

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3021

(SENATE AUTHORS: KIFFMEYER)

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OFFICIAL STATUS
Introduction and first reading
Referred to State Government Finance and Policy and Elections

1.1 A bill for an act

1.2 relating to elections; making technical changes to provisions related to elections

1.3 administration; amending Minnesota Statutes 2016, sections 203B.081, subdivisions

1.4 1, 2; 203B.121, subdivision 4; 204B.19, subdivision 6; 204B.46; 204C.06,

1.5 subdivision 2; 204C.15, subdivision 1; 204C.21, subdivision 1; 204C.36,

1.6 subdivision 1; 204D.19, by adding a subdivision; 204D.21, subdivision 3; 204D.27,

1.7 subdivision 5; 206.84, subdivision 6; 206.90, subdivision 6; 207A.14, subdivision

1.8 2; 367.25, subdivision 1; Minnesota Statutes 2017 Supplement, sections 201.121,

1.9 subdivision 3; 204B.09, subdivision 3; 204B.16, subdivision 1; 205.07, subdivision

1.10 1.

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

1.12 Section 1. Minnesota Statutes 2017 Supplement, section 201.121, subdivision 3, is amended

1.13 to read:

1.14 Subd. 3. **Postelection sampling.** (a) Within ten days after an election, the county auditor

1.15 shall send the notice required by subdivision 2 to a random sampling of the individuals

1.16 registered on election day. The random sampling shall be determined in accordance with

1.17 the rules of the secretary of state. As soon as practicable after the election, the county auditor

1.18 shall mail the notice required by subdivision 2 to all other individuals registered on election

1.19 day. If a notice is returned as not deliverable, the county auditor shall attempt to determine

1.20 the reason for the return. A county auditor who does not receive or obtain satisfactory proof

1.21 of an individual's eligibility to vote shall immediately notify the county attorney of all of

1.22 the relevant information. ~~The~~ By February 15 of each odd-numbered year, the county auditor

1.23 must notify the secretary of state of the following information for the previous state general

1.24 election by each precinct:

1.25 (1) the total number of all notices that were returned as nondeliverable;

2.1 (2) the total number of nondeliverable notices that the county auditor was able to
 2.2 determine the reason for the return along with the reason for each return; and

2.3 (3) the total number of individuals for whom the county auditor does not receive or
 2.4 obtain satisfactory proof of an individual's eligibility to vote.

2.5 (b) By March 1 of every odd-numbered year, the secretary of state shall report to the
 2.6 chair and ranking minority members of the legislative committees with jurisdiction over
 2.7 elections the following information for the previous state general election by each precinct
 2.8 and each county:

2.9 (1) the total number of all notices that were returned as nondeliverable;

2.10 (2) the total number of nondeliverable notices that a county auditor was able to determine
 2.11 the reason for the return along with the reason for each return; and

2.12 (3) the total number of individuals for whom the county auditor does not receive or
 2.13 obtain satisfactory proof of an individual's eligibility to vote.

2.14 Sec. 2. Minnesota Statutes 2016, section 203B.081, subdivision 1, is amended to read:

2.15 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in the
 2.16 office of the county auditor and at any other polling place designated by the county auditor
 2.17 during the 46 days before the election, except as provided in this section. The county auditor
 2.18 shall make such polling place designations at least 14 weeks before the election. Voters
 2.19 casting absentee ballots in person for a town election held in March may do so during the
 2.20 30 days before the election.

2.21 Sec. 3. Minnesota Statutes 2016, section 203B.081, subdivision 2, is amended to read:

2.22 Subd. 2. ~~Town elections~~ **Voting booth; electronic ballot marker.** ~~Voters casting~~
 2.23 ~~absentee ballots in person for a town election held in March may do so during the 30 days~~
 2.24 ~~before the election. The county auditor shall make such designations at least 14 weeks before~~
 2.25 ~~the election. For purposes of this section, the county auditor must make available in each~~
 2.26 ~~polling place (1) at least one voting booth in each polling place must be made available by~~
 2.27 ~~the county auditor for this purpose. The county auditor must also make available, and (2)~~
 2.28 ~~at least one electronic ballot marker in each polling place that has implemented a voting~~
 2.29 ~~system that is accessible for individuals with disabilities pursuant to section 206.57,~~
 2.30 ~~subdivision 5.~~

3.1 Sec. 4. Minnesota Statutes 2016, section 203B.121, subdivision 4, is amended to read:

3.2 Subd. 4. **Opening of envelopes.** After the close of business on the seventh day before
 3.3 the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated
 3.4 as needed in the manner provided in section 206.86, subdivision 5, initialed by the members
 3.5 of the ballot board, and deposited in the appropriate ballot box. If more than one voted ballot
 3.6 is enclosed in the ballot envelope, the ballots must be returned in the manner provided by
 3.7 section 204C.25 for return of spoiled ballots, and may not be counted.

3.8 Sec. 5. Minnesota Statutes 2017 Supplement, section 204B.09, subdivision 3, is amended
 3.9 to read:

3.10 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who
 3.11 wants write-in votes for the candidate to be counted must file a written request with the
 3.12 filing office for the office sought not more than 84 days before the primary and no later
 3.13 than the seventh day before the general election. The filing officer shall provide copies of
 3.14 the form to make the request. ~~No~~ The filing officer shall not accept a written request shall
 3.15 ~~be accepted~~ later than 5:00 p.m. on the last day for filing a written request.

3.16 (b) The governing body of a statutory or home rule charter city may require by resolution
 3.17 that a candidate for local elective office file a written request with the chief election official
 3.18 at least seven days before the city election if the candidate wishes to have the candidate's
 3.19 write-in votes individually recorded; or a governing body of a statutory or home rule charter
 3.20 city may require by resolution that write-in votes for an individual candidate only be
 3.21 individually recorded if the total number of write-in votes for that candidate is equal to or
 3.22 greater than the fewest number of non-write-in votes for a ballot candidate. The governing
 3.23 body of the statutory or home rule charter city must adopt a resolution authorized by this
 3.24 paragraph before the first day of filing for office. A resolution adopted under this paragraph
 3.25 remains in effect until a subsequent resolution on the same subject is adopted by the
 3.26 governing body of the statutory or home rule charter city.

3.27 ~~(b)~~ (c) A candidate for president of the United States who files a request under this
 3.28 subdivision must include the name of a candidate for vice president of the United States.
 3.29 The request must also include the name of at least one candidate for presidential elector.
 3.30 The total number of names of candidates for presidential elector on the request may not
 3.31 exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

3.32 ~~(e)~~ (d) A candidate for governor who files a request under this subdivision must include
 3.33 the name of a candidate for lieutenant governor.

4.1 Sec. 6. Minnesota Statutes 2017 Supplement, section 204B.16, subdivision 1, is amended
4.2 to read:

4.3 Subdivision 1. **Authority; location.** (a) By December 31 of each year, the governing
4.4 body of each municipality and of each county with precincts in unorganized territory must
4.5 designate by ordinance or resolution ~~a polling place for each election precinct. The polling~~
4.6 ~~places designated in the ordinance or resolution are the polling places for the following~~
4.7 ~~calendar year, unless a change is made:~~ any changes to a polling place location. A polling
4.8 place must be maintained for the following calendar year unless changed:

4.9 (1) by ordinance or resolution by December 31 of the previous year;

4.10 ~~(1)~~ (2) pursuant to section 204B.175;

4.11 ~~(2)~~ (3) because a polling place has become unavailable; or

4.12 ~~(3)~~ (4) because a township designates one location for all state, county, and federal
4.13 elections and one location for all township only elections.

4.14 (b) Polling places must be designated and ballots must be distributed so that no one is
4.15 required to go to more than one polling place to vote in a school district and municipal
4.16 election held on the same day. The polling place for a precinct in a city or in a school district
4.17 located in whole or in part in the metropolitan area defined by section 200.02, subdivision
4.18 24, shall be located within the boundaries of the precinct or within one mile of one of those
4.19 boundaries unless a single polling place is designated for a city pursuant to section 204B.14,
4.20 subdivision 2, or a school district pursuant to section 205A.11. The polling place for a
4.21 precinct in unorganized territory may be located outside the precinct at a place which is
4.22 convenient to the voters of the precinct. If no suitable place is available within a town or
4.23 within a school district located outside the metropolitan area defined by section 200.02,
4.24 subdivision 24, then the polling place for a town or school district may be located outside
4.25 the town or school district within five miles of one of the boundaries of the town or school
4.26 district.

4.27 Sec. 7. Minnesota Statutes 2016, section 204B.19, subdivision 6, is amended to read:

4.28 Subd. 6. **High school students.** Notwithstanding any other requirements of this section,
4.29 a student enrolled in a high school in Minnesota or who is in a home school in compliance
4.30 with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed
4.31 as a ~~without party affiliation~~ trainee election judge, without party affiliation, in the county
4.32 in which the student resides, or a county adjacent to the county in which the student resides.
4.33 The student must meet qualifications for trainee election judges specified in rules of the

5.1 secretary of state. A student appointed as a trainee election judge may be excused from
5.2 school attendance during the hours that the student is serving as a trainee election judge if
5.3 the student submits a written request signed and approved by the student's parent or guardian
5.4 to be absent from school and a certificate from the appointing authority stating the hours
5.5 during which the student will serve as a trainee election judge to the principal of the school
5.6 at least ten days prior to the election. Students shall not serve as trainee election judges after
5.7 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be
5.8 paid not less than two-thirds of the minimum wage for a large employer. The principal of
5.9 the school may approve a request to be absent from school conditioned on acceptable
5.10 academic performance at the time of service as a trainee election judge.

5.11 Sec. 8. Minnesota Statutes 2016, section 204B.46, is amended to read:

5.12 **204B.46 MAIL ELECTIONS; QUESTIONS.**

5.13 A county, municipality, or school district submitting questions to the voters at a special
5.14 election may conduct an election by mail with no polling place other than the office of the
5.15 auditor or clerk. No offices may be voted on at a mail election, except in overlapping school
5.16 and municipality jurisdictions, where a mail election may include an office when one of the
5.17 jurisdictions also has a question on the ballot. Notice of the election must be given to the
5.18 county auditor at least 74 days prior to the election. This notice shall also fulfill the
5.19 requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must
5.20 be posted at least six weeks prior to the election. Not more than 46 nor later than 14 days
5.21 prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all
5.22 voters registered in the county, municipality, or school district. No later than 14 days before
5.23 the election, the auditor or clerk must make a subsequent mailing of ballots to those voters
5.24 who register to vote after the initial mailing but before the 20th day before the election.
5.25 Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant
5.26 to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and
5.27 absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days
5.28 of receipt if there are 14 or fewer days before election day, or within five days of receipt if
5.29 there are more than 14 days before election day. The board may consist of deputy county
5.30 auditors, deputy municipal clerks, or deputy school district clerks who have received training
5.31 in the processing and counting of mail ballots, who need not be affiliated with a major
5.32 political party. Election judges performing the duties in this section must be of different
5.33 major political parties, unless they are exempt from that requirement under section 205.075,
5.34 subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before
5.35 the election, the ballots in the envelope must remain sealed and the auditor or clerk must

6.1 provide the voter with a replacement ballot and return envelope in place of the spoiled ballot.
6.2 If the ballot is rejected within five days of the election, the envelope must remain sealed
6.3 and the official in charge of the ballot board must attempt to contact the voter by telephone
6.4 or e-mail to notify the voter that the voter's ballot has been rejected. The official must
6.5 document the attempts made to contact the voter.

6.6 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
6.7 indicate that the voter has already cast a ballot in that election. After the close of business
6.8 on the seventh day before the election, the ballots from return envelopes marked "Accepted"
6.9 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision
6.10 5, initialed by the ballot board, and deposited in the appropriate ballot box.

6.11 In all other respects, the provisions of the Minnesota Election Law governing deposit
6.12 and counting of ballots apply.

6.13 The mail and absentee ballots for a precinct must be counted together and reported as
6.14 one vote total. No vote totals from ballots may be made public before the close of voting
6.15 on election day.

6.16 Sec. 9. Minnesota Statutes 2016, section 204C.06, subdivision 2, is amended to read:

6.17 Subd. 2. **Individuals allowed in polling place; identification.** (a) Representatives of
6.18 the secretary of state's office, the county auditor's office, and the municipal or school district
6.19 clerk's office may be present at the polling place to observe election procedures. Except for
6.20 these representatives, election judges, sergeants-at-arms, and challengers, an individual may
6.21 remain inside the polling place during voting hours only while voting or registering to vote,
6.22 providing proof of residence for an individual who is registering to vote, or assisting a
6.23 disabled voter or a voter who is unable to read English. During voting hours no one except
6.24 individuals receiving, marking, or depositing ballots shall approach within six feet of a
6.25 voting booth, ballot counter, or electronic voting equipment, unless lawfully authorized to
6.26 do so by an election judge or the individual is an election judge monitoring the operation
6.27 of the ballot counter or electronic voting equipment.

6.28 (b) Teachers and elementary or secondary school students participating in an educational
6.29 activity authorized by section 204B.27, subdivision 7, may be present at the polling place
6.30 during voting hours.

6.31 (c) Each official on duty in the polling place must wear an identification badge that
6.32 shows their role in the election process. The badge must not show their party affiliation.

7.1 (d) Persons other than election judges who are assisting voters must leave the polling
7.2 place immediately after the voter they have assisted has finished voting.

7.3 Sec. 10. Minnesota Statutes 2016, section 204C.15, subdivision 1, is amended to read:

7.4 Subdivision 1. **Physical assistance in marking ballots.** (a) A voter who claims a need
7.5 for assistance because of inability to read English or physical inability to mark a ballot may
7.6 obtain the aid of two election judges who are members of different major political parties.
7.7 The election judges shall mark the ballots as directed by the voter and in as secret a manner
7.8 as circumstances permit. A voter in need of assistance may alternatively obtain the assistance
7.9 of any individual the voter chooses. Only the following persons may not provide assistance
7.10 to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the
7.11 voter's union, or a candidate for election. The person who assists the voter shall,
7.12 unaccompanied by an election judge, retire with that voter to a booth and mark the ballot
7.13 as directed by the voter. No person who assists another voter as provided in the preceding
7.14 sentence shall mark the ballots of more than three voters at one election. Before the ballots
7.15 are deposited, the voter may show them privately to an election judge to ascertain that they
7.16 are marked as the voter directed. An election judge or other individual assisting a voter shall
7.17 not in any manner request, persuade, induce, or attempt to persuade or induce the voter to
7.18 vote for any particular political party or candidate. The election judges or other individuals
7.19 who assist the voter shall not reveal to anyone the name of any candidate for whom the
7.20 voter has voted or anything that took place while assisting the voter.

7.21 (b) The election judges must keep track of the number of voters who have been assisted
7.22 by persons other than election judges. Individuals who assist a voter must provide the head
7.23 judge with their name and address and the election judge must record the name and address
7.24 on the appropriate form. The individual must sign an oath before an election judge stating
7.25 that the individual is eligible to provide assistance to the voter, that the individual will not
7.26 attempt to influence the voter, and that the individual will assist no more than three voters
7.27 at the election. The secretary of state must approve the form used for this purpose.

7.28 Sec. 11. Minnesota Statutes 2016, section 204C.21, subdivision 1, is amended to read:

7.29 Subdivision 1. **Method.** The election judges shall take all the ballots of the same kind
7.30 and count the votes cast for each office or question, beginning with the first office or question
7.31 on the ballot. They shall make one pile of the ballots for each candidate who received votes
7.32 for that office, or one pile for the "Yes" votes and one pile for the "No" votes on a question.
7.33 They shall make a pile of totally defective ballots and a pile of totally blank ballots. They

8.1 shall make a pile of ballots that are not totally defective but are defective with respect to
8.2 the office or question being counted and a pile of ballots that are not totally blank but are
8.3 blank with respect to the office or question being counted. After the separation into piles,
8.4 the election judges shall examine each pile and remove and place in the proper pile any
8.5 ballots that are found in the wrong pile. The election judges shall count the totally blank
8.6 and totally defective ballots and set them aside until the counting is over for that ballot. In
8.7 conducting the count of blank ballots, election judges may presume that the total count
8.8 provided for prepackaged ballots is correct. The election judges may pile ballots crosswise
8.9 in groups of 25 in the same pile to facilitate counting. When their counts agree, the election
8.10 judges shall announce the number of ballots in each pile, and shall write the number in the
8.11 proper place on the summary statements.

8.12 The election judges shall then return all the counted ballots, and all the partially defective
8.13 or partially blank ballots, to the original pile to be separated and counted in the same manner
8.14 for the next office or question.

8.15 Sec. 12. Minnesota Statutes 2016, section 204C.36, subdivision 1, is amended to read:

8.16 Subdivision 1. **Publicly funded recounts.** (a) Except as provided in paragraphs (b) and
8.17 (c), a losing candidate for nomination or election to a county, municipal, or school district
8.18 office may request a recount of the votes cast for the nomination or election to that office
8.19 if the difference between the vote cast for that candidate and for a winning candidate for
8.20 nomination or election is less than one-quarter of one percent of the total votes counted for
8.21 that office. In case of offices where two or more seats are being filled from among all the
8.22 candidates for the office, the one-quarter of one percent difference is between the elected
8.23 candidate with the fewest votes and the candidate with the most votes from among the
8.24 candidates who were not elected.

8.25 (b) A losing candidate for nomination or election to a county, municipal, or school
8.26 district office may request a recount of the votes cast for nomination or election to that
8.27 office if the difference between the votes cast for that candidate and for a winning candidate
8.28 for nomination or election is less than one-half of one percent, and the total number of votes
8.29 cast for the nomination or election of all candidates is more than 400 but less than 50,000.
8.30 In cases of offices where two or more seats are being filled from among all the candidates
8.31 for the office, the one-half of one percent difference is between the elected candidate with
8.32 the fewest votes and the candidate with the most votes from among the candidates who
8.33 were not elected.

9.1 (c) A losing candidate for nomination or election to a county, municipal, or school district
 9.2 office may request a recount of the votes cast for nomination or election to that office if the
 9.3 difference between the vote cast for that candidate and for a winning candidate for nomination
 9.4 or election is ten votes or less, and the total number of votes cast for the nomination or
 9.5 election of all candidates is no more than 400. In cases of offices where two or more seats
 9.6 are being filled from among all the candidates for the office, the ten vote difference is
 9.7 between the elected candidate with the fewest votes and the candidate with the most votes
 9.8 from among the candidates who were not elected.

9.9 (d) Candidates for county offices shall file a written request for the recount with the
 9.10 county auditor. Candidates for municipal or school district offices shall file a written request
 9.11 with the municipal or school district clerk as appropriate. All requests under this paragraph
 9.12 shall be filed ~~by~~ between the close of the canvass of a primary or special primary and 5:00
 9.13 p.m. on the fifth day after the canvass of a primary or special primary or ~~by~~ between the
 9.14 close of the canvass of a special or general election and 5:00 p.m. on the seventh day of
 9.15 after the canvass of a special or general election for which a recount is sought.

9.16 (e) Upon receipt of a request made pursuant to this section, the county auditor shall
 9.17 recount the votes for a county office at the expense of the county, the governing body of
 9.18 the municipality shall recount the votes for a municipal office at the expense of the
 9.19 municipality, and the school board of the school district shall recount the votes for a school
 9.20 district office at the expense of the school district.

9.21 Sec. 13. Minnesota Statutes 2016, section 204D.19, is amended by adding a subdivision
 9.22 to read:

9.23 Subd. 4a. **Special election; Tuesday.** A special election required under subdivision 2,
 9.24 3, or 4 must be held on a Tuesday.

9.25 Sec. 14. Minnesota Statutes 2016, section 204D.21, subdivision 3, is amended to read:

9.26 Subd. 3. **Nomination at special primary on other day.** In all cases other than those
 9.27 provided in subdivisions 1 and 2, a special primary for the nomination of candidates shall
 9.28 be held on a Tuesday and not later than the 14th day before the special election.

9.29 Sec. 15. Minnesota Statutes 2016, section 204D.27, subdivision 5, is amended to read:

9.30 Subd. 5. **Canvass; special primary; state canvassing board; contest.** Not later than
 9.31 four days after the returns of the county canvassing boards are certified to the secretary of
 9.32 state, the State Canvassing Board shall complete its canvass of the special primary. The

10.1 secretary of state shall then promptly certify to the county auditors the names of the
 10.2 nominated individuals, prepare notices of nomination, and notify each nominee of the
 10.3 nomination. In case of a contest of a special primary for state senator or state representative,
 10.4 the notice of contest shall be filed within two days, excluding Sundays and legal holidays,
 10.5 after the canvass is completed, and the contest shall otherwise proceed in the manner provided
 10.6 by law for contesting elections.

10.7 Sec. 16. Minnesota Statutes 2017 Supplement, section 205.07, subdivision 1, is amended
 10.8 to read:

10.9 Subdivision 1. **Date of election.** The municipal general election in each city shall be
 10.10 held on the first Tuesday after the first Monday in November in every even-numbered year.
 10.11 Notwithstanding any provision of law to the contrary and subject to the provisions of this
 10.12 section, the governing body of a city may, by ordinance passed at a regular meeting held at
 10.13 least 180 calendar days before the first day to file for candidacy in the next municipal
 10.14 election, decide to hold the election on the first Tuesday after the first Monday in November
 10.15 in either an even- or odd-numbered year. A city may hold elections in either the
 10.16 even-numbered year or the odd-numbered year, but not both, except that when transitioning
 10.17 to a different election year a city may hold elections in consecutive calendar years to allow
 10.18 the terms of incumbents to expire. When a city changes its elections from one year to another,
 10.19 ~~and does not provide for the expiration of terms by ordinance, the term of an incumbent~~
 10.20 ~~expiring at a time when no municipal election is held in the months immediately prior to~~
 10.21 ~~expiration is extended until the date for taking office following the next scheduled municipal~~
 10.22 ~~election. If the change results in having three council members to be elected at a succeeding~~
 10.23 ~~election, the two individuals receiving the highest vote shall serve for terms of four years~~
 10.24 ~~and the individual receiving the third highest number of votes shall serve for a term of two~~
 10.25 ~~years. To provide an orderly transition to the odd or even year election plan,~~ The governing
 10.26 body of the city ~~may~~ must adopt supplementary ordinances regulating initial elections ~~and~~₂
 10.27 officers to be chosen at the elections₂ and shortening or lengthening the terms of ~~incumbents~~
 10.28 ~~and~~ those elected at the initial election. The terms of incumbent city council members must
 10.29 not be lengthened or shortened. The term of office for the mayor may be either two or four
 10.30 years. The term of office of council members is four years. Whenever the time of the
 10.31 municipal election is changed, the city clerk immediately shall notify in writing the county
 10.32 auditor and secretary of state of the change of date. Thereafter the municipal general election
 10.33 shall be held on the first Tuesday after the first Monday in November in each odd-numbered
 10.34 or even-numbered year until the ordinance is revoked and notification of the change is made.

11.1 A municipal general election scheduled to be held in an odd-numbered year may be postponed
11.2 for inclement weather as provided in section 205.105.

11.3 Sec. 17. Minnesota Statutes 2016, section 206.84, subdivision 6, is amended to read:

11.4 Subd. 6. **Duties of official in charge.** The official in charge of elections in each
11.5 municipality where an electronic voting system is used shall have the voting systems put
11.6 in order, set, adjusted, and made ready for voting when delivered to the election precincts.
11.7 The official shall also provide each precinct with a container for transporting ballot cards
11.8 to the counting location after the polls close. The container shall be of sturdy material to
11.9 protect the ballots from all reasonably foreseeable hazards including auto collisions. The
11.10 election judges shall meet at the polling place at least one hour before the time for opening
11.11 the polls. Before the polls open the election judges shall compare the ballot cards used with
11.12 the sample ballots; and electronic ballot displays, ~~and audio ballot reader~~ furnished to see
11.13 that the names, numbers, and letters on both agree and shall certify to that fact on forms
11.14 provided for the purpose. The certification must be filed with the election returns.

11.15 Sec. 18. Minnesota Statutes 2016, section 206.90, subdivision 6, is amended to read:

11.16 Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on
11.17 which all ballot information is included must be printed in black ink on white colored
11.18 material except that marks not to be read by the automatic tabulating equipment may be
11.19 printed in another color ink. In state elections, a single ballot title must be used, as provided
11.20 in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. ~~In odd-numbered years~~
11.21 When both municipal and school district offices or questions appear on the ballot, the single
11.22 ballot title "City (or Town) and School District Ballot" must be used.

11.23 On the front of the ballot must be printed the words "Official Ballot" and the date of the
11.24 election and lines for the initials of at least two election judges.

11.25 When optical scan ballots are used, the offices to be elected must appear in the following
11.26 order: federal offices; state legislative offices; constitutional offices; proposed constitutional
11.27 amendments; county offices and questions; municipal offices and questions; school district
11.28 offices and questions; special district offices and questions; and judicial offices.

11.29 On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot
11.30 questions must be printed as close to their corresponding vote targets as possible.

11.31 The line on an optical scan ballot for write-in votes must contain the words "write-in,
11.32 if any."

12.1 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions
12.2 to voters must include a statement that reads substantially as follows: "This ballot card
12.3 contains a partisan ballot and a nonpartisan ballot. On the partisan ballot you are permitted
12.4 to vote for candidates of one political party only." If a primary ballot contains political party
12.5 columns on both sides of the ballot, the instructions to voters must include a statement that
12.6 reads substantially as follows: "Additional political parties are printed on the other side of
12.7 this ballot. Vote for one political party only." At the bottom of each political party column
12.8 on the primary ballot, the ballot must contain a statement that reads substantially as follows:
12.9 "Continue voting on the nonpartisan ballot." The instructions in section 204D.08, subdivision
12.10 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
12.11 ballot readers must follow the order of offices and questions on the optical scan or paper
12.12 ballot used in the same precinct, or the sample ballot posted for that precinct.

12.13 Sec. 19. Minnesota Statutes 2016, section 207A.14, subdivision 2, is amended to read:

12.14 Subd. 2. **Sample Example ballots.** No later than 70 days before the presidential
12.15 nomination primary, the secretary of state must supply each county auditor with ~~sample~~
12.16 example ballots to be used at the presidential nomination primary. The ~~sample~~ example
12.17 ballots must illustrate the format required for the ballots used in the presidential nomination
12.18 primary.

12.19 Sec. 20. Minnesota Statutes 2016, section 367.25, subdivision 1, is amended to read:

12.20 Subdivision 1. **Requirement, fee.** Every person elected at a March election, elected at
12.21 a special election, or appointed to a town office, within ten days after receiving a certificate
12.22 or notice of election or appointment, shall take and subscribe the oath required by law.
12.23 Persons elected at a November election shall take their oath before assuming office. If taken
12.24 before the town clerk, the oath shall be administered and certified without fee.