

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 768

**DATE:** February 16, 2007

**Version:** First Engrossment

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**Subject:** Absentee Voting

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### Overview

This bill modifies certain absentee voting procedures. It allows any eligible voter to vote by absentee ballot without a reason, modifies some requirements for "ongoing absentee" status, permits a designated agent to deliver an absentee ballot to certain voters, and requires an absentee voter to vote in the presence of a witness only when the voter has not previously registered to vote.

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- 1 Eligibility for Absentee Voting.** Allows any eligible voter, regardless of reason, to vote by absentee ballot. Current law requires voters seeking to cast an absentee ballot to reasonably expect an inability to go to the appropriate polling place because of their absence from the precinct, illness, disability, religion, or service as an election judge in another precinct.
- 2 Application Procedures.** Makes technical changes to conform section 203B.04, subdivision 1, to the new language in section 1 of the bill.
- 3 Ongoing Absentee Status.** Allows any eligible voter to apply for "ongoing absentee" status, which automatically provides the voter with an absentee ballot, unless the voter specifically requests otherwise at least 35 days before election day. Current law already provides that status as an ongoing absentee voter must be indicated on the voter's registration record, and ends upon written request, death of the voter, return of an absentee ballot as undeliverable, and change in voter eligibility status, including "inactive" status under section 201.171. The bill requires the secretary of state to adopt rules to govern "ongoing absentee" procedures.
- 4 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,

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subdivision 3, to the new language in section 6 of the bill.

- 5 Absentee Ballot Envelope/Witness Certification.** Under current law, absentee ballot return envelopes must include a certificate of eligibility to vote, printed on the back of the envelope. In addition to a statement signed by the absentee voter swearing that the voter meets all requirements for absentee voting, the certificate must also contain a statement signed by a person who is registered to vote in Minnesota, or who is a notary public or otherwise authorized to administer oaths, stating that:

- (a) the absentee voter displayed the ballot as unmarked;
- (b) the absentee voter marked the ballot in the person's presence without showing how it was marked (or if the absentee voter is physically unable to mark the ballot, that the absentee voter directed another individual to mark the ballot); and
- (c) if the voter was not previously registered, that the absentee voter provided proof of residence.

Section 5 of this bill modifies the law by applying the inclusion and witness signature requirements for statements (a), (b), and (c) above only to absentee voters that have not previously registered to vote. Absentee voters who have previously registered to vote would no longer be required to vote in the presence of a witness.

- 6 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 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.

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.

- 7 Repealer.** Repeals a section of the law allowing a voter to request an absentee ballot be automatically sent because of a permanent inability to go to the polls resulting from an illness or disability. This section has been deemed redundant; the repeal does not remove or modify any substantive rights. Voters may request "ongoing absentee" status under section 203B.04, subdivision 6.

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