

House Research Act Summary

CHAPTER: 161

SESSION: 2016 Regular Session

TOPIC: Elections Policy

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Overview

Chapter 161 is the elections policy omnibus. It include the substance of the following House Files:

H.F. 2688 (Sanders) – Elections administration technical changes

H.F. 3123 (Howe) – School board vacancies, with modifications

H.F. 2959 (McNamara) – Alternative absentee voting procedures

H.F. 2774 & H.F. 2775 (Fenton) – Elections Emergency Task Force recommendations

Article 1: Elections Administration

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- 1** **Committees; conventions.** Permits a delegate or alternate to a political party convention to request interpretive services by providing notice to the executive committee of the party by electronic mail. Current law permits these requests, but requires the request be made by certified mail.
- 2** **Locations and methods for absentee voting in person.** Permits county auditors to provide an alternate method for in-person absentee voting that would be similar to voting in a polling

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place on election day: under the alternate method, a voter would be permitted to complete an absentee ballot and deposit it directly in a ballot box.

The “standard” absentee voting process requires an absentee voter—including those voting in person at a polling place designated by the county auditor—to seal their completed ballot in an envelope to await processing by a ballot board at a later date.

Whether the alternate method of absentee voting is permitted would be a decision of each county auditor. If the option is provided, it must be available during the seven days immediately prior to an election. Each voter would be allowed to choose the method of in person absentee voting they prefer to use.

- 3 **Submission of application (UOCAVA absentee voting).** Permits an application from a uniformed or overseas absentee voter to be valid through the next regularly schedule state general election. Current law provides that an application is valid only through the end of the calendar year in which it is received.
- 4 **Ballots; candidates who file by nominating petition.** Prohibits a major party’s candidate for president or vice president from being nominated by petition to appear on the ballot on behalf of a minor party or as independent candidates.
- 5 **Application to municipalities.** Eliminates an obsolete cross reference.
- 6 **Correction to election district boundaries.** Permits the boundaries of a soil and water conservation district to be modified, if necessary, to align with a modified municipal boundary. A modification would be ordered by the secretary of state, and is only permitted if the number of affected voters is less than 50.

The secretary has this same authority under current law as applied to congressional, legislative, and county district boundaries.
- 7 **Booths; voting stations.** Eliminates language that directs the specific minimum dimension of voting booths in a polling place.
- 8 **Procedure (mail balloting).** Updates a reference to the section of statute governing mail balloting, to reflect a 2013 change in law that permits certain small cities to conduct elections by mail.
- 9 **Elections on a question.** Clarifies the delivery requirements for a petition requesting that challengers be appointed to serve polling places in a local election on a ballot question.
- 10 **County canvass; return of reports to secretary of state.** Eliminates obsolete language.
- 11 **Canvassing board; declaration of results; notification.** In the section of law regulating correction of errors by a county canvassing board, requires the county auditor to notify the secretary of state of the county canvassing board’s action by United States mail and electronic mail. A requirement that the notification be by certified mail is eliminated.
- 12 **Posting of writ.** In the section of law governing writs of special election to fill a vacancy in legislative office, requires the secretary of state to notify county auditors of a writ of election by United States mail and electronic mail. A requirement that the notification be by certified mail is eliminated.

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- 13 Candidates; filing (municipal elections).** Provides requirements for the placement of candidate names on the ballot, if more than one city council member is to be elected to a full term at the same election. The candidates are required to appear under a single office heading, with the number to be elected specified beneath the heading.
- 14 Cancellation (municipal elections).** Extends the deadline for cancelling a city special election, to conform to other requirements of law.
- 15 Candidates; filing (school district elections).** Provides requirements for the placement of candidate names on the ballot, if more than one school board member is to be elected to a full term at the same election. The candidates are required to appear under a single office heading, with the number to be elected specified beneath the heading.
- 16 Vacancies in school district offices.** Updates language to reflect changes to the process of filling vacant school district offices, enacted in 2015.
- 17 Affidavit of candidacy (school district offices).** Requires that all affidavits of candidacy for school district offices to be the same, and meet the requirement of current law.
- 18 Notice of special elections (school district offices).** Provides a conforming reference to the change made earlier in the bill, and current law, related to special school district elections on the date of a March town election.
- 19 Manner; time; contents.** Adds a cross-reference to a section of statute regulating how notice is properly served in an election contest.
- 20 Presidential electors; 2016 meeting location.** Requires the secretary of state to designate an alternate meeting site, if the executive chamber of the state capitol is not available for purposes of the 2016 meeting of Minnesota's presidential electors (the state capitol is currently undergoing construction). The alternate meeting location must be at the Minnesota History Center or another space within the state capitol complex.

Article 2: School Board Vacancies

- 1 Appointments to fill vacancies; special elections.** (a) Requires all school board vacancies, except those arising when a school board member is removed for cause or is ill or absent, to be filled by a board appointment at a regular or special board meeting. The appointment would be effective 30 days following adoption of a board resolution making the appointment, and would continue until an election is held. The election must be held no later than the first Tuesday after the first Monday in November of the year of appointment, or the following year, depending on the timing of the vacancy and appointment. An election is not required if the vacancy occurs less than 90 days prior to the November election date in the third year of the term.
- (b) Permits the voters to reject a board appointee by petition of at least five percent of the number of voters who voted in the district at the most recent state general election. To be valid, the petition must be filed within 30 days of the date the appointment was made. If an appointee is rejected, the board must select a new appointee.

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This section is effective immediately, and procedures are provided to permit a school boards with current vacancies to cancel a special election, if one was called according to the terms of the prior law, which is repealed in section 2.

- 2 Repealer.** Repeals Minnesota Statutes, section 123B.095, governing elections and appointments for school board member vacancies, and Minnesota Statutes, section 123B.09, subdivision 5a, referring to the repealed section on school board member vacancies.

Article 3: Elections Emergency Plans

- 1 Separate precincts; combined polling place.** Permits a combined polling place to be established after the deadline provided in law for doing so (May 1), if the local elections official determines that an emergency situation preventing the safe, secure, and full operation of a polling place has occurred or is imminent. The process for establishing the combined polling place must follow the existing requirements of law, with certain procedural exceptions.

If a polling place is combined due to an emergency, the local elections official must comply with several notice requirements provided in the bill.

- 2 Change of polling place in an emergency.** Establishes procedures for changing a polling place in an emergency.

Subd. 1. Application. Provides that a polling place may be changed, if an emergency occurs after the deadline for establishing a polling place, but before the polls close on election day. An emergency is defined as any situation that prevents the safe, secure, and full operation of the polling place.

Subd. 2. Changing polling place. Establishes standards for procuring a new polling place. Among other requirements, the new polling place must be as near as possible to the polling place that can no longer be used, and must comply with other standards in law for a polling place, including accessibility for persons with disabilities.

Subd. 3. Notice. Provides several notice requirements in the event a polling place is moved due to an emergency.

- 3 Election Emergency Plans.** Requires creation of plans to address emergencies that may disrupt an election.

Subd. 1. State elections emergency plans. Requires the Secretary of State to:

- (1) develop a state elections emergency plan, in consultation with the director of Homeland Security and Emergency Management;
- (2) work with the governor to incorporate elections needs in the state's continuity of government and continuity of operations plans; and

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(3) create a state guide to assist county and local officials to develop their own election emergency plans, including a model plan for counties, in consultation with the Minnesota State Council on Disability.

Subd. 2. County elections emergency plans. Requires county elections officials to develop an elections emergency plan to be used for all state and local elections held within the county. Consultation with the county's applicable emergency management organization, and other political subdivisions within the county, is required.

Several standards for the content of a county's emergency plan are provided in paragraph (b).

Cities, towns, and school districts are permitted to create their own elections emergency plan, consistent with the requirements of the county plan.

Review of each local elections emergency plan is required prior to every state general election; revisions to the plans must be filed with the secretary of state by July 1 of a state general election year.

Effective date. This section is effective August 1, 2016, provided that initial county election emergency plans are due by September 1, 2016.

- 4 Voters in line at closing.** Permits a local elections official to extend a polling place's hours by up to one hour, in the event the polling place was combined or moved due to an emergency. If a polling place's hours are extended, the local elections official must comply with several notice requirements.
- 5 Repealer.** Repeals section 204B.17, which currently provides a procedure for a polling place to be moved by the election judges, if the polling place does not meet the requirements of law. Much of the substance of this section is re-codified in earlier sections of this act.