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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2166

02/25/2014   Authored by Laine
The bill was read for the first time and referred to the Committee on Elections
03/06/2014   Adoption of Report: Amended and re-referred to the Committee on State Government Finance and Veterans Affairs

1.1   A bill for an act

1.2   relating to elections; providing a study of the use of electronic rosters in
1.3   elections; requiring secretary of state to evaluate electronic rosters in 2014
1.4   election; authorizing the use of electronic rosters statewide; appropriating
1.5   money; proposing coding for new law in Minnesota Statutes, chapter 201.

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

1.7   **ARTICLE 1**

1.8   **ELECTRONIC ROSTER STUDY**

1.9   Section 1. **ELECTRONIC ROSTER STUDY.**

1.10   Subdivision 1. **Established.** A study is established to explore the use of electronic

1.11   rosters in conducting elections. Jurisdictions participating in the study must use

1.12   electronic rosters to process election day registration and to verify the registration status

1.13   of preregistered voters. The study shall apply to the 2014 state general election. The

1.14   standards for conducting the study are provided in this section.

1.15   Subd. 2. **Participating municipalities.** Precincts located in Baxter, Brainerd,

1.16   Dilworth, Eagan, Lakeville, Mankato, Minneapolis, Minnetonka, Moorhead, St. Anthony,

1.17   St. Paul, and Sylvan Township may participate in the study. In participating municipalities,

1.18   the head elections official may designate individual precincts in the jurisdiction to

1.19   participate. A municipality is not required to use electronic rosters in all precincts.

1.20   Subd. 3. **Technology requirements.** In participating precincts, an electronic roster

1.21   must:

1.22   (1) be able to be loaded with a data file that includes voter registration data in a file

1.23   format prescribed by the secretary of state;

1.24   (2) allow for data to be exported in a file format prescribed by the secretary of state;

2.1   (3) allow for data to be entered manually or by scanning a Minnesota driver's license

2.2   or identification card to locate a voter record or populate a voter registration application

2.3   that would be printed and signed and dated by the voter. The printed registration

2.4   application can be either a printed form, labels printed with voter information to be affixed

2.5   to a preprinted form, or a combination of both;

2.6   (4) allow an election judge to update data that was populated from a scanned driver's

2.7   license or identification card;

2.8   (5) cue an election judge to ask for and input data that is not populated from a

2.9   scanned driver's license or identification card that is otherwise required to be collected

2.10   from the voter or an election judge;

2.11   (6) immediately alert the election judge if the voter has provided information that

2.12   indicates that the voter is not eligible to vote;

2.13   (7) immediately alert the election judge if the electronic roster indicates that a voter

2.14   has already voted in that precinct, the voter's registration status is challenged, or it appears

2.15   the voter resides in a different precinct;

2.16   (8) provide immediate instructions on how to resolve a particular type of challenge

2.17   when a voter's record is challenged;

2.18   (9) provide for a printed voter's signature certificate, containing the voter's name,

2.19   address of residence, date of birth, voter identification number, the oath required by

2.20   Minnesota Statutes, section 204C.10, and a space for the voter's original signature. The

2.21   printed voter's signature certificate can be either a printed form or a label printed with the

2.22   voter's information to be affixed to the oath;

2.23   (10) contain only preregistered voters within the precinct, and not contain

2.24   preregistered voter data on voters registered outside of the precinct;

2.25   (11) be only networked within the polling location on election day, except for the

2.26   purpose of updating absentee ballot records;

2.27   (12) meet minimum security, reliability, and networking standards established by the

2.28   Office of the Secretary of State in consultation with MN.IT;

2.29   (13) be capable of providing a voter's correct polling place; and

2.30   (14) perform any other functions necessary for the efficient and secure administration

2.31   of the participating election, as determined by the secretary of state.

2.32   Subd. 4. **Minnesota Election Law; other law.** Except as provided in this section,

2.33   the provisions of the Minnesota Election Law apply to this study, so far as practicable.

2.34   Voters participating in the safe at home program must be allowed to vote pursuant to

2.35   Minnesota Statutes, section 5B.06. Nothing in this section shall be construed to amend

2.36   absentee voting provisions in Minnesota Statutes, chapter 203B.

3.1   Subd. 5. **Election records retention.** All voter's signature certificates and voter

3.2   registration applications printed from an electronic roster must be retained pursuant

3.3   to Minnesota Statutes, section 204B.40. The electronic rosters must print signature

3.4   certificates and voter registration applications on material that will remain legible through

3.5   the period prescribed by Minnesota Statutes, section 204B.40. Data on election day

3.6   registrants and voter history must be uploaded to the statewide voter registration system

3.7   for processing by county auditors.

3.8   Subd. 6. **Election day.** (a) Participating precincts must use electronic rosters for

3.9   election day registration and to process preregistered voters. The printed election day

3.10   registration applications must be reviewed when electronic records are processed in the

3.11   statewide voter registration system. The election judges shall determine the number of

3.12   ballots to be counted by counting the number of original voter certificates or the number

3.13   of voter receipts.

3.14   (b) Each precinct using electronic rosters shall have a paper backup system approved

3.15   by the secretary of state present at the polling place to use in the event that the election

3.16   judges are unable to use the electronic roster.

3.17   Subd. 7. **Evaluation.** The secretary of state must requisition an empirical evaluation

3.18   of the use of electronic rosters in the 2014 state general election. The evaluation must also

3.19   gather data regarding the time spent by counties processing voter data after the election.

3.20   In gathering data, the evaluation must examine both those municipalities participating in

3.21   the 2014 electronic roster study and comparable municipalities using paper rosters in

3.22   the 2014 state general election. The evaluation must be presented by April 1, 2015, to

3.23   the chairs and ranking minority members of the committees in the senate and house of

3.24   representatives with primary jurisdiction over elections.

3.25   Subd. 8. **Build or buy analysis.** The secretary of state, in conjunction with MN.IT

3.26   and in consultation with the Minnesota Association of County Officers and League of

3.27   Minnesota Cities, must engage in an analysis of the merits of a state-built electronic roster

3.28   system or purchasing an electronic roster system from private vendors. This analysis must

3.29   be presented by April 2015 to the chairs and ranking minority members of the committees

3.30   in the senate and house of representatives with primary jurisdiction over elections.

3.31   Subd. 9. **Use of electronic rosters in nonparticipating municipalities.** Nothing in

3.32   this section prevents a nonparticipating municipality from using electronic rosters in the

3.33   2014 election. In order to use electronic rosters in the 2014 election, a nonparticipating

3.34   municipality must notify the Office of the Secretary of State by August 1, 2014, of the

3.35   municipality's intent to use electronic rosters and must certify to the Office of the Secretary

4.1   of State by October 1, 2014, that the electronic rosters, and their use, will meet all of

4.2   the requirements in subdivisions 3 to 6.

4.3   Subd. 10. **Expiration.** The authorization for this study expires upon submission

4.4   of the report as provided in subdivision 8.

4.5   Sec. 2. **APPROPRIATION.**

4.6 $....... is appropriated from the general fund to the secretary of state in fiscal year

4.7   2015 to carry out the 2014 electronic roster study authorized under section 1. Of the

4.8   amount appropriated under this section, $....... is appropriated to the agency for the

4.9   purpose of funding the study as provided in section 1, subdivision 7. Of the amount

4.10   appropriated under this section, $....... is appropriated to the agency for the purpose

4.11   of offsetting the costs of the 2014 electronic roster study incurred by the jurisdictions

4.12   identified in section 1, subdivision 2, or their counties. Of the amount appropriated under

4.13   this section, $....... is appropriated to the agency for the purpose of conducting the analysis

4.14   as provided in section 1, subdivision 8.

4.15   Sec. 3. **EFFECTIVE DATE.**

4.16   This article is effective the day following final enactment.

4.17   **ARTICLE 2**

4.18   **ELECTRONIC ROSTER AUTHORIZATION**

4.19   Section 1. **[201.225] ELECTRONIC ROSTER AUTHORIZATION.**

4.20   Subdivision 1. **Authority.** A county, municipality, or school district may use

4.21   electronic rosters for any election. In a county, municipality, or school district that uses

4.22   electronic rosters, the head elections official may designate that some or all of the precincts

4.23   use electronic rosters. An electronic roster must comply with all of the requirements of

4.24   this section. An electronic roster must include information required in section 201.221,

4.25   subdivision 3, and any rules adopted pursuant to that section.

4.26   Subd. 2. **Technology requirements.** An electronic roster must:

4.27   (1) be able to be loaded with a data file that includes voter registration data in a file

4.28   format prescribed by the secretary of state;

4.29   (2) allow for data to be exported in a file format prescribed by the secretary of state;

4.30   (3) allow for data to be entered manually or by scanning a Minnesota driver's license

4.31   or identification card to locate a voter record or populate a voter registration application

4.32   that would be printed and signed and dated by the voter. The printed registration

5.1   application can be either a printed form, labels printed with voter information to be affixed

5.2   to a preprinted form, or a combination of both;

5.3   (4) allow an election judge to update data that was populated from a scanned driver's

5.4   license or identification card;

5.5   (5) cue an election judge to ask for and input data that is not populated from a

5.6   scanned driver's license or identification card that is otherwise required to be collected

5.7   from the voter or an election judge;

5.8   (6) immediately alert the election judge if the voter has provided information that

5.9   indicates that the voter is not eligible to vote;

5.10   (7) immediately alert the election judge if the electronic roster indicates that a voter

5.11   has already voted in that precinct, the voter's registration status is challenged, or it appears

5.12   the voter resides in a different precinct;

5.13   (8) provide immediate instructions on how to resolve a particular type of challenge

5.14   when a voter's record is challenged;

5.15   (9) provide for a printed voter's signature certificate, containing the voter's name,

5.16   address of residence, date of birth, voter identification number, the oath required by section

5.17   204C.10, and a space for the voter's original signature. The printed voter's signature

5.18   certificate can be either a printed form or a label printed with the voter's information

5.19   to be affixed to the oath;

5.20   (10) contain only preregistered voters within the precinct, and not contain

5.21   preregistered voter data on voters registered outside of the precinct;

5.22   (11) be only networked within the polling location on election day, except for the

5.23   purpose of updating absentee ballot records;

5.24   (12) meet minimum security, reliability, and networking standards established by the

5.25   Office of the Secretary of State in consultation with MN.IT;

5.26   (13) be capable of providing a voter's correct polling place; and

5.27   (14) perform any other functions necessary for the efficient and secure administration

5.28   of the participating election, as determined by the secretary of state.

5.29   Subd. 3. **Minnesota Election Law; other law.** Unless otherwise provided, the

5.30   provisions of the Minnesota Election Law apply to the use of electronic rosters. Voters

5.31   participating in the safe at home program must be allowed to vote pursuant to section

5.32   5B.06. Nothing in this section shall be construed to amend absentee voting provisions in

5.33   chapter 203B.

5.34   Subd. 4. **Election records retention.** All voter's signature certificates and voter

5.35   registration applications printed from an electronic roster must be retained pursuant

5.36   to section 204B.40. The electronic rosters must print signature certificates and voter

6.1 registration applications on material that will remain legible through the period prescribed

6.2 by section 204B.40. Data on election day registrants and voter history must be uploaded

6.3 to the statewide voter registration system for processing by county auditors.

6.4 Subd. 5. **Election day.** (a) Precincts may use electronic rosters for election day

6.5 registration, to process preregistered voters, or both. The printed election day registration

6.6 applications must be reviewed when electronic records are processed in the statewide voter

6.7 registration system. The election judges shall determine the number of ballots to be counted

6.8 by counting the number of original voter certificates or the number of voter receipts.

6.9 (b) Each precinct using electronic rosters shall have a paper backup system approved

6.10 by the secretary of state present at the polling place to use in the event that the election

6.11 judges are unable to use the electronic roster.

6.12 Subd. 6. **Reporting; certification; preelection testing.** (a) A county, municipality,

6.13 or school district that intends to use electronic rosters in an upcoming election must notify

6.14 the Office of the Secretary of State at least 90 days before the first election in which the

6.15 county, municipality, or school district intends to use electronic rosters. The notification

6.16 must specify whether all precincts will use electronic rosters, and if not, specify which

6.17 precincts will be using electronic rosters. The notification is valid for all subsequent

6.18 elections, unless revoked by the county, municipality, or school district. If precincts within

6.19 a county, municipality, or school district that were not included in the initial notification

6.20 intend to use electronic rosters, a new notification must be submitted.

6.21 (b) The county, municipality, or school district that intends to use electronic rosters

6.22 must certify to the Office of the Secretary of State at least 30 days before the election that

6.23 the electronic rosters meet all of the requirements in this section.

6.24 Sec. 2. **REVISOR'S INSTRUCTION.**

6.25 The revisor of statutes shall add references to electronic rosters and related

6.26 technology where necessary in Minnesota Election Law.

6.27 Sec. 3. **EFFECTIVE DATE.**

6.28 This article is effective July 1, 2014, for elections held on and after January 1, 2015.

APPENDIX
Article locations in H2166-1