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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. **3845**

03/02/2026

Authored by Quam

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

1.1 A bill for an act

1.2 relating to elections; requiring certain voters who register on election day to cast

1.3 provisional ballots; making conforming changes; amending Minnesota Statutes

1.4 2024, sections 204C.32, as amended; 204C.33, subdivision 3; 204C.37; 205.065,

1.5 subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10,

1.6 subdivision 3; Minnesota Statutes 2025 Supplement, sections 201.061, subdivision

1.7 3; 204C.33, subdivision 1; proposing coding for new law in Minnesota Statutes,

1.8 chapter 204C.

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

1.10 Section 1. Minnesota Statutes 2025 Supplement, section 201.061, subdivision 3, is amended

1.11 to read:

1.12 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register

1.13 or update a registration on election day by appearing in person at the polling place for the

1.14 precinct in which the individual maintains residence, by completing a registration application,

1.15 making an oath in the form prescribed by the secretary of state and providing proof of

1.16 residence. An individual may prove residence for purposes of registering or updating a

1.17 registration by:

1.18 (1) presenting a driver's license or Minnesota identification card issued pursuant to

1.19 section 171.07;

1.20 (2) presenting any document approved by the secretary of state as proper identification;

1.21 (3) presenting a current student fee statement that contains the student's valid address

1.22 in the precinct together with a picture identification card; or

1.23 (4) having a voter who is registered to vote in the precinct, or an employee who provides

1.24 proof that they are employed by and working in a residential facility in the precinct and

vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. An election judge may not sign a proof of residence oath vouching for any individual who appears in the precinct where the election judge is working unless the election judge personally knows the individual is a resident of the precinct. A voter who is registered to vote in the precinct may sign up to eight proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the individual: (i) is registered to vote in the precinct or is an employee of a residential facility in the precinct, (ii) personally knows that the voter is a resident of the precinct, and (iii) is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter registration application.

(b) If an individual is unable to provide a Minnesota driver's license number, Minnesota state identification number, or Social Security number, the individual may register and cast a provisional ballot pursuant to section 204C.135.

~~(b)~~ (c) The secretary of state must publish guidance for residential facilities and residential facility employees on the vouching process and the requirements of this subdivision.

~~(e)~~ (d) "Residential facility" means transitional housing as defined in section 256K.48, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; an assisted living facility licensed by the commissioner of health under chapter 144G; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; setting authorized to provide housing support as defined in section 256I.03, subdivision 10a; a shelter for battered women as defined in section 611A.37, subdivision 4; a supervised publicly or privately operated shelter or dwelling designed to

provide temporary living accommodations for the homeless; a facility where a provider operates a residential treatment program as defined in section 245.462, subdivision 23; or a facility where a provider operates an adult foster care program as defined in section 245A.02, subdivision 6c.

~~(d)~~ (e) For tribal band members, an individual may prove residence for purposes of registering or updating a registration by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

~~(e)~~ (f) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 2. [204C.135] PROVISIONAL BALLOTS; PROOF OF IDENTITY AND RESIDENCE.

Subdivision 1. Casting provisional ballots. (a) A voter who registered on election day pursuant to section 201.061, subdivision 3, or while early voting under section 203B.30, subdivision 2, and is unable to provide a Minnesota driver's license number, Minnesota state identification number, or Social Security number is entitled to cast a provisional ballot in the manner provided by this section.

(b) A voter seeking to cast a provisional ballot must sign a provisional ballot roster or a provisional voter signature certificate and complete the voter registration application on the provisional ballot signature envelope. The voter registration application may be completed by an electronic roster and affixed to the provisional ballot signature envelope. The voter must also swear or affirm in writing that the voter is eligible to vote, has not voted previously in the same election, and meets the criteria for registering to vote in the precinct in which the voter appears.

(c) Once the voter has completed the provisional ballot signature envelope, the voter must be allowed to cast a provisional ballot. The provisional ballot must be in the same form as the official ballot available in the precinct on election day. A completed provisional ballot shall be sealed in a ballot envelope. The ballot envelope shall be sealed inside the

4.1 voter's provisional ballot signature envelope and deposited by the voter in a secure, sealed
4.2 provisional ballot box. Completed provisional ballots must not be combined with other
4.3 voted ballots in the polling place.

4.4 (d) An election judge must inform the voter on the option for the voter to have their
4.5 provisional ballot counted by presenting their Minnesota driver's license number, Minnesota
4.6 state identification number, or Social Security number to the county auditor or municipal
4.7 clerk during the seven days following the election. The election judge must inform the voter
4.8 of the location of the county auditor or municipal clerk responsible for accepting or rejecting
4.9 provisional ballots and the hours the county auditor or municipal clerk is open for business
4.10 during the week following the election.

4.11 (e) The secretary of state must prescribe the form of the provisional ballot signature
4.12 envelope, the provisional ballot roster, and the provisional voter signature certificate. The
4.13 provisional ballot signature envelope must be a color other than that provided for absentee
4.14 ballot signature envelopes, be prominently labeled "Provisional Ballot Signature Envelope,"
4.15 and contain a space for the voter to list the voter's name, address of residence, and date of
4.16 birth.

4.17 (f) Provisional ballots and related documentation shall be delivered to and securely
4.18 maintained by the county auditor or municipal clerk in the same manner as required for
4.19 other election materials under sections 204C.27 and 204C.28.

4.20 **Subd. 2. Accepting or rejecting provisional ballot signature envelopes.** (a) Beginning
4.21 four days after the election and finishing no later than seven days after the election, the
4.22 county auditor or municipal clerk must process each applicant's provisional ballot signature
4.23 envelope. If the voter appears at the office of the county auditor or municipal clerk during
4.24 that period and presents their Minnesota driver's license number, Minnesota state
4.25 identification number, or Social Security number, or if the applicant's eligibility can be
4.26 verified using other data available to the county auditor or municipal clerk, the voter's
4.27 provisional ballot signature envelope must be accepted. The county auditor or municipal
4.28 clerk must mark the provisional ballot signature envelope "Accepted" and initial or sign the
4.29 envelope below the word "Accepted." If the applicant is not registered to vote, the provisional
4.30 ballot signature envelope must be rejected. If a provisional ballot signature envelope is
4.31 rejected, the county auditor or municipal clerk must mark the provisional ballot signature
4.32 envelope "Rejected," initial or sign it below the word "Rejected," and list the reason for
4.33 rejection on the envelope. The county auditor or municipal clerk must promptly record in
4.34 the statewide voter registration system that a voter's provisional ballot signature envelope
4.35 has been accepted or rejected.

(b) The county auditor or municipal clerk must mail the voter a written notice of provisional ballot rejection between six and ten weeks following the election. The notice must include the reason for rejection and the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(c) A provisional ballot signature envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

Subd. 3. Provisional ballots; reconciliation. On the seventh day after the election and prior to counting any provisional ballots in the final vote totals from a precinct, the county auditor or municipal clerk must verify that the number of signatures appearing on the provisional ballot roster from the precinct is equal to or greater than the number of provisional ballots submitted by voters in the precinct on election day. Any discrepancy must be resolved before the provisional ballots from the precinct may be counted. Excess provisional ballots must be randomly withdrawn from the accepted provisional ballots in the manner required by section 204C.20, subdivision 2.

Subd. 4. Counting provisional ballots. Once the reconciliation process required by subdivision 3 is completed, accepted provisional ballot signature envelopes must be opened; duplicated as needed in the manner provided in section 206.86, subdivision 5; initialed by the members of the ballot board; and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be spoiled and must not be counted.

Sec. 3. Minnesota Statutes 2024, section 204C.32, as amended by Laws 2025, chapter 39, article 8, section 70, is amended to read:

204C.32 CANVASS OF STATE PRIMARIES.

Subdivision 1. County canvass. The county canvassing board must meet at the county auditor's office on ~~either the second or third~~ the tenth day following the state primary. After taking the oath of office, the canvassing board must publicly canvass the election returns delivered to the county auditor. The board must complete the canvass by the third day following the state primary and must promptly prepare and file with the county auditor a report that states:

(a) the number of individuals voting at the election in the county, and in each precinct;

(b) for each precinct, the number of individuals registering to vote or updating registrations on election day and the number of individuals who were registered before election day and did not need to update the voter's registration;

(c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) the names of the candidates of each major political party who are nominated; and

(e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor must mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor must transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state must mail a notice of nomination to each nominee for state or federal office.

Subd. 2. **State canvass.** The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area ~~seven~~ 14 days after the state primary to canvass the certified copies of the county canvassing board reports received from the county auditors. Immediately after the canvassing board declares the results, the secretary of state shall certify the names of the nominees to the county auditors. The secretary of state shall mail to each nominee a notice of nomination.

Sec. 4. Minnesota Statutes 2025 Supplement, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board must meet at the county auditor's office between the ~~third tenth~~ and ~~eighth~~ 14th days following the state general election. After taking the oath of office, the board must promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board must promptly prepare and file with the county auditor a report which states:

(a) the number of individuals voting at the election in the county and in each precinct;

(b) for each precinct, the number of individuals registering to vote or updating registrations on election day and the number of individuals who were registered before election day and did not need to update the voter's registration;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or county office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor must arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

Upon completion of the canvass, the county canvassing board must declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor must transmit a certified copy of the county canvassing board report for state and federal offices to the secretary of state by messenger, express mail, or similar service immediately upon conclusion of the county canvass.

Sec. 5. Minnesota Statutes 2024, section 204C.33, subdivision 3, is amended to read:

Subd. 3. **State canvass.** The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area on the ~~16th~~ 24th day following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

(1) the number of individuals voting in the state and in each county;

(2) the number of votes received by each of the candidates, specifying the counties in which they were cast; and

(3) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

If the ~~16th~~ 24th day falls on a state holiday, the canvassing board shall meet on the next business day.

All members of the State Canvassing Board shall sign the report and certify its correctness. Within three days after completing the canvass, the State Canvassing Board shall declare the result and declare the candidates duly elected who received the highest

8.1 number of votes for each federal office and for each state office voted on in more than one
8.2 county.

8.3 Sec. 6. Minnesota Statutes 2024, section 204C.37, is amended to read:

8.4 **204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF**
8.5 **STATE.**

8.6 A copy of the report required by sections 204C.32, subdivision 1, and 204C.33,
8.7 subdivision 1, shall be certified under the official seal of the county auditor. The copy shall
8.8 be enclosed in an envelope addressed to the secretary of state, with the county auditor's
8.9 name and official address and the words "Election Returns" endorsed on the envelope. The
8.10 copy of the canvassing board report must be sent by express mail or delivered to the secretary
8.11 of state. If the copy is not received by the secretary of state within ~~ten~~ 17 days following
8.12 ~~the applicable election~~ a primary election, or within 24 days following a general election,
8.13 the secretary of state shall immediately notify the county auditor, who shall deliver another
8.14 copy to the secretary of state by special messenger.

8.15 Sec. 7. Minnesota Statutes 2024, section 205.065, subdivision 5, is amended to read:

8.16 Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the
8.17 manner provided for the state primary so far as practicable. ~~The canvass may be conducted~~
8.18 ~~on either the second or third day after the primary.~~

8.19 The governing body of the municipality shall canvass the returns on the tenth day after
8.20 the primary, and the two candidates for each office who receive the highest number of votes,
8.21 or a number of candidates equal to twice the number of individuals to be elected to the
8.22 office, who receive the highest number of votes, shall be the nominees for the office named.
8.23 Their names shall be certified to the municipal clerk who shall place them on the municipal
8.24 general election ballot without partisan designation and without payment of an additional
8.25 fee.

8.26 Sec. 8. Minnesota Statutes 2024, section 205.185, subdivision 3, is amended to read:

8.27 Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) Between
8.28 the ~~third~~ tenth and ~~tenth~~ 17th days after an election, the governing body of a city conducting
8.29 any election including a special municipal election; or the governing body of a town
8.30 conducting the general election in November shall act as the canvassing board, canvass the
8.31 returns, and declare the results of the election. The governing body of a town conducting

the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within ~~two~~ nine days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 9. Minnesota Statutes 2024, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** ~~(a)~~ The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. ~~If the primary is conducted:~~

~~(1) only within that school district, a canvass may be conducted on either the second or third day after the primary; or~~

~~(2) in conjunction with the state primary, the canvass must be conducted on the third day after the primary, except as otherwise provided in paragraph (b).~~

On the tenth day after the primary, the school board of the school district shall canvass the returns, and the two candidates for each specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

~~(b) Following a school district primary as described in paragraph (a), clause (2), a canvass may be conducted on the second day after the primary if the county auditor of each county in which the school district is located agrees to administratively review the school district's primary voting statistics for accuracy and completeness within a time that permits the canvass to be conducted on that day.~~

Sec. 10. Minnesota Statutes 2024, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the ~~third~~ tenth and ~~tenth~~ 17th days after a school district election other than a recount of a special

10.1 election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall
10.2 canvass the returns and declare the results of the election. After the time for contesting
10.3 elections has passed, the school district clerk shall issue a certificate of election to each
10.4 successful candidate. If there is a contest, the certificate of election to that office must not
10.5 be issued until the outcome of the contest has been determined by the proper court. If there
10.6 is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the
10.7 certificate of election to the successful candidate by personal service or certified mail. The
10.8 successful candidate shall file an acceptance and oath of office in writing with the clerk
10.9 within 30 days of the date of mailing or personal service. A person who fails to qualify prior
10.10 to the time specified shall be deemed to have refused to serve, but that filing may be made
10.11 at any time before action to fill the vacancy has been taken. The school district clerk shall
10.12 certify the results of the election to the county auditor, and the clerk shall be the final
10.13 custodian of the ballots and the returns of the election.

10.14 A school district canvassing board shall perform the duties of the school board according
10.15 to the requirements of this subdivision for a recount of a special election conducted under
10.16 section 126C.17, subdivision 9, or 475.59.

10.17 Sec. 11. **EFFECTIVE DATE.**

10.18 This act is effective July 1, 2026, and applies to elections held on or after that date.