HOUSE RESEARCH

Bill Summary

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Overview

This amendment incorporates the substantive provisions of the following bills:

H.F. 3172 (Pelowski) Timing of Special Elections (Sections 5, 6, 7)

S.F. 753 (McFarlane) Election Judge Partisanship Requirements (Sections 3, 8, 11)

H.F. 768 (Kalin) Absentee Balloting (Sections 1, 2)

S.F. 380 (Dittrich) School Board Elections (Sections 4, 9, 10, 12)

H.F. 3173 (Winkler) Post-Election Audits (Section 13)

H.F. 2866 (Simon) Use of Existing Voter Registration Applications (Section 14)

Section

1   **Delivery of absentee ballots.** Permits a county auditor to deliver an absentee ballot to a designated agent. This section makes technical changes to conform section 203B.06, subdivision 3, to the new language in section 2 of the bill.

2   **Agent delivery.** Current law permits a voter to designate an agent if the voter is a patient in a health care facility, a participant in a residential program for adults, or a resident of a battered women's shelter. This section allows an eligible voter who would have difficulty

Section

getting to the polls because of health reasons, is disabled, or a resident of a facility providing assisted living services to also designate an agent to receive and deliver absentee ballots.

Existing law permits agents to be designated in the four days preceding an election up until 2:00 p.m. on election day; this section permits agents to be designated during the seven days preceding an election until 2:00 p.m. on election day. To be designated, an agent must have a pre-existing relationship with the voter.

Remaining unaffected are current requirements that:

(a) a candidate at the election may not be designated as an agent;

(b) agents may only deliver ballots to three people in any election;

(c) the agent-delivered ballots must be returned to the county auditor or municipal clerk by 3:00 p.m. on election day; and

(d) the voter submit an affidavit requesting an agent deliver an absentee ballot.

3   **Appointment of election judges.**   Under current law, designated county or legislative district chairs of each major political party must prepare a list of eligible voters to act as election judges in each precinct in the county or legislative district.

Actual election judge appointments are made by the appropriate local governing body, and must come from the lists provided by each major political party. If no list is provided, or all names on the list have been exhausted, the appointing authority may appoint any other individual to serve as an election judge, provided they meet the necessary requirements and qualifications. (Among the requirements, election judges must be able to read, write, and speak English, may not be a spouse, parent, child, or sibling of another election judge in the precinct or any candidate in the election, or an actual candidate in the election.)

This section modifies these requirements: using the lists submitted by each major party is required, but other individuals, including those not affiliated with a major political party, may be appointed as election judges if no lists are submitted or the listed names have been exhausted. The timelines for submitting names of potential judges is moved from July to June. This section also specifies that at least two election judges in each precinct must be affiliated with different major political parties.

4   **Elections by mail.**   Permits a county, municipality, or school district conducting a special election to conduct the election by mail. Under current law, an election by mail in these circumstances requires approval of the county auditor. This bill eliminates the need for approval, but requires notice be given to the county auditor at least 53 days prior to the election. Special mail ballot procedures must be posted at least six weeks prior to the election.

5   **Special elections.** Modifies the timing requirements governing when a special election must be held to fill a congressional or legislative vacancy.

6   **Special primary; filing.**   Provides that an affidavit of candidacy or a nominating petition for a special primary must be filed no later than 14 days before the special primary.

Section

7   **Special elections; recounts.** Provides that the standard recount laws apply to a special primary or election. The secretary of state may immediately proceed to a recount if the certified reports of the county canvassing boards make it apparent that a recount is required.

8   **Township elections.** Exempts townships from various requirements related to party balance in the appointment and duties of election judges in township elections not held alongside a statewide election. Township elections are nonpartisan.

9   **School board elections.**   Permits school boards to decide whether to hold a primary election to select nominees for the board. Under current law, a primary election is mandatory if there are more than two candidates for one board position or there are more than twice as many board candidates as there are at-large positions open. This bill permits a school district to conduct a primary election only if the school board adopts a resolution to that effect. A resolution must be adopted no later than June 1 of any year, and is effective for all future elections until the resolution is revoked.

10   **Filing for school board office.**   Modifies the deadline for filing an affidavit of candidacy, depending upon whether a school district is conducting a primary election. If a primary election is to be held, affidavits of candidacy must be filed between eight and ten weeks before the first Tuesday after the second Monday in September (under current law, the state primary date). If there is to be no primary election, affidavits must be filed between eight and ten weeks before the school district general election.

11   **School district elections.**   Incorporates section 204B.21, subdivision 2, into the exemption for school district elections relating to party balance of election judges. This modification is included because 204B.21, subdivision 2, as amended by this bill, includes new requirements for party balance.

          The reference to section 206.64, subdivision 2, is removed because that provision was repealed in 1997.

12   **School districts; electronic voting systems.**   Permits school district elections to be conducted using an electronic voting system, if provided for by the school board, so long as the district has given proper notice and the secretary of state has approved the system.

13   **Post-election review.**   Provides that, when a second round of post-election vote review is conducted as required by law, the results must be reported to the secretary of state within one week after the second review was completed. This eliminates the requirement of current law that a second review be completed within six weeks of the general election.

          This section also provides that if a countywide review from one or more counties that make up more than 10 percent of the voters in an election indicates that an error occurred, the secretary of state must notify the proper official in each county in the affected district. The official must conduct a manual recount of all the ballots in the district for the affected office, following the procedures required by law for a recount. This recount must be completed within two weeks of the official's receipt of notice from the secretary of state.

14   **Existing voter registration applications.**   Permits "old" voter registration applications that existed on July 31, 2007 , to be used, without alteration, until they are gone.

          This section is effective retroactively to August 1, 2007 .