

# House Research Act Summary

**CHAPTER:** 194

**SESSION:** 2010 Regular Session

**TOPIC:** Absentee Voting

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## Overview

This act makes various changes to the requirements for processing absentee ballots, including requiring the use of a ballot board to accept, reject, and count absentee ballots, and implementing the use of an identification number matching system to verify that an absentee ballot has been returned by the same voter that originally applied for the ballot.

### Section

- 1**      **Registration by election judges; procedures.** Requires election judges to verify that an individual has not voted by absentee ballot before registering to vote and casting a ballot at a polling place on election day.
- 2**      **Absentee ballot application procedures.** Requires the absentee ballot application to contain a space for a voter to list an identification number (driver's license, state identification card, or last four digits of social security number) or to indicate that the voter does not have one of these documents. The information submitted by the voter must not be made available for public inspection.  
  
The identification number provided by the voter in the absentee ballot application would be matched with the number provided on the return envelope before a ballot may be counted. Conforming provisions are contained later in the act.
- 3**      **Administration of absentee ballot system.** Permits a municipal clerk to administer the absentee ballot system, but only if the clerk has received approved training in the use of the statewide voter registration system.

- 4 Using the registration system.** Requires local election officials to immediately enter information provided by a voter applying for an absentee ballot into the statewide voter registration system. Election officials must also record returned absentee ballots and the notice of acceptance or rejection of an absentee ballot in the system.

The envelopes used to transmit ballots to and from an applicant for an absentee ballot must be bar coded to facilitate use of the statewide voter registration system.

- 5 Design of envelopes.** Eliminates language requiring a different return envelope format for absentee voters who have not previously registered to vote.
- 6 Eligibility certificate.** Modifies the format and contents of the eligibility certificate printed on an absentee voter's return envelope. The certificate must require a voter to list an identification number, or indicate that the voter does not have one, and must be designed to ensure the voter provides the same type of number as provided on the application for the ballot.

The identification number would be matched with the number provided on the absentee ballot application before the ballot may be counted.

- 7 Address on return envelopes.** Standardizes language related to the address provided on an absentee ballot return envelope. The envelope would be required to be addressed to the county auditor or municipal clerk responsible for accepting and rejecting the ballots.

- 8 Procedure on receipt of absentee ballots.** Requires election officials receiving absentee ballots to provide them to a ballot board within five days of receipt or within three days of receipt if the election will be held within 14 days. Language requiring the ballots be delivered to each polling place is eliminated to conform to language contained later in the act.

- 9 Ballot board.** Requires the establishment of a ballot board to process absentee ballots.

*Makeup of ballot board.* Members of a ballot board must be election judges trained in the handling of absentee ballots. A jurisdiction may use staff that is trained as election judges to serve on the ballot board. Members of a ballot board must be paid for their services by the local jurisdiction.

*Duties of board.* Members of the ballot board are responsible for many of the duties required of election judges in the precinct under current law. The ballot board must review return envelopes and accept or reject them. The board must verify that the identification numbers provided on an absentee ballot application and an absentee ballot return envelope match. If they do not, the board must compare the signatures contained in the application and return envelope to determine whether they were submitted by the same person.

Accepted absentee ballots must be noted on the polling place roster or in a supplemental report to the precinct. In state elections, a notation in the statewide voter registration system must also be made.

If a ballot is rejected at least five days prior to an election, a replacement ballot must be sent to the voter. If rejected within five days of an election, an attempt must be made to notify the voter by telephone or e-mail of the rejection.

A written notice of absentee ballot rejection must be provided between six and ten weeks following the election to any voter whose ballot was rejected. The notice must indicate the

date the ballot was rejected, the reason for the rejection, and provide contact information if the voter has questions about the rejection. A rejected absentee ballot may only be opened or further reviewed in the course of a formal election contest.

*Counting absentee ballots.* A ballot board may begin opening and counting absentee ballots after the close of business on the fourth day prior the election (Friday). The ballot board must open the envelope and place the ballot into a ballot box. The ballot may be duplicated by the board, if necessary.

The appropriate polling place rosters must be marked indicating the voters whose absentee ballots were accepted. At the end of each day, the number of ballots in the ballot box must be reconciled with the number of voters casting early ballots and the number of voters whose absentee ballots were accepted that day.

A voter whose absentee ballot is accepted may not appear in person on election day to cast a ballot. After the close of the polls on election day, the ballot board must tabulate the ballots in public. The vote totals must be added to the totals from each appropriate precinct in a state election. For other elections, the totals may be distributed by precinct, or counted as one separate total.

Accepted absentee ballots that arrive after the polling place rosters are marked must not be counted until the ballot board verifies that the voter did not appear in person on election day to cast a ballot. The board is required to make this verification within 24 hours of the close of voting on election day.

- 10 **Rules.** Conforms and corrects a cross-reference related to the secretary of state's rulemaking authority.
- 11 **Establishment; UOCAVA.** Eliminates a requirement that staff who are serving on a UOCAVA ballot board be certified as election judges.
- 12 **Duties; UOCAVA.** Requires the ballot board established by the county auditor to deliver accepted absentee ballots to the appropriate municipality's ballot board.
- 13 **Check of eligibility; UOCAVA.** Modifies criteria established in current law for the acceptance of UOCAVA ballots to prevent acceptance if the voter is known to have died.
- 14 **Separate record; UOCAVA.** Provides a conforming change for UOCAVA ballots to strike a reference to the procedure established in current law that requires election judges in the polling place to receive return envelope materials from UOCAVA ballot boards.
- 15 **Postelection report to legislature.** Requires the secretary of state to make a biannual report to the legislature on statistics related to absentee voting.
- 16 **Mail balloting; procedure.** Provides conforming changes in the law authorizing municipalities with fewer than 400 registered voters to provide balloting by mail. Requires the use of an absentee ballot board to review ballots received by mail and applies the party balance requirement to the membership of the board, unless otherwise exempt from that requirement.
- 17 **Mail balloting; questions.** Includes the changes made in this bill related to the absentee ballot system in the section of law authorizing local units of government to submit questions to voters at a special election conducted by mail.
- 18-24 **Canvassing board; timing.** Provides modified timelines for canvassing board meetings to reflect other new requirements provided elsewhere in the bill.

- 25      **Selection for review.** Requires that the ballots counted by a ballot board be considered an eligible precinct for purposes of selecting precincts for postelection review.
- 26      **State canvassing board.** Provides a conforming cross-reference to reflect the modified canvassing board timeline provided earlier in this act.
- 27      **Repealer.** Repeals the following sections of law:  
*203B.10:* Specifies procedures for delivery of absentee ballot applications to the election judges in a polling place.  
*203B.12:* Existing language related to processing of absentee ballots. Much of this language is recodified in a new section of statute.  
*203B.13:* Specifies procedures for establishment, required duties, and compensation of an absentee ballot board. This section is effectively recodified in a new section of statute.  
*203B.25:* Provides special procedures related to the death of a voter, and absentee voters who appear and cast a ballot on election day. The substance of this section is recodified within existing statutes.
- 28      **Effective date.** Specifies the effective date of the bill.