

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1362

(SENATE AUTHORS: CARLSON)

DATE	D-PG	OFFICIAL STATUS
02/08/2023	731	Introduction and first reading Referred to Elections
03/20/2023		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to elections; making technical and clarifying changes; amending Minnesota

1.3 Statutes 2022, sections 203B.07, subdivisions 1, 2, 3; 203B.121, subdivision 4;

1.4 203B.21, subdivisions 1, 3; 203B.23, subdivision 2; 203B.24, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 203B.07, subdivision 1, is amended to read:

1.7 Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the municipal

1.8 clerk shall prepare, print, and transmit a return envelope, a signature envelope, a ~~ballet~~

1.9 secrecy envelope, and a copy of the directions for casting an absentee ballot to each applicant

1.10 whose application for absentee ballots is accepted pursuant to section 203B.04. The county

1.11 auditor or municipal clerk shall provide first class postage for the return envelope. The

1.12 directions for casting an absentee ballot shall be printed in at least 14-point bold type with

1.13 heavy leading and may be printed on the ~~ballet~~ secrecy envelope. When a person requests

1.14 the directions in Braille or on audio file, the county auditor or municipal clerk shall provide

1.15 them in the form requested. The secretary of state shall prepare Braille and audio file copies

1.16 and make them available.

1.17 When a voter registration application is sent to the applicant as provided in section

1.18 203B.06, subdivision 4, the directions or registration application shall include instructions

1.19 for registering to vote.

1.20 Sec. 2. Minnesota Statutes 2022, section 203B.07, subdivision 2, is amended to read:

1.21 Subd. 2. **Design of envelopes.** (a) The ~~return~~ signature envelope shall be of sufficient

1.22 size to conveniently enclose and contain the ~~ballet~~ secrecy envelope and a folded voter

2.1 registration application. The ~~return~~ signature envelope shall be designed to open on the
2.2 left-hand end.

2.3 (b) The return envelope must be designed in one of the following ways:

2.4 (1) it must be of sufficient size to contain ~~an additional~~ a signature envelope ~~that when~~
2.5 and when the return envelope is sealed, it conceals the signature, identification, and other
2.6 information; or

2.7 (2) it must be the signature envelope and provide an additional flap that when sealed,
2.8 conceals the signature, identification, and other information.

2.9 (c) Election officials may open the flap or the ~~additional~~ return envelope at any time
2.10 after receiving the returned ballot to inspect the returned certificate for completeness or to
2.11 ascertain other information.

2.12 Sec. 3. Minnesota Statutes 2022, section 203B.07, subdivision 3, is amended to read:

2.13 Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot
2.14 shall be printed on the back of the ~~return~~ signature envelope. The certificate shall contain
2.15 space for the voter's Minnesota driver's license number, state identification number, or the
2.16 last four digits of the voter's Social Security number, or to indicate that the voter does not
2.17 have one of these numbers. The space must be designed to ensure that the voter provides
2.18 the same type of identification as provided on the voter's absentee ballot application for
2.19 purposes of comparison. The certificate must also contain a statement to be signed and
2.20 sworn by the voter indicating that the voter meets all of the requirements established by law
2.21 for voting by absentee ballot and space for a statement signed by a person who is registered
2.22 to vote in Minnesota or by a notary public or other individual authorized to administer oaths
2.23 stating that:

2.24 (1) the ballots were displayed to that individual unmarked;

2.25 (2) the voter marked the ballots in that individual's presence without showing how they
2.26 were marked, or, if the voter was physically unable to mark them, that the voter directed
2.27 another individual to mark them; and

2.28 (3) if the voter was not previously registered, the voter has provided proof of residence
2.29 as required by section 201.061, subdivision 3.

3.1 Sec. 4. Minnesota Statutes 2022, 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 secrecy envelopes within the signature envelopes marked
3.4 "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86,
3.5 subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate
3.6 ballot box. If more than one voted ballot is enclosed in the ~~ballot~~ secrecy envelope, the
3.7 ballots must be returned in the manner provided by section 204C.25 for return of spoiled
3.8 ballots, and may not be counted.

3.9 Sec. 5. Minnesota Statutes 2022, section 203B.21, subdivision 1, is amended to read:

3.10 Subdivision 1. **Form.** Absentee ballots under sections 203B.16 to 203B.27 shall conform
3.11 to the requirements of the Minnesota Election Law, except that modifications in the size or
3.12 form of ballots or envelopes may be made if necessary to satisfy the requirements of the
3.13 United States postal service. The return envelope must be designed in one of the following
3.14 ways:

3.15 (1) it must be of sufficient size to contain ~~an additional~~ a signature envelope ~~that when~~
3.16 and when the return envelope is sealed, it conceals the signature, identification, and other
3.17 information; or

3.18 (2) it must be the signature envelope and provide an additional flap that when sealed,
3.19 conceals the signature, identification, and other information.

3.20 The flap or the ~~additional~~ return envelope must be perforated to permit election officials to
3.21 inspect the returned certificate for completeness or to ascertain other information at any
3.22 time after receiving the returned ballot without opening the ~~return~~ signature envelope.

3.23 Sec. 6. Minnesota Statutes 2022, section 203B.21, subdivision 3, is amended to read:

3.24 Subd. 3. **Back of ~~return~~ signature envelope.** On the back of the ~~return~~ signature envelope
3.25 a certificate shall appear with space for:

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

3.27 (2) the voter's current email address, if the voter has one;

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

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

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

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

4.8 The certificate shall also contain a signed oath in the form required by section 705 of
 4.9 the Help America Vote Act, Public Law 107-252, which must read:

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

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

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

4.25 Sec. 7. Minnesota Statutes 2022, section 203B.23, subdivision 2, is amended to read:

4.26 Subd. 2. **Duties.** (a) The absentee ballot board must examine all returned absentee ballot
 4.27 envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject the
 4.28 absentee ballots in the manner provided in section 203B.24. If the certificate of voter
 4.29 eligibility is not printed on the ~~return~~ or administrative signature envelope, the certificate
 4.30 must be attached to the ~~ballot~~ secrecy envelope.

4.31 (b) The absentee ballot board must immediately examine the ~~return~~ signature envelopes
 4.32 or certificates of voter eligibility that are attached to the secrecy envelopes and mark them
 4.33 "accepted" or "rejected" during the 45 days before the election. If an envelope has been

5.1 rejected at least five days before the election, the ballots in the envelope must be considered
5.2 spoiled ballots and the official in charge of the absentee ballot board must provide the voter
5.3 with a replacement absentee ballot and ~~return envelope~~ envelopes in place of the spoiled
5.4 ballot.

5.5 (c) If a county has delegated the responsibility for administering absentee balloting to
5.6 a municipality under section 203B.05, accepted absentee ballots must be delivered to the
5.7 appropriate municipality's absentee ballot board. The absentee ballot board with the authority
5.8 to open and count the ballots must do so in accordance with section 203B.121, subdivisions
5.9 4 and 5.

5.10 Sec. 8. Minnesota Statutes 2022, section 203B.24, subdivision 1, is amended to read:

5.11 Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt
5.12 of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election
5.13 judges shall compare the voter's name with the names recorded under section 203B.19 in
5.14 the statewide registration system to insure that the ballot is from a voter eligible to cast an
5.15 absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the
5.16 signature envelope "Accepted" and initial or sign the signature envelope below the word
5.17 "Accepted" if the election judges are satisfied that:

5.18 (1) the voter's name and address on the signature envelope appears in substantially the
5.19 same form as on the application records provided to the election judges by the county auditor;

5.20 (2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the
5.21 Help America Vote Act, Public Law 107-252;

5.22 (3) the voter has set forth the same voter's passport number, or Minnesota driver's license
5.23 or state identification card number, or the last four digits of the voter's Social Security
5.24 number as submitted on the application, if the voter has one of these documents;

5.25 (4) the voter is not known to have died; and

5.26 (5) the voter has not already voted at that election, either in person or by absentee ballot.

5.27 If the identification number described in clause (3) does not match the number as
5.28 submitted on the application, the election judges must make a reasonable effort to satisfy
5.29 themselves through other information provided by the applicant, or by an individual
5.30 authorized to apply on behalf of the voter, that the ballots were returned by the same person
5.31 to whom the ballots were transmitted.

6.1 An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected
6.2 for the lack of one of clauses (1) to (5). In particular, failure to place the ballot within the
6.3 secrecy envelope before placing it in the ~~outer white~~ signature envelope is not a reason to
6.4 reject an absentee ballot.

6.5 Election judges must note the reason for rejection on the back of the envelope in the
6.6 space provided for that purpose.

6.7 Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall
6.8 not be counted if the certificate on the ~~return~~ signature envelope is not properly executed.
6.9 In all other respects the provisions of the Minnesota Election Law governing deposit and
6.10 counting of ballots shall apply. Notwithstanding other provisions of this section, the counting
6.11 of the absentee ballot of a deceased voter does not invalidate the election.