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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1815

03/04/2021 Authored by Klevorn, Youakim, Greenman and Bahner
The bill was read for the first time and referred to the Committee on State Government Finance and Elections
03/03/2022 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to elections; modifying various election-related timelines; amending
1.3 Minnesota Statutes 2020, sections 201.091, subdivision 2; 203B.081, subdivision
1.4 3; 203B.121, subdivisions 2, 3, 4; 204B.09, subdivision 3; 204B.45, subdivision
1.5 2; 204B.46; 207A.13, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2020, section 201.091, subdivision 2, is amended to read:

1.8 Subd. 2. Corrected list. By February 15 of each year, the secretary of state shall prepare
1.9 the master list for each county auditor. The records in the statewide registration system must
1.10 be periodically corrected and updated by the county auditor. An updated master list for each
1.11 precinct must be available for absentee voting at least 46 days before each election. A final
1.12 corrected master list must be available seven 14 days before each election.

1.13 Sec. 2. Minnesota Statutes 2020, section 203B.081, subdivision 3, is amended to read:

1.14 Subd. 3. Alternative procedure. (a) The county auditor may make available a ballot
1.15 counter and ballot box for use by the voters during the seven 14 days before the election.
1.16 If a ballot counter and ballot box is provided, a voter must be given the option either (1) to
1.17 vote using the process provided in section 203B.08, subdivision 1, or (2) to vote in the
1.18 manner provided in this subdivision.

1.19 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter must
1.20 state the voter's name, address, and date of birth to the county auditor or municipal clerk.
1.21 The voter shall sign a voter's certificate, which must include the voter's name, identification
1.22 number, and the certification required by section 201.071, subdivision 1. The signature of

2.1 an individual on the voter's certificate and the issuance of a ballot to the individual is evidence
2.2 of the intent of the individual to vote at that election.

2.3 (c) After signing the voter's certificate, the voter shall be issued a ballot and immediately
2.4 retire to a voting station or other designated location in the polling place to mark the ballot.
2.5 The ballot must not be taken from the polling place. If the voter spoils the ballot, the voter
2.6 may return it to the election official in exchange for a new ballot. After completing the
2.7 ballot, the voter shall deposit the ballot into the ballot box.

2.8 (d) The election official must immediately record that the voter has voted in the manner
2.9 provided in section 203B.121, subdivision 3.

2.10 (e) The election duties required by this subdivision must be performed by the county
2.11 auditor, municipal clerk, or a deputy of the auditor or clerk.

2.12 Sec. 3. Minnesota Statutes 2020, section 203B.121, subdivision 2, is amended to read:

2.13 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
2.14 shall take possession of all return envelopes delivered to them in accordance with section
2.15 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
2.16 two or more members of the ballot board shall examine each return envelope and shall mark
2.17 it accepted or rejected in the manner provided in this subdivision. Election judges performing
2.18 the duties in this section must be of different major political parties, unless they are exempt
2.19 from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision
2.20 2.

2.21 (b) The members of the ballot board shall mark the return envelope "Accepted" and
2.22 initial or sign the return envelope below the word "Accepted" if a majority of the members
2.23 of the ballot board examining the envelope are satisfied that:

2.24 (1) the voter's name and address on the return envelope are the same as the information
2.25 provided on the absentee ballot application;

2.26 (2) the voter signed the certification on the envelope;

2.27 (3) the voter's Minnesota driver's license, state identification number, or the last four
2.28 digits of the voter's Social Security number are the same as a number on the voter's absentee
2.29 ballot application or voter record. If the number does not match, the election judges must
2.30 compare the signature provided by the applicant to determine whether the ballots were
2.31 returned by the same person to whom they were transmitted;

3.1 (4) the voter is registered and eligible to vote in the precinct or has included a properly
3.2 completed voter registration application in the return envelope;

3.3 (5) the certificate has been completed as prescribed in the directions for casting an
3.4 absentee ballot; and

3.5 (6) the voter has not already voted at that election, either in person or, if it is after the
3.6 close of business on the ~~seventh~~ 14th day before the election, by absentee ballot.

3.7 The return envelope from accepted ballots must be preserved and returned to the county
3.8 auditor.

3.9 (c)(1) If a majority of the members of the ballot board examining a return envelope find
3.10 that an absentee voter has failed to meet one of the requirements provided in paragraph (b),
3.11 they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected,"
3.12 list the reason for the rejection on the envelope, and return it to the county auditor. There
3.13 is no other reason for rejecting an absentee ballot beyond those permitted by this section.
3.14 Failure to place the ballot within the security envelope before placing it in the outer white
3.15 envelope is not a reason to reject an absentee ballot.

3.16 (2) If an envelope has been rejected at least five days before the election, the envelope
3.17 must remain sealed and the official in charge of the ballot board shall provide the voter with
3.18 a replacement absentee ballot and return envelope in place of the rejected ballot.

3.19 (3) If an envelope is rejected within five days of the election, the envelope must remain
3.20 sealed and the official in charge of the ballot board must attempt to contact the voter by
3.21 telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official
3.22 must document the attempts made to contact the voter.

3.23 (d) The official in charge of the absentee ballot board must mail the voter a written notice
3.24 of absentee ballot rejection between six and ten weeks following the election. If the official
3.25 determines that the voter has otherwise cast a ballot in the election, no notice is required.
3.26 If an absentee ballot arrives after the deadline for submission provided by this chapter, the
3.27 notice must be provided between six to ten weeks after receipt of the ballot. A notice of
3.28 absentee ballot rejection must contain the following information:

3.29 (1) the date on which the absentee ballot was rejected or, if the ballot was received after
3.30 the required deadline for submission, the date on which the ballot was received;

3.31 (2) the reason for rejection; and

3.32 (3) the name of the appropriate election official to whom the voter may direct further
3.33 questions, along with appropriate contact information.

4.1 (e) An absentee ballot return envelope marked "Rejected" may not be opened or subject
4.2 to further review except in an election contest filed pursuant to chapter 209.

4.3 Sec. 4. Minnesota Statutes 2020, section 203B.121, subdivision 3, is amended to read:

4.4 Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk
4.5 must immediately record that a voter's absentee ballot has been accepted. After the close
4.6 of business on the ~~seventh~~ 14th day before the election, a voter whose record indicates that
4.7 an absentee ballot has been accepted must not be permitted to cast another ballot at that
4.8 election. In a state primary, general, or state special election for federal or state office, the
4.9 auditor or clerk must also record this information in the statewide voter registration system.

4.10 (b) The roster must be marked, and a supplemental report of absentee voters who
4.11 submitted a voter registration application with their ballot must be created, no later than the
4.12 start of voting on election day to indicate the voters that have already cast a ballot at the
4.13 election. The roster may be marked either:

4.14 (1) by the county auditor or municipal clerk before election day;

4.15 (2) by the ballot board before election day; or

4.16 (3) by the election judges at the polling place on election day.

4.17 The record of a voter whose absentee ballot was received after the close of business on
4.18 the ~~seventh~~ 14th day before the election is not required to be marked on the roster or
4.19 contained in a supplemental report as required by this paragraph.

4.20 Sec. 5. Minnesota Statutes 2020, section 203B.121, subdivision 4, is amended to read:

4.21 Subd. 4. **Opening of envelopes.** After the close of business on the ~~seventh~~ 14th day
4.22 before the election, the ballots from return envelopes marked "Accepted" may be opened,
4.23 duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by
4.24 the members of the ballot board, and deposited in the appropriate ballot box. If more than
4.25 one voted ballot is enclosed in the ballot envelope, the ballots must be returned in the manner
4.26 provided by section 204C.25 for return of spoiled ballots, and may not be counted.

4.27 Sec. 6. Minnesota Statutes 2020, section 204B.09, subdivision 3, is amended to read:

4.28 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office who
4.29 wants write-in votes for the candidate to be counted must file a written request with the
4.30 filing office for the office sought not more than 84 days before the primary and no later
4.31 than the ~~seventh~~ 14th day before the general election. The filing officer shall provide copies

5.1 of the form to make the request. No written request shall be accepted later than 5:00 p.m.
5.2 on the last day for filing a written request.

5.3 (b) A candidate for president of the United States who files a request under this
5.4 subdivision must include the name of a candidate for vice president of the United States.
5.5 The request must also include the name of at least one candidate for presidential elector.
5.6 The total number of names of candidates for presidential elector on the request may not
5.7 exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

5.8 (c) A candidate for governor who files a request under this subdivision must include the
5.9 name of a candidate for lieutenant governor.

5.10 Sec. 7. Minnesota Statutes 2020, section 204B.45, subdivision 2, is amended to read:

5.11 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given
5.12 at least ten weeks prior to the election. Not more than 46 days nor later than 14 days before
5.13 a regularly scheduled election and not more than 30 days nor later than 14 days before any
5.14 other election, the auditor shall mail ballots by nonforwardable mail to all voters registered
5.15 in the city, town, or unorganized territory. No later than 14 days before the election, the
5.16 auditor must make a subsequent mailing of ballots to those voters who register to vote after
5.17 the initial mailing but before the 20th day before the election. Eligible voters not registered
5.18 at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot
5.19 return envelopes, with return postage provided, must be preaddressed to the auditor or clerk
5.20 and the voter may return the ballot by mail or in person to the office of the auditor or clerk.
5.21 The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot
5.22 return envelopes and mark them "accepted" or "rejected" within three days of receipt if
5.23 there are 14 or fewer days before election day, or within five days of receipt if there are
5.24 more than 14 days before election day. The board may consist of deputy county auditors or
5.25 deputy municipal clerks who have received training in the processing and counting of mail
5.26 ballots, who need not be affiliated with a major political party. Election judges performing
5.27 the duties in this section must be of different major political parties, unless they are exempt
5.28 from that requirement under section 205.075, subdivision 4, or section 205A.10. If an
5.29 envelope has been rejected at least five days before the election, the ballots in the envelope
5.30 must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot
5.31 and return envelope in place of the spoiled ballot. If the ballot is rejected within five days
5.32 of the election, the envelope must remain sealed and the official in charge of the ballot board
5.33 must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's
5.34 ballot has been rejected. The official must document the attempts made to contact the voter.

6.1 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
6.2 indicate that the voter has already cast a ballot in that election. After the close of business
6.3 on the ~~seventh~~ 14th day before the election, the ballots from return envelopes marked
6.4 "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86,
6.5 subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

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

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

6.11 The costs of the mailing shall be paid by the election jurisdiction in which the voter
6.12 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

6.13 Sec. 8. Minnesota Statutes 2020, section 204B.46, is amended to read:

6.14 **204B.46 MAIL ELECTIONS; QUESTIONS.**

6.15 A county, municipality, or school district submitting questions to the voters at a special
6.16 election may conduct an election by mail with no polling place other than the office of the
6.17 auditor or clerk. No offices may be voted on at a mail election. Notice of the election must
6.18 be given to the county auditor at least 74 days prior to the election. This notice shall also
6.19 fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot
6.20 procedures must be posted at least six weeks prior to the election. Not more than 46 nor
6.21 later than 14 days prior to the election, the auditor or clerk shall mail ballots by
6.22 nonforwardable mail to all voters registered in the county, municipality, or school district.
6.23 No later than 14 days before the election, the auditor or clerk must make a subsequent
6.24 mailing of ballots to those voters who register to vote after the initial mailing but before the
6.25 20th day before the election. Eligible voters not registered at the time the ballots are mailed
6.26 may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot
6.27 board to examine the mail and absentee ballot return envelopes and mark them "Accepted"
6.28 or "Rejected" within three days of receipt if there are 14 or fewer days before election day,
6.29 or within five days of receipt if there are more than 14 days before election day. The board
6.30 may consist of deputy county auditors, deputy municipal clerks, or deputy school district
6.31 clerks who have received training in the processing and counting of mail ballots, who need
6.32 not be affiliated with a major political party. Election judges performing the duties in this
6.33 section must be of different major political parties, unless they are exempt from that
6.34 requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has

7.1 been rejected at least five days before the election, the ballots in the envelope must remain
7.2 sealed and the auditor or clerk must provide the voter with a replacement ballot and return
7.3 envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election,
7.4 the envelope must remain sealed and the official in charge of the ballot board must attempt
7.5 to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
7.6 rejected. The official must document the attempts made to contact the voter.

7.7 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
7.8 indicate that the voter has already cast a ballot in that election. After the close of business
7.9 on the ~~seventh~~ 14th day before the election, the ballots from return envelopes marked
7.10 "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86,
7.11 subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

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

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

7.17 Sec. 9. Minnesota Statutes 2020, section 207A.13, subdivision 2, is amended to read:

7.18 Subd. 2. **Candidates on the ballot.** (a) Each party must determine which candidates are
7.19 to be placed on the presidential nomination primary ballot for that party. The chair of each
7.20 party must submit to the secretary of state the names of the candidates to appear on the
7.21 ballot for that party no later than 63 days before the presidential nomination primary. Once
7.22 submitted, changes must not be made to the candidates that will appear on the ballot.

7.23 (b) No later than the ~~seventh~~ 14th day before the presidential nomination primary, the
7.24 chair of each party must submit to the secretary of state the names of write-in candidates,
7.25 if any, to be counted for that party.