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Overview

The DE1 amendment is the 2017 elections omnibus bill. It contains all, or portions of, the following bills:

H.F. 729 (O'Driscoll – Elections administration technical)

H.F. 2050 (West – Electronic roster signatures)

H.F. 463, as amended (Fenton – In-person absentee voting)

H.F. 1509 (Fischer – “I Voted” stickers)

H.F. 1472 (O'Driscoll – Local government primary canvassing)

H.F. 1585, with modifications (Quam – Uniform election dates)

H.F. 1393, as amended (Fenton – June Primary)

H.F. 371, as amended (Fenton – County Board vacancies)

H.F. 1696 (O'Driscoll – Statewide County Recorder appointment statute)

Various county office appointment authorization bills, impacting Benton, Marshall, Morrison, Pine, Rice, and Stearns Counties

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Article 1: Election Administration

- 1 **Appointments to fill vacancies; special elections.** Clarifies that a person elected to fill a vacant school board shall be seated immediately after receiving the certificate of election, filling the appropriate bond, and taking the oath of office.
- 2 **Technology requirements.** Permits the use of an electronic signature on a voter registration application, as part of a jurisdiction's use of a polling place electronic roster system. Current law requires that voter registration applications be printed and signed by the voter in hard-copy, even if an electronic roster is used to complete the form.
- 3 **Electronic records retention.** Provides standards for retention of electronic voter signature certificates and registration applications.
- 4 **Election day.** Provides a conforming change to reflect the allowance for the use of an electronic signature on a voter registration application, along with an electronic roster system.
- 5 **Alternative procedure.** Removes a limitation on the period for in-person absentee voting using a live ballot box. This alternative process would be allowed at any time during the absentee voting period, if a county chooses to offer it, rather than just during the seven days immediately prior to an election.

This section also requires the county auditor to inform voters that use of the alternate absentee process means they are unable to change their votes at a later date.
- 6 **Write-in candidates.** Sets a time-of-day deadline for write-in candidates to request that their votes be counted. The deadline for making this request is seven days prior to the election. Consistent with other recent changes in election law, this section requires that the request be submitted by 5:00 p.m. on the last day for making the request.
- 7 **Partisan office; vacancy in nomination.** Corrects an erroneous cross-reference related to vacancies in nomination for partisan office.
- 8 **Notice to voters.** Updates a cross-reference to reflect changes made in 2016 related to procedures for moving a polling place in the event of an emergency.
- 9 **"I VOTED" stickers.** Authorizes and clarifies the use of "I VOTED" stickers, including for absentee voters and voters in vote-by-mail precincts.
- 10 **State canvass.** Authorizes the State Canvassing Board to meet at any suitable public meeting space in the state Capitol complex to canvass the results of a state primary election.
- 11 **State canvass.** Authorizes the State Canvassing Board to meet at any suitable public meeting space in the state Capitol complex to canvass the results of a state general election.
- 12 **Results.** Permits local governments to canvass the results of a municipal primary on either the second or third day after the primary is conducted.

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- 13** **Date of election.** Modifies the deadline for a city to determine whether to conduct its municipal general election in an even-numbered year or odd-numbered year. Instead of a June 1 deadline, the city would be required to make this determination at least 180 days prior to the first day for candidate filing.
- This change conforms the law to other similar changes enacted following the shift in the date of the state primary from September to August.
- 14** **Vacancies in school district office.** Updates a cross-reference to reflect changes in law related to filling school board vacancies.
- 15** **Form of presidential ballots.** Provides technical modifications to the way presidential election ballots are printed.
- 16** **Soliciting near polling places.** Provides a conforming reference to changes related to “I VOTED” stickers made earlier in this article.

Article 2: Uniform Special Elections

Overview

This article requires that special elections conducted by local units of government (including counties, cities, towns, and school districts) be held on one of five possible dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August (the standard state primary date, in even years), or the first Tuesday after the first Monday in November (the standard state general election date, in even years).

An exception to this requirement would apply for special elections held in response to an emergency or disaster (a definition of both “emergency” and “disaster” are provided in the bill).

A variety of related conforming and implementing changes are included throughout this article.

Article 3: June Primary

Overview

This article shifts the date of the state primary election from the second Tuesday in August to the first Tuesday after the third Monday in June. Several changes to other election administration procedures are also included to conform to the new primary date.

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- 1 **Combined polling places.** Requires a combined polling place to be formally established by March 1, rather than May 1 of any year, and requires a municipality wishing to withdraw from a combined polling place to do so by February 1, rather than April 1, reflecting the shift in the state primary from August to June.
- 2 **Election judges; appointment lists.** Requires each major political party to submit lists of eligible voters to act as election judges by March 1, rather than May 1, reflecting the shift in the state primary from August to June. The county auditor would be required to distribute the lists to the appropriate officials by March 15, rather than May 15.
- 3 **State primary date.** Moves the date of the state primary from the second Tuesday in August to the first Tuesday after the third Monday in June.
- 4 **Example ballots.** Requires the secretary of state to provide an example ballot to each county auditor by March 1, rather than May 1, of each year, reflecting the shift in the state primary from August to June.
- 5 **Regular state primary.** Modifies a provision related to filling a vacant U.S. Senate seat, reflecting the shift in the date of the state primary election.
- 6 **Municipal primary.** Shifts the date of the municipal primary election to conform to the new date of the state primary election. A primary may be held on the first Tuesday after the third Monday in June in the year of the municipal general election.
- 7 **Cities; use of primary election.** Modifies the deadline for a city to choose to conduct a primary to elect nominees for city offices, reflecting the shift in the date of the municipal primary.
- 8 **School districts; use of primary election.** Modifies the deadline for a school district to choose to conduct a primary to elect nominees for school board offices.
- 9 **School district primary.** Shifts the date of the school district primary election to conform to the new date of the state primary election. A primary may be held on the first Tuesday after the third Monday in the year of the school district primary.
- 10 **Filing period; school districts.** Modifies the filing period for candidates to fill a school district office, reflecting the shift in the date of the school district primary.
- 11 **Notice of special election.** Modifies certain notice requirement deadlines related to school district special elections, reflecting the shift in the date of the school district primary.
- 12 **Alternation of candidate names.** Specifies that the determination of the rotation of candidate names on a ballot must be based on the number of voters registered in a precinct as of March 1 of the year in which the rotation will be used, reflecting the various primary election date shifts in the bill.
- 13 **Plan for use of electronic voting equipment.** Modifies the timeline for a municipality to notify the secretary of state of changes to its plan for use of an electronic voting system. The deadline is moved from May 1 to March 1, reflecting the various primary election date shifts in the bill.
- 14 **Effective date.** Provides the provisions in the bill are effective for elections conducted on or after January 1, 2018.

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Article 4: County Offices

Overview

This provides for appointments to certain county offices.

- 1 Board to fill vacancies in county offices.** Conforming amendment.
- 2 Option for filling vacancies; special election.** Permits a county board to appoint a person to temporarily serve as a county commissioner to fill a vacancy until a special election is held, if a special election is required. Requires an opportunity for public testimony before making the appointment.
- 3 Appointing county recorders.**

Subd. 1. Authority to appoint county recorder. Allows a county board to appoint, without a referendum, the county recorder if (1) there is a vacancy in the office, or (2) there is a signed contract between the board and the incumbent to the elected office that provides that the incumbent will be appointed to the position at the same or better tenure, pay, and benefit level. See subdivision 6, however, which authorizes a petition to require a referendum.

Subd. 2. Responsibility of county officer. Requires an elected county recorder to notify the county board in writing whether he or she will be filing for election for another term. If the current county officer will not file for election to the office and the board has passed a resolution to make the position appointed, affidavits of candidacy will not be accepted for that office and the office will not be placed on the ballot.

Subd. 3. Board controls; may change as long as duties done. Requires the duties of an office made appointive to be discharged by the county board acting through a department head. Allows for reorganization, delegation, and administrative changes and specifies that any change does not diminish, prohibit, or avoid discharge of statutory duties.

Subd. 4. Discharge or demotion. Provides that an incumbent appointed to the office must not be involuntarily demoted or discharged except for incompetency or misconduct. Before demoting or discharging an incumbent, the board must notify the incumbent appointed. The incumbent appointed may request a hearing before an arbitrator. The arbitrator must determine, by a preponderance of the evidence, whether the discharge or demotion is supported by the grounds provided. The arbitration hearing must be a closed meeting unless the incumbent appointed requests the meeting to be open. If the arbitrator rules not to demote or discharge, the board must pay all costs and fees.

Subd. 5. Incumbents to complete term. Requires that the person elected to the position be allowed to complete his or her term.

Subd. 6. Publishing resolution; petition, referendum. Requires the county board to publish notice of the proposal to make the office an appointed, and to allow for public comment on the proposal at a regular meeting of the board before the resolution

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is adopted. The resolution must be approved by at least 80 percent of the members of the board and takes effect after 30 days, unless a later date is provided in the resolution. If a sufficient petition requesting a referendum signed by at least 10 percent of the registered voters in the county and filed within 30 days after the adoption of the resolution, the resolution is rescinded.

Subd. 7. Reverting to elected offices. Prohibits the board from reverting to elected offices within three years after making the positions appointed. After notice and a hearing, the county board may adopt by a resolution to revert if approved by at least 60 percent of the board, effective on August 1 following the adoption. The question of whether to revert to elected offices must be placed on the ballot for the next general election if the position has been appointed for at least three years; a petition signed by 10 percent of the registered voters in the county is submitted, and the petition is sufficient. If a majority of voters voting on the question vote in favor of reverting to electing the offices, elections for that office must be held at the next regular or special election.

4 Officers elected; terms. Conforming amendment.

5 Vacancies, how filled. Conforming amendment.

6 County appointments. Provides special authorization for named individual counties to appoint certain officers, as follows:

6: Morrison County, Recorder

7: Benton County, Recorder

8: Pine County, Auditor-Treasurer

9: Stearns County, Recorder

10: Marshall County, Recorder

11: Rice County, Auditor-Treasurer and Recorder