

1.1 ..... moves to amend H.F. No. 210 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **VOTER REGISTRATION, PHOTO IDENTIFICATION, AND**  
1.5 **PROVISIONAL BALLOTING**

1.6 Section 1. Minnesota Statutes 2010, section 13.69, subdivision 1, is amended to read:

1.7 Subdivision 1. **Classifications.** (a) The following government data of the  
1.8 Department of Public Safety are private data:

1.9 (1) medical data on driving instructors, licensed drivers, and applicants for parking  
1.10 certificates and special license plates issued to physically disabled persons;

1.11 (2) other data on holders of a disability certificate under section 169.345, except that  
1.12 data that are not medical data may be released to law enforcement agencies;

1.13 (3) Social Security numbers in driver's license and motor vehicle registration  
1.14 records, except that Social Security numbers must be provided to the Department of  
1.15 Revenue for purposes of tax administration, the Department of Labor and Industry for  
1.16 purposes of workers' compensation administration and enforcement, and the Department  
1.17 of Natural Resources for purposes of license application administration; ~~and~~

1.18 (4) data on persons listed as standby or temporary custodians under section 171.07,  
1.19 subdivision 11, except that the data must be released to:

1.20 (i) law enforcement agencies for the purpose of verifying that an individual is a  
1.21 designated caregiver; or

1.22 (ii) law enforcement agencies who state that the license holder is unable to  
1.23 communicate at that time and that the information is necessary for notifying the designated  
1.24 caregiver of the need to care for a child of the license holder; and

(5) data on applicants for a Minnesota voter identification card under section 171.07, subdivision 3b, except that the data may be released to a government entity or a court for purposes of carrying out its functions.

The department may release the Social Security number only as provided in clause (3) and must not sell or otherwise provide individual Social Security numbers or lists of Social Security numbers for any other purpose.

(b) The following government data of the Department of Public Safety are confidential data: data concerning an individual's driving ability when that data is received from a member of the individual's family.

Sec. 2. Minnesota Statutes 2010, section 171.07, is amended by adding a subdivision to read:

Subd. 3b. **Voter identification cards.** (a) The Department of Public Safety shall provide a Minnesota voter identification card to any applicant who is eligible to vote in Minnesota and who does not possess a valid Minnesota driver's license or state identification card. The department may not require the applicant to pay a fee for issuance of a card. A state-subsidized voter identification card may only be applied for at a driver's licensing facility operated by the Division of Driver and Vehicle Services. Upon application for a state-subsidized voter identification card, including upon application for a renewal, duplicate card, or when a new card is required as a result of a change of address, an applicant must present verification that the applicant is at least 18 years of age, is a citizen of the United States, and will have maintained residence in Minnesota for at least 20 days immediately preceding the next election.

(b) A voter identification card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name and date of birth; the applicant's address of residence; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(c) A voter identification card shall not be valid identification for purposes unrelated to voting in Minnesota.

(d) A voter identification card must be of a different color scheme than a Minnesota drivers license or state identification card, but must incorporate the same information and security features as provided in subdivision 9.

(e) Each voter identification card must be plainly marked: "Voter Identification – Not a driver's license. Valid Identification Only for Voting."

Sec. 3. Minnesota Statutes 2010, section 171.07, subdivision 4, is amended to read:

Subd. 4. **Expiration.** (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards and voter identification cards of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) Minnesota identification cards and voter identification cards issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

(c) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

Sec. 4. Minnesota Statutes 2010, section 171.07, subdivision 9, is amended to read:

Subd. 9. **Improved security.** ~~The commissioner shall develop new Drivers' licenses, and~~ identification cards, ~~to be issued beginning January 1, 1994, that~~ and voter identification cards must be as impervious to alteration as is reasonably practicable in their design and quality of material and technology. The driver's license security laminate shall be made from materials not readily available to the general public. The design and technology employed must enable the driver's license and identification card to be subject to two or more methods of visual verification capable of clearly indicating the presence of tampering or counterfeiting. The driver's license and identification card must not be susceptible to reproduction by photocopying or simulation and must be highly resistant to data or photograph substitution and other tampering.

Sec. 5. **[200.035] DOCUMENTATION OF IDENTITY AND RESIDENCE.**

The following are sufficient proof of identity and residence for purposes of election day voter registration under section 201.061, subdivision 3, and for determining whether to count a provisional ballot under section 204C.135, subdivision 2:

(1) a current, valid driver's license, state identification card, or voter identification card issued to the voter by the Department of Public Safety that contains the voter's current address of residence in the precinct;

(2) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to

be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b);

(3) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct along with one of the following documents, provided that it contains a photograph of the voter:

(i) a driver's license or identification card that is expired, invalidated, or does not contain the voter's current address of residence, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(ii) a United States passport, issued to the voter;

(iii) an identification card issued by a branch, department, agency, entity, or subdivision of Minnesota or the federal government;

(iv) an identification card issued by an accredited postsecondary institution with a campus located within Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(v) an identification card issued to the voter by the tribal government of a tribe recognized by the Bureau of Indian Affairs;

(4) if the voter is a student, a driver's license or identification card issued by Minnesota or any other state or territory of the United States that does not contain the voter's current address of residence, along with a current student fee statement that contains the student's valid address of residence in the precinct; or

(5) if the voter resides in a shelter facility designated for battered women, as defined in section 611A.37, subdivision 4, a driver's license or identification card issued to the voter by the Department of Public Safety that contains the voter's photograph and address of residence prior to seeking the services of the shelter facility, along with a certification of residence in the facility, signed by the facility's administrator on a form prescribed by the secretary of state.

#### **Sec. 6. [201.017] STATE-SUBSIDIZED VOTER IDENTIFICATION CARD ACCOUNT.**

A state-subsidized voter identification card account is established in the special revenue fund. Money in the account shall be appropriated by law to the Department of Public Safety for purposes of providing state-subsidized voter identification cards to individuals qualifying under this section 171.07, subdivision 3b, provided that the department may not be reimbursed more than \$..... for each card issued. The

5.1 commissioner of public safety must report to the legislature at least monthly by county  
5.2 on expenditure of funds from this account. A report of the total expenditures by county  
5.3 must be submitted to the members of the house and senate committees with oversight  
5.4 in elections by January 31 of each year.

5.5 Sec. 7. Minnesota Statutes 2010, section 201.061, subdivision 3, is amended to read:

5.6 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may  
5.7 register on election day by appearing in person at the polling place for the precinct in  
5.8 which the individual maintains residence, by completing a registration application, making  
5.9 an oath in the form prescribed by the secretary of state and providing proof of identity and  
5.10 residence. An individual may prove identity and residence for purposes of registering by:  
5.11 presenting documentation as permitted by section 200.035.

5.12 ~~(1) presenting a driver's license or Minnesota identification card issued pursuant~~  
5.13 ~~to section 171.07;~~

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

5.16 ~~(3) presenting one of the following:~~

5.17 ~~(i) a current valid student identification card from a postsecondary educational~~  
5.18 ~~institution in Minnesota, if a list of students from that institution has been prepared under~~  
5.19 ~~section 135A.17 and certified to the county auditor in the manner provided in rules of~~  
5.20 ~~the secretary of state; or~~

5.21 ~~(ii) a current student fee statement that contains the student's valid address in the~~  
5.22 ~~precinct together with a picture identification card; or~~

5.23 ~~(4) having a voter who is registered to vote in the precinct, or who is an employee~~  
5.24 ~~employed by and working in a residential facility in the precinct and vouching for a~~  
5.25 ~~resident in the facility, sign an oath in the presence of the election judge vouching that the~~  
5.26 ~~voter or employee personally knows that the individual is a resident of the precinct. A~~  
5.27 ~~voter who has been vouched for on election day may not sign a proof of residence oath~~  
5.28 ~~vouching for any other individual on that election day. A voter who is registered to vote in~~  
5.29 ~~the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation~~  
5.30 ~~does not apply to an employee of a residential facility described in this clause. The~~  
5.31 ~~secretary of state shall provide a form for election judges to use in recording the number~~  
5.32 ~~of individuals for whom a voter signs proof-of-residence oaths on election day. The~~  
5.33 ~~form must include space for the maximum number of individuals for whom a voter may~~  
5.34 ~~sign proof-of-residence oaths. For each proof-of-residence oath, the form must include~~  
5.35 ~~a statement that the voter is registered to vote in the precinct, personally knows that the~~

~~individual is a resident of the precinct, and 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) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.~~

~~(c) "Residential facility" means transitional housing as defined in section 256E.33, 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; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; 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; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.~~

~~(d) For tribal band members, an individual may prove residence for purposes of registering 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)~~ (b) A county, school district, or municipality ~~may~~ must require that an election judge responsible for election day registration ~~initial~~ sign each completed registration application.

Sec. 8. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The address listed on the polling place roster must be the voter's address of residence, unless the voter has requested that the address printed on the roster be the voter's mailing address because the voter is a judge, or a law enforcement or corrections officer. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 9. Minnesota Statutes 2010, section 204C.10, is amended to read:

**204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

Subdivision 1. Polling place roster. (a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) ~~A judge may,~~ Before the applicant signs the roster, a judge must: (1) require the voter to present a photo identification document, as described in subdivision 2; and (2)

confirm the applicant's name, address, and date of birth. A voter who cannot produce sufficient identification as required by subdivision 2 may not sign the polling place roster, but may cast a provisional ballot, as provided in section 204C.135.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained ~~during the time for notice of filing an election contest~~ for 36 months following the date of the election.

**Subd. 2. Photo identification.** (a) To satisfy the photo identification requirement in subdivision 1, a voter must present a valid form of one of the following documents or sets of documents, issued to the voter:

(1) a Minnesota driver's license state identification card, or voter identification card issued under section 171.07 that contains the voter's current address of residence in the precinct;

(2)(i) an original receipt for a new, renewed, or updated driver's license, state identification card, or voter identification card issued to the voter under section 171.07 that contains the voter's current address of residence in the precinct; and

(ii) a driver's license or identification card that is expired, invalidated, or does not contain the voter's current address of residence in the precinct, issued to the voter by the state of Minnesota or any other state or territory of the United States;

(3) an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains a photograph of the voter, the voter's current address of residence in the precinct, and any other items of data required to be contained on a Minnesota identification card, as provided in section 171.07, subdivision 3, paragraphs (a) and (b); or

(4) if the voter resides in a shelter facility designated for battered women, as defined in section 611A.37, subdivision 4, a driver's license or identification card issued to the voter by the Department of Public Safety that contains the voter's photograph and address of residence prior to seeking the services of the shelter facility, along with a certification of residence in the facility, signed by the facility's administrator on a form prescribed by the secretary of state.

(b) An identification card presented under this section is not deficient for a lack of the voter's current address of residence in the precinct if the identification card contains the mailing address of the voter and that matches the address listed on the polling place roster.

Sec. 10. Minnesota Statutes 2010, section 204C.12, subdivision 3, is amended to read:



Subd. 3. **Determination of residence.** In determining the legal residence of a challenged individual, the election judges shall be governed by the principles contained in section 200.031. If the challenged individual's answers to the questions show ineligibility to vote in that precinct, the individual shall not be allowed to vote. If the individual has marked ballots but not yet deposited them in the ballot boxes before the election judges determine ineligibility to vote in that precinct, the marked ballots shall be placed ~~unopened~~ with the spoiled ballots. If the answers to the questions fail to show that the individual is not eligible to vote in that precinct and the challenge is not withdrawn, the election judges shall ~~verbally administer the oath on the voter certificate to the individual. After taking the oath and completing and signing the voter certificate, the challenged individual shall be allowed to vote~~ permit the voter to cast a provisional ballot, in the manner provided in section 204C.135.

Sec. 11. **[204C.135] PROVISIONAL BALLOTS.**

Subdivision 1. Casting of provisional ballots. (a) The following voters seeking to vote are entitled to cast a provisional ballot in the manner provided by this section:

(1) a voter who is unable to provide proper photo identification as required by section 204C.10;

(2) a voter whose registration status is listed as "challenged" on the polling place roster; and

(3) a voter whose eligibility to vote is challenged as permitted by section 204C.12.

(b) A voter seeking to vote a provisional ballot must sign a provisional ballot roster and complete a provisional ballot envelope. The envelope must contain a space for the voter to list the voter's name, address of residence, date of birth, voter identification number, and any other information prescribed by the secretary of state. 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.

Once the voter has completed the provisional ballot 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 secrecy envelope. The secrecy envelope shall be sealed inside the voter's provisional ballot envelope and deposited by the voter in a secure, sealed provisional ballot box. Completed provisional ballots may not be combined with other voted ballots in the polling place.

10.1 (c) The form of the secrecy and provisional ballot envelopes shall be prescribed by  
10.2 the secretary of state. The provisional ballot envelope must be a color other than that  
10.3 provided for absentee ballot envelopes and must be prominently labeled "Provisional  
10.4 Ballot Envelope."

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

10.8 Subd. 2. **Counting provisional ballots.** (a) A voter who casts a provisional ballot in  
10.9 the polling place may personally appear before the county auditor or municipal clerk no  
10.10 later than seven calendar days following the election to prove that the voter's provisional  
10.11 ballot should be counted. The county auditor or municipal clerk must count a provisional  
10.12 ballot in the final certified results from the precinct if:

10.13 (1) the statewide voter registration system indicates that the voter is eligible to vote  
10.14 or, if challenged, the voter presents evidence of the voter's eligibility to vote; and

10.15 (2) the voter presents proof of identity and residence in the precinct in the manner  
10.16 permitted by section 200.035.

10.17 (b) If a voter does not appear before the county auditor or municipal clerk within  
10.18 seven calendar days following the election or otherwise does not satisfy the requirements  
10.19 of paragraph (a), or if the data listed on the items of identification presented by the voter  
10.20 does not match the data submitted by the voter on the provisional ballot envelope, the  
10.21 voter's provisional ballot must not be counted.

10.22 (c) The county auditor or municipal clerk must notify, in writing, any provisional  
10.23 voter who does not appear within seven calendar days of the election that the voter's  
10.24 provisional ballot was not counted because of the voter's failure to appear before the  
10.25 county auditor or municipal clerk within the time permitted by law to determine whether  
10.26 the provisional ballot should be counted.

10.27 Subd. 3. **Provisional ballots; reconciliation.** Prior to counting any provisional  
10.28 ballots in the final vote totals from a precinct, the county auditor must verify that the  
10.29 number of signatures appearing on the provisional ballot roster from that precinct is equal  
10.30 to or greater than the number of accepted provisional ballots submitted by voters in the  
10.31 precinct on election day. Any discrepancy must be resolved before the provisional ballots  
10.32 from the precinct may be counted. Excess provisional ballots must be  
10.33 randomly withdrawn in the manner required by section 204C.20, subdivision 2, after the  
10.34 period for a voter to appear to prove residence and identity has expired and the ballots to  
10.35 be counted have been separated from the provisional ballot envelopes.

11.1 Sec. 12. Minnesota Statutes 2010, section 204C.14, is amended to read:

11.2 **204C.14 UNLAWFUL VOTING; PENALTY.**

11.3 No individual shall intentionally:

11.4 (a) misrepresent the individual's identity in applying for a ballot, depositing a ballot  
11.5 in a ballot box, requesting a provisional ballot or requesting that a provisional ballot be  
11.6 counted, or attempting to vote by means of a voting machine or electronic voting system;

11.7 (b) vote more than once at the same election;

11.8 (c) put a ballot in a ballot box for any illegal purpose;

11.9 (d) give more than one ballot of the same kind and color to an election judge to  
11.10 be placed in a ballot box;

11.11 (e) aid, abet, counsel or procure another to go into any precinct for the purpose  
11.12 of voting in that precinct, knowing that the other individual is not eligible to vote in  
11.13 that precinct; or

11.14 (f) aid, abet, counsel or procure another to do any act in violation of this section.

11.15 A violation of this section is a felony.

11.16 Sec. 13. Minnesota Statutes 2010, section 204C.32, is amended to read:

11.17 **204C.32 CANVASS OF STATE PRIMARIES.**

11.18 Subdivision 1. **County canvass.** The county canvassing board shall meet at the  
11.19 county auditor's office on the ~~third~~ third eighth day following the state primary. After taking the  
11.20 oath of office, the canvassing board shall publicly canvass the election returns delivered  
11.21 to the county auditor. The board shall complete the canvass on the ~~third~~ third eighth day  
11.22 following the state primary and shall promptly prepare and file with the county auditor  
11.23 a report that states:

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

11.26 (b) the number of individuals registering to vote on election day and the number of  
11.27 individuals registered before election day in each precinct;

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

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

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

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

12.7           Subd. 2. **State canvass.** The State Canvassing Board shall meet at the Secretary of  
12.8 State's Office ~~seven~~ 14 days after the state primary to canvass the certified copies of the  
12.9 county canvassing board reports received from the county auditors. Immediately after  
12.10 the canvassing board declares the results, the secretary of state shall certify the names of  
12.11 the nominees to the county auditors. The secretary of state shall mail to each nominee  
12.12 a notice of nomination.

12.13           Sec. 14. Minnesota Statutes 2010, section 204C.33, subdivision 1, is amended to read:

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

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

12.21           (b) the number of individuals registering to vote on election day and the number of  
12.22 individuals registered before election day in each precinct;

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

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

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

12.29           The result of write-in votes cast on the general election ballots must be compiled by  
12.30 the county auditor before the county canvass, except that write-in votes for a candidate for  
12.31 federal, state, or county office must not be counted unless the candidate has timely filed a  
12.32 request under section 204B.09, subdivision 3. The county auditor shall arrange for each  
12.33 municipality to provide an adequate number of election judges to perform this duty or the  
12.34 county auditor may appoint additional election judges for this purpose. The county auditor  
12.35 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 shall 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 shall 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. 15. Minnesota Statutes 2010, section 204C.37, is amended to read:

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

A copy of the report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report and the precinct summary statements must be sent by express mail or delivered to the secretary of state. If the copy is not received by the secretary of state within ten days following ~~the applicable election~~ a primary election, or within 16 days following a general election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 16. Minnesota Statutes 2010, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. On the ~~third~~ third eighth day after the primary, the governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Sec. 17. Minnesota Statutes 2010, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a)

Between the ~~third~~ third eighth and ~~tenth~~ 14th days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the 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~~ ten 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. 18. Minnesota Statutes 2010, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. On the ~~third~~ third eighth 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.

Sec. 19. Minnesota Statutes 2010, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** Between the ~~third~~ third eighth and ~~tenth~~ 14th days after a school district election other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or

certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk 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.

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

Sec. 20. **PUBLIC EDUCATION CAMPAIGN.**

The commissioner of administration shall contract for the production and implementation of a statewide public educational campaign related to the voter identification requirements of this article. The campaign must inform voters of the requirements for identification when voting, methods of securing sufficient identification, including securing a free voter identification card if necessary, and the process for provisional balloting for voters unable to meet the identification requirements on election day. The secretary of state may consult with the vendor in coordinating material related to the campaign, but the secretary, the secretary's staff, and any other documents or materials promoting the office of the secretary of state may not appear visually or audibly in any advertising or promotional items disseminated by the vendor as part of the public education campaign.

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

Sec. 21. **APPROPRIATION.**

\$..... is appropriated for fiscal years 2012 and 2013 to the state-subsidized identification card account for purposes of providing state-subsidized identification cards to individuals qualifying under Minnesota Statutes, section 171.07, subdivision 3b.

Sec. 22. **EFFECTIVE DATE.**

Except where otherwise provided, this article is effective June 1, 2012, and applies to elections held on or after that date.

**ARTICLE 2**

**ELECTION ADMINISTRATION AND INTEGRITY**

Section 1. Minnesota Statutes 2010, section 5B.06, is amended to read:

**5B.06 VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.**

(a) A program participant who is otherwise eligible to vote may register with the secretary of state as an ongoing absentee voter. The secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.24. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant, and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

(b) The secretary of state shall provide on the secretary's Web site information on options for program participants to vote, including casting a ballot as permitted by this section.

Sec. 2. Minnesota Statutes 2010, section 135A.17, subdivision 2, is amended to read:

Subd. 2. **Residential housing list.** All postsecondary institutions that enroll students accepting state or federal financial aid may prepare a current list of students enrolled in the institution and residing in the institution's housing or within ten miles of the institution's campus. The list shall include each student's current address. The list shall be certified and sent to the appropriate county auditor or auditors, in an electronic format approved by the secretary of state, for use in election day registration as provided under section 201.061, subdivision 3. A residential housing list provided under this subdivision may not be used or disseminated by a county auditor or the secretary of state for any other purpose.

Sec. 3. **[200.05] RULES; LEGISLATIVE APPROVAL REQUIRED.**

Any administrative rule authorized by the Minnesota Election Law and promulgated by the secretary of state shall not take effect until the rule has been enacted into law by the legislature and approved by the governor.

**EFFECTIVE DATE.** This section is effective the day following final enactment, and applies to rules adopted on or after that date.

Sec. 4. Minnesota Statutes 2010, section 201.021, is amended to read:



17.1           **201.021 PERMANENT REGISTRATION SYSTEM.**

17.2           A permanent system of voter registration by county is established, with a single,  
17.3           official, centralized, interactive computerized statewide voter registration list defined,  
17.4           maintained, and administered at the state level that contains the name and registration  
17.5           information of every legally registered voter in the state, and assigns a unique identifier  
17.6           to each legally registered voter in the state. The unique identifier shall be permanently  
17.7           assigned to the voter and may not be changed or reassigned to another voter. The  
17.8           interactive computerized statewide voter registration list constitutes the official list of every  
17.9           legally registered voter in the state. The county auditor shall be chief registrar of voters  
17.10          and the chief custodian of the official registration records in each county. The secretary of  
17.11          state is responsible for defining, maintaining, and administering the centralized system.

17.12          Sec. 5. Minnesota Statutes 2010, section 201.022, subdivision 1, is amended to read:

17.13          Subdivision 1. **Establishment.** The secretary of state shall maintain a statewide  
17.14          voter registration system to facilitate voter registration and to provide a central database  
17.15          containing voter registration information from around the state. The system must be  
17.16          accessible to the county auditor of each county in the state. The system must also:

17.17               (1) provide for voters to submit their voter registration applications to any county  
17.18          auditor, the secretary of state, or the Department of Public Safety;

17.19               (2) provide for the definition, establishment, and maintenance of a central database  
17.20          for all voter registration information;

17.21               (3) provide for entering data into the statewide registration system;

17.22               (4) provide for electronic transfer of completed voter registration applications from  
17.23          the Department of Public Safety to the secretary of state or the county auditor;

17.24               (5) assign a unique, permanent identifier to each legally registered voter in the state;

17.25               (6) provide for the acceptance of the Minnesota driver's license number, Minnesota  
17.26          state identification number, and last four digits of the Social Security number for each  
17.27          voter record;

17.28               (7) coordinate with other agency databases within the state;

17.29               (8) allow county auditors and the secretary of state to add or modify information in  
17.30          the system to provide for accurate and up-to-date records;

17.31               (9) allow county auditors, municipal and school district clerks, and the secretary  
17.32          of state to have electronic access to the statewide registration system for review and  
17.33          search capabilities;

17.34               (10) provide security and protection of all information in the statewide registration  
17.35          system and ensure that unauthorized access is not allowed;

18.1 (11) provide access to municipal clerks to use the system;

18.2 (12) provide a system for each county to identify the precinct to which a voter  
18.3 should be assigned for voting purposes;

18.4 (13) provide daily reports accessible by county auditors on the driver's license  
18.5 numbers, state identification numbers, or last four digits of the Social Security numbers  
18.6 submitted on voter registration applications that have been verified as accurate by the  
18.7 secretary of state; ~~and~~

18.8 (14) provide reports on the number of absentee ballots transmitted to and returned  
18.9 and cast by voters under section 203B.16; and

18.10 (15) provide reports on individuals who are not registered and believed to be  
18.11 ineligible to vote, to the extent permitted by federal law.

18.12 The appropriate state or local official shall provide security measures to prevent  
18.13 unauthorized access to the computerized list established under section 201.021.

18.14 Sec. 6. Minnesota Statutes 2010, section 201.061, subdivision 4, is amended to read:

18.15 Subd. 4. **Registration by election judges; procedures.** Registration at the polling  
18.16 place on election day shall be conducted by the election judges. Before registering an  
18.17 individual to vote at the polling place, the election judge must review any list of absentee  
18.18 election day registrants provided by the county auditor or municipal clerk to see if the  
18.19 person has already voted by absentee ballot. If the person's name appears on the list, the  
18.20 election judge must not allow the individual to register or to vote in the polling place. The  
18.21 election judges shall also review the list of individuals believed to be ineligible to vote  
18.22 using the electronic roster, or a paper list provided by the county auditor or municipal clerk.

18.23 The election judge who registers an individual at the polling place on election day shall not  
18.24 handle that voter's ballots at any time prior to the opening of the ballot box after the voting  
18.25 ends. Registration applications and forms for oaths shall be available at each polling place.  
18.26 If an individual who registers on election day proves residence by oath of a registered  
18.27 voter, the form containing the oath shall be attached to the individual's registration  
18.28 application. Registration applications completed on election day shall be forwarded to the  
18.29 county auditor who shall add the name of each voter to the registration system unless the  
18.30 information forwarded is substantially deficient. A county auditor who finds an election  
18.31 day registration substantially deficient shall give written notice to the individual whose  
18.32 registration is found deficient. An election day registration shall not be found deficient  
18.33 solely because the individual who provided proof of residence was ineligible to do so.

18.34 Sec. 7. Minnesota Statutes 2010, section 201.061, subdivision 7, is amended to read:

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day registration shall ~~attempt to~~ keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

Sec. 8. Minnesota Statutes 2010, section 201.071, subdivision 3, is amended to read:

Subd. 3. **Deficient registration.** No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. ~~Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient.~~ The election judges shall request an individual to correct a voter registration application if it is deficient or illegible. No eligible voter may be prevented from voting unless the voter's registration application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality ~~may~~ shall attempt to obtain the date of birth for a voter registration application accepted prior to August 1, 1983, by a request to the voter ~~at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.~~

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number, voter identification card number, or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, voter identification card number, or a Social Security number, is not deficient for lack of any of these numbers.

Sec. 9. Minnesota Statutes 2010, section 201.081, is amended to read:

**201.081 REGISTRATION FILES.**

The statewide registration system is the official record of registered voters. The voter registration applications and the terminal providing access to the statewide registration system must be under the control of the county auditor or the public official to whom the

county auditor has delegated the responsibility for maintaining voter registration records. The voter registration applications and terminals providing access to the statewide registration system must not be removed from the control of the county auditor except as provided in this section. The county auditor may make photographic copies of voter registration applications in the manner provided by section 138.17.

A properly completed voter registration application that has been submitted to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least ~~22~~ 36 months after the date that the information on the application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the applications after retention for ~~22~~ 36 months in the manner provided by section 138.17.

Sec. 10. Minnesota Statutes 2010, section 201.121, subdivision 1, is amended to read:

Subdivision 1. **Entry of registration information.** (a) At the time a voter registration application is properly completed, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter the information contained on it into the statewide registration system. Voter registration applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, ~~unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met.~~

(b) Upon receiving a completed voter registration application, the secretary of state may electronically transmit the information on the application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the voter registration application to the county auditor.

(c) Within ten days after the county auditor has entered information from a voter registration application into the statewide registration system, the secretary of state shall compare the voter's name, date of birth, and driver's license number, state identification number, voter identification card number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database.

(d) The secretary of state shall provide a report to the county auditor on a weekly basis that includes a list of voters whose name, date of birth, or identification number have been compared with the same information in the Department of Public Safety database and cannot be verified as provided in this subdivision. The report must list separately

21.1 those voters who have submitted a voter registration application by mail and have not  
21.2 voted in a federal election in this state.

21.3 (e) The county auditor shall compile a list of voters for whom the county auditor  
21.4 and the secretary of state are unable to conclude that information on the voter registration  
21.5 application and the corresponding information in the Department of Public Safety database  
21.6 relate to the same person.

21.7 (f) The county auditor shall send a notice of incomplete registration to any voter  
21.8 whose name appears on the list and change the voter's status to "incomplete." A voter who  
21.9 receives a notice of incomplete registration from the county auditor may either provide  
21.10 the information required to complete the registration at least 21 days before the next  
21.11 election or at the polling place on election day.

21.12 Sec. 11. Minnesota Statutes 2010, section 201.121, subdivision 3, is amended to read:

21.13 Subd. 3. **Postelection sampling.** Within ten days after an election, the county  
21.14 auditor shall send the notice required by subdivision 2 to a random sampling of the  
21.15 individuals registered on election day. The random sampling shall be determined in  
21.16 accordance with the rules of the secretary of state. As soon as practicable after the  
21.17 election, but no later than January 1 of the following year, the county auditor shall mail  
21.18 the notice required by subdivision 2 to all other individuals registered on election day.  
21.19 If a notice is returned as not deliverable, the county auditor shall attempt to determine  
21.20 the reason for the return. A county auditor who does not receive or obtain satisfactory  
21.21 proof of an individual's eligibility to vote shall immediately notify the county attorney of  
21.22 all of the relevant information and the secretary of state of the numbers by precinct. By  
21.23 March 1 of every odd-numbered year, the secretary of state shall report to the chair and  
21.24 ranking minority members of the legislative committees with jurisdiction over elections  
21.25 the number of notices reported under this subdivision to the secretary of state for the  
21.26 previous state general election by county and precinct.

21.27 Sec. 12. Minnesota Statutes 2010, section 201.171, is amended to read:

21.28 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**  
21.29 **REGISTRATION REMOVED.**

21.30 Within six weeks after every election, the county auditor shall post the voting  
21.31 history for every person who voted in the election. After the close of the calendar year, the  
21.32 secretary of state shall determine if any registrants have not voted during the preceding  
21.33 four years. The secretary of state shall perform list maintenance by changing the status of  
21.34 those registrants to "inactive" in the statewide registration system. The list maintenance

22.1 performed must be conducted in a manner that ensures that the name of each registered  
22.2 voter appears in the official list of eligible voters in the statewide registration system.  
22.3 A voter must not be removed from the official list of eligible voters unless the voter is  
22.4 not eligible or is not registered to vote. List maintenance must include procedures for  
22.5 eliminating duplicate names from the official list of eligible voters.

22.6 The secretary of state shall also prepare a report to the county auditor containing the  
22.7 names of all registrants whose status was changed to "inactive."

22.8 Registrants whose status was changed to "inactive" must register in the manner  
22.9 specified in section 201.054 before voting in any primary, special primary, general, school  
22.10 district, or special election, as required by section 201.018.

22.11 Although not counted in an election, a late or rejected absentee or mail ballot must  
22.12 be considered a vote for the purpose of continuing registration under this section, but is  
22.13 not considered voting history ~~for the purpose of public information lists available under~~  
22.14 ~~section 201.091, subdivision 4.~~

22.15 Sec. 13. **[201.197] CHALLENGED ELIGIBILITY LIST.**

22.16 (a) The secretary of state shall maintain an electronic database of individuals not  
22.17 registered and who are believed to be ineligible to vote under section 201.014, subdivision  
22.18 2. The database may be maintained as a module of the statewide voter registration system,  
22.19 if permitted by federal law, or maintained as a separate database, and at a minimum must  
22.20 include an individual's name, address of residence, date of birth, the reason the individual  
22.21 is believed to be ineligible to vote and, if available, the individual's driver's license or  
22.22 state identification card number, or the last four digits of the individual's Social Security  
22.23 number. Entries in the database shall be compiled using data submitted to the secretary of  
22.24 state under this chapter, and other sources as the secretary may determine appropriate.

22.25 (b) An elections official processing a voter registration application must verify  
22.26 whether the individual listed on the application is included in the database of individuals  
22.27 known to be ineligible to vote. If the individual is listed in the database, the voter  
22.28 registration application may be accepted, but the voter's status must be listed as  
22.29 "challenged." An election judge processing a voter registration application submitted by a  
22.30 voter in a polling place on election day must verify the application using the electronic  
22.31 roster, or if the polling place does not have an electronic roster, using a paper list provided  
22.32 by the county auditor. A paper list used for verification in a polling place may be limited to  
22.33 only those individuals known to be residents of the county in which the precinct is located.

22.34 Sec. 14. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

Subd. 3. **Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~22~~ 36 months following the election.

Sec. 15. Minnesota Statutes 2010, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(1) the county auditor of the county where the applicant maintains residence; or  
(2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, and contains:

(1) the applicant's name and residence and mailing addresses;  
(2) the applicant's date of birth, and at least one of the following;  
(3) the applicant's Minnesota driver's license number, Minnesota state identification card number, or Minnesota voter identification card number; and

24.1 (4) the last four digits of the applicant's Social Security number or a statement that  
24.2 the applicant does not have a Social Security number.

24.3 ~~(1) the applicant's Minnesota driver's license number;~~

24.4 ~~(2) Minnesota state identification card number;~~

24.5 ~~(3) the last four digits of the applicant's Social Security number; or~~

24.6 ~~(4) a statement that the applicant does not have any of these numbers.~~

24.7 To be approved, the application must state that the applicant is eligible to vote by  
24.8 absentee ballot for one of the reasons specified in section 203B.02, and must contain an  
24.9 oath that the information contained on the form is accurate, that the applicant is applying  
24.10 on the applicant's own behalf, and that the applicant is signing the form under penalty  
24.11 of perjury.

24.12 Prior to approval, the county auditor or municipal clerk must verify that the  
24.13 Minnesota driver's license, state identification card number, or voter identification card  
24.14 number submitted by an applicant is valid and assigned to that applicant. An application  
24.15 that contains a driver's license or identification card number that is invalid or not assigned  
24.16 to the applicant must be rejected. The county auditor or municipal clerk must also verify  
24.17 that the applicant does not appear on any lists of known ineligible voters maintained by  
24.18 the county auditor or municipal clerk, or provided to the county auditor or municipal clerk  
24.19 by the secretary of state. When verifying eligibility, the county auditor or municipal  
24.20 clerk must use the same standards and process as used for individuals appearing in the  
24.21 polling place on election day, except that an applicant is not required to appear in person  
24.22 or present photo identification meeting the standards of section 204C.10, subdivision 2.

24.23 (c) An applicant's full date of birth, Minnesota driver's license or state identification,  
24.24 or voter identification card number, and the last four digits of the applicant's Social  
24.25 Security number must not be made available for public inspection. An application may be  
24.26 submitted to the county auditor or municipal clerk by an electronic facsimile device. An  
24.27 application mailed or returned in person to the county auditor or municipal clerk on behalf  
24.28 of a voter by a person other than the voter must be deposited in the mail or returned in  
24.29 person to the county auditor or municipal clerk within ten days after it has been dated by  
24.30 the voter and no later than six days before the election. The absentee ballot applications  
24.31 or a list of persons applying for an absentee ballot may not be made available for public  
24.32 inspection until the close of voting on election day.

24.33 An application under this subdivision may contain an application under subdivision  
24.34 5 to automatically receive an absentee ballot application.

24.35 Sec. 16. Minnesota Statutes 2010, section 203B.04, subdivision 2, is amended to read:



25.1 Subd. 2. **Health care patient.** An eligible voter who on the day before an election  
25.2 becomes a resident or patient in a health care facility or hospital located in the municipality  
25.3 in which the eligible voter maintains residence may apply for absentee ballots on election  
25.4 day if the voter:

25.5 (a) requests an application form by telephone from the municipal clerk not later than  
25.6 5:00 p.m. on the day before election day; or

25.7 ~~(b) submits an absentee ballot application to the election judges engaged in~~  
25.8 ~~delivering absentee ballots pursuant to section 203B.11.~~

25.9 Sec. 17. Minnesota Statutes 2010, section 203B.06, subdivision 5, is amended to read:

25.10 Subd. 5. **Preservation of records.** An application for absentee ballots shall be  
25.11 dated by the county auditor or municipal clerk when it is received and shall be initialed  
25.12 when absentee ballots are mailed or delivered to the applicant. All applications shall be  
25.13 preserved by the county auditor or municipal clerk for ~~22~~ 36 months.

25.14 Sec. 18. Minnesota Statutes 2010, section 203B.121, subdivision 1, is amended to read:

25.15 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each  
25.16 county, municipality, and school district with responsibility to accept and reject absentee  
25.17 ballots must, by ordinance or resolution, establish a ballot board. The board must consist  
25.18 of a sufficient number of election judges trained in the handling of absentee ballots and  
25.19 appointed as provided in sections 204B.19 to 204B.22. The board may include staff  
25.20 trained as election judges.

25.21 (b) Each jurisdiction must pay a reasonable compensation to each member of that  
25.22 jurisdiction's ballot board for services rendered during an election.

25.23 (c) A ballot board may only meet to perform its duties under this chapter during the  
25.24 period in which completed absentee ballots are accepted for an election. The time and  
25.25 place of each meeting must be scheduled, announced, and posted on the Web site of the  
25.26 governing body of the county, municipality, or school district at least 14 days prior to  
25.27 convening the first meeting of the ballot board for an election. If the governing body of  
25.28 the county, municipality, or school district does not have a Web site, the time and place  
25.29 of each meeting must be posted, in writing, on the principle bulletin board of the body.  
25.30 Meetings of the ballot board must be convened at the same time and in the same location.  
25.31 The ballot board must also meet on any day during which the county or municipal offices  
25.32 are open for the purposes of conducting election business prior to an election. A ballot  
25.33 board may not meet except during regularly scheduled meetings announced and posted as  
25.34 required by this paragraph.

26.1 (d) Except as otherwise provided by this section, all provisions of the Minnesota  
 26.2 Election Law apply to a ballot board.

26.3 Sec. 19. Minnesota Statutes 2010, section 204B.40, is amended to read:

26.4 **204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS;**  
 26.5 **DISPOSITION; INSPECTION OF BALLOTS.**

26.6 The county auditors, municipal clerks, and school district clerks shall retain all  
 26.7 election materials returned to them after any election for at least ~~22~~ 36 months from  
 26.8 the date of that election. All election materials involved in a contested election must be  
 26.9 retained for ~~22~~ 36 months or until the contest has been finally determined, whichever is  
 26.10 later. Abstracts filed by canvassing boards shall be retained permanently by any officer  
 26.11 with whom those abstracts are filed. Election materials no longer required to be retained  
 26.12 pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21.  
 26.13 Sealed envelopes containing voted ballots must be retained unopened, except as provided  
 26.14 in this section, in a secure location. The county auditor, municipal clerk, or school district  
 26.15 clerk shall not permit any voted ballots to be tampered with or defaced.

26.16 After the time for filing a notice of contest for an election has passed, the secretary  
 26.17 of state may, for the purpose of monitoring and evaluating election procedures: (1)  
 26.18 open the sealed ballot envelopes and inspect the ballots for that election maintained by  
 26.19 the county auditors, municipal clerks, or school district clerks; (2) inspect the polling  
 26.20 place rosters and completed voter registration applications; or (3) examine other forms  
 26.21 required in the Minnesota election laws for use in the polling place. No inspected ballot or  
 26.22 document may be marked or identified in any manner. After inspection, all ballots must be  
 26.23 returned to the ballot envelope and the ballot envelope must be securely resealed. Any  
 26.24 other election materials inspected or examined must be secured or resealed. ~~No polling~~  
 26.25 ~~place roster may be inspected until the voting history for that precinct has been posted.~~  
 26.26 ~~No voter registration application may be inspected until the information on it has been~~  
 26.27 ~~entered into the statewide registration system.~~

26.28 Sec. 20. Minnesota Statutes 2010, section 204C.20, subdivision 1, is amended to read:

26.29 Subdivision 1. **Determination of proper number.** The election judges shall  
 26.30 determine the number of ballots to be counted by ~~adding the number of return envelopes~~  
 26.31 ~~from accepted absentee ballots to the number of signed voter's certificates, or to the~~  
 26.32 ~~number of names entered in the election register~~ counting the number of original voter  
 26.33 signatures contained in the polling place roster, or on voter's receipts generated from an  
 26.34 electronic roster. The election judges may not count the number of voter receipts collected

27.1 in the precinct as a substitute for counting original voter signatures unless the voter  
27.2 receipts contain the name, voter identification number, and signature of the voter to whom  
27.3 the receipt was issued. The election judges shall then remove all the ballots from the box.  
27.4 Without considering how the ballots are marked, the election judges shall ascertain that  
27.5 each ballot is separate and shall count them to determine whether the number of ballots in  
27.6 the box corresponds with the number of ballots to be counted.

27.7 Sec. 21. Minnesota Statutes 2010, section 204C.20, subdivision 2, is amended to read:

27.8 Subd. 2. **Excess ballots.** If two or more ballots are found folded together like  
27.9 a single ballot, the election judges shall lay them aside until all the ballots in the box  
27.10 have been counted. If it is evident from the number of ballots to be counted that the  
27.11 ballots folded together were cast by one voter, the election judges shall preserve but not  
27.12 count them. If the number of ballots in one box exceeds the number to be counted, the  
27.13 election judges shall examine all the ballots in the box to ascertain that all are properly  
27.14 marked with the initials of the election judges. If any ballots are not properly marked with  
27.15 the initials of the election judges, the election judges shall preserve but not count them;  
27.16 however, if the number of ballots does not exceed the number to be counted, the absence  
27.17 of either or both sets of initials of the election judges does not, by itself, disqualify the  
27.18 vote from being counted ~~and must not~~ but may be the basis of a challenge in a recount.  
27.19 If there is still an excess of properly marked ballots, the election judges shall replace  
27.20 them in the box, and one election judge, without looking, shall withdraw from the box  
27.21 a number of ballots equal to the excess. The withdrawn ballots shall not be counted but  
27.22 shall be preserved as provided in subdivision 4.

27.23 Sec. 22. Minnesota Statutes 2010, section 204C.20, subdivision 4, is amended to read:

27.24 Subd. 4. **Ballots not counted; disposition.** When the final count of ballots agrees  
27.25 with the number of ballots to be counted, those ballots not counted shall be clearly marked  
27.26 "excess" on the front of the ballot and attached to a certificate made by the election judges  
27.27 which states the number of ballots not counted and why the ballots they were not counted.  
27.28 The certificate and uncounted ballots shall be sealed in a separate envelope ~~and returned~~  
27.29 ~~to~~ clearly marked "excess ballots." The election judges shall sign their names over the  
27.30 envelope seal and return the ballots to the county auditor or municipal or school district  
27.31 clerk from whom they were received. Tabulation of vote totals from a precinct where  
27.32 excess ballots were removed from the ballot box shall be completed by the canvassing  
27.33 board responsible for certifying the election results from that precinct.

28.1 Sec. 23. Minnesota Statutes 2010, section 204C.20, is amended by adding a  
28.2 subdivision to read:

28.3 Subd. 5. **Applicability.** The requirements of this section apply regardless of the  
28.4 voting system or method of tabulation used in a precinct.

28.5 Sec. 24. Minnesota Statutes 2010, section 204C.23, is amended to read:

28.6 **204C.23 SPOILED, DEFECTIVE, AND DUPLICATE BALLOTS.**

28.7 (a) A ballot that is spoiled by a voter must be clearly marked "spoiled" by an election  
28.8 judge, placed in an envelope designated for spoiled ballots from the precinct, sealed, and  
28.9 returned as required by section 204C.25.

28.10 (b) A ballot that is defective to the extent that the election judges are unable to  
28.11 determine the voter's intent shall be marked on the back "Defective" if it is totally  
28.12 defective or "Defective as to .....,," naming the office or question if it is defective only in  
28.13 part. Defective ballots must be placed in an envelope designated for defective ballots from  
28.14 the precinct, sealed, and returned as required by section 204C.25.

28.15 (c) A damaged or defective ballot that requires duplication must be handled as  
28.16 required by section 206.86, subdivision 5.

28.17 Sec. 25. Minnesota Statutes 2010, section 204C.24, subdivision 1, is amended to read:

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

28.22 ~~(a)~~ (1) the number of ballots delivered to the precinct as adjusted by the actual count  
28.23 made by the election judges, the number of unofficial ballots made, and the number of  
28.24 absentee ballots delivered to the precinct;

28.25 ~~(b)~~ (2) the number of votes each candidate received or the number of yes and no  
28.26 votes on each question, the number of undervotes, the number of overvotes, and the  
28.27 number of defective ballots with respect to each office or question;

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

28.31 (4) the number of ballots cast;

28.32 ~~(d)~~ (5) the number of individuals who voted at the election in the precinct voter  
28.33 signatures contained on the polling place roster or on voter receipts generated by an

29.1 electronic roster, which must equal the total number of ballots cast in the precinct, as  
 29.2 required by sections 204C.20 and 206.86, subdivision 1;

29.3 (6) the number of excess ballots removed by the election judges, as required by  
 29.4 section 204C.20;

29.5 ~~(e)~~ (7) the number of voters registering on election day in that precinct; and

29.6 ~~(f)~~ (8) the signatures of the election judges who counted the ballots certifying that  
 29.7 all of the ballots cast were properly piled, checked, and counted; and that the numbers  
 29.8 entered by the election judges on the summary statements correctly show the number of  
 29.9 votes cast for each candidate and for and against each question.

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

29.12 Sec. 26. Minnesota Statutes 2010, section 206.86, subdivision 1, is amended to read:

29.13 Subdivision 1. ~~At the voting location~~ **Precinct polling locations; duties;**  
 29.14 **reconciliation.** In precincts where an electronic voting system is used, as soon as the polls  
 29.15 are closed the election judges shall secure the voting systems against further voting. They  
 29.16 shall then open the ballot box and count the number of ~~ballot cards~~ ballots or envelopes  
 29.17 containing ~~ballot cards~~ ballots that have been cast to determine that the number of ~~ballot~~  
 29.18 ~~cards~~ ballots does not exceed the number of ~~voters shown on original voter signatures~~  
 29.19 ~~contained in the election register or registration file~~ polling place roster or on voter receipts  
 29.20 generated from an electronic roster. The election judges may not count the number of  
 29.21 voter receipts collected in the precinct as a substitute for counting original voter signatures  
 29.22 unless the voter receipts contain the name, voter identification number, and signature of  
 29.23 the voter to whom the receipt was issued. If there is an excess, the judges shall ~~seal the~~  
 29.24 ~~ballots in a ballot container and transport the container to the county auditor or municipal~~  
 29.25 ~~clerk who shall process the ballots in the same manner as paper ballots are processed in~~  
 29.26 ~~section 204C.20, subdivision 2, then enter the ballots into the ballot counter~~ proceed in the  
 29.27 manner required for excess ballots under section 204C.20, subdivisions 2 to 4. The total  
 29.28 number of voters must be entered on the forms provided. The judges shall next count the  
 29.29 write-in votes and enter the number of those votes on forms provided for the purpose.

29.30 Sec. 27. Minnesota Statutes 2010, section 206.86, subdivision 2, is amended to read:

29.31 Subd. 2. **Transportation of ~~ballot cards~~ ballots.** The judges shall place all voted  
 29.32 ~~ballot cards~~, excess ballots, defective ballots, and damaged ballots in the container  
 29.33 provided for transporting them to the counting center. The container must be sealed and  
 29.34 delivered immediately to the counting center by two judges who are not of the same major

30.1 political party. The judges shall also deliver to the counting center in a suitable container  
30.2 the unused ~~ballot cards~~ ballots, the spoiled ballot envelope, and the ballot envelopes issued  
30.3 to the voters and deposited during the day in the ballot box.

30.4 Sec. 28. Minnesota Statutes 2010, section 209.021, subdivision 1, is amended to read:

30.5 Subdivision 1. **Manner; time; contents.** Service of a notice of contest must be  
30.6 made in the same manner as the service of summons in civil actions. The notice of contest  
30.7 must specify the grounds on which the contest will be made. The contestant shall serve  
30.8 notice of the contest on the parties enumerated in this section. Notice must be served and  
30.9 filed within five days after the canvass is completed in the case of a primary or special  
30.10 primary or within seven days after the canvass is completed in the case of a special or  
30.11 general election; except that:

30.12 (1) if a contest is based on a deliberate, serious, and material violation of the election  
30.13 laws which was discovered from the statements of receipts and disbursements required  
30.14 to be filed by candidates and committees, the action may be commenced and the notice  
30.15 served and filed within ten days after the filing of the statements in the case of a general  
30.16 or special election or within five days after the filing of the statements in the case of a  
30.17 primary or special primary;

30.18 (2) if a notice of contest questions only which party received the highest number  
30.19 of votes legally cast at the election, a contestee who loses may serve and file a notice of  
30.20 contest on any other ground during the three days following expiration of the time for  
30.21 appealing the decision on the vote count; and

30.22 (3) if data or documents necessary to determine grounds for a contest, including but  
30.23 not limited to lists of the names of every voter who participated in an election, are not  
30.24 available to a candidate or the general public prior to the close of the period for filing a  
30.25 notice of contest under this section due to nonfeasance, malfeasance, or failure to perform  
30.26 duties within the time required by statute on the part of the secretary of state, a county  
30.27 auditor, or other state, county, or municipal election official, a notice of contest may be  
30.28 served and filed within seven days after the data or documents become available for  
30.29 inspection by the candidates and the general public.

30.30 Sec. 29. Minnesota Statutes 2010, section 209.06, subdivision 1, is amended to read:

30.31 Subdivision 1. **Appointment of inspectors.** After a contest has been instituted,  
30.32 either party may have ~~the ballots~~ all materials relating to the election, including, but not  
30.33 limited to, polling place rosters, voter registration applications, accepted absentee ballot  
30.34 envelopes, rejected absentee ballot envelopes, applications for absentee ballots, precinct

31.1 summary statements, printouts from voting machines, and precinct incident logs, inspected  
31.2 before preparing for trial. The party requesting an inspection shall file with the district  
31.3 court where the contest is brought a verified petition, stating that the case cannot properly  
31.4 be prepared for trial without an inspection of the ballots and other election materials and  
31.5 designating the precincts in which an inspection is desired. A judge of the court in which  
31.6 the contest is pending shall then appoint as many sets of three inspectors for a contest of  
31.7 any office or question as are needed to count and inspect the ballots expeditiously. One  
31.8 inspector must be selected by each of the parties to the contest and a third must be chosen  
31.9 by those two inspectors. If either party neglects or refuses to name an inspector, the judge  
31.10 shall appoint the inspector. The compensation of inspectors is the same as for referees,  
31.11 unless otherwise stipulated.

31.12 Sec. 30. Minnesota Statutes 2010, section 211B.11, subdivision 1, is amended to read:

31.13 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
31.14 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
31.15 a polling place or within 100 feet of the building in which a polling place is situated,  
31.16 or anywhere on the public property on which a polling place is situated, on primary or  
31.17 election day to vote for or refrain from voting for a candidate or ballot question. A person  
31.18 may not provide political badges, political buttons, or other political insignia to be worn at  
31.19 or about the polling place on the day of a primary or election. A political badge, political  
31.20 button, or other political insignia may not be worn at or about the polling place on primary  
31.21 or election day if it is designed to influence voting for or against a particular candidate,  
31.22 political party, or question on the ballot at the election. This section applies to areas  
31.23 established by the county auditor or municipal clerk for absentee voting as provided in  
31.24 chapter 203B.

31.25 The secretary of state, county auditor, municipal clerk, or school district clerk may  
31.26 provide stickers which contain the words "I VOTED" and nothing more. Election judges  
31.27 may offer a sticker of this type to each voter who has signed the polling place roster  
31.28 or a voter's receipt.

31.29 Sec. 31. Minnesota Statutes 2010, section 611A.32, subdivision 3, is amended to read:

31.30 Subd. 3. **Duties of grantees.** (a) Every public or private nonprofit agency which  
31.31 receives a grant to provide emergency shelter services to battered women and support  
31.32 services to battered women and domestic abuse victims shall:

31.33 (1) comply with all rules of the commissioner related to the administration of the  
31.34 pilot programs; and

(2) provide information to all battered women receiving assistance from a shelter facility, as defined in section 611A.37, subdivision 4, on the address confidentiality program established in chapter 5B, including an application for the program and information on the right of individuals certified as program participants to vote by absentee ballot as permitted in section 5B.06. The information shall be provided by the facility administrator, using resources available on the Web site of the secretary of state.

Sec. 32. **REPEALER.**

Minnesota Statutes 2010, sections 203B.04, subdivision 3 is repealed.

**ARTICLE 3**

**ELECTRONIC ROSTERS**

Section 1. Minnesota Statutes 2010, section 200.02, is amended by adding a subdivision to read:

Subd. 12a. **Polling place roster.** "Polling place roster" means the official lists used to record a voter's appearance in a polling place on election day, including the list of registered voters in the precinct, and the list of voters registering on election day. A polling place roster may be in a printed or electronic format, as permitted by section 201.225.

Sec. 2. Minnesota Statutes 2010, section 201.221, subdivision 3, is amended to read:

**Subd. 3. Procedures for polling place rosters.** The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. A polling place roster provided in an electronic form must allow for a printed voter's receipt that meets the standards provided in section 201.225, subdivision 2. The secretary of state may prescribe additional election-related information to be placed on the polling place rosters on an experimental basis for one state primary and general election cycle; the same information may not be placed on the polling place roster for a second state primary and general election cycle unless specified in this subdivision. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of



birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for 22 months following the election.

Sec. 3. **[201.225] ELECTRONIC ROSTER; STANDARDS.**

**Subdivision 1. Certification of system.** (a) Except as provided in paragraph (c), a precinct may have a secure electronic connection to the statewide voter registration system maintained by the secretary of state, to serve as the precinct's electronic polling place roster.

(b) Precincts may not use an electronic roster until the secretary of state has certified that the system design and operational procedures are sufficient to prevent any voter from voting more than once at an election, and to prevent access to the system by unauthorized individuals.

(c) If the county auditor or municipal clerk certifies to the secretary of state that a precinct is unable to access the connection, the precinct may use two computers connected together in the precinct as the electronic roster. At a minimum, computers used in a precinct that do not have a live connection to the statewide voter registration system must have a stored electronic roster of registered voters for that precinct.

**Subd. 2. Minimum standards for electronic rosters.** At a minimum, an electronic roster must:

(1) be preloaded with data from the statewide voter registration system, including data on individuals known to be ineligible to vote;

(2) permit all voting information processed by any computer in a precinct to be immediately accessible to all other computers at all other connected precincts in the state;

(3) provide for a printed voter's receipt, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature;

(4) immediately alert the election judge if the statewide voter registration system indicates that a voter has already voted at the election in another polling place, is ineligible to vote, or the voter's registration status is challenged;

(5) automatically accept and input data from a scanned Minnesota driver's license or identification card and match the data to an existing voter registration record, and permit manual input of voter data, if necessary; and

(6) perform any other functions required for the efficient and secure administration of an election, as required by law.

34.1        Subd. 3. Use of alternative roster. Any precinct that opts not to use an electronic  
34.2        roster must use an alternative roster that ensures election day registrations are subject to  
34.3        the same verification standards as defined in subdivision 2, clauses (1), (2), (3), and (6).

34.4        Sec. 4. Minnesota Statutes 2010, section 204B.14, subdivision 2, is amended to read:

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

34.7            (1) each city ward; and

34.8            (2) each town and each statutory city.

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

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

34.13            (2) for two contiguous precincts in the same municipality that have a combined  
34.14        total of fewer than 500 registered voters;

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

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

34.18        A copy of the ordinance or resolution establishing a combined polling place must  
34.19        be filed with the county auditor within 30 days after approval by the governing body. A  
34.20        polling place combined under clause (3) must be approved by the governing body of each  
34.21        participating municipality. A polling place combined under clause (4) must be approved  
34.22        by the governing body of each participating municipality and the secretary of state and  
34.23        may be located outside any of the noncontiguous precincts. A municipality withdrawing  
34.24        from participation in a combined polling place must do so by filing a resolution of  
34.25        withdrawal with the county auditor no later than April 1 of any year.

34.26        The secretary of state shall provide a separate polling place roster for each precinct  
34.27        served by the combined polling place. A single set of election judges may be appointed  
34.28        to serve at a combined polling place. The number of election judges required must be  
34.29        based on the total number of persons voting at the last similar election in all precincts to  
34.30        be voting at the combined polling place. Separate ballot boxes must be provided for the  
34.31        ballots from each precinct. The results of the election must be reported separately for each  
34.32        precinct served by the combined polling place, except in a polling place established under  
34.33        clause (2) where one of the precincts has fewer than ten registered voters, in which case the  
34.34        results of that precinct must be reported in the manner specified by the secretary of state.

35.1 Sec. 5. Minnesota Statutes 2010, section 204C.10, is amended to read:

35.2 **204C.10 PERMANENT REGISTRATION; VERIFICATION OF**  
 35.3 **REGISTRATION.**

35.4 (a) An individual seeking to vote shall sign a polling place roster or printed voter's  
 35.5 receipt, generated from an electronic roster which states that the individual is at least  
 35.6 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days  
 35.7 immediately preceding the election, maintains residence at the address shown, is not  
 35.8 under a guardianship in which the court order revokes the individual's right to vote, has  
 35.9 not been found by a court of law to be legally incompetent to vote or has the right to vote  
 35.10 because, if the individual was convicted of a felony, the felony sentence has expired or  
 35.11 been completed or the individual has been discharged from the sentence, is registered  
 35.12 and has not already voted in the election. The roster must also state: "I understand that  
 35.13 deliberately providing false information is a felony punishable by not more than five years  
 35.14 imprisonment and a fine of not more than \$10,000, or both."

35.15 (b) A judge may, before the applicant signs the roster or receipt, confirm the  
 35.16 applicant's name, address, and date of birth.

35.17 (c) In precincts where a paper roster is used after the applicant signs the roster, the  
 35.18 judge shall give the applicant a voter's receipt. Regardless of the form of roster used, a  
 35.19 voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the  
 35.20 voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters'  
 35.21 receipts must be maintained during the time for notice of filing an election contest for 36  
 35.22 months following the date of the election.

35.23 Sec. 6. Minnesota Statutes 2010, section 204C.12, subdivision 4, is amended to read:

35.24 Subd. 4. **Refusal to answer questions or sign a polling place roster.** A challenged  
 35.25 individual who refuses to answer questions or sign a polling place roster or voter's receipt  
 35.26 as required by this section must not be allowed to vote. A challenged individual who  
 35.27 leaves the polling place and returns later willing to answer questions or sign a polling  
 35.28 place roster or voter's receipt must not be allowed to vote.

35.29 Sec. 7. Minnesota Statutes 2010, section 204D.24, subdivision 2, is amended to read:

35.30 Subd. 2. **Voter registration.** An individual may register to vote at a special primary  
 35.31 or special election at any time before the day that the polling place rosters for the special  
 35.32 primary or special election are ~~prepared~~ finally secured by the secretary of state for the  
 35.33 election. The secretary of state shall provide the county auditors with notice of this date  
 35.34 at least seven days before the ~~printing of the~~ rosters are secured. This subdivision does

not apply to a special election held on the same day as the state primary, state general election, or the regularly scheduled primary or general election of a municipality, school district, or special district.

Sec. 8. **[206A.01] APPLICABILITY.**

This chapter applies to each designated election official who transmits election records via teleprocessing lines to a centralized electronic roster maintained by the secretary of state for the purpose of conducting an election and compiling complete returns.

Sec. 9. **[206A.02] DEFINITIONS.**

Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

Subd. 2. **Designated election official.** "Designated election official" means the county auditor or municipal clerk.

Subd. 3. **Elector data.** "Elector data" means voting information, including, but not limited to, voter registration, voting history, and voting tabulations.

Subd. 4. **Electronic roster.** "Electronic roster" is a list of eligible electors in electronic format who are permitted to vote at a polling place in an election conducted under the Minnesota Election Law, which shall be processed by a computer at a precinct to be immediately accessible to all other computers at all connected precincts in the state.

Subd. 5. **Teleprocessing lines.** "Teleprocessing lines" means secure, dedicated communication transmission facilities used for the purpose of transferring elector data between precincts and a centralized computerized roster maintained by the secretary of state, to ensure the security and integrity of voting information so that no deviation can go undetected.

Sec. 10. **[206A.03] MINIMUM CONTINGENCY AND SECURITY PROCEDURES.**

(a) The designated election official shall establish written security procedures covering the transference of precinct teleprocessing information. The procedures must include:

(1) security covering the transmission of elector data processed through the electronic roster and reconciliation of the registration and history of voters casting ballots in a precinct; and

(2) contingency procedures for network and power failure. The procedures must, at a minimum, include procedures to address all single point failures including:

(i) network failure;

- 37.1 (ii) power failure that lasts less than one hour; and  
37.2 (iii) power failure that lasts more than one hour.  
37.3 (b) Acceptable alternatives for addressing power or system failures include either:  
37.4 (1) a paper backup of the roster with the minimum information required to verify a  
37.5 voter's eligibility; or  
37.6 (2) a sufficient number of computers per precinct to ensure that the voter check-in  
37.7 continues in an efficient manner. The computers must have the ability to function on  
37.8 batteries or an external power source for up to two hours.  
37.9 (c) Each computer must have an electronic backup of the current roster in one of the  
37.10 following formats:  
37.11 (1) a portable document file (PDF);  
37.12 (2) a spreadsheet; or  
37.13 (3) a database with a basic look-up interface. In addition to acceptable backup  
37.14 roster procedures, the security procedures must address contingency procedures to protect  
37.15 against activities such as voting more than once by a single voter.

37.16 Sec. 11. **[206A.04] MINIMUM STANDARDS FOR DATA ENCRYPTION.**

- 37.17 (a) The designated election official shall submit to the secretary of state evidence  
37.18 that the connection to an electronic roster is secure including details concerning encryption  
37.19 methodology. In addition, the electronic roster must meet or exceed the standards provided  
37.20 for in this section.  
37.21 (b) Proven, standard algorithms must be used as the basis for encryption  
37.22 technologies.  
37.23 (c) If an electronic roster utilizes a Virtual Private Network (VPN), the following  
37.24 apply:  
37.25 (1) it is the responsibility of the county to ensure that unauthorized users are not  
37.26 allowed access to internal networks;  
37.27 (2) VPN use is to be controlled using either a onetime password authentication such  
37.28 as a token device or a public/private key system with a strong passphrase;  
37.29 (3) when actively connected to the network, VPNs must force all traffic to and from  
37.30 the computer over the VPN tunnel and all other traffic must be dropped;  
37.31 (4) dual (split) tunneling is not permitted; only one network connection is allowed;  
37.32 (5) VPN gateways must be set up and managed by the county or its designee;  
37.33 (6) all computers connected to internal networks via VPN or any other technology  
37.34 must use up-to-date antivirus software; and  
37.35 (7) the VPN concentrator is limited to an absolute connection time of 24 hours.

38.1       Sec. 12. **[206A.05] MINIMUM ELECTRONIC ROSTER TRANSACTION**  
38.2 **REQUIREMENTS.**

38.3       The secretary of state shall ensure the electronic roster system complies with the  
38.4 following response-time standards for any computer on the system:

38.5       (1) a maximum of five seconds to update voter activity;

38.6       (2) a maximum of 1.5 seconds to process a voter inquiry by identification number;

38.7       and

38.8       (3) a maximum of 45 seconds for session startup and password verification.

38.9       Sec. 13. **[206A.06] ELECTRONIC ROSTER PREELECTION TESTING**  
38.10 **PROCEDURES.**

38.11       (a) The secretary of state, with the cooperation of the designated election officials,  
38.12 shall test the electronic roster application to ensure that it meets the minimum system  
38.13 requirements prior to the first election in which it is used. The application must also be  
38.14 tested after the implementation of any system modifications, including any change in  
38.15 the number of connected computers. The county shall notify the secretary of state of  
38.16 the number of connected computers and any county-initiated system modifications by a  
38.17 deadline that the secretary of state shall establish to permit orderly testing.

38.18       (b) The test must, at a minimum, include the following:

38.19       (1) a load test must be demonstrated through either actual computers running at  
38.20 proposed bandwidth and security settings, or by simulating a load test;

38.21       (2) a contingency/failure test must be demonstrated and documented illustrating the  
38.22 effects of failures identified in section 206A.03; and

38.23       (3) all tests must be conducted with clients and servers in normal, typical, deployed  
38.24 operating mode.

38.25       (c) All records and documentation of the testing must be retained by the secretary  
38.26 of state for a period of 36 months as part of the election record. Records originating  
38.27 with designated election officials must be immediately forwarded by those officials to  
38.28 the secretary of state. The testing record and documentation must include, but is not  
38.29 limited to, the following:

38.30       (1) a formal test plan containing all test scripts used:

38.31       (i) the test plan must include test environment containing make, model, type of  
38.32 hardware, and software versions used in testing; and

38.33       (ii) the test plan must also include the number of client computers, servers, and  
38.34 physical locations involved in testing;

38.35       (2) test logs of all events that were observed during testing, including:

- 39.1 (i) the sequence of actions necessary to set up the tests;  
39.2 (ii) the actions necessary to start the tests;  
39.3 (iii) the actions taken during the execution of the tests;  
39.4 (iv) any measurements taken or observed during the tests;  
39.5 (v) any actions necessary to stop or shut down the tests;  
39.6 (vi) any actions necessary to bring the tests to a halt; and  
39.7 (vii) any actions necessary or taken to deal with anomalies experienced during  
39.8 testing;  
39.9 (3) performance logs and reports taken from both servers and workstations during  
39.10 the testing which contain performance information of:  
39.11 (i) network usage (bandwidth);  
39.12 (ii) processor utilization;  
39.13 (iii) Random Access Memory (RAM) utilization; and  
39.14 (iv) any additional performance monitoring reports necessary to explain the process  
39.15 taken and to support the findings of the tests; and  
39.16 (4) all test logs must contain the date, time, operator, test status or outcome, and any  
39.17 additional information to assist the secretary of state in making a determination.

39.18 Sec. 14. **[206A.07] MINIMUM NUMBER OF COMPUTERS REQUIRED FOR**  
39.19 **PRECINCTS EMPLOYING ELECTRONIC ROSTERS.**

39.20 Counties employing electronic rosters shall allocate computers to their precincts  
39.21 based upon the total number of registered voters in the county 90 days preceding the  
39.22 election and historical statistics regarding election day registrants. The minimum  
39.23 computers required shall be on site at each precinct. Precincts employing electronic  
39.24 rosters shall be allocated a minimum of two computers.

39.25 Sec. 15. **LEGISLATIVE TASK FORCE ON ELECTRONIC ROSTER**  
39.26 **IMPLEMENTATION.**

39.27 Subdivision 1. **Creation.** The Legislative Task Force on Electronic Roster  
39.28 Implementation is established to facilitate development and implementation of electronic  
39.29 rosters for use in elections, as required by this article.

39.30 Subd. 2. **Duties; considerations.** (a) The task force shall:  
39.31 (1) study and recommend options for systems and hardware that meet the standards  
39.32 for use in a precinct as provided in Minnesota Statutes, chapter 206A;

(2) study and facilitate implementation of software updates, add-ons, or other changes to the statewide voter registration system that may be necessary to allow the system to function as a networked database within or between precincts as required by Minnesota Statutes, chapter 206A; and

(3) recommend to the legislature any additional changes to law that may be necessary to implement the requirements of this article.

(b) Factors that must be considered by the task force in carrying out its duties include, but are not limited to:

(1) ease of equipment use by election administrators, election judges, and voters;

(2) cost-effectiveness;

(3) feasibility of available technologies within precincts;

(4) the security, integrity, and reliability of the electronic roster system and its impact on the security, integrity, and reliability of the election; and

(5) minimum standards for equipment and software functionality as provided by law.

Subd. 3. **Membership.** The task force consists of 16 members, as follows:

(1) the speaker of the house shall appoint one member of the house of representatives, and one individual who served as a head election judge affiliated with the speaker's political party at the 2010 state general election;

(2) the minority leader of the house of representatives shall appoint one member of the house, and one individual who served as a head election judge affiliated with the minority leader's political party at the 2010 state general election;

(3) the majority leader of the senate shall appoint one member of the senate, and one individual who served as a head election judge affiliated with the majority leader's political party at the 2010 state general election;

(4) the minority leader of the senate shall appoint one member of the senate, and one individual who served as a head election judge affiliated with the minority leader's political party at the 2010 state general election;

(5) the Minnesota Association of County Auditors shall appoint one head elections administrator from a representative county with a large population, one head elections administrator from a representative county with an average-sized population, and one head elections administrator from a representative county with a small population, as defined by the association;

(6) the Minnesota Association of Townships shall appoint one head elections administrator;

(7) the League of Minnesota Cities shall appoint one head elections administrator;

(8) the secretary of state, or the secretary's designee;



41.1 (9) the director of information technology in the Office of the Secretary of State; and  
41.2 (10) the Chief Information Officer of the state of Minnesota, or a designee.  
41.3 Appointments required by this subdivision shall be made within 21 days of  
41.4 enactment of this article. The legislator appointed by the speaker of the house shall serve  
41.5 as chair of the task force.

41.6 Subd. 4. **Report to legislature.** The task force shall submit a report to the legislature  
41.7 on its activities and recommendations no later than December 1, 2011.

41.8 Subd. 5. **Meetings; staff.** (a) Meetings of the task force are subject to Minnesota  
41.9 Statutes, chapter 13D, except that a meeting may be closed to discuss proprietary data or  
41.10 other data that is protected by law.

41.11 (b) The director of the Legislative Coordinating Commission shall convene the first  
41.12 meeting of the task force no later than July 1, 2011, or within 30 days of enactment of  
41.13 this section, whichever is later, and shall provide staff as necessary to support the work of  
41.14 the task force.

41.15 Sec. 16. **APPROPRIATION.**

41.16 \$..... is appropriated to the secretary of state from the Help America Vote  
41.17 Act account for purposes of purchasing equipment and upgrading the statewide  
41.18 voter registration system to serve as the electronic roster, including developing and  
41.19 programming an additional module within the system, if necessary, to comply with the  
41.20 requirements of this article.

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

41.22 Sec. 17. **EFFECTIVE DATE.**

41.23 Except where otherwise provided, this article is effective August 14, 2012, and  
41.24 applies to elections held on or after that date.

## 41.25 **ARTICLE 4**

## 41.26 **RECOUNTS**

41.27 Section 1. Minnesota Statutes 2010, section 204C.38, is amended to read:

41.28 **204C.38 CORRECTION OF OBVIOUS ERRORS; WHEN CANDIDATES**  
41.29 **AGREE.**

41.30 Subdivision 1. **Errors of election judges.** If the candidates for an office  
41.31 unanimously agree in writing that the election judges in any precinct have made an  
41.32 obvious error in the counting or recording of the votes for that office, they shall deliver the

agreement to the county auditor of that county who shall reconvene the county canvassing board, if necessary, and present the agreement to it. The county canvassing board shall correct the error as specified in the agreement.

Subd. 2. **Errors of county canvassing board.** If the candidates for an office unanimously agree in writing that the county canvassing board has made an obvious error in the counting and recording of the vote for that office they shall notify the county auditor who shall reconvene the canvassing board. The county canvassing board shall promptly correct the error as specified in the agreement and file an amended report. When an error is corrected pursuant to this subdivision, the county canvassing board and the county auditor shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Subd. 3. **Errors of State Canvassing Board.** If the candidates for an office unanimously agree in writing that the State Canvassing Board has made an obvious error in the counting and recording of the vote for that office they shall deliver the agreement to the secretary of state. If a certificate of election has not been issued, the secretary of state shall reconvene the State Canvassing Board and present the agreement to it. The board shall promptly correct the error as specified in the agreement and file an amended statement. When an error is corrected pursuant to this subdivision by the State Canvassing Board, the State Canvassing Board and the secretary of state shall proceed in accordance with sections 204C.32 to ~~204C.36~~ 204C.33 and chapter 204E.

Sec. 2. **[204E.01] APPLICABILITY.**

This chapter establishes procedures for the conduct of all automatic and discretionary recounts provided for in law.

Sec. 3. **[204E.02] RECOUNT OFFICIALS.**

(a) The secretary of state or the secretary of state's designee is the recount official for recounts conducted by the State Canvassing Board. The county auditor or the county auditor's designee is the recount official for recounts conducted by the county canvassing board. The county auditor or the county auditor's designee shall conduct recounts for county offices. The municipal clerk or the municipal clerk's designee is the recount official for recounts conducted by the municipal governing body. The school district clerk or the school district clerk's designee is the recount official for recounts conducted by the school board, or by a school district canvassing board as provided in section 205A.10, subdivision 5.

(b) A recount official may delegate the duty to conduct a recount to a county auditor or municipal clerk by mutual consent. When the person who would otherwise serve as

recount official is a candidate or is the employee or other subordinate, spouse, child, parent, grandparent, grandchild, stepparent, stepchild, sibling, half-sibling, or stepsibling of a candidate for the office to be recounted, the appropriate canvassing board shall select a county auditor or municipal clerk from another jurisdiction to conduct the recount.

(c) As used in this chapter, "legal adviser" means counsel to the recount official and the canvassing board for the office being recounted.

**Sec. 4. [204E.03] SCOPE OF RECOUNTS.**

A recount conducted as provided in this chapter is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

**Sec. 5. [204E.04] FEDERAL, STATE, AND JUDICIAL RACES.**

Subdivision 1. **Automatic recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office is:

(1) less than one-half of one percent of the total number of votes counted for that nomination; or

(2) ten votes or less and the total number of votes cast for the nomination is 400 votes or less,

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office shall manually recount the vote.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office is:

(1) less than one-half of one percent of the total number of votes counted for that office; or

(2) ten votes or less if the total number of votes cast for the office is 400 votes or less, the canvassing board shall manually recount the votes.

44.1 (c) Time for notice of a contest for an office recounted under this section begins to  
44.2 run upon certification of the results of the recount by the canvassing board, or as otherwise  
44.3 provided in section 209.021.

44.4 (d) A losing candidate may waive a recount required by this section by filing a  
44.5 written notice of waiver with the canvassing board.

44.6 Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was  
44.7 on the ballot for nomination or election to a statewide federal office, state constitutional  
44.8 office, statewide judicial office, congressional office, state legislative office, or district  
44.9 judicial office may request a recount in a manner provided in this section at the candidate's  
44.10 own expense when the vote difference is greater than the difference required by this  
44.11 section. The votes must be manually recounted as provided in this section if the candidate  
44.12 files a request during the time for filing notice of contest of the primary or election for  
44.13 which a recount is sought.

44.14 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety in  
44.15 an amount set by the filing officer for the payment of the recount expenses. The requesting  
44.16 candidate is responsible for the following expenses: the compensation of the secretary of  
44.17 state or designees and any election judge, municipal clerk, county auditor, administrator,  
44.18 or other personnel who participate in the recount; necessary supplies and travel related to  
44.19 the recount; the compensation of the appropriate canvassing board and costs of preparing  
44.20 for the canvass of recount results; and any attorney fees incurred in connection with the  
44.21 recount by the governing body responsible for the recount.

44.22 (c) The requesting candidate may provide the filing officer with a list of up to three  
44.23 precincts that are to be recounted first and may waive the balance of the recount after these  
44.24 precincts have been counted. If the candidate provides a list, the recount official must  
44.25 determine the expenses for those precincts in the manner provided by paragraph (b).

44.26 (d) If the winner of the race is changed by the optional recount, the cost of the  
44.27 recount must be paid by the jurisdiction conducting the recount.

44.28 (e) If a result of the vote counting in the manual recount is different from the result  
44.29 of the vote counting reported on election day by a margin greater than the standard for  
44.30 acceptable performance of voting systems provided in section 206.89, subdivision 4, the  
44.31 cost of the recount must be paid by the jurisdiction conducting the recount.

44.32 Sec. 6. **[204E.05] RECOUNTS IN COUNTY, SCHOOL DISTRICT, AND**  
44.33 **MUNICIPAL ELECTIONS.**

44.34 Subdivision 1. **Required recounts.** (a) Except as provided in paragraph (b), a  
44.35 losing candidate for nomination or election to a county, municipal, or school district office

45.1 may request a recount of the votes cast for the nomination or election to that office if  
45.2 the difference between the votes cast for that candidate and for a winning candidate for  
45.3 nomination or election is less than one-half of one percent of the total votes counted for  
45.4 that office. In case of offices where two or more seats are being filled from among all the  
45.5 candidates for the office, the one-half of one percent difference is between the elected  
45.6 candidate with the fewest votes and the candidate with the most votes from among the  
45.7 candidates who were not elected.

45.8 (b) A losing candidate for nomination or election to a county, municipal, or school  
45.9 district office may request a recount of the votes cast for nomination or election to that  
45.10 office if the difference between the votes cast for that candidate and for a winning  
45.11 candidate for nomination or election is ten votes or less, and the total number of votes cast  
45.12 for the nomination or election of all candidates is no more than 400. In cases of offices  
45.13 where two or more seats are being filled from among all the candidates for the office,  
45.14 the ten-vote difference is between the elected candidate with the fewest votes and the  
45.15 candidate with the most votes from among the candidates who were not elected.

45.16 (c) Candidates for county offices shall file a written request for the recount with the  
45.17 county auditor. Candidates for municipal or school district offices shall file a written  
45.18 request with the municipal or school district clerk as appropriate. All requests must be  
45.19 filed during the time for notice of contest of the primary or election for which a recount  
45.20 is sought.

45.21 (d) Upon receipt of a request made pursuant to this section, the county auditor  
45.22 shall recount the votes for a county office at the expense of the county, the governing  
45.23 body of the municipality shall recount the votes for a municipal office at the expense of  
45.24 the municipality, and the school board of the school district shall recount the votes for a  
45.25 school district office at the expense of the school district.

45.26 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination  
45.27 or election to a county, municipal, or school district office may request a recount in the  
45.28 manner provided in this section at the candidate's own expense when the vote difference  
45.29 is greater than the difference required by subdivision 1. The votes must be manually  
45.30 recounted as provided in this section if the requesting candidate files with the county  
45.31 auditor, municipal clerk, or school district clerk a bond, cash, or surety in an amount set by  
45.32 the governing body of the jurisdiction or the school board of the school district for the  
45.33 payment of the recount expenses.

45.34 (b) The requesting candidate may provide the filing officer with a list of up to three  
45.35 precincts that are to be recounted first and may waive the balance of the recount after these

precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by this paragraph.

(c) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(d) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

**Subd. 3. Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

**Subd. 4. Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

**Subd. 5. Notice of contest.** Except as otherwise provided in section 209.021, the time for notice of contest of a nomination or election to an office which is recounted

47.1 pursuant to this section begins to run upon certification of the results of the recount by the  
47.2 appropriate canvassing board or governing body.

47.3 Sec. 7. **[204E.06] NOTICE.**

47.4 Within 24 hours after determining that an automatic recount is required or within 48  
47.5 hours of receipt of a written request for a recount and filing of a security deposit if one is  
47.6 required, the official in charge of the recount shall send notice to the candidates for the  
47.7 office to be recounted and the county auditor of each county wholly or partially within  
47.8 the election district. The notice must include the date, starting time, and location of the  
47.9 recount, the office to be recounted, and the name of the official performing the recount.  
47.10 The notice must state that the recount is open to the public and, in case of an automatic  
47.11 recount, that the losing candidate may waive the recount.

47.12 Sec. 8. **[204E.07] SECURING BALLOTS AND MATERIALS.**

47.13 (a) The official who has custody of the voted ballots is responsible for keeping  
47.14 secure all election materials. Registration cards of voters who registered on election day  
47.15 may be processed as required by rule. All other election materials must be kept secure by  
47.16 precinct as returned by the election judges until all recounts have been completed and until  
47.17 the time for contest of election has expired.

47.18 (b) Any candidate for an office to be recounted may have all materials relating  
47.19 to the election, including, but not limited to, polling place rosters, voter registration  
47.20 applications, accepted absentee ballot envelopes, rejected absentee ballot envelopes,  
47.21 applications for absentee ballots, precinct summary statements, printouts from voting  
47.22 machines, and precinct incident logs inspected before the canvassing board may certify  
47.23 the results of the recount.

47.24 Sec. 9. **[204E.08] FACILITIES AND EQUIPMENT.**

47.25 All recounts must be accessible to the public. In a multicounty recount the secretary  
47.26 of state may locate the recount in one or more of the election jurisdictions or at the site of  
47.27 the canvassing board. Each election jurisdiction where a recount is conducted shall make  
47.28 available, without charge to the recount official or body conducting the recount, adequate  
47.29 accessible space and all necessary equipment and facilities.

47.30 Sec. 10. **[204E.09] GENERAL PROCEDURES.**

47.31 At the opening of a recount, the recount official or legal adviser shall present the  
47.32 procedures contained in this section for the recount. The custodian of the ballots shall

48.1 make available to the recount official the precinct summary statements, the precinct boxes  
48.2 or the sealed containers of voted ballots, and any other election materials requested by the  
48.3 recount official. If the recount official needs to leave the room for any reason, the recount  
48.4 official must designate a deputy recount official to preside during the recount official's  
48.5 absence. A recount official must be in the room at all times. The containers of voted ballots  
48.6 must be unsealed and resealed within public view. No ballots or election materials may be  
48.7 handled by candidates, their representatives, or members of the public. There must be an  
48.8 area of the room from which the public may observe the recount. Cell phones and video  
48.9 cameras may be used in this public viewing area, as long as their use is not disruptive. The  
48.10 recount official shall arrange the counting of the ballots so that the candidates and their  
48.11 representatives may observe the ballots as they are recounted. Candidates may each have  
48.12 one representative observe the sorting of each precinct. One additional representative per  
48.13 candidate may observe the ballots when they have been sorted and are being counted  
48.14 pursuant to section 204E.10. Candidates may have additional representatives in the public  
48.15 viewing area of the room. If other election materials are handled or examined by the  
48.16 recount officials, the candidates and their representatives may observe them. The recount  
48.17 official shall ensure that public observation does not interfere with the counting of the  
48.18 ballots. The recount official shall prepare a summary of the recount vote by precinct.

48.19 Sec. 11. **[204E.10] COUNTING AND CHALLENGING BALLOTS.**

48.20 Subdivision 1. **Breaks in counting process.** Recount officials may not take a break  
48.21 for a meal or for the day prior to the completion of the sorting, counting, review, and  
48.22 labeling of challenges, and secure storage of the ballots for any precinct. All challenged  
48.23 ballots must be stored securely during breaks in the counting process.

48.24 Subd. 2. **Sorting ballots.** Ballots must be recounted by precinct. The recount  
48.25 official shall open the sealed container of ballots and recount them in accordance with  
48.26 section 204C.22. The recount official must review each ballot and sort the ballots into  
48.27 piles based upon the recount official's determination as to which candidate, if any, the  
48.28 voter intended to vote for: one pile for each candidate that is the subject of the recount  
48.29 and one pile for all other ballots.

48.30 Subd. 3. **Challenge.** During the sorting, a candidate or candidate's representative  
48.31 may challenge the ballot if he or she disagrees with the recount official's determination of  
48.32 for whom the ballot should be counted and whether there are identifying marks on the  
48.33 ballot. At a recount of a ballot question, the manner in which a ballot is counted may  
48.34 be challenged by the person who requested the recount or that person's representative.  
48.35 Challenges may not be automatic or frivolous and the challenger must state the basis



49.1 for the challenge pursuant to section 204C.22. Challenged ballots must be placed into  
49.2 separate piles, one for ballots challenged by each candidate. Only the canvassing board  
49.3 with responsibility to certify the results of the recount has the authority to declare a  
49.4 challenge to be "frivolous."

49.5 Subd. 4. **Counting ballots.** Once ballots have been sorted, the recount officials must  
49.6 count the piles using the stacking method described in section 204C.21. A candidate or  
49.7 candidate's representative may immediately request to have a pile of 25 counted a second  
49.8 time if there is not agreement as to the number of votes in the pile.

49.9 Subd. 5. **Reviewing and labeling challenged ballots.** After the ballots from  
49.10 a precinct have been counted, the recount official may review the challenged ballots  
49.11 with the candidate or the candidate's representative. The candidate's representative may  
49.12 choose to withdraw any challenges previously made. The precinct name, the reason  
49.13 for the challenge, and the name of the person challenging the ballot or the candidate  
49.14 that person represents, and a sequential number must be marked on the back of each  
49.15 remaining challenged ballot before it is placed in an envelope marked "Challenged  
49.16 Ballots." After the count of votes for the precinct has been determined, all ballots except  
49.17 the challenged ballots must be resealed in the ballot envelopes and returned with the other  
49.18 election materials to the custodian of the ballots. The recount official may make copies  
49.19 of the challenged ballots. After the count of votes for all precincts has been determined  
49.20 during that day of counting, the challenged ballot envelope must be sealed and kept secure  
49.21 for presentation to the canvassing board.

49.22 **Sec. 12. [204E.11] RESULTS OF RECOUNT; TIE VOTES.**

49.23 Subdivision 1. **Certification of results.** The recount official shall present the  
49.24 summary statement of the recount and any challenged ballots to the canvassing board.  
49.25 The candidate or candidate's representative who made the challenge may present the  
49.26 basis for the challenge to the canvassing board. The canvassing board shall rule on the  
49.27 challenged ballots and incorporate the results into the summary statement. The canvassing  
49.28 board shall certify the results of the recount. Challenged ballots must be returned to the  
49.29 election official who has custody of the ballots.

49.30 Subd. 2. **Tie votes.** In case of a tie vote for nomination or election to an office, the  
49.31 canvassing board with the responsibility for declaring the results for that office shall  
49.32 determine the tie by lot.

49.33 **Sec. 13. [204E.12] SECURITY DEPOSIT.**

When a bond, cash, or surety for recount expenses is required by section 204E.04 or 204E.05, the governing body or recount official shall set the amount of the security deposit at an amount which will cover expected recount expenses. In multicounty districts, the secretary of state shall set the amount taking into consideration the expenses of the election jurisdictions in the district and the expenses of the secretary of state. The security deposit must be filed during the period for requesting an administrative recount. In determining the expenses of the recount, only the actual recount expenditures incurred by the recount official and the election jurisdiction in conducting the recount may be included. General office and operating costs may not be taken into account.

Sec. 14. **REVISOR'S INSTRUCTION.**

Except where otherwise amended by this article, the revisor of statutes shall renumber each section of Minnesota Statutes listed in column A with the number listed in column B. The revisor shall make necessary cross-reference changes consistent with the renumbering.

Column A

Column B

204C.34

204E.11, subdivision 2

204C.35

204E.04

204C.36

204E.05

Sec. 15. **REPEALER.**

Minnesota Statutes 2010, sections 204C.34; 204C.35; 204C.36; and 204C.361, are repealed.

Sec. 16. **EFFECTIVE DATE.**

This article is effective June 1, 2011, and applies to recounts conducted on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; requiring voters to provide picture identification before receiving a ballot in most situations; providing for the issuance of voter identification cards at no charge; establishing a procedure for provisional balloting; creating challenged voter eligibility list; specifying other election administration procedures; allowing use of electronic polling place rosters; setting standards for use of electronic polling place rosters; creating legislative task force on electronic roster implementation; enacting procedures related to recounts; appropriating money; amending Minnesota Statutes 2010, sections 5B.06; 13.69, subdivision 1; 135A.17, subdivision 2; 171.07, subdivisions 4, 9, by adding a subdivision; 200.02, by adding a subdivision; 201.021; 201.022, subdivision 1; 201.061, subdivisions 3, 4, 7; 201.071, subdivision 3; 201.081; 201.121, subdivisions 1, 3; 201.171; 201.221, subdivision 3; 203B.04,

51.1 subdivisions 1, 2; 203B.06, subdivision 5; 203B.121, subdivision 1; 204B.14,  
51.2 subdivision 2; 204B.40; 204C.10; 204C.12, subdivisions 3, 4; 204C.14; 204C.20,  
51.3 subdivisions 1, 2, 4, by adding a subdivision; 204C.23; 204C.24, subdivision 1;  
51.4 204C.32; 204C.33, subdivision 1; 204C.37; 204C.38; 204D.24, subdivision  
51.5 2; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision  
51.6 4; 205A.10, subdivision 3; 206.86, subdivisions 1, 2; 209.021, subdivision  
51.7 1; 209.06, subdivision 1; 211B.11, subdivision 1; 611A.32, subdivision 3;  
51.8 proposing coding for new law in Minnesota Statutes, chapters 200; 201; 204C;  
51.9 proposing coding for new law as Minnesota Statutes, chapters 204E; 206A;  
51.10 repealing Minnesota Statutes 2010, sections 203B.04, subdivision 3; 204C.34;  
51.11 204C.35; 204C.36; 204C.361."