vacancy in the office of county commissioner may
41.4 be filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4.

41.5 If the vacancy is to be filled under this subdivision and subdivision 2, it must be filled
41.6 at a special election ~~not less than 30 nor more than 90 days after the vacancy occurs.~~

41.7 ~~The special primary or special election may be held on the same day as a regular primary
41.8 or regular election but the special election shall be held not less than 14 days after the
41.9 special primary.~~ The county board may by resolution call for a special election to be held

41.10 according to the earliest of the following time schedules:

41.11 (1) not less than 120 days following the date the vacancy is declared, but no later
41.12 than 12 weeks prior to the date of the next regularly scheduled primary election;

41.13 (2) concurrently with the next regularly scheduled primary election and general
41.14 election; or

41.15 (3) no sooner than 120 days following the next regularly scheduled general election.

41.16 (b) The person elected at the special election shall take office immediately after
41.17 receipt of the certificate of election and upon filing the bond and taking the oath of office
41.18 and shall serve the remainder of the unexpired term. If the county has been reapportioned
41.19 since the commencement of the term of the vacant office, the election shall be based
41.20 on the district as reapportioned.

41.21 Sec. 81. Minnesota Statutes 2008, section 375.101, subdivision 2, is amended to read:

41.22 Subd. 2. **When victor seated immediately.** If a vacancy for which a special
41.23 election is required occurs less than ~~60~~ 120 days before the general election preceding the
41.24 end of the term, the vacancy shall be filled by the person elected at that election for the
41.25 ensuing term who shall take office immediately after receiving the certificate of election,
41.26 filing the bond and taking the oath of office.

41.27 Sec. 82. **REPEALER.**

41.28 Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10,
41.29 subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; and 206.91, are repealed.

3.22 PAYMENT.

The publisher of each newspaper publishing the proposed amendments shall, before receiving fees for the publication and before the first day of January following an election year, file with the secretary of state an affidavit showing the qualification and legality of the newspaper and stating that the amendments have been published as required by law.

204B.22 ELECTION JUDGES; NUMBER REQUIRED.

Subd. 3. **Minimum number required in certain precincts.** At each state primary or state general election in precincts using an electronic voting system with marking devices and in which more than 400 votes were cast at the last similar election, the minimum number of election judges is three plus one judge to demonstrate the use of the voting machine or device.

204D.10 PRIMARY RESULTS; NOMINEES.

Subd. 2. **Party primary; ten percent requirement.** If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, and attorney general.

206.57 EXAMINATION OF NEW VOTING SYSTEMS.

Subd. 7. **Election assistance commission standards.** If the federal Election Assistance Commission has not established by January 1, 2006, standards for an electronic ballot marker or other voting system component that is required to enable a voting system to meet the requirements of subdivision 5, the secretary of state may certify the voting system on an experimental basis pending the completion of federal standards, notwithstanding subdivision 6. Within two years after the Election Assistance Commission issues standards for a voting system component used in a voting system authorized under this subdivision, the secretary of state must review or reexamine the voting system to determine whether the system conforms to federal standards.

206.805 STATE VOTING SYSTEMS CONTRACTS.

Subd. 2. **Escrow of source code.** The contracts must require the voting system vendor to provide a copy of the source code for the voting system to an independent third-party evaluator selected by the vendor, the secretary of state, and the chairs of the major political parties. The evaluator must examine the source code and certify to the secretary of state that the voting system will record and count votes as represented by the vendor. Source code that is trade secret information must be treated as nonpublic information, in accordance with section 13.37. Each major political party may designate an agent to examine the source code to verify that the voting system will record and count votes as represented by the vendor; the agent must not disclose the source code to anyone else.

206.91 VOTING MACHINES OPTIONS WORKING GROUP.

(a) A working group is hereby established to investigate and recommend to the legislature requirements for additional options for voting equipment that complies with the requirements of section 301 of the Help America Vote Act, Public Law 107-252, to provide private and independent voting for individuals with disabilities.

The working group must be cochaired by representatives of the Minnesota Disability Law Center and Citizens for Election Integrity - Minnesota.

(b) The working group must convene its first meeting by June 30, 2006, and must report to the legislature by February 15, 2007.

(c) The working group must include, but is not limited to:

(1) the disability community;

APPENDIX

Repealed Minnesota Statutes: H3108-2

- (2) the secretary of state;
 - (3) county and local election officials;
 - (4) major and minor political parties;
 - (5)(i) one member of the senate majority caucus and one member of the senate minority caucus appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and
 - (ii) one member of the house of representatives majority caucus and one member of the house of representatives minority caucus appointed by the speaker;
 - (6) nonpartisan organizations;
 - (7) at least one individual with computer security expertise and knowledge of elections; and
 - (8) members of the public, other than vendors of election equipment, selected by consensus of the other members, including representatives of language and other minorities.
- (d) Members of the working group will be selected by:
- (1) a representative of the Office of the Secretary of State;
 - (2) a representative of the county election officials;
 - (3) the cochairs; and
 - (4) two legislators representing each party.