

HOUSE RESEARCH

Bill Summary

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Overview

This bill is the 2015 elections policy omnibus. The bill provides a number of miscellaneous changes to the laws governing voter registration, absentee voting, recounts, and other general election administration procedures. Article specific summaries are provided below.

Article 1: Election Administration

This article incorporates the provisions of **HF 840** (Sanders – Election administration technical); **HF 1387** (Nelson – Political party petitions); **HF 763** (Nash – Statutory cities candidate filing fees); **HF 275** (O’Driscoll – Voter registration crime investigations); and new policy related to vacancies in nomination. The original source of each section in each article is noted below.

Section

- 1 School board membership.** Modifies a procedural standard related to the transition and elimination of an office, when the voters of a school district have voted to reduce the size of the school board from seven members to six members. (HF 840)
- 2 Major political party.** Provides that the signature provided on a petition for major party status must be valid, and must have been obtained no earlier than January 1 of the year the petition is filed. (HF 1387)
- 3 Minor political party.** Provides that the signature provided on a petition for minor party status must be valid, and must have been obtained no earlier than January 1 of the year the petition is filed. (HF 1387)

Section

- 4** **Partisan offices.** Defines “partisan offices” to include federal offices, presidential electors, constitutional offices, and state legislative offices. This term is used in various chapters of the laws governing elections. (HF 840)
- 5** **Nonpartisan offices.** Defines “nonpartisan offices” to include judicial, county, municipal, school district, and special district offices. This term is used in various chapters of the laws governing elections. (HF 840)
- 6** **Form (voter registration application).** Eliminates a requirement that the paper form of a voter registration application be of suitable size and weight for mailing. (HF 840)
- 7** **Use of Department of Public Safety data.** Eliminates obsolete language, related to certain citizenship data that are provided to counties from the secretary of state.

A requirement that the data be provided at least monthly is moved and retained in the existing law. (HF 840)
- 8** **Investigations; prosecutions.** Modifies standards related to initiating a prosecution, when there is probable cause to believe that a voter registration crime has occurred. Current law requires that, if probable cause exists, a prosecution must proceed with a complaint or with whatever evidence is found. The bill provides instead that the county attorney’s obligation is to proceed according to the generally applicable standards regarding the functions and duties of a county attorney.

This section also eliminates existing language that requires a county attorney to forfeit office if a violation of the law is not prosecuted.

New language, providing that willful violation of the voter registration laws by a public employee is just cause for suspension without pay or dismissal, is also added.

(HF 275)
- 9** **Delivery of envelopes; directions (absentee voting).** Updates references to reflect the preparation of an “audio file” rather than a “cassette tape” for voters who request absentee voting instructions in an accessible format.

(HF 840)
- 10** **Marking and return by voter (absentee).** Permits a voter to return their own absentee ballot, in person, on election day. Current law provides that, if a voter’s absentee ballot is returned on election day, it must be delivered by an agent.

This change is consistent with the enactment of “no excuse” absentee voting in 2014.

(HF 840)
- 11** **Procedures on receipt of ballots (absentee).** Clarifies procedures for accepting or rejecting absentee ballots that are delivered by the voter on election day, or that are delivered by a package delivery service.

(HF 840)
- 12** **Duties of ballot board; absentee ballots.** Permits an absentee ballot to be accepted if the identification number provided by the voter on their return ballot matches the number

Section

provided on either the voter's absentee ballot application, or on the voter's registration record.

Current law requires that the identification numbers on the return ballot and the ballot application match, and does not permit verification with the voter's registration record.

(HF 840)

- 13 Submission of application (military absentee voters).** Eliminates obsolete language related to submission of a Social Security number in place of a military identification number, on an absentee ballot application submitted by a military voter. Social Security numbers are no longer required on the application.

(HF 840)

- 14 Address and telephone number (private data on affidavits of candidacy).** Allows a candidate to request that the candidate's address be classified as private data on the affidavit of candidacy, if the address is already classified that way under another provision of law.

Current law only permits the candidate's address to be classified as private if a police report or court order has been entered related to the safety of the candidate or the candidate's family.

(HF 840)

- 15 Partisan office (vacancy in nomination).** Provides that a vacancy in nomination does *not* exist if a candidate withdraws during the statutory withdrawal period. This means that, upon withdrawal, the candidate would not be replaced on the ballot with another candidate chosen by the party.

This section also provides that a vacancy in nomination *does* exist if a candidate is determined to be ineligible to hold the office, pursuant to a court ruling. This process is established in new law contained in later sections of the bill.

(New policy)

- 16 Partisan office (vacancy in nomination).** Updates a cross reference to reflect the change made in section 15 of this article.

- 17 Candidates for governor and lieutenant governor.** Updates a cross reference to reflect the changes made in section 15 of this article.

- 18 Applicability (Vacancy in nomination for nonpartisan office).** Provides that a vacancy in nomination for a nonpartisan office exists if a candidate is determined to be ineligible to hold the office, pursuant to a court ruling. This process is established in later sections of the bill.

(New policy)

- 19 High school students (election judges).** Permits high school students to serve as trainee election judges in any county, instead of only in the county in which the student resides.

(HF 840)

- 20 Type.** Eliminates a requirement that the names of candidates on a ballot be printed in capital letters.

Section

- (HF 840)
- 21 Candidates and offices.** Modifies the format and instructions for voting that are printed on the ballot.
(HF 840)
- 22 Question; form of ballot.** Modifies the format and instructions for voting that are printed on the ballot.
(HF 840)
- 23 Judicial candidates.** Eliminates a requirement that judicial offices on a ballot be printed in all capital letters.
- 24 Errors and omissions; remedy.** Permits an errors and omissions judicial proceeding, if a candidate has filed for an office and the candidate is not eligible to hold that office. If the complaint is successful, the candidate could be replaced on the ballot with another candidate, using the existing procedures for filling a vacancy in nomination.
(New policy)
- 25 Procedure (mail balloting).** Conforms the timeline for processing ballots received in an election conducted entirely by mail to the same timeline for processing absentee ballots.
(HF 840)
- 26 Elections covered.** Provides that the existing allowance for a voter to take time off from work in order to vote extends to all regularly-scheduled elections, including local elections.
(HF 840)
- 27 Voter's Bill of Rights.** Updates the "Voter's Bill of Rights" to reflect the expansion of the right to take time off from work in order to vote to all regularly-scheduled elections.
(HF 840)
- 28 Voting booths.** Eliminates a requirement that election judges instruct voters on how to "fold" a ballot. Current voting technology no longer requires ballots voted in a precinct to be folded.
(HF 840)
- 29 Marking ballots.** Updates language related to a voter's process for marking a ballot.
(HF 840)
- 30 Deposit of ballots in ballot box.** Updates language related to placement of ballots in a ballot box. A ballot is now placed in the ballot box directly by the voter, and is not handled by election judges after the voter has marked it.
(HF 840)
- 31 Votes for too many candidates.** Updates language related to a voter's process for marking a ballot.
(HF 840)

Section

- 32 Name written in proper place.** Updates language related to a voter's process for marking a ballot.
(HF 840)
- 33 All written names or marks counted up to limit.** Updates language related to a voter's process for marking a ballot.
(HF 840)
- 34 Different marks.** Updates language related to a voter's process for marking a ballot.
(HF 840)
- 35 Publicly-funded recounts (federal and state).** Provides a more specific deadline for making a written request for a publicly-funded recount of a federal or state election. Current law provides that the request must be received 48 hours after the election is canvassed. This section would require the request to be received by 5:00 p.m. on the second day after the canvass.
(HF 840)
- 36 Discretionary candidate recounts (federal and state).** Provides additional procedures to prevent a delay in the results of an election, if a discretionary recount is requested by a candidate. The discretionary recount of a primary election is prohibited from delaying the delivery of a notice of nomination to the winning candidate, and the results of any recount must be certified by the canvassing board "as soon as possible."
(HF 840)
- 37 Publicly-funded recounts (local).** Provides a more specific deadline for making a written request for a publicly-funded recount of a local election. This section would require the request to be received by 5:00 p.m. on the last day a recount may be requested. The deadline for requesting a recount is provided in existing law.
(HF 840)
- 38 Discretionary candidate recounts (local).** Provides additional procedures to prevent a delay in the results of an election, if a discretionary recount is requested by a candidate. The discretionary recount of a primary election is prohibited from delaying the delivery of a notice of nomination to the winning candidate, and the results of any recount must be certified by the canvassing board "as soon as possible."
(HF 840)
- 39 Time of issuance; certain offices.** Eliminates language that prohibits issuance of an election certificate to a winning candidate, if an election contest is pending.
(HF 840)
- 40 Certificate of legislative election.** Requires the secretary of state to deliver the certificate of election following a special election for a legislative office directly to the chief clerk of the house of representatives, or the secretary of the senate.

Section

Current law requires the certificate to be provided to the individual declared elected. The change contained in this section would conformed to procedures for delivering certificates of election in regularly-scheduled elections.

(HF 840)

- 41 Filing fees.** Authorizes cities to adopt candidate filing fees, for elections to city office, by ordinance. Current law provides a default set of filing fees, which vary in amount depending on the size of the city.

Charter cities are currently permitted to deviate from the statutory fees by charter amendment.

(HF 763)

- 42 Ballots.** Eliminates a requirement that certain ballot instructions be printed in capital letters.

(HF 840)

- 43 Notice filed with court.** Eliminates an unused reference to “other questions voted on statewide,” in a section related to election contest procedure. The only questions voted on statewide are proposed constitutional amendments, which are referenced separately in this provision of law.

(HF 840)

- 44 Notice served on parties.** Eliminates an unused reference to “other questions voted on statewide,” in a section related to election contest procedure. The only questions voted on statewide are proposed constitutional amendments, which are referenced separately in this provision of law.

(HF 840)

- 45 Statewide offices and questions.** Eliminates an unused reference to “other questions voted on statewide,” in a section related to election contest procedure. The only questions voted on statewide are proposed constitutional amendments, which are referenced separately in this provision of law.

(HF 840)

- 46 Questions; ballot details.** Updates language related to a voter’s process for making a ballot.

(HF 840)

- 47 Voting.** Updates language related to a voter’s process for making a ballot.

(HF 840)

- 48 Election; form of ballot.** Updates language related to a voter’s process for making a ballot.

(HF 840)

- 49 Ballot.** Updates language related to a voter’s process for making a ballot.

(HF 840)

- 50 Election; separate ballot.** Updates language related to a voter’s process for making a ballot.

Section

(HF 840)

51 Form of ballot. Updates language related to a voter's process for making a ballot.

(HF 840)

52 Repealer. Repeals the following provisions of law:

204B.14, subdivision 6, which provides a requirement that election precinct boundaries follow a census block line for the two years following the decennial census, and that the precincts then follow visible features that are clearly recognizable from the grounds (such as a street, river, shoreline, or railway).

204C.13, subdivision 4, specifying the procedure for "folding" a ballot. Current voting technology does not require a ballot to be folded.

204C.30, subdivision 1, which requires counties to deliver a copy of election result summary statements to the secretary of state.

383A.555, obsolete language related to a charter question appearing on the ballot in Ramsey County in 1990.

(HF 840)

Article 2: Military and Overseas Voting

This article contains the provisions of **HF 501** (Fenton), which expands the existing special procedures for absentee voting by members of the military and other citizens residing overseas to include members of the Minnesota National Guard.

It also allows adult children of citizens residing permanently overseas to vote in Minnesota elections, if a parent resided in Minnesota prior to leaving the country.

Section

- 1 Military.** Updates a definition of "military" to conform to the definition provided in the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and expands the definition to include members of the Minnesota National Guard, in the section of law that establishes eligibility to use special absentee voting procedures for members of the military and other citizens residing overseas.
- 2 Military service; temporary residence outside United States.** Updates a citation to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
- 3 Indefinite residence outside United States.** Permits citizens indefinitely residing outside of the United States, but who meet all the requirements for voting except residence in

Section

Minnesota, to vote in Minnesota elections if the citizen's parent maintained appropriate residence in Minnesota prior to departure from the United States.

- 4 **Submission of application.** Eliminates obsolete language related to use of a Social Security number on an absentee ballot application (Social Security numbers are no longer required on absentee ballot applications for military and other voters), and provides a conforming reference to reflect changes made in section 3.
- 5 **Required information.** Provides a conforming reference to the changes made in section 3, to update the conditions under which an absentee ballot application from a uniformed or overseas voter would be accepted.
- 6 **Special federal ballot.** Updates a citation to the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

Article 3: Uniform Faithful Presidential Electors Act

This article incorporates the provisions of **HF 172** (Lesch), enacting the Uniform Faithful Presidential Electors Act. In addition to establishing certain procedural requirements, the uniform act requires that a presidential elector vote for the candidates for president and vice-president to whom the elector is pledged.

Minnesota law already contains a requirement that electors vote for the candidates for president and vice-president to whom they are pledged, so the substantive effect of this bill is to conform technical aspects of administering the electoral college to the terms of the uniform law.

Section

- 1 **Petitions for presidential electors and alternates.** Adds conforming references to alternate presidential electors in a section related to presidential electors for candidates who are not nominated by a major political party. New procedures for alternate presidential electors are established later in the bill.
- 2 **Election of presidential electors and alternates.** Adds a conforming reference to the election of alternate presidential electors in the section specifying the date of the election.
- 3 **Nomination of presidential electors and alternates.** Adds a conforming reference to the nomination of alternate presidential electors by a major political party in the section of statute establishing the procedure for these nominations.
- 4 **Electors and alternates to meet at state capitol.** Strikes current provisions in statute related to filling vacancies in the office of presidential elector, and adds a cross-reference to the new procedures and duties of electors established later in the bill.

This section also specifies the meeting time for electors, which is moved from another section of statute that is repealed later in the bill.
- 5 **Short title.** Specifies the title for this act: the "Uniform Faithful Presidential Electors Act."

Section

- 6** **Definitions.** Establishes definitions for terms used in later sections of the bill, including “cast,” “elector,” “President,” “Unaffiliated presidential candidate,” and “Vice President.”
- 7** **Designation of state’s electors.** Requires submission of the names of elector nominees and alternate elector nominees for each elector position to the secretary of state. In the case of a presidential candidate representing a political party, the nominees must be submitted by the party. In the case of an unaffiliated presidential candidate, the nominees must be submitted by the candidate.
- The individuals chosen as electors are determined based on the results of the general election, as provided in current law.
- 8** **Pledge.** Requires elector nominees and alternate elector nominees to execute a pledge to support the candidate of the party, or the unaffiliated candidate, that made the nomination. The pledge must be submitted, with the corresponding names, to the secretary of state.
- 9** **Certification of electors.** Requires the governor to include certain content in the certificate of ascertainment, required by federal law as part of the electoral college voting process.
- The certificate of ascertainment is a document listing the electors, and substitute electors, nominated to the electoral college, and the vote totals received by each at the general election. This document is prepared before the electors actually meet to vote for president and vice-president.
- 10** **Presiding officer; elector vacancy.** Provides that the secretary of state presides at the meeting of the state’s electors held to cast ballots for president and vice-president, and establishes standards for filling vacancies in the event an elector is not present at the meeting.
- 11** **Electoral voting.** Establishes standards and the procedure for electors to mark ballots for president and vice-president.
- The elector must cast a vote for president and vice-president, and sign the elector’s name on the ballots. The secretary of state must verify that each elector marked the ballot for the candidate to whom the elector is pledged. If an elector casts a ballot for a different candidate, the ballot must not be accepted and the elector position must be declared vacant. The vacant position must be filled according to the standards established earlier in the bill, and the new elector must cast ballots according to this section.
- 12** **Electoral replacement; associated certificates.** Requires the secretary of state to prepare an amended certificate of ascertainment, if the final list of electors differs from that originally prepared by the governor, and forward the amended certificate to the governor for transmittal to the appropriate recipients.
- This section also requires the secretary of state to prepare a certificate of vote, signed by each of the electors who cast valid ballots.
- 13** **Uniformity of application and construction.** Requires consideration be given to uniformity of interpretation when applying these statutes, relative to the application and interpretation of the statutes in other states that have adopted this uniform law.
- 14** **Statewide office.** Adds a conforming reference to alternate presidential electors, in the chapter of law governing election contests.

Section

15 **Repealer.** Repeals two sections of statute that would become redundant or are superseded by the new provisions enacted in this bill, related to the preparation of a certificate of electors, and the meeting of the electors at the State Capitol.