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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2671

03/06/2023 Authored by Torkelson, Davis, Knudsen, Urdahl, Murphy and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to elections; repealing authorization of absentee ballot drop boxes;
1.3 amending Minnesota Statutes 2022, section 203B.08, subdivision 1; repealing
1.4 Minnesota Statutes 2022, section 203B.082.

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

1.6 Section 1. Minnesota Statutes 2022, section 203B.08, subdivision 1, is amended to read:

1.7 Subdivision 1. Marking and return by voter. (a) An eligible voter who receives absentee
1.8 ballots as provided in this chapter shall mark them in the manner specified in the directions
1.9 for casting the absentee ballots. The return envelope containing marked ballots may be
1.10 mailed as provided in the directions for casting the absentee ballots, or may be left with
1.11 personally delivered to the office of the county auditor or municipal clerk who transmitted
1.12 the absentee ballots to the voter, or may be left in a drop box as provided in section 203B.082.
1.13 If delivered in person, the return envelope must be submitted to the county auditor or
1.14 municipal clerk by 3:00 p.m. on election day.

1.15 (b) The voter may designate an agent to deliver in person the sealed absentee ballot
1.16 return envelope to the office of the county auditor or municipal clerk or to deposit the return
1.17 envelope in the mail. An agent may deliver or mail the return envelopes of not more than
1.18 three voters in any election. Any person designated as an agent who tampers with either the
1.19 return envelope or the voted ballots or does not immediately mail or deliver the return
1.20 envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

1.21 (c) The county auditor or municipal clerk must not provide a drop box or similar
1.22 receptacle into which voters or agents may deposit absentee ballot envelopes.

2.1 Sec. 2. **REPEALER.**

2.2 Minnesota Statutes 2022, section 203B.082, is repealed.

203B.082 ABSENTEE BALLOT DROP BOXES; SECURITY AND INTEGRITY.

Subdivision 1. **Definition.** As used in this section, "drop box" means a secure receptacle or container established to receive completed absentee ballots 24 hours per day. Drop box does not include a receptacle or container maintained by the United States Postal Service, or a location at which a voter or an agent may return a completed absentee ballot by providing it directly to an employee of the county auditor or municipal clerk.

Subd. 2. **Minimum security and integrity standards.** The county auditor or municipal clerk may provide locations at which a voter may deposit a completed absentee ballot enclosed in the completed signature envelope in a secure drop box, consistent with the following security and integrity standards:

- (1) each drop box must be continually recorded during the absentee voting period;
- (2) each drop box must be designed to prevent an unauthorized person from moving, removing, or tampering with the drop box;
- (3) each drop box placed in an outdoor location must be fastened to a building, bolted to a concrete pad, or otherwise attached to a similarly secure structure;
- (4) ballots deposited in a drop box must be secured against access by any unauthorized person, and in the case of a drop box located in an outdoor location, the drop box must be secured against damage due to weather or other natural conditions;
- (5) each drop box must contain signage or markings that:
 - (i) clearly identifies the drop box as an official absentee ballot return location; and
 - (ii) include the location and hours where an agent may return an absentee ballot;
- (6) deposited ballots must be collected at least once per business day during the absentee voting period by the county auditor, municipal clerk, or an elections official trained by the county auditor or municipal clerk in the proper maintenance and handling of absentee ballots and absentee ballot drop boxes, and in the security measures used to protect absentee ballots; and
- (7) ballots collected from each drop box must be properly date-stamped and stored in a locked ballot container or other secured and locked space consistent with any applicable laws governing the collection and storage of absentee ballots.

Subd. 3. **Publication of locations required.** (a) The county auditor or municipal clerk must provide a list of designated absentee ballot drop box locations to the secretary of state no later than 40 days prior to the start of the absentee voting period at every regularly scheduled primary or general election. The list must be published on the website of the county or municipality and on the website of the secretary of state at least 35 days prior to the start of the absentee voting period.

(b) The county auditor or municipal clerk must provide an updated list of designated absentee ballot drop box locations to the secretary of state no later than 20 days prior to the start of the absentee voting period at every regularly scheduled primary or general election, if any locations have changed or been added since submission of the list under paragraph (a). The list must be published on the website of the county or municipality and on the website of the secretary of state at least 15 days prior to the start of the absentee voting period.

Subd. 4. **Electioneering prohibited.** Section 211B.11 applies to conduct within 100 feet of an absentee ballot drop box established under this section.