

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2381**

(SENATE AUTHORS: SIEBEN and Carlson)

DATE	D-PG	OFFICIAL STATUS
03/08/2016	4911	Introduction and first reading Referred to Rules and Administration
03/30/2016	5356a	Comm report: To pass as amended and re-refer to State and Local Government
03/31/2016	5422	Comm report: To pass and re-referred to Finance
04/21/2016		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to elections; modifying provisions related to elections and election  
1.2 administration; modifying provisions related to electronic voting systems;  
1.3 allowing preregistration for 17 year-olds; providing for elections emergency  
1.4 preparedness and response; authorizing alternative method for submitting certain  
1.5 in-person absentee ballot; amending Minnesota Statutes 2014, sections 123B.09,  
1.6 by adding a subdivision; 201.054, subdivisions 1, 2; 201.061, by adding a  
1.7 subdivision; 201.091, subdivision 4; 202A.13; 203B.081; 204B.04, by adding  
1.8 a subdivision; 204B.07, subdivision 4; 204B.14, subdivisions 2, 7; 204B.146,  
1.9 subdivision 3; 204B.18, subdivision 1; 204B.35, by adding a subdivision;  
1.10 204C.05, subdivision 2; 204C.07, subdivision 3; 204C.15, subdivision 1;  
1.11 204C.24, subdivision 1; 204C.37; 204C.39, subdivision 4; 204D.08, subdivisions  
1.12 4, 6; 204D.20, subdivision 3; 204D.22, subdivisions 2, 3; 205.065, subdivision 4;  
1.13 205.10, subdivision 6; 205A.03, subdivision 3; 205A.05, subdivision 2; 205A.06,  
1.14 subdivision 1; 205A.11, subdivision 2a; 206.80; 206.86, by adding a subdivision;  
1.15 209.021, subdivision 1; Minnesota Statutes 2015 Supplement, sections 201.071,  
1.16 subdivision 1; 203B.17, subdivision 1; 204B.45, subdivision 2; proposing coding  
1.17 for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes  
1.18 2014, section 204B.17; Minnesota Statutes 2015 Supplement, sections 123B.09,  
1.19 subdivision 5a; 123B.095.

1.20  
1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

**ARTICLE 1**

**ELECTION ADMINISTRATION**

1.22  
1.23  
1.24 Section 1. Minnesota Statutes 2014, section 123B.09, is amended by adding a  
1.25 subdivision to read:

1.26 Subd. 5b. **Appointments to fill vacancies; special elections.** Any vacancy on  
1.27 the board, other than a vacancy described in subdivision 4, must be filled by board  
1.28 appointment at a regular or special meeting. The appointment shall be evidenced by a  
1.29 resolution entered in the minutes and shall continue until an election is held under this  
1.30 subdivision. All elections to fill vacancies shall be for the unexpired term. A special

2.1 election to fill the vacancy must be held no later than the first Tuesday after the first  
2.2 Monday in November following the vacancy. If the vacancy occurs less than 90 days prior  
2.3 to the first Tuesday after the first Monday in November in the year in which the vacancy  
2.4 occurs, the special election must be held no later than the first Tuesday after the first  
2.5 Monday in November of the following calendar year. If the vacancy occurs less than 90  
2.6 days prior to the first Tuesday after the first Monday in November in the third year of  
2.7 the term, no special election is required.

2.8 Sec. 2. Minnesota Statutes 2014, section 201.054, subdivision 1, is amended to read:

2.9 Subdivision 1. **Registration.** (a) An individual may register to vote:

2.10 (1) at any time before the 20th day preceding any election as provided in section  
2.11 201.061, subdivision 1;

2.12 (2) on the day of an election as provided in section 201.061, subdivision 3; or

2.13 (3) when submitting an absentee ballot, by enclosing a completed registration  
2.14 application as provided in section 203B.04, subdivision 4.

2.15 (b) An individual who is under the age of 18, but who is at least 17 years of age and  
2.16 otherwise eligible, may submit a voter registration application as provided in section  
2.17 201.061, subdivisions 1 and 1b.

2.18 Sec. 3. Minnesota Statutes 2014, section 201.054, subdivision 2, is amended to read:

2.19 Subd. 2. **Prohibitions; penalty.** No individual shall intentionally:

2.20 (a) cause or attempt to cause the individual's name to be registered in any precinct if  
2.21 the individual is not eligible to vote, except as permitted by section 201.061, subdivision 1b;

2.22 (b) cause or attempt to cause the individual's name to be registered for the purpose of  
2.23 voting in more than one precinct;

2.24 (c) misrepresent the individual's identity when attempting to register to vote; or

2.25 (d) aid, abet, counsel, or procure any other individual to violate this subdivision.

2.26 A violation of this subdivision is a felony.

2.27 Sec. 4. Minnesota Statutes 2014, section 201.061, is amended by adding a subdivision  
2.28 to read:

2.29 Subd. 1b. **Preregistration.** An individual who is under the age of 18, but who is  
2.30 at least 17 years of age and meets all requirements for eligibility contained in section  
2.31 201.014, except for age, may submit a voter registration application at the address in  
2.32 which the voter maintains residence pursuant to section 201.061, subdivision 1. Nothing  
2.33 in this section shall be construed to entitle an individual to appear on a polling place roster

3.1 or cast a ballot at an election if the individual does not meet all eligibility requirements  
 3.2 for voting, including age.

3.3 Sec. 5. Minnesota Statutes 2015 Supplement, section 201.071, subdivision 1, is  
 3.4 amended to read:

3.5 Subdivision 1. **Form.** Both paper and electronic voter registration applications must  
 3.6 contain the same information unless otherwise provided by law. A voter registration  
 3.7 application must contain spaces for the following required information: voter's first name,  
 3.8 middle name, and last name; voter's previous name, if any; voter's current address; voter's  
 3.9 previous address, if any; voter's date of birth; voter's municipality and county of residence;  
 3.10 voter's telephone number, if provided by the voter; date of registration; current and valid  
 3.11 Minnesota driver's license number or Minnesota state identification number, or if the voter  
 3.12 has no current and valid Minnesota driver's license or Minnesota state identification, the  
 3.13 last four digits of the voter's Social Security number; and voter's signature. The paper  
 3.14 registration application may include the voter's e-mail address, if provided by the voter.  
 3.15 The electronic voter registration application must include the voter's e-mail address. The  
 3.16 registration application may include the voter's interest in serving as an election judge,  
 3.17 if indicated by the voter. The application must also contain the following certification  
 3.18 of voter eligibility:

3.19 "I certify that I:

3.20 (1) ~~will be at least 18 years old on election day~~ am at least 17 years old and  
 3.21 understand that I must be at least 18 years old to be eligible to vote;

3.22 (2) am a citizen of the United States;

3.23 (3) will have resided in Minnesota for 20 days immediately preceding election day;

3.24 (4) maintain residence at the address given on the registration form;

3.25 (5) am not under court-ordered guardianship in which the court order revokes my  
 3.26 right to vote;

3.27 (6) have not been found by a court to be legally incompetent to vote;

3.28 (7) have the right to vote because, if I have been convicted of a felony, my felony  
 3.29 sentence has expired (been completed) or I have been discharged from my sentence; and

3.30 (8) have read and understand the following statement: that giving false information  
 3.31 is a felony punishable by not more than five years imprisonment or a fine of not more  
 3.32 than \$10,000, or both."

3.33 The certification must include boxes for the voter to respond to the following  
 3.34 questions:

3.35 "(1) Are you a citizen of the United States?" and

4.1           "~~(2) Will you be 18 years old on or before election day~~ Are you at least 17 years  
4.2 old and will you be at least 18 years of age on or before the day of the election in which  
4.3 you intend to vote?"

4.4           And the instruction:

4.5           "If you checked 'no' to either of these questions, do not complete this form."

4.6           The form of the voter registration application and the certification of voter eligibility  
4.7 must be as provided in this subdivision and approved by the secretary of state. Voter  
4.8 registration forms authorized by the National Voter Registration Act must also be accepted  
4.9 as valid. The federal postcard application form must also be accepted as valid if it is not  
4.10 deficient and the voter is eligible to register in Minnesota.

4.11           An individual may use a voter registration application to apply to register to vote in  
4.12 Minnesota or to change information on an existing registration.

4.13           Sec. 6. Minnesota Statutes 2014, section 201.091, subdivision 4, is amended to read:

4.14           Subd. 4. **Public information lists.** The county auditor shall make available for  
4.15 inspection a public information list which must contain the name, address, year of birth,  
4.16 and voting history of each registered voter in the county. Data on applicants submitted  
4.17 pursuant to section 201.061, subdivision 1b, are not part of the public information list until  
4.18 the voter is registered or has voting history. The telephone number must be included on  
4.19 the list if provided by the voter. The public information list may also include information  
4.20 on voting districts. The county auditor may adopt reasonable rules governing access  
4.21 to the list. No individual inspecting the public information list shall tamper with or  
4.22 alter it in any manner. No individual who inspects the public information list or who  
4.23 acquires a list of registered voters prepared from the public information list may use any  
4.24 information contained in the list for purposes unrelated to elections, political activities, or  
4.25 law enforcement. The secretary of state may provide copies of the public information lists  
4.26 and other information from the statewide registration system for uses related to elections,  
4.27 political activities, or in response to a law enforcement inquiry from a public official  
4.28 concerning a failure to comply with any criminal statute or any state or local tax statute.

4.29           Before inspecting the public information list or obtaining a list of voters or other  
4.30 information from the list, the individual shall provide identification to the public official  
4.31 having custody of the public information list and shall state in writing that any information  
4.32 obtained from the list will not be used for purposes unrelated to elections, political  
4.33 activities, or law enforcement. Requests to examine or obtain information from the public  
4.34 information lists or the statewide registration system must be made and processed in the  
4.35 manner provided in the rules of the secretary of state.

5.1           Upon receipt of a statement signed by the voter that withholding the voter's name  
5.2 from the public information list is required for the safety of the voter or the voter's family,  
5.3 the secretary of state and county auditor must withhold from the public information list the  
5.4 name of a registered voter.

5.5           Sec. 7. Minnesota Statutes 2014, section 202A.13, is amended to read:

5.6           **202A.13 COMMITTEES, CONVENTIONS.**

5.7           The rules of each major political party shall provide that for each congressional  
5.8 district and each county or legislative district a convention shall be held at least once  
5.9 every state general election year. Each major political party shall also provide for each  
5.10 congressional district and each county or legislative district an executive committee  
5.11 consisting of a chair and such other officers as may be necessary. The party rules may  
5.12 provide for only one executive committee and one convention where any county and  
5.13 congressional district have the same territorial limits.

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

5.23           A visually impaired delegate or alternate to a county, legislative district,  
5.24 congressional district, or state convention may notify the executive committee of the major  
5.25 political party unit that the delegate or alternate requires convention materials in audio  
5.26 tape, Braille, or large print format. Upon receiving the request, the executive committee  
5.27 shall provide all official written convention materials as soon as they are available, so  
5.28 that the visually impaired individual may have them converted to audio tape, Braille, or  
5.29 large print format, prior to the convention.

5.30           Sec. 8. Minnesota Statutes 2015 Supplement, section 203B.17, subdivision 1, is  
5.31 amended to read:

5.32           Subdivision 1. **Submission of application.** (a) An application for absentee ballots  
5.33 for a voter described in section 203B.16 must be in writing and may be submitted in  
5.34 person, by mail, by electronic facsimile device, by electronic mail, or electronically

6.1 through a secure Web site that shall be maintained by the secretary of state for this  
6.2 purpose, upon determination by the secretary of state that security concerns have been  
6.3 adequately addressed. An application for absentee ballots for a voter described in section  
6.4 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother,  
6.5 or child over the age of 18 years.

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

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

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

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

6.19 Sec. 9. Minnesota Statutes 2014, section 204B.04, is amended by adding a subdivision  
6.20 to read:

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

6.25 Sec. 10. Minnesota Statutes 2014, section 204B.07, subdivision 4, is amended to read:

6.26 Subd. 4. **Oath and address of signer.** Following the information required by  
6.27 subdivisions 1 and 2 and before the space for signing, each separate page that is part of  
6.28 the petition shall include an oath in the following form:

6.29 "I solemnly swear (or affirm) that I know the contents and purpose of this nominating  
6.30 petition, that I do not intend to vote at the primary election for the office for which this  
6.31 nominating petition is made, and that I signed this petition of my own free will."

6.32 Notarization or certification of the signatures on a nominating petition is not  
6.33 required. Immediately after the signature, the signer shall write on the petition the signer's

7.1 residence address including street and number, if any, and mailing address if different  
7.2 from residence address.

7.3 Sec. 11. Minnesota Statutes 2014, section 204B.14, subdivision 7, is amended to read:

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

7.7 Sec. 12. Minnesota Statutes 2014, section 204B.146, subdivision 3, is amended to read:

7.8 Subd. 3. **Correction to election district boundaries.** When a municipal boundary  
7.9 ~~that has changed and~~ is coterminous with (1) a congressional, legislative, or county  
7.10 commissioner district boundary ~~has changed,~~ or (2) a soil and water conservation district  
7.11 supervisor district boundary elected by district under section 103C.311, subdivision 2,  
7.12 and the affected territory contains 50 or fewer registered voters, the secretary of state may  
7.13 order corrections to move the affected election district boundaries so they ~~the boundaries~~  
7.14 are again ~~will be~~ coterminous with the municipal boundary. The election district boundary  
7.15 change is effective 28 days after the date that the order is issued. The secretary of state  
7.16 shall immediately notify the municipal clerk and county auditor affected by the boundary  
7.17 change and the Legislative Coordinating Commission. The municipal clerk shall send  
7.18 a nonforwardable notice stating the location of the polling place to every household  
7.19 containing a registered voter affected by the boundary change at least 25 days before the  
7.20 next election.

7.21 Sec. 13. Minnesota Statutes 2014, section 204B.18, subdivision 1, is amended to read:

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

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

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

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

8.11 Any funds received by a local jurisdiction making the equipment available as  
8.12 reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162,  
8.13 section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from  
8.14 the Help America Vote Act account must be treated as program income and deposited into  
8.15 the jurisdiction's Help America Vote Act account in the direct proportion that funds from  
8.16 the Help America Vote Act account were used to pay for those "operating costs."

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

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

8.25 Sec. 14. Minnesota Statutes 2014, section 204B.35, is amended by adding a  
8.26 subdivision to read:

8.27 Subd. 6. **Electronic voting systems.** Notwithstanding sections 204B.35 to 204B.44  
8.28 and chapter 204D, a jurisdiction may prepare paper ballots that omit information  
8.29 required by law, if the jurisdiction employs an electronic voting system and the required  
8.30 information is instead displayed on a touch screen or other electronic device in a format  
8.31 that substantially meets the requirements of law.

8.32 Sec. 15. Minnesota Statutes 2015 Supplement, section 204B.45, subdivision 2, is  
8.33 amended to read:



9.1 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must  
9.2 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14  
9.3 days before a regularly scheduled election and not more than 30 days nor later than 14  
9.4 days before any other election, the auditor shall mail ballots by nonforwardable mail to  
9.5 all voters registered in the city, town, or unorganized territory. No later than 14 days  
9.6 before the election, the auditor must make a subsequent mailing of ballots to those voters  
9.7 who register to vote after the initial mailing but before the 20th day before the election.  
9.8 Eligible voters not registered at the time the ballots are mailed may apply for ballots as  
9.9 provided in chapter 203B. Ballot return envelopes, with return postage provided, must  
9.10 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in  
9.11 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board  
9.12 to examine the mail and absentee ballot return envelopes and mark them "accepted" or  
9.13 "rejected" within three days of receipt if there are 14 or fewer days before election day, or  
9.14 within five days of receipt if there are more than 14 days before election day. The board  
9.15 may consist of deputy county auditors or deputy municipal clerks who have received  
9.16 training in the processing and counting of mail ballots, who need not be affiliated with  
9.17 a major political party. Election judges performing the duties in this section must be of  
9.18 different major political parties, unless they are exempt from that requirement under  
9.19 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at  
9.20 least five days before the election, the ballots in the envelope must remain sealed and the  
9.21 auditor or clerk shall provide the voter with a replacement ballot and return envelope in  
9.22 place of the spoiled ballot. If the ballot is rejected within five days of the election, the  
9.23 envelope must remain sealed and the official in charge of the ballot board must attempt to  
9.24 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been  
9.25 rejected. The official must document the attempts made to contact the voter.

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

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

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

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

10.3 Sec. 16. Minnesota Statutes 2014, section 204C.07, subdivision 3, is amended to read:

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

10.11 Sec. 17. Minnesota Statutes 2014, section 204C.15, subdivision 1, is amended to read:

10.12 Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need  
10.13 for assistance because of inability to read English or physical inability to mark a ballot  
10.14 may obtain the aid of two election judges who are members of different major political  
10.15 parties. The election judges shall mark the ballots as directed by the voter and in as secret  
10.16 a manner as circumstances permit. A voter in need of assistance may alternatively obtain  
10.17 the assistance of any individual the voter chooses. Only the following persons may not  
10.18 provide assistance to a voter: the voter's employer, an agent of the voter's employer, an  
10.19 officer or agent of the voter's union, or a candidate for election. The person who assists the  
10.20 voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark  
10.21 the ballot as directed by the voter. ~~No person who assists another voter as provided in~~  
10.22 ~~the preceding sentence shall mark the ballots of more than three voters at one election.~~  
10.23 Before the ballots are deposited, the voter may show them privately to an election judge to  
10.24 ascertain that they are marked as the voter directed. An election judge or other individual  
10.25 assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade  
10.26 or induce the voter to vote for any particular political party or candidate. The election  
10.27 judges or other individuals who assist the voter shall not reveal to anyone the name of any  
10.28 candidate for whom the voter has voted or anything that took place while assisting the voter.

10.29 Sec. 18. Minnesota Statutes 2014, section 204C.24, subdivision 1, is amended to read:

10.30 Subdivision 1. **Information requirements.** Precinct summary statements shall be  
10.31 submitted by the election judges in every precinct. For all elections, the election judges  
10.32 shall complete three or more copies of the summary statements, and each copy shall  
10.33 contain the following information for each kind of ballot:

11.1 (a) (1) the number of ballots delivered to the precinct as adjusted by the actual count  
 11.2 made by the election judges, the number of unofficial ballots made, and the number of  
 11.3 absentee ballots delivered to the precinct;

11.4 (b) (2) the number of votes each candidate received or the number of yes and no  
 11.5 votes on each question, the number of undervotes, the number of overvotes, and the  
 11.6 number of defective ballots with respect to each office or question;

11.7 (c) (3) the number of spoiled ballots, the number of duplicate ballots made, the  
 11.8 number of absentee ballots rejected, and the number of unused ballots, presuming that the  
 11.9 total count provided on each package of unopened prepackaged ballots is correct;

11.10 (4) the number of voted ballots indicating only a voter's choices as provided by  
 11.11 section 206.80, paragraph (b), clause (3);

11.12 (d) (5) the number of individuals who voted at the election in the precinct which  
 11.13 must equal the total number of ballots cast in the precinct, as required by sections 204C.20  
 11.14 and 206.86, subdivision 1;

11.15 (e) (6) the number of voters registering on election day in that precinct; and

11.16 (f) (7) the signatures of the election judges who counted the ballots certifying that  
 11.17 all of the ballots cast were properly piled, checked, and counted; and that the numbers  
 11.18 entered by the election judges on the summary statements correctly show the number of  
 11.19 votes cast for each candidate and for and against each question.

11.20 At least two copies of the summary statement must be prepared for elections not  
 11.21 held on the same day as the state elections.

11.22 Sec. 19. Minnesota Statutes 2014, section 204C.37, is amended to read:

11.23 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**  
 11.24 **STATE.**

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

11.34 Sec. 20. Minnesota Statutes 2014, section 204C.39, subdivision 4, is amended to read:

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

12.7 Sec. 21. Minnesota Statutes 2014, section 204D.08, subdivision 4, is amended to read:

12.8 Subd. 4. **State ~~partisan~~ primary ballot; partisan offices; party columns.** The  
 12.9 state ~~partisan~~ primary ballot shall be headed by the words "State ~~Partisan~~ Primary Ballot."  
 12.10 The ballot shall be printed on white paper. There must be at least three vertical columns  
 12.11 on the ballot and each major political party shall have a separate column headed by the  
 12.12 words "..... Party," giving the party name. Above the party names, the following  
 12.13 statement shall be printed.

12.14 "Minnesota Election Law permits you to vote for the candidates of only one political  
 12.15 party in a state partisan primary election."

12.16 If there are only two major political parties to be listed on the ballot, one party must  
 12.17 occupy the left-hand column, the other party must occupy the right-hand column, and the  
 12.18 center column must contain the following statement:

12.19 "Do not vote for candidates of more than one party."

12.20 The names of the candidates seeking the nomination of each major political party  
 12.21 shall be listed in that party's column. If only one individual files an affidavit of candidacy  
 12.22 seeking the nomination of a major political party for an office, the name of that individual  
 12.23 shall be placed on the state partisan primary ballot at the appropriate location in that  
 12.24 party's column.

12.25 In each column, the candidates for senator in Congress shall be listed first, candidates  
 12.26 for representative in Congress second, candidates for state senator third, candidates for  
 12.27 state representative fourth and then candidates for state office in the order specified by  
 12.28 the secretary of state.

12.29 The party columns shall be substantially the same in width, type, and appearance.  
 12.30 The columns shall be separated by a 12-point solid line.

12.31 Sec. 22. Minnesota Statutes 2014, section 204D.08, subdivision 6, is amended to read:

12.32 Subd. 6. **State and county ~~nonpartisan primary ballot~~ offices.** ~~The state and~~  
 12.33 ~~county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary~~  
 12.34 ~~Ballot." It shall be printed in the manner provided in the rules of the secretary of state.~~

13.1 The names of candidates for nomination to the Supreme Court, Court of Appeals, district  
13.2 court, and all county offices shall be placed on ~~this~~ the state primary ballot.

13.3 No candidate for a judicial or county office whose name is placed on the state ~~and~~  
13.4 ~~county nonpartisan~~ primary ballot shall be designated or identified as the candidate of any  
13.5 political party or in any other manner except as expressly provided by law.

13.6 Sec. 23. Minnesota Statutes 2014, section 204D.20, subdivision 3, is amended to read:

13.7 Subd. 3. **Nominations by petition.** Candidates to fill a vacancy may also be  
13.8 nominated by petition under the conditions and in the manner provided by law for  
13.9 candidates filing by petition for like office at the state general election as far as practicable,  
13.10 except that the number of signatures required on a nominating petition must be reduced in  
13.11 proportion to the time allotted for filing affidavits of candidacy if the length of the filing  
13.12 period is less than that provided in section 204B.09, subdivision 1.

13.13 Sec. 24. Minnesota Statutes 2014, section 204D.22, subdivision 2, is amended to read:

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

13.19 Sec. 25. Minnesota Statutes 2014, section 204D.22, subdivision 3, is amended to read:

13.20 Subd. 3. **Notice of special election.** The county auditor of a county in which a  
13.21 special election is to be held shall direct the clerk of each municipality in which the  
13.22 election is to be held to post a notice of the special primary and special election at least  
13.23 seven days before the special primary and at least 14 days before the special election in  
13.24 the manner provided in sections 204B.33 and 204B.34. The notice required by section  
13.25 204B.33 must list the number of signatures required on a nomination petition if that  
13.26 number is reduced pursuant to section 204D.20, subdivision 3. If the special primary is to  
13.27 be held 14 days before the special election, a single notice of both elections may be posted  
13.28 seven days before the primary.

13.29 When the special primary or special election is to be held on the same day as any  
13.30 other election, notice of the special primary or special election may be included in the  
13.31 notice of the other election, if practicable.

13.32 Sec. 26. Minnesota Statutes 2014, section 205.065, subdivision 4, is amended to read:

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

14.10 Sec. 27. Minnesota Statutes 2014, section 205.10, subdivision 6, is amended to read:

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

14.14 Sec. 28. Minnesota Statutes 2014, section 205A.03, subdivision 3, is amended to read:

14.15 Subd. 3. **Candidates, filing.** The clerk shall place upon the primary ballot without  
 14.16 partisan designation the names of individuals whose candidacies have been filed and for  
 14.17 whom the proper filing fee has been paid. When not more than twice as many school board  
 14.18 candidates as there are at-large school board positions available file for nomination for the  
 14.19 office or when not more than two candidates for a specified school board position file for  
 14.20 nomination for that office, their names must not be placed upon the primary ballot and must  
 14.21 be placed on the school district general election ballot as the nominees for that office. When  
 14.22 more than one school board member is to be elected for full terms at the same election, the  
 14.23 candidates' names shall be placed under one office on the ballot with the number to be  
 14.24 elected to the office specified directly underneath the title and identification of the office.

14.25 Sec. 29. Minnesota Statutes 2014, section 205A.05, subdivision 2, is amended to read:

14.26 Subd. 2. **Vacancies in school district offices.** Special elections to fill vacancies  
 14.27 in elective school district offices shall be held in school districts ~~in conjunction with~~  
 14.28 ~~school district primary and general elections to fill vacancies in elective school district~~  
 14.29 ~~offices pursuant to section 123B.09, subdivision 5b.~~ When more than one vacancy exists  
 14.30 in an office elected at-large, voters must be instructed to vote for up to the number of  
 14.31 vacancies to be filled.

14.32 Sec. 30. Minnesota Statutes 2014, section 205A.06, subdivision 1, is amended to read:

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

15.11 Sec. 31. Minnesota Statutes 2014, section 205A.11, subdivision 2a, is amended to read:

15.12 Subd. 2a. **Notice of special elections.** The school district clerk shall prepare a  
15.13 notice to the voters who will be voting in a combined polling place for a school district  
15.14 special election. The notice must include the following information: the date of the  
15.15 election, the hours of voting, and the location of the voter's polling place. The notice must  
15.16 be sent by nonforwardable mail to every affected household in the school district with  
15.17 at least one registered voter. The notice must be mailed no later than 14 days before the  
15.18 election. The mailed notice is not required for a school district special election that is held  
15.19 on the second Tuesday in August, the Tuesday following the first Monday in November,  
15.20 or for a special election conducted entirely by mail. ~~In addition, the mailed notice is not~~  
15.21 ~~required for voters residing in a township if the school district special election is held on~~  
15.22 ~~the second Tuesday in March and the town general election is held on that day.~~ A notice  
15.23 that is returned as undeliverable must be forwarded immediately to the county auditor.

15.24 Sec. 32. Minnesota Statutes 2014, section 206.80, is amended to read:

15.25 **206.80 ELECTRONIC VOTING SYSTEMS.**

15.26 (a) An electronic voting system may not be employed unless it:

15.27 (1) permits every voter to vote in secret;

15.28 (2) permits every voter to vote for all candidates and questions for whom or upon  
15.29 which the voter is legally entitled to vote;

15.30 (3) provides for write-in voting when authorized;

15.31 (4) automatically rejects, except as provided in section 206.84 with respect to  
15.32 write-in votes, all votes for an office or question when the number of votes cast on it  
15.33 exceeds the number which the voter is entitled to cast;

16.1 (5) permits a voter at a primary election to select secretly the party for which the  
16.2 voter wishes to vote;

16.3 (6) automatically rejects all votes cast in a primary election by a voter when the voter  
16.4 votes for candidates of more than one party; and

16.5 (7) provides every voter an opportunity to verify votes recorded on the permanent  
16.6 paper ballot, either visually or using assistive voting technology, and to change votes or  
16.7 correct any error before the voter's ballot is cast and counted, produces an individual,  
16.8 discrete, permanent, paper ballot cast by the voter, and preserves the paper ballot as an  
16.9 official record available for use in any recount.

16.10 (b) An electronic voting system purchased on or after June 4, 2005, may not be  
16.11 employed unless it:

16.12 (1) accepts and tabulates, in the polling place or at a counting center, a marked  
16.13 optical scan ballot; ~~or~~

16.14 (2) creates a marked optical scan ballot that can be tabulated in the polling place or  
16.15 at a counting center by automatic tabulating equipment certified for use in this state; or

16.16 (3) creates a marked paper ballot which can be tabulated by automatic tabulating  
16.17 equipment that indicates, at a minimum, the voter's votes for each office or question,  
16.18 generated from the voter's use of a touch screen or other electronic device on which a  
16.19 complete ballot meeting the information requirements of any applicable law was displayed  
16.20 electronically.

16.21 (c) The use of multiple ballot formats of electronic voting systems in a jurisdiction  
16.22 is not a violation of a voter's right to vote in secret, provided that a record of the ballot  
16.23 formats of electronic voting system used by a voter is not recorded by the election judges  
16.24 or any other elections official in any form.

16.25 Sec. 33. Minnesota Statutes 2014, section 206.86, is amended by adding a subdivision  
16.26 to read:

16.27 Subd. 5a. **Ballots in precincts with multiple styles of voting system.** (a) This  
16.28 subdivision applies to precincts using a ballot format as provided by section 206.80,  
16.29 paragraph (b), clause (3), which was used by ten or fewer voters.

16.30 (b) In the event the results of a precinct are subject to a recount under sections  
16.31 204C.35 or 204C.36, or are subject to a postelection review under section 206.89, a ballot  
16.32 format as provided in section 206.80, paragraph (b), clause (3), that was used by ten or  
16.33 fewer voters in the precinct at the election must be combined with the ballots of another  
16.34 precinct for purposes of conducting the recount or postelection review. To preserve the  
16.35 anonymity of the ballots, the ballots must be combined with the ballots of another precinct



17.1 such that the combined number of voted ballots formatted as provided by section 206.80,  
17.2 paragraph (b), clause (3), is greater than ten.

17.3 Sec. 34. Minnesota Statutes 2014, section 209.021, subdivision 1, is amended to read:

17.4 Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be made  
17.5 in the same manner as the service of summons in civil actions. The notice of contest must  
17.6 specify the grounds on which the contest will be made. The contestant shall serve notice  
17.7 of the contest on the parties enumerated in this section. Except as provided in section  
17.8 204D.27, notice must be served and filed within five days after the canvass is completed in  
17.9 the case of a primary or special primary or within seven days after the canvass is completed  
17.10 in the case of a special or general election; except that. If a contest is based on a deliberate,  
17.11 serious, and material violation of the election laws ~~which~~ that was discovered from the  
17.12 statements of receipts and disbursements required to be filed by candidates and committees,  
17.13 the action may be commenced and the notice served and filed within ten days after the  
17.14 filing of the statements in the case of a general or special election or within five days after  
17.15 the filing of the statements in the case of a primary or special primary. If a notice of contest  
17.16 questions only which party received the highest number of votes legally cast at the election,  
17.17 a contestee who loses may serve and file a notice of contest on any other ground during the  
17.18 three days following expiration of the time for appealing the decision on the vote count.

17.19 Sec. 35. **TRANSITION TO NEW APPLICATION FORMS.**

17.20 After the effective date of sections 2 to 6, an election official may use existing voter  
17.21 registration forms that do not comply with the requirements in section 5 for applicants  
17.22 who are 18 years of age or older at the time of registration. Applicants who are 17 years of  
17.23 age at the time of registration must use an application form that meets the requirements in  
17.24 section 5. Starting on the effective date of this act, an election official must not print or  
17.25 copy voter registration applications that do not meet the requirements of section 5.

17.26 Sec. 36. **REPEALER.**

17.27 (a) Minnesota Statutes 2015 Supplement, sections 123B.09, subdivision 5a; and  
17.28 123B.095, are repealed.

17.29 (b) Section 35 is repealed effective June 1, 2017.

17.30 Sec. 37. **EFFECTIVE DATE.**

17.31 Sections 1, 2, 3, 4, 5, 6, 35, and 36, paragraph (a), are effective the day following  
17.32 final enactment.

18.1 **ARTICLE 2**18.2 **ELECTIONS EMERGENCY PLANS**

18.3 Section 1. Minnesota Statutes 2014, section 204B.14, subdivision 2, is amended to read:

18.4 Subd. 2. **Separate precincts; combined polling place.** (a) The following shall  
18.5 constitute at least one election precinct:

18.6 (1) each city ward; and

18.7 (2) each town and each statutory city.

18.8 (b) A single, accessible, combined polling place may be established no later than  
18.9 May 1 of any year:

18.10 (1) for any city of the third or fourth class, any town, or any city having territory in  
18.11 more than one county, in which all the voters of the city or town shall cast their ballots;

18.12 (2) for contiguous precincts in the same municipality;

18.13 (3) for up to four contiguous municipalities located entirely outside the metropolitan  
18.14 area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

18.15 (4) for noncontiguous precincts located in one or more counties.

18.16 Subject to the requirements of paragraph (c), a single, accessible, combined polling  
18.17 place may be established after May 1 of any year in the event of an emergency.

18.18 A copy of the ordinance or resolution establishing a combined polling place must  
18.19 be filed with the county auditor within 30 days after approval by the governing body. A  
18.20 polling place combined under clause (3) must be approved by the governing body of each  
18.21 participating municipality. A polling place combined under clause (4) must be approved  
18.22 by the governing body of each participating municipality and the secretary of state and  
18.23 may be located outside any of the noncontiguous precincts. A municipality withdrawing  
18.24 from participation in a combined polling place must do so by filing a resolution of  
18.25 withdrawal with the county auditor no later than April 1 of any year.

18.26 The secretary of state shall provide a separate polling place roster for each precinct  
18.27 served by the combined polling place, except that in a precinct that uses electronic rosters  
18.28 the secretary of state shall provide separate data files for each precinct. A single set of  
18.29 election judges may be appointed to serve at a combined polling place. The number of  
18.30 election judges required must be based on the total number of persons voting at the last  
18.31 similar election in all precincts to be voting at the combined polling place. Separate ballot  
18.32 boxes must be provided for the ballots from each precinct. The results of the election must  
18.33 be reported separately for each precinct served by the combined polling place, except in a  
18.34 polling place established under clause (2) where one of the precincts has fewer than ten

19.1 registered voters, in which case the results of that precinct must be reported in the manner  
 19.2 specified by the secretary of state.

19.3 (c) If a local elections official determines that an emergency situation preventing  
 19.4 the safe, secure, and full operation of a polling place on election day has occurred or is  
 19.5 imminent, the local elections official may combine two or more polling places for that  
 19.6 election pursuant to this subdivision. To the extent possible, the polling places must  
 19.7 be combined and the election conducted according to the requirements of paragraph  
 19.8 (b), except that:

19.9 (1) polling places may be combined after May 1 and until the polls close on election  
 19.10 day;

19.11 (2) any city or town, regardless of size or location, may establish a combined polling  
 19.12 place under this paragraph;

19.13 (3) the governing body is not required to adopt an ordinance or resolution to  
 19.14 establish the combined polling place;

19.15 (4) a polling place combined under paragraph (b), clause (3) or (4), must be approved  
 19.16 by the local election official of each participating municipality;

19.17 (5) the local elections official must immediately notify the county auditor and the  
 19.18 secretary of state of the combination, including the reason for the emergency combination  
 19.19 and the location of the combined polling place. As soon as possible, the local elections  
 19.20 official must also post a notice stating the reason for the combination and the location of  
 19.21 the combined polling place. The notice must also be posted on the governing board's Web  
 19.22 site, if one exists. The local elections official must also notify the election judges and  
 19.23 request that local media outlets publicly announce the reason for the combination and the  
 19.24 location of the combined polling place; and

19.25 (6) on election day, the local elections official must post a notice in large print in a  
 19.26 conspicuous place at the polling place where the emergency occurred, if practical, stating  
 19.27 the location of the combined polling place. The local election official must also post the  
 19.28 notice, if practical, in a location visible by voters who vote from their motor vehicles as  
 19.29 provided in section 204C.15, subdivision 2. If polling place hours are extended pursuant  
 19.30 to section 204C.05, subdivision 2, paragraph (b), the posted notices required by this  
 19.31 paragraph must include a statement that the polling place hours at the combined polling  
 19.32 place will be extended until the specified time.

19.33 **Sec. 2. [204B.175] CHANGE OF POLLING PLACE IN AN EMERGENCY.**

19.34 **Subdivision 1. Application. When an emergency occurs after the deadline to**  
 19.35 **designate a polling place pursuant to section 204B.16 but before the polls close on election**

20.1 day, a new polling place may be designated for that election pursuant to this section. For  
20.2 purposes of this section, an emergency is any situation that prevents the safe, secure, and  
20.3 full operation of a polling place.

20.4 Subd. 2. **Changing polling place.** If a local election official determines that an  
20.5 emergency has occurred or is imminent, the local election official must procure a polling  
20.6 place that is as near the designated polling place as possible and that complies with the  
20.7 requirements of section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new  
20.8 polling place in the precinct, the polling place may be located outside of the precinct  
20.9 without regard to the distance limitations in section 204B.16, subdivision 1. The local  
20.10 election official must certify to the appropriate governing body the expenses incurred  
20.11 because of the change. These expenses shall be paid as part of the expenses of the election.

20.12 Subd. 3. **Notice.** (a) Upon making the determination to relocate a polling place,  
20.13 the local election official must immediately notify the county auditor and the secretary of  
20.14 state. The notice must include the reason for the relocation and the reason for the location  
20.15 of the new polling place. As soon as possible, the local election official must also post a  
20.16 notice stating the reason for the relocation and the location of the new polling place. The  
20.17 notice must also be posted on the Web site of the public body, if there is one. The local  
20.18 election official must also notify the election judges and request that local media outlets  
20.19 publicly announce the reason for the relocation and the location of the polling place.

20.20 (b) On election day, the local election official must post a notice in large print in a  
20.21 conspicuous place at the polling place where the emergency occurred, if practical, stating  
20.22 the location of the new polling place. The local election official must also post the notice,  
20.23 if practical, in a location visible by voters who vote from their motor vehicles as provided  
20.24 in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section  
20.25 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must  
20.26 include a statement that the polling place hours at the new polling place will be extended  
20.27 until the specified time.

20.28 **Sec. 3. [204B.181] ELECTION EMERGENCY PLANS.**

20.29 Subdivision 1. **State elections emergency plans.** (a) The secretary of state, in  
20.30 consultation with the Minnesota director of the Department of Public Safety, Division  
20.31 of Homeland Security and Emergency Management, must develop a state elections  
20.32 emergency plan.

20.33 (b) The secretary of state must also coordinate with the governor to incorporate  
20.34 election needs into the state's continuity of government and continuity of operations plans.

21.1 (c) The secretary of state must create a state guide to assist county and local election  
21.2 officials in developing a county elections emergency plan required by subdivision 2.  
21.3 The secretary of state must consult with the Minnesota State Council on Disability in  
21.4 developing the guide. The guide must include a model county elections emergency plan  
21.5 that meets the requirements of this section.

21.6 Subd. 2. **County elections emergency plans.** (a) County election officials, in  
21.7 consultation with the political subdivision's local organization for emergency management  
21.8 established under section 12.25 and the municipalities and school districts within the  
21.9 county, must develop a county elections emergency plan to be made available for use in  
21.10 all state, county, municipal, and school district elections held in that county.

21.11 (b) In developing the county elections emergency plan, the county must address  
21.12 the needs of voters with disabilities in all aspects of the plan. Where ballot security  
21.13 is affected, the plan must provide procedures to maintain the security of the ballots.  
21.14 When an emergency requires the relocation of the polling place, the plan must include  
21.15 procedures for securing the ballots and voting equipment, notifying the public and other  
21.16 government officials, and restoring voting activities as soon as possible. If the county  
21.17 contains jurisdictions that cross county lines, the affected counties must make efforts  
21.18 to ensure that the emergency procedures affecting the local jurisdiction are uniform  
21.19 throughout the jurisdiction.

21.20 (c) Cities, towns, and school districts may create a local elections emergency plan  
21.21 that meets the requirements of the county elections emergency plan. If a local jurisdiction  
21.22 creates a local elections emergency plan, the procedures within the local elections  
21.23 emergency plan govern in all election emergencies within that local jurisdiction.

21.24 (d) County election officials and any municipality with a local elections emergency  
21.25 plan must review their county or local elections emergency plan prior to each state general  
21.26 election. Any revisions to the county or local elections emergency plan must be completed  
21.27 and filed with the secretary of state by July 1 prior to the state general election.

21.28 **EFFECTIVE DATE.** This section is effective August 1, 2016, except that the initial  
21.29 county elections emergency plans required under subdivision 2 are due September 1, 2016.

21.30 Sec. 4. Minnesota Statutes 2014, section 204C.05, subdivision 2, is amended to read:

21.31 Subd. 2. **Voters in line at closing.** (a) At or before the hour when voting is  
21.32 scheduled to begin, the election judges shall agree upon the standard of time they will use  
21.33 to determine when voting will begin and end. Voting shall not be allowed after the time  
21.34 when it is scheduled to end, unless individuals are waiting in the polling place or waiting in  
21.35 line at the door to register or to vote. The voting shall continue until those individuals have

22.1 been allowed to vote. No individual who comes to the polling place or to a line outside the  
 22.2 polling place after the time when voting is scheduled to end shall be allowed to vote.

22.3 (b) The local election official may extend polling place hours to accommodate  
 22.4 voters that would have been in line at the regular polling place if the polling place had not  
 22.5 been combined or moved on election day pursuant to section 204B.14, subdivision 2, or  
 22.6 204B.175. Polling place hours may be extended at the new polling place for one hour. The  
 22.7 local election official must immediately provide notice to the county auditor, secretary of  
 22.8 state, and election judges of the extension in polling place hours. The local election official  
 22.9 must also request that the local media outlets publicly announce the extended polling place  
 22.10 hours. Voters in the polling place or waiting in line at the door to register or to vote at the  
 22.11 end of the extended polling place hours shall be allowed to vote pursuant to paragraph (a).

22.12 **Sec. 5. REPEALER.**

22.13 Minnesota Statutes 2014, section 204B.17, is repealed.

### 22.14 **ARTICLE 3**

#### 22.15 **ABSENTEE VOTING**

22.16 Section 1. Minnesota Statutes 2014, section 203B.081, is amended to read:

22.17 **203B.081 LOCATIONS AND METHODS FOR ABSENTEE VOTING IN**  
 22.18 **PERSON.**

22.19 Subdivision 1. **Location; timing.** An eligible voter may vote by absentee ballot in  
 22.20 the office of the county auditor and at any other polling place designated by the county  
 22.21 auditor during the 46 days before the election, except as provided in this section.

22.22 Voters casting absentee ballots in person for a town election held in March may do  
 22.23 so during the 30 days before the election. The county auditor shall make such designations  
 22.24 at least 14 weeks before the election. At least one voting booth in each polling place  
 22.25 must be made available by the county auditor for this purpose. The county auditor must  
 22.26 also make available at least one electronic ballot marker in each polling place that has  
 22.27 implemented a voting system that is accessible for individuals with disabilities pursuant  
 22.28 to section 206.57, subdivision 5.

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

23.1 (b) If a voter chooses to vote in the manner provided in this subdivision, the voter  
23.2 must state the voter's name, address, and date of birth to the county auditor or municipal  
23.3 clerk. The voter shall sign a voter's certificate, which must include the voter's name,  
23.4 identification number, and the certification required by section 201.071, subdivision 1.  
23.5 The signature of an individual on the voter's certificate and the issuance of a ballot to the  
23.6 individual is evidence of the intent of the individual to vote at that election.

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

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

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

23.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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Article locations in S2381-1

ARTICLE 1	ELECTION ADMINISTRATION .....	Page.Ln 1.22
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**123B.09 BOARDS OF INDEPENDENT SCHOOL DISTRICTS.**

Subd. 5a. **Vacancies.** A vacancy other than a vacancy described in subdivision 4 must be filled pursuant to section 123B.095.

**123B.095 VACANCY IN OFFICE OF SCHOOL BOARD MEMBER.**

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

- (1) not less than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the date of the next regularly scheduled primary election;
- (2) concurrently with the next regularly scheduled primary election and general election; or
- (3) no sooner than 120 days following the next regularly scheduled general election.

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

Subd. 2. **When victor seated immediately.** If a vacancy for which a special election is required occurs less than 120 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election, filing the bond and taking the oath of office.

Subd. 3. **Vacancies of less than one year; appointment option.** Except as provided in section 123B.09, subdivision 4, and as an alternative to the procedure provided in subdivisions 1 and 2, any other vacancy in the office of school board member may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. If less than one year remains in the unexpired term, the school board may appoint a person to fill the vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next school district general election, in which case an appointment shall not be made and the vacancy must be filled at the general election. The person elected to fill a vacancy at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.

Subd. 4. **School board vacancy appointment; public hearing.** Before making an appointment to fill a vacancy under subdivision 3, the school board must hold a public hearing not more than 30 days after the vacancy occurs with public notice given in the same manner as for a special meeting of the school board. At the public hearing, the board must invite public testimony from persons residing in the district in which the vacancy occurs relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the board also must notify public officials in the school district on the appointment, including county commissioners, town supervisors, and city council members, and must enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified. If, after the public hearing, the board is unable or decides not to make an appointment under subdivision 3, it must hold a special election under subdivision 1, but the time period in which the election must be held begins to run from the date of the public hearing.

**204B.17 CHANGE OF POLLING PLACE BY ELECTION JUDGES.**

When a designated polling place does not comply with the requirements of this chapter the election judges of that precinct, on or before the opening of the polls on election day and upon approval by the municipal clerk in municipalities or school districts or the county auditor in unorganized territory, shall procure a polling place which is as near the designated polling place as possible and which does comply with those requirements.

When a new polling place is procured by the election judges, they shall meet on election day at the original polling place where they shall fill any vacancies in their number, publicly announce the change in polling place to the voters who are present and post a notice in large print of the change in a conspicuous place. They shall also post a notice in a location visible by

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voters who vote from their motor vehicles as provided in section 204C.15, subdivision 2. Upon completing these duties the election judges shall adjourn to the new polling place, where they shall post a similar notice of the change in polling place. The election judges shall certify to the appropriate governing body the expenses incurred because of the change. These expenses shall be paid as part of the expenses of the election.