

Subject Elections Administration

Authors Dehn

Analyst Matt Gehring

Date February 18, 2020

## Overview

This bill contains a number of miscellaneous updates and changes to the general laws governing the administration of elections.

## Summary

Section	Description
1	<b>Voting by program participant; absentee ballot.</b> Provides that a ballot and related voting materials for a participant in the Safe at Home address confidentiality program may be prepared and delivered by the secretary of state, based either on precinct information provided by a county auditor, or using information contained in the statewide voter registration system.
2	<b>Election day registration.</b> Expands the types of residential facilities that must participate in providing information on residents to the county auditor to facilitate election day registration activities. The new types of facilities added to the law include residential treatment programs and adult foster care programs.
3	<b>Form.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
4 - 5	<b>Instructions (voter registration applications).</b> Updates grammar related to the requirement that a voter provide a valid Minnesota driver’s license or identification card number, or the last four digits of their social security number, in order to register to vote. An exception applies only if the voter does not have one of these numbers. A registration application would not be considered deficient for lack of an identification number if the voter was not issued a number and the information can be verified using another database associated with the applicant’s name and date of birth.

Section	Description
6	<b>School district assistance.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
7	<b>Moved within state.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
8	<b>Postelection sampling.</b> Establishes a deadline for county auditors to report information on undeliverable postal verification card data to the secretary of state. These data must be reported no later than February 15 of each odd-numbered year, and cover the previous state general election. A report by the secretary of state on these data is currently due to the legislature by March 1 of each odd-numbered year. The legislative reporting structure is unchanged.
9	<b>Use of change of address system.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
10	<b>Forms.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
11	<b>Technology requirements.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
12	<b>Eligible voters.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
13	<b>Application procedures.</b> Conforms access to the list of persons applying for an absentee ballot to reflect the procedures for accessing the public voter registration list, including an authorization for a voter’s information to be withheld for safety reasons.
14 - 15	<b>Location; timing (absentee ballot polling locations).</b> Reorganizes language related to the designation of in-person absentee ballot polling places. The requirements for these designations remain unchanged.

Section	Description
16	<p><b>Names of persons; rejected absentee ballots.</b></p> <p>Conforms access to the list of persons whose absentee ballot has not been accepted to reflect the procedures for accessing the public voter registration list, including an authorization for a voter's information to be withheld for safety reasons.</p>
17	<p><b>Duties of ballot board; absentee ballots.</b></p> <p>Updates terminology in the law governing the work of absentee ballot boards, to refer to the inspection of "signature envelopes" rather than "return envelopes" to determine whether an absentee ballot should be accepted.</p>
18	<p><b>Opening of envelopes.</b></p> <p>Updates terminology in the law governing the work of absentee ballot boards when opening accepted ballot envelopes, to distinguish between "secrecy envelopes" and "signature envelopes."</p>
19	<p><b>Indefinite residence outside United States.</b></p> <p>Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."</p>
20	<p><b>Check of voter eligibility; proper execution of certificate.</b></p> <p>For Uniformed and Overseas Citizens Absentee Voters (UOCAVA), requires that the voter's address (in addition to their name) appears in substantially the same form on their ballot return envelope as it does in the application records provided by the voter to the county auditor.</p>
21	<p><b>State and local offices.</b></p> <p>Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."</p>
22	<p><b>Candidates in state and county general elections.</b></p> <p>Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."</p>
23	<p><b>Write-in candidates.</b></p> <p>Authorizes cities to require write-in candidates for city offices to request that their votes be counted, similar to the process required of candidates for county, state, and federal offices. Alternatively, a city may choose only to count write-in candidates if the total number of votes for that candidate is equal to or greater than the total votes for the candidate receiving the fewest votes whose name was printed on the ballot. Additional details for adopting these requirements are included in the bill.</p>

Section	Description
	This section also modifies standards for write-in candidates seeking election jointly with another candidate (governor and lieutenant governor, or president and vice president of the United States).
24	<b>Authority; location.</b> Modifies standards for when a local government must adopt an ordinance or resolution designating a polling place for each precinct. Rather than requiring an ordinance or resolution every year, a local government would only be required to adopt an ordinance or resolution if a polling place has changed.  Additional conforming changes are included.
25	<b>High school students.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
26	<b>Appointing authority; powers and duties.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
27	<b>Candidates and offices.</b> Requires the inclusion of a space for write-in votes on ballots for a special election.
28	<b>Authorization.</b> Authorizes the option of mail balloting for all towns, and all cities with fewer than 400 registered voters, regardless of their geographic location in the state. Under current law, these towns and cities are only eligible if they are located outside of a metropolitan area county.
29	<b>Procedure.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
30	<b>Mail elections; questions.</b> Authorizes a mail election ballot to include both a question and candidates for office, if there are overlapping municipal and school district jurisdictions and one of those jurisdictions has a question on the ballot. Current law prohibits offices from appearing on the ballot at a mail-only special election conducted for the purpose of submitting a ballot question to the voters.

Section	Description
31 - 32	<b>Elections; organized town.</b> Requires the town clerk to notify the secretary of state if the town will open its polling places later than 7:00 a.m. for a state primary, special, or general election. The authority to open later under certain conditions is provided in existing law.
33	<b>Method.</b> Authorizes election judges to presume that unopened, prepackaged ballots contain the number of ballots indicated by the package. These counts are used to verify the number of blank ballots remaining in a precinct at the end of an election.
34	<b>Delivery of returns to county auditors.</b> Reduces the number of precinct summary statements that must be delivered to the county auditor from each precinct after an election from two to one.
35	<b>State canvass.</b> Provides an explicit requirement that the State Canvassing Board declare the election of candidates for state and county office after the canvass is complete.
36 - 37	<b>Constitutional amendment recount.</b> Establishes standards for initiation of an automatic recount of a proposed constitutional amendment if the number of “yes” votes is within one-quarter percent of all other ballots at the election.
38	<b>Publicly funded recounts.</b> Modifies the time period during which a candidate may request a publicly funded recount. The request may not be filed before the canvass of the election results is complete.
39	<b>State partisan primary ballot; party columns.</b> Specifies the order in which offices must appear on the ballot in the event there is a special primary election held on the same day as the regular state primary election.
40	<b>Order of offices.</b> Specifies the order in which offices must appear on the ballot in the event there is a special election held on the same day as the regular state general election.
41 - 43	<b>Special election timeline; legislative vacancies.</b> Extends the period for conducting a special election to fill a vacant legislative seat by two weeks, in cases where an expedited process is required in order to allow the person elected to be seated quickly for a legislative session.

Section	Description
44	<b>Canvass; special primary; state canvassing board; contest.</b> Provides a deadline for contesting a special primary election for a state legislative office.
45	<b>Filing by candidates.</b> Requires candidates filing for a special election to fill a vacant United States Senate seat to specify the term that the candidate seeks, if both of the state's U.S. Senate seats will be on the same ballot at the election.
46	<b>United States senator; candidates; designation of term.</b> Provides ballot formatting requirements when both of the state's U.S. Senate seats are on the same ballot at an election.
47	<b>Nominating petitions; cities of the first class.</b> Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."
48	<b>School district canvassing board.</b> Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."
49	<b>Board elections.</b> Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."
50	<b>Contracts required.</b> Eliminates an obsolete cross-reference to a law that was repealed in 2010.
51 - 52	<b>Standard of acceptable performance by voting system.</b> Reduces the threshold for conducting additional postelection reviews of a voting system. Under current law, a voting system review is expected to show variation of no more than one-half of one percent compared to a manual count of the offices subject to review. This section would allow for no more than one-quarter of one percent variation before additional reviews would be required.
53	<b>Ballots.</b> Standardizes the ballot title used in elections when both municipal and school district candidates or questions appear on a ballot, regardless of whether the election is conducted in an odd- or even-numbered year.

Section	Description
54	<b>Conducting presidential nomination primary.</b> Clarifies that voters voting under the Safe at Home address confidentiality program procedures must be permitted to cast a ballot using those procedures at the presidential nomination primary.
55	<b>Form of ballots; candidates on ballot.</b> Limits certain duties of political parties at a presidential nomination primary to only apply to those parties actually participating in the primary.
56	<b>Notice of primary to public.</b> Eliminates a reference to the public accessibility of a voter's party choice at a presidential nomination primary, in a required notice related to the primary. Following other changes to the law, the data is no longer handled in the way described in the notice.
57	<b>Nomination of presidential electors and alternates.</b> Modifies the deadline for major political parties to certify to the secretary of state the names of their presidential elector nominees.
58	<b>Notice filed with court.</b> Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."
59	<b>Soliciting near polling places.</b> Narrows the prohibition on campaigning near a polling place on election day so that it only applies during voting hours.
60	<b>Vacancies.</b> Provides a terminology update, to refer to a place where a voter "maintains" or "maintained" residence rather than a place where the voter "resides" or "resided."
61	<b>Requirement, fee.</b> Extends an existing requirement that a person elected to a town office take the oath within ten days after receiving a certificate of election or appointment to include those elected at a special election.
62	<b>Vacancy.</b> Provides that the general laws governing the conduct of elections applies to special election to fill a vacant city council seat, as far as practicable.

Section	Description
63	<b>Candidates; ballots; certifying election.</b> Provides a terminology update, to refer to a place where a voter “maintains” or “maintained” residence rather than a place where the voter “resides” or “resided.”
64	<b>Elections (appropriation).</b> Extends the availability of an appropriation first enacted in 2017 for elections equipment grants. These funds are scheduled to expire June 30, 2020. This section would make the funds available until June 30, 2022.



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155