

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2688

03/08/2016 Authored by Sanders, Nelson and Pugh

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

A bill for an act

1.1 relating to elections; modifying provisions related to elections and election
1.2 administration; amending Minnesota Statutes 2014, sections 202A.13; 204B.04,
1.3 by adding a subdivision; 204B.14, subdivision 7; 204B.146, subdivision 3;
1.4 204B.18, subdivision 1; 204C.07, subdivision 3; 204C.37; 204C.39, subdivision
1.5 4; 204D.22, subdivision 2; 205.065, subdivision 4; 205.10, subdivision 6;
1.6 205A.03, subdivision 3; 205A.05, subdivision 2; 205A.06, subdivision 1;
1.7 205A.11, subdivision 2a; 209.021, subdivision 1; Minnesota Statutes 2015
1.8 Supplement, sections 123B.095, subdivision 1; 203B.17, subdivision 1; 204B.45,
1.9 subdivision 2.
1.10

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

1.12 Section 1. Minnesota Statutes 2015 Supplement, section 123B.095, subdivision 1,
1.13 is amended to read:

1.14 Subdivision 1. **Option for filling vacancies; special election.** (a) Except as
1.15 provided in section 123B.09, subdivision 4, a vacancy in the office of school board may be
1.16 filled as provided in this subdivision and subdivision 2, or as provided in subdivision 3. If
1.17 the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a
1.18 special election. The school board may by resolution call for a special election to be held
1.19 according to the earliest of the following time schedules:

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

1.22 (2) concurrently with the next regularly scheduled primary election and general
1.23 election; or

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

1.25 Notwithstanding any other provision, a school district special election may not
1.26 be held on the date of a regularly scheduled town election or annual meeting in March
1.27 conducted wholly or partially within the school district.

2.1 (b) The person elected at the special election shall take office immediately after
2.2 receipt of the certificate of election and upon filing the bond and taking the oath of office
2.3 and shall serve the remainder of the unexpired term.

2.4 Sec. 2. Minnesota Statutes 2014, section 202A.13, is amended to read:

2.5 **202A.13 COMMITTEES, CONVENTIONS.**

2.6 The rules of each major political party shall provide that for each congressional
2.7 district and each county or legislative district a convention shall be held at least once
2.8 every state general election year. Each major political party shall also provide for each
2.9 congressional district and each county or legislative district an executive committee
2.10 consisting of a chair and such other officers as may be necessary. The party rules may
2.11 provide for only one executive committee and one convention where any county and
2.12 congressional district have the same territorial limits.

2.13 A delegate or alternate who is deaf, deafblind, or hard-of-hearing who needs
2.14 interpreter services at a county, legislative district, congressional district, or state
2.15 convention shall so notify the executive committee of the major political party unit whose
2.16 convention the delegate or alternate plans to attend. Written notice must be given by
2.17 certified mail or electronic mail to the executive committee at least 30 days before the
2.18 convention date. The major political party, not later than 14 days before the convention
2.19 date, shall secure the services of one or more interpreters if available and shall assume
2.20 responsibility for the cost of the services. The state central committee of the major
2.21 political party shall determine the process for reimbursing interpreters.

2.22 A visually impaired delegate or alternate to a county, legislative district,
2.23 congressional district, or state convention may notify the executive committee of the major
2.24 political party unit that the delegate or alternate requires convention materials in audio
2.25 tape, Braille, or large print format. Upon receiving the request, the executive committee
2.26 shall provide all official written convention materials as soon as they are available, so
2.27 that the visually impaired individual may have them converted to audio tape, Braille, or
2.28 large print format, prior to the convention.

2.29 Sec. 3. Minnesota Statutes 2015 Supplement, section 203B.17, subdivision 1, is
2.30 amended to read:

2.31 Subdivision 1. **Submission of application.** (a) An application for absentee ballots
2.32 for a voter described in section 203B.16 must be in writing and may be submitted in
2.33 person, by mail, by electronic facsimile device, by electronic mail, or electronically
2.34 through a secure Web site that shall be maintained by the secretary of state for this

3.1 purpose, upon determination by the secretary of state that security concerns have been
 3.2 adequately addressed. An application for absentee ballots for a voter described in section
 3.3 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother,
 3.4 or child over the age of 18 years.

3.5 (b) An application for a voter described in section 203B.16, subdivision 1, shall be
 3.6 submitted to the county auditor of the county where the voter maintains residence or
 3.7 through the secure Web site maintained by the secretary of state.

3.8 (c) An application for a voter described in section 203B.16, subdivision 2, shall be
 3.9 submitted to the county auditor of the county where the voter or the voter's parent last
 3.10 maintained residence in Minnesota or through the secure Web site maintained by the
 3.11 secretary of state.

3.12 (d) An application for absentee ballots shall be valid for any primary, special
 3.13 primary, general election, or special election from the time the application is received
 3.14 through the end of that calendar year or through the next regularly scheduled state general
 3.15 election, whichever is later.

3.16 (e) There shall be no limitation of time for filing and receiving applications for
 3.17 ballots under sections 203B.16 to 203B.27.

3.18 Sec. 4. Minnesota Statutes 2014, section 204B.04, is amended by adding a subdivision
 3.19 to read:

3.20 Subd. 5. **Ballots; candidates who file by nominating petition.** Candidates who
 3.21 were filed as a team by nominating petition under section 204B.07, subdivision 2, shall not
 3.22 appear on the ballot as minor party or independent candidates if either candidate is certified
 3.23 as a major party candidate for president or vice president pursuant to section 208.03.

3.24 Sec. 5. Minnesota Statutes 2014, section 204B.14, subdivision 7, is amended to read:

3.25 Subd. 7. **Application to municipalities.** Notwithstanding the provisions of
 3.26 section 410.21, or any other law, ordinance or charter to the contrary, the provisions of
 3.27 subdivisions 1, and 3 ~~and 6~~ apply to all municipalities.

3.28 Sec. 6. Minnesota Statutes 2014, section 204B.146, subdivision 3, is amended to read:

3.29 Subd. 3. **Correction to election district boundaries.** When a municipal boundary
 3.30 that has changed and is coterminous with (1) a congressional, legislative, or county
 3.31 commissioner district boundary ~~has changed~~, or (2) a soil and water conservation district
 3.32 supervisor district boundary elected by district under section 103C.311, subdivision 2,
 3.33 and the affected territory contains 50 or fewer registered voters, the secretary of state may

4.1 order corrections to move the affected election district boundaries so ~~they~~ the boundaries
4.2 are again will be coterminous with the municipal boundary. The election district boundary
4.3 change is effective 28 days after the date that the order is issued. The secretary of state
4.4 shall immediately notify the municipal clerk and county auditor affected by the boundary
4.5 change and the Legislative Coordinating Commission. The municipal clerk shall send
4.6 a nonforwardable notice stating the location of the polling place to every household
4.7 containing a registered voter affected by the boundary change at least 25 days before the
4.8 next election.

4.9 Sec. 7. Minnesota Statutes 2014, section 204B.18, subdivision 1, is amended to read:

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

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

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

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

4.31 Any funds received by a local jurisdiction making the equipment available as
4.32 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,
4.33 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from
4.34 the Help America Vote Act account must be treated as program income and deposited into

5.1 the jurisdiction's Help America Vote Act account in the direct proportion that funds from
5.2 the Help America Vote Act account were used to pay for those "operating costs."

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

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

5.11 Sec. 8. Minnesota Statutes 2015 Supplement, section 204B.45, subdivision 2, is
5.12 amended to read:

5.13 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must
5.14 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14
5.15 days before a regularly scheduled election and not more than 30 days nor later than 14
5.16 days before any other election, the auditor shall mail ballots by nonforwardable mail to
5.17 all voters registered in the city, town₂ or unorganized territory. No later than 14 days
5.18 before the election, the auditor must make a subsequent mailing of ballots to those voters
5.19 who register to vote after the initial mailing but before the 20th day before the election.
5.20 Eligible voters not registered at the time the ballots are mailed may apply for ballots as
5.21 provided in chapter 203B. Ballot return envelopes, with return postage provided, must
5.22 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in
5.23 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board
5.24 to examine the mail and absentee ballot return envelopes and mark them "accepted" or
5.25 "rejected" within three days of receipt if there are 14 or fewer days before election day, or
5.26 within five days of receipt if there are more than 14 days before election day. The board
5.27 may consist of deputy county auditors or deputy municipal clerks who have received
5.28 training in the processing and counting of mail ballots, who need not be affiliated with
5.29 a major political party. Election judges performing the duties in this section must be of
5.30 different major political parties, unless they are exempt from that requirement under
5.31 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
5.32 least five days before the election, the ballots in the envelope must remain sealed and the
5.33 auditor or clerk shall provide the voter with a replacement ballot and return envelope in
5.34 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
5.35 envelope must remain sealed and the official in charge of the ballot board must attempt to

6.1 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
6.2 rejected. The official must document the attempts made to contact the voter.

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

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

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

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

6.15 Sec. 9. Minnesota Statutes 2014, section 204C.07, subdivision 3, is amended to read:

6.16 Subd. 3. **Elections on a question.** At an election where a question is to be voted
6.17 upon in an election jurisdiction, the appropriate mayor of a city, ~~or the~~ school board of a
6.18 school district, or ~~the~~ board of supervisors of a town, upon receiving a written petition
6.19 signed by at least 25 eligible voters, shall appoint by written certificate one voter for each
6.20 precinct in the municipality, or school district if applicable, to act as a challenger of voters
6.21 in the polling place for that precinct. The petition must be delivered to the clerk of the
6.22 municipality or school conducting the election.

6.23 Sec. 10. Minnesota Statutes 2014, section 204C.37, is amended to read:

6.24 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
6.25 **STATE.**

6.26 A copy of the report required by sections 204C.32, subdivision 1, and 204C.33,
6.27 subdivision 1, shall be certified under the official seal of the county auditor. The copy shall
6.28 be enclosed in an envelope addressed to the secretary of state, with the county auditor's
6.29 name and official address and the words "Election Returns" endorsed on the envelope.
6.30 The copy of the canvassing board report ~~and the precinct summary statements~~ must be
6.31 sent by express mail or delivered to the secretary of state. If the copy is not received by
6.32 the secretary of state within ten days following the applicable election, the secretary of
6.33 state shall immediately notify the county auditor, who shall deliver another copy to the
6.34 secretary of state by special messenger.

7.1 Sec. 11. Minnesota Statutes 2014, section 204C.39, subdivision 4, is amended to read:

7.2 Subd. 4. **Canvassing board; declaration of results; notification.** The canvassing
7.3 board shall declare the results of the election upon completing the inspection for the
7.4 office in question. The report and declaration shall be filed by the county auditor, who
7.5 shall mail a certified copy to each candidate for that office. The county auditor shall
7.6 promptly notify the secretary of state by ~~certified~~ United States mail and electronic mail of
7.7 the action of the county canvassing board.

7.8 Sec. 12. Minnesota Statutes 2014, section 204D.22, subdivision 2, is amended to read:

7.9 Subd. 2. **Posting of writ.** Immediately upon receipt of the writ, the secretary of state
7.10 shall send a certified copy of the writ by ~~certified~~ United States mail and electronic mail to
7.11 the county auditor of each county in which candidates to fill the vacancy are to be voted
7.12 upon. The county auditor shall post a copy of the writ in the auditor's office at least five
7.13 days before the close of the time for filing affidavits of candidacy for the special election.

7.14 Sec. 13. Minnesota Statutes 2014, section 205.065, subdivision 4, is amended to read:

7.15 Subd. 4. **Candidates, filing.** The clerk shall place upon the primary ballot without
7.16 partisan designation the names of individuals whose candidacies have been filed and for
7.17 whom the proper filing fee has been paid. When not more than twice the number of
7.18 individuals to be elected to a municipal office file for nomination for the office, their
7.19 names shall not be placed upon the primary ballot and shall be placed on the municipal
7.20 general election ballot as the nominees for that office. When more than one council
7.21 member is to be elected for full terms at the same election, the candidates' names shall be
7.22 placed under one office on the ballot with the number to be elected to the office specified
7.23 directly underneath the title and identification of the office.

7.24 Sec. 14. Minnesota Statutes 2014, section 205.10, subdivision 6, is amended to read:

7.25 Subd. 6. **Cancellation.** A special election ordered by the governing body of the
7.26 municipality on its own motion under subdivision 1 may be canceled by motion of the
7.27 governing body, but not less than ~~46~~ 74 days before the election.

7.28 Sec. 15. Minnesota Statutes 2014, section 205A.03, subdivision 3, is amended to read:

7.29 Subd. 3. **Candidates, filing.** The clerk shall place upon the primary ballot without
7.30 partisan designation the names of individuals whose candidacies have been filed and for
7.31 whom the proper filing fee has been paid. When not more than twice as many school board
7.32 candidates as there are at-large school board positions available file for nomination for the

8.1 office or when not more than two candidates for a specified school board position file for
 8.2 nomination for that office, their names must not be placed upon the primary ballot and must
 8.3 be placed on the school district general election ballot as the nominees for that office. When
 8.4 more than one school board member is to be elected for full terms at the same election, the
 8.5 candidates' names shall be placed under one office on the ballot with the number to be
 8.6 elected to the office specified directly underneath the title and identification of the office.

8.7 Sec. 16. Minnesota Statutes 2014, section 205A.05, subdivision 2, is amended to read:

8.8 Subd. 2. **Vacancies in school district offices.** Special elections to fill vacancies in
 8.9 elective school district offices shall be held in school districts ~~in conjunction with school~~
 8.10 ~~district primary and general elections to fill vacancies in elective school district offices~~
 8.11 pursuant to section 123B.095. When more than one vacancy exists in an office elected
 8.12 at-large, voters must be instructed to vote for up to the number of vacancies to be filled.

8.13 Sec. 17. Minnesota Statutes 2014, section 205A.06, subdivision 1, is amended to read:

8.14 Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to
 8.15 become a candidate for an office to be voted on at the election must file an affidavit of
 8.16 candidacy with the school district clerk. The affidavit must be in ~~substantially the same~~
 8.17 ~~form as that in~~ prescribed by section 204B.06, subdivision 1. The school district clerk
 8.18 shall also accept an application signed by at least five voters and filed on behalf of an
 8.19 eligible voter in the school district whom they desire to be a candidate, if service of a copy
 8.20 of the application has been made on the candidate and proof of service is endorsed on the
 8.21 application being filed. No individual shall be nominated by nominating petition for a
 8.22 school district elective office. Upon receipt of the proper filing fee, the clerk shall place
 8.23 the name of the candidate on the official ballot without partisan designation.

8.24 Sec. 18. Minnesota Statutes 2014, section 205A.11, subdivision 2a, is amended to read:

8.25 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a
 8.26 notice to the voters who will be voting in a combined polling place for a school district
 8.27 special election. The notice must include the following information: the date of the
 8.28 election, the hours of voting, and the location of the voter's polling place. The notice must
 8.29 be sent by nonforwardable mail to every affected household in the school district with
 8.30 at least one registered voter. The notice must be mailed no later than 14 days before the
 8.31 election. The mailed notice is not required for a school district special election that is held
 8.32 on the second Tuesday in August, the Tuesday following the first Monday in November,
 8.33 or for a special election conducted entirely by mail. ~~In addition, the mailed notice is not~~

9.1 ~~required for voters residing in a township if the school district special election is held on~~
9.2 ~~the second Tuesday in March and the town general election is held on that day.~~ A notice
9.3 that is returned as undeliverable must be forwarded immediately to the county auditor.

9.4 Sec. 19. Minnesota Statutes 2014, section 209.021, subdivision 1, is amended to read:

9.5 Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made
9.6 in the same manner as the service of summons in civil actions. The notice of contest must
9.7 specify the grounds on which the contest will be made. The contestant shall serve notice
9.8 of the contest on the parties enumerated in this section. Except as provided in section
9.9 204D.27, notice must be served and filed within five days after the canvass is completed in
9.10 the case of a primary or special primary or within seven days after the canvass is completed
9.11 in the case of a special or general election; ~~except that.~~ If a contest is based on a deliberate,
9.12 serious, and material violation of the election laws ~~which~~ that was discovered from the
9.13 statements of receipts and disbursements required to be filed by candidates and committees,
9.14 the action may be commenced and the notice served and filed within ten days after the
9.15 filing of the statements in the case of a general or special election or within five days after
9.16 the filing of the statements in the case of a primary or special primary. If a notice of contest
9.17 questions only which party received the highest number of votes legally cast at the election,
9.18 a contestee who loses may serve and file a notice of contest on any other ground during the
9.19 three days following expiration of the time for appealing the decision on the vote count.