

# House Research Act Summary

**CHAPTER:** 244

**SESSION:** 2008 Regular Session

**TOPIC:** Election Administration/Technical Modifications

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## Overview

This act makes various changes to the laws governing election administration and voting.

### Section

- 1 Postsecondary institution housing lists.** Specifies that student housing lists provided by a college or university to the appropriate county auditor may only be used to facilitate election day registration; housing lists may not be used by the county auditor or secretary of state for any other purpose.
- 2 Compensation for soliciting registrations.** Prohibits individuals from being compensated for soliciting, collecting, or accepting voter registration applications for submission to an election official if the rate of compensation is determined by the number of registration applications received. An individual's compensation may not be reduced or eliminated exclusively for a failure to solicit, collect, or accept a minimum number of voter registration applications. Financial incentives for reaching a minimum number of applications are also prohibited.  
  
Violation is a petty misdemeanor.
- 3 Registration signature.** Permits registering voters who are unable to sign their name to sign by making a mark, having another person write the voter's name in the voter's presence, using a rubber stamp of the voter's signature or mark, or other method of another person making a signature for the voter and adopted for all purposes of a signature, if within the voter's presence.
- 4 Election day registration.** Removes the requirement that vouching information be

included on the voting records of the person registering to vote and the current voter who is vouching for the individual's residence.

- 5 **Active voter status.** Requires rejected absentee or mail ballots, in addition to the existing allowance for late absentee ballots, to be considered votes for purposes of active voter registration status.
- 6 **Absentee ballots.** Provides that the size specifications for the absentee ballot return envelope apply to a voter who was not previously registered to vote, and requires a certificate of eligibility to vote be included on the back of the return envelope. The certificate of eligibility must contain a statement, signed by an appropriate witness, indicating that the voter displayed the unmarked ballots, marked the ballots in the witness's presence, and if the voter was not previously registered to vote, provided proof of residence consistent with the requirements of law.
- 7 **Absentee voting locations.** Requires that any polling places designated by the county auditor for absentee voting during the 30 days preceding an election be equipped with at least one electronic ballot marker. This requirement only applies to a polling place that has already implemented a voting system that is accessible for individuals with disabilities.
- 8 **Establishment of absentee ballot board.** Permits a county to establish an absentee ballot board, even if the county has not established a counting center.
- 9 **Duties of absentee ballot board.** Limits the scope of the absentee ballot board's authority to examining absentee ballot envelopes and accepting or rejecting the ballots. Under current law, the board is also permitted to open and count absentee ballots. This section also eliminates the requirement that the secretary of state provide sample replacement ballots and return envelopes to counties.
- 10 **Filing requirements; affidavits and petitions.** Requires that affidavits of candidacy and nominating petitions be filed with the county auditor for county elections, the secretary of state for federal elections, and either the county auditor of the candidate's residence or the secretary of state for state elections. Except for candidates who are absent, an affidavit must be submitted by mail or by hand, no later than 5:00 p.m. on the last day of filing for the office.

If a candidate will be absent from the state for the entire filing period for the office, or for the remainder of the filing period due to an unforeseen emergency, the candidate may submit an electronically scanned image of the affidavit to the secretary of state. The candidate may also submit an affidavit by fax. The candidate must state, in writing, the specific reason for being unable to file by mail or by hand.

This section also provides that affidavits and petitions filed for local elections must be submitted by mail or by hand and be received within the required filing period.

A candidate for county, state, or federal office who wishes to have write-in votes counted must submit a written request with the appropriate filing office no later than the seventh day before the general election.

- 11 **Polling place location.** Expands the distance from the precinct in which a metro-area polling place can be located from 3,000 feet to one mile outside the boundaries of the precinct.
- 12 **Mail balloting procedure.** Modifies the window of time during which jurisdictions using mail balloting may send ballots from between 20 and 14 days before an election to between 30 and 14 days before the election. Requires the county auditors to mail ballots to voters who registered after the initial mailing of ballots, but before 20 days prior to the election. This section permits the auditor or clerk to appoint election judges to accept or reject ballots

during the 30 days prior to the election; if a ballot has been rejected at least five days prior to election day, a replacement ballot must be provided to the voter.

- 13 **Polling place lingering.** Prohibits individuals, except election judges and individuals waiting to register to vote, from standing within 100 feet of a building in which a polling place is located. Under current law, individuals are not permitted to stand within 100 feet of the doorway leading to the room where the voting is actually taking place.
- 14 **Challengers.** Requires a challenger seeking admission to a polling place to provide they are a resident of Minnesota, consistent with the identification requirements required of a registering voter. A challenger is not required to be a resident of the specific precinct in which the challenger is seeking admission.
- 15 **Cancellation of municipal election.** Permits the governing body of a municipality to cancel a special election, by motion of the body, up to 46 days prior to the election.
- 16 **Notice of cancellation.** Requires the municipal clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 17 **Cancellation of a special school board election.** Permits a special election ordered by a school board to be cancelled by its own motion, so long as the cancellation does not occur less than 46 days before the election.
- 18 **Notice of cancellation: county auditor.** Requires the school district clerk to notify the county auditor, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 19 **Notice of cancellation: commissioner of education.** Requires the school district clerk to notify the commissioner of education, in writing, of any cancelled special election at least 46 days prior to the scheduled election.
- 20 **Postelection review official definition.** Modifies the definition of postelection review official to mean the county auditor, unless the county auditor designates that title to the municipal clerk within 24 hours after the canvass of the state general election.
- 21 **Postelection review procedures.** Requires additional reviews to be conducted in at least three precincts in the same jurisdiction, if a discrepancy of greater than one half of one percent, or greater than two votes in a precinct with 400 or fewer cast ballots is discovered in one precinct. If similar discrepancies are discovered in the newly reviewed precincts, the county auditor must conduct a review of all precincts in the county.
- 22 **Local candidate financial reports.** Requires financial reports filed by candidates for certain local offices include a printed name, phone number, signature, and email address, if available, in addition to the address of the person responsible for filing the financial report.

This section also requires that the filing officer restrict public access to the address of individuals who have made contributions of \$100 or more, if the individual has submitted a written, signed statement that the safety of the individual or the individual's family requires withholding address information.

This section applies to contributions made after December 31, 2007, but does not require a candidate to amend or re-file a report that has already been submitted, so long as the report was consistent with the existing law.

- 23 **Misdemeanor penalty.** Provides that a candidate or treasurer of a committee formed to promote or defeat a ballot question who intentionally fails to file a required certification under section 211A.05 is guilty of a misdemeanor. A treasurer must certify that all required reports have been filed; a candidate or committee must certify that they have not received contributions or made disbursements of more than \$750 in the calendar year.
- 24 **Repealer.** Repeals the following sections of law:

**Section 203B.02, subdivision 1a:** Permitting county boards to authorize any eligible voter to vote by absentee ballot, without qualification, between August 1991 and November 1992.

**Section 203B.13, subdivision 3a:** Creation of a list of voters requesting absentee ballots, to be submitted to an absentee ballot board and verified against voters actually appearing at the polling place

25 **Effective date.** Except as noted above, all sections of this article are effective June 1, 2008.

## Article 2: Technical Modifications

- 1 **Conservation district ballots.** Permits either the title “Soil and Water Conservation District Supervisor” or “Conservation District Supervisor” to be printed on the ballot as appropriate, based upon the usage in the district from which the supervisor is to be elected.
- 2 **Registration.** Replaces the term registration “card” with registration “application.” This change brings the law into conformity with the Help America Vote Act of 2002.
- 3 **Registration by election judges.** Replaces the term registration “card” with registration “application.” This change brings the law into conformity with the Help America Vote Act of 2002.
- 4 **Deficient registration.** Eliminates the requirement that an election judge request an individual correct a voter registration application if the name or number of the voter’s school district is missing or obviously incorrect.
- 5 **Change of registration.** Requires a county auditor who receives an application indicating previous voter registration in another county update the voter’s record through the statewide registration system. This section eliminates the current requirement that the auditor of the voter’s old county be notified, and eliminates the requirement that an auditor who receives a registration card indicating that a voter was previously registered in a different precinct of the same county remove that registration card from the files.
- 6 **Registration.** Sections 6 through 9 replace the term registration “card” with registration “application.” This change brings the law into conformity with the Help America Vote Act of 2002.
- 7 **See section 6.**
- 8 **See section 6.**
- 9 **See section 6.**
- 10 **Absentee ballot application procedures.** Establishes a cross reference to section 203B.11, subdivision 4, which permits patients in a health care facility, a participant in a residential program for adults, or a resident of a shelter for battered women to receive an absentee ballot on election day. The cross reference permits this process to continue, even though the law otherwise prohibits an application for an absentee ballot to be submitted on election day.
- 11 **Registration.** Replaces the term registration “card” with registration “application.” This change brings the law into conformity with the Help America Vote Act of 2002.
- 12 **Town elections.** Requires that absentee ballot applications for town elections be submitted to the town clerk for elections not held on the same day as a statewide election. This eliminates the current requirement that applications be submitted to the town clerk when the town election is conducted using the Australian ballot system.
- 13 **Delivery of envelopes.** Replaces the term registration “card” with registration “application.” This change brings the law into conformity with the Help America Vote Act of 2002.
- 14 **Receipt of ballots.** Requires that the appropriate local official stamp or initial a returned absentee ballot envelope. This eliminates the requirement that the envelope be stamped

with the official seal of the office.

- 15 **Delivery of absentee ballot applications.** Eliminates the requirement that absentee ballot envelopes be delivered to the municipal clerks and election judges in the precinct if the envelopes have been accepted or rejected by an absentee ballot board.
- 16 **Proof of eligibility.** Requires that when a candidate for judicial office, county attorney, or county sheriff submits proof of licensure along with their affidavit of candidacy, the proof be a copy of a current attorney or Peace Officer Standards and Training Board license, as appropriate.
- 17 **Number of signatures.** Specifies the number of signatures required for federal or state office voted on statewide, for purposes of a nominating petition, to be the lesser of one percent of the total number of individuals voting in the last state general election, or 2,000. This provision expands this requirement for federal level to include nominating petitions for presidential electors, in addition to petitions for U.S. senate candidates.
- 18 **Materials, ballots.** Eliminates the requirement that candidate names be rotated evenly when printing school district election ballots, and instead requires the same procedures used for state elections.
- 19 **Combined polling place.** Requires that in school districts that have organized into separate board member election districts, a combined polling place must not include more than one board member election district.
- 20 **Plan.** Eliminates requirements for voting systems that applied to elections held in calendar year 2006.
- 21 **Social security number.** Permits voters to be included on the list of voters with incomplete registrations because of a failure to match the last four digits of the voter's social security number, even if the commissioner of public safety has not assembled a complete and current database of the last four digits of the social security number for each resident of the state as maintained by the Social Security Administration. A voter whose registration is classified as "incomplete" must provide the missing information at least 21 days before the next election, or at the polling place on election day.

This section is effective retroactively to November 29, 2007.

- 22 **Effective date.** Except as otherwise provided, all sections are effective June 1, 2008.