

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2571**

(SENATE AUTHORS: CARLSON, Sieben and Clausen)

DATE	D-PG	OFFICIAL STATUS
03/10/2016		Introduction and first reading Referred to Rules and Administration

1.1 A bill for an act  
1.2 relating to elections; authorizing military and overseas voters to return absentee  
1.3 ballots by e-mail or facsimile; amending Minnesota Statutes 2014, sections  
1.4 203B.21, subdivision 3; 203B.225, subdivision 2; 203B.28; proposing coding  
1.5 for new law in Minnesota Statutes, chapter 203B.

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

1.7 Section 1. Minnesota Statutes 2014, section 203B.21, subdivision 3, is amended to read:

1.8 Subd. 3. **Back of return envelope.** (a) On the back of the return envelope a  
1.9 certificate shall appear with space for:

1.10 (1) the voter's address of present or former residence in Minnesota;

1.11 (2) the voter's current e-mail address, if the voter has one;

1.12 (3) a statement indicating the category described in section 203B.16 to which the  
1.13 voter belongs;

1.14 (4) a statement that the voter has not cast and will not cast another absentee ballot  
1.15 in the same election or elections;

1.16 (5) a statement that the voter personally marked the ballots without showing them to  
1.17 anyone, or if physically unable to mark them, that the voter directed another individual  
1.18 to mark them; and

1.19 (6) the same voter's passport number, Minnesota driver's license or state identification  
1.20 card number, or the last four digits of the voter's Social Security number as provided on the  
1.21 absentee ballot application; if the voter does not have access to any of these documents, the  
1.22 voter may attest to the truthfulness of the contents of the certificate under penalty of perjury.

1.23 (b) The certificate ~~shall~~ must also contain a signed oath in the form required by  
1.24 section 705 of the Help America Vote Act, Public Law 107-252, which must read:

1.25 "I swear or affirm, under penalty of perjury, that:

2.1 I am a member of the uniformed services or merchant marine on active duty or  
2.2 an eligible spouse or dependent of such a member; a United States citizen temporarily  
2.3 residing outside the United States; or other United States citizen residing outside the  
2.4 United States; and I am a United States citizen, at least 18 years of age (or will be by the  
2.5 date of the election), and I am eligible to vote in the requested jurisdiction; I have not  
2.6 been convicted of a felony, or other disqualifying offense, or been adjudicated mentally  
2.7 incompetent, or, if so, my voting rights have been reinstated; and I am not registering,  
2.8 requesting a ballot, or voting in any other jurisdiction in the United States except the  
2.9 jurisdiction cited in this voting form. In voting, I have marked and sealed my ballot in  
2.10 private and have not allowed any person to observe the marking of the ballot, except for  
2.11 those authorized to assist voters under state or federal law. I have not been influenced.

2.12 If I return my ballot by e-mail or facsimile, I understand that I am voluntarily  
2.13 waiving my right to a secret ballot.

2.14 The information on this form is true, accurate, and complete to the best of my  
2.15 knowledge. I understand that a material misstatement of fact in completion of this  
2.16 document may constitute grounds for a conviction for perjury."

2.17 Sec. 2. Minnesota Statutes 2014, section 203B.225, subdivision 2, is amended to read:

2.18 Subd. 2. **Returning voted ballots.** The voter ~~must~~ may return the voted ballots and  
2.19 the certificate of voter eligibility to the county auditor by one of the following methods:

2.20 (1) in a sealed envelope: by mail or a package delivery service;

2.21 (2) by e-mail as provided in section 203B.229; or

2.22 (3) by facsimile as provided in section 203B.229.

2.23 Sec. 3. **[203B.229] RETURNING BALLOTS BY E-MAIL OR FACSIMILE.**

2.24 Subdivision 1. **Returning voted ballots.** (a) A voter returning a voted ballot by  
2.25 e-mail or facsimile must comply with the requirements of this section. If returning a voted  
2.26 ballot by e-mail or facsimile, the voter must return the ballot to the e-mail delivery address  
2.27 or facsimile number designated pursuant to paragraph (b). Unless otherwise provided by  
2.28 law, absentee ballots returned by e-mail or facsimile must be treated in the same manner  
2.29 as other absentee ballots.

2.30 (b) Each county auditor must designate an e-mail delivery address and a facsimile  
2.31 number to be used for the return of voted ballots. The designated e-mail delivery address  
2.32 and facsimile number must be regularly monitored.

3.1 Subd. 2. **Time of receipt.** An absentee ballot that is returned by e-mail or facsimile  
3.2 must be received by the county auditor not later than 8:00 p.m. on election day in order to be  
3.3 counted. The voter assumes the risk that faulty e-mail or facsimile transmission may occur.

3.4 Subd. 3. **Ballot secrecy.** Access to voted absentee ballots before they are placed in  
3.5 an absentee ballot envelope must be strictly limited to election officials who must process  
3.6 the ballot. Any election official who views the ballots before they are placed in the secrecy  
3.7 envelope has the duty to protect the secrecy of the ballot choices. Failure of an election  
3.8 official to comply with this subdivision does not invalidate a ballot.

3.9 Subd. 4. **Receiving voted ballots.** (a) When a ballot is received by e-mail or  
3.10 facsimile, the county auditor must note on the certificate of voter eligibility the date and  
3.11 time the ballot was received and whether the ballot was received by e-mail or facsimile.  
3.12 The county auditor must remove the ballot portion of the transmission from any other  
3.13 portion that identifies the voter and place the ballot in a secrecy envelope. The secrecy  
3.14 envelope must be sealed in a signature envelope. The county auditor must attach the  
3.15 certificate of voter eligibility to the signature envelope. The envelope must then be placed  
3.16 with other absentee ballots.

3.17 (b) An election official must not accept multiple transmissions of a voted ballot  
3.18 submitted by the voter. If multiple ballots are submitted by the same voter, before the  
3.19 close of business on the seventh day before the election, the election official must accept  
3.20 the submitted ballot with the date and time closest to the close of business on the seventh  
3.21 day before the election and reject all other versions. If multiple ballots are submitted by  
3.22 the same voter after the close of business on the seventh day before the election, the  
3.23 election official must accept the submitted ballot with the earliest date and time and reject  
3.24 all other versions.

3.25 Sec. 4. Minnesota Statutes 2014, section 203B.28, is amended to read:

3.26 **203B.28 POSTELECTION REPORT TO LEGISLATURE.**

3.27 By January 15 of every odd-numbered year, the secretary of state shall provide to the  
3.28 chair and ranking minority members of the legislative committees with jurisdiction over  
3.29 elections a statistical report related to absentee voting in the most recent general election  
3.30 cycle. The statistics must be organized by county, and include:

3.31 (1) the number of absentee ballots transmitted to voters;

3.32 (2) the number of absentee ballots returned by voters;

3.33 (3) the number of absentee ballots that were rejected, categorized by the reason  
3.34 for rejection;

4.1 (4) the number of absentee ballots submitted pursuant to sections 203B.16 to  
4.2 203B.27, along with the number of ballots returned by e-mail or facsimile, and the number  
4.3 of ballots that were accepted, rejected, and the reason for any rejections; and

4.4 (5) the number of absentee ballots that were not counted because the ballot return  
4.5 envelope was received after the deadlines provided in this chapter.

4.6 Sec. 5. **EFFECTIVE DATE.**

4.7 Sections 1 to 4 are effective June 15, 2016.