

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLNSTED

THIRD JUDICIAL DISTRICT

Court File No. _____

Minnesota Voters Alliance, the Republican Party of Minnesota, Duane Quam, Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris, on behalf of themselves and all others similarly situated,

Petitioners,

**PETITION FOR A
WRIT OF MANDAMUS**

vs.

County of Olmsted, Minnesota, its Board of Commissioners, and Mark Krupski, Director of Property Records and Licensing or their successors,

Respondents.

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INTRODUCTION

The Respondents County of Olmsted, its Board of Commissioners, and its Director of Property Records and Licensing, or their successors, have failed to comply with legislative statutory mandates regarding county ballot board election judges. Ignoring specific legislative mandates for party balance of election judges and using staff, improperly designated as deputy county auditors, of the County's Property Records and Licensing Department to accept or reject absentee ballots, Olmsted County governmental officials have acted contrary to the Legislature's express public policy demanding party balance for election judges in performing their expressed statutory duties. The County's actions must be compelled to comply with their mandatory statutory duties.

The Petitioners Minnesota Voters Alliance, Republican Party of Minnesota, Duane Quam, Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris, petition this Court for a writ of mandamus, under Minnesota Statutes §§ 586.01, et. seq. The writ is sought to compel the Olmsted County Board of Commissioners and the County's Property Records and Licensing Director, to comply with the governing provisions of Minnesota Statutes § 203B.121, subdivisions 1 and 2 and § 204B.21, subdivision 2 for the County's ballot board. In this regard, the County Board of Commissioners, as a matter of policy for the November 2020 general election, has failed to act as the appointing authority regarding its mandatory statutory duties:

- to appoint election judges to the Olmsted County ballot board, Minn. Stat. § 203B.121, subd. 1;
- to exhaust all major political party lists regarding appointments to the Olmsted County ballot board, Minn. Stat. § 204B.21, subd. 2;

- to obtain from the Board’s appointed ballot board members, a statement of their major party affiliation or a statement of non-major party affiliation, Minn. Stat. § 204B.21, subd. 2; and
- to ensure that deputy county auditors serving on the county ballot board meet the mandatory statutory requirements of deputy county auditors under Minnesota Statutes § 384.08.

The Director of Property Records and Licensing, as a matter of policy for the November 2020 general election, failed to act in accordance with the mandates of § 203B.121 that expressly provides for ballot board election judge duties. Here, the Director failed to act as to his mandatory statutory duties:

- to ensure that election judges who accept or reject absentee ballots are from different major political parties, Minn. Stat. § 203B.121, subdivision 2;
- to obtain from each individual, before their appointment as an election judge to the ballot board, a statement of their major party affiliation or a statement of non-party affiliation, Minn. Stat. § 204B.21;
- to exclude from serving on the ballot board any individual who fails to provide a statement of their major party affiliation or a statement of non-party affiliation as an election judge, Minn. Stat. § 204B.21;
- to prohibit either temporary, part-time, or permanent Property Records and Licensing staff from serving as ballot board members wherein governing statutes for ballot boards mandate that only ballot board election judges or deputy county auditors serving as election judges are to accept or reject absentee ballots and perform other prescribed statutory duties, Minn. Stat. § 203B.121, subd. 2; and
- to ensure that deputy county auditors serving on the county ballot board meet the mandatory statutory requirements of deputy county auditors under Minnesota Statutes § 384.08.

The writ is needed to require Olmsted County, through its Board of Commissioners, and the Director of Property Records and Licensing, to act in accordance with the legislative

mandates for the county's ballot board under Minnesota Statutes § 203B.121. No other legal remedy is available to immediately correct the actions of these County officials.

JURISDICTION

Jurisdiction of the district court over this petition for a writ of mandamus is conferred under Article VI, § 3 of the Minnesota Constitution and Minnesota chapter 586. Minnesota Statutes §§ 117.045 and 586.01 statutorily confer the district court's jurisdiction. There are no other alternative remedies at law for the relief requested.

This Court also has jurisdiction over class actions under Rule 23 of the Minnesota Rules of Civil Procedure.

PARTIES

Petitioner Minnesota Voters Alliance

1. The Minnesota Voters Alliance is an organization with members who seek to ensure, as part of their association objectives, public confidence in the integrity of Minnesota's elections, in election results and election systems, processes, procedures, and enforcement, and also that public officials act in accordance with the law in exercising their obligations to the people of the State of Minnesota. Its membership also includes election judges of major Minnesota political parties. The Minnesota Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions threaten or impede implied or expressed rights or privileges afforded to them under our constitutions or laws or both. Its membership includes candidates seeking elective offices.

Petitioner Republican Party of Minnesota

2. The Republican Party of Minnesota is a major political party. The Republican Party does present to the Secretary of State a list of Republican Party members who desire to be election judges. As part of this process, the Republican Party has expectations that as a major party, members will be appointed as election judges to ballot boards including the Olmsted County ballot board to ensure major political party balance when absentee ballots are accepted or rejected, as required by law under Minnesota Statutes § 203B.121 and as the Legislature specifically intended.

Petitioner Duane Quam, Ramsey County Commissioner Candidate

3. Duane Quam is presently a candidate for elected office as a Minnesota House of Representative for District 25A in Olmsted County in the November 2020 general election. He is a member of the Minnesota Voters Alliance. Quam resides in Olmsted County, Minnesota, and is an eligible and registered voter. He plans to vote absentee due to the current COVID-19 health crisis.

4. Nevertheless, if elected to office, Quam will have a legal right or privilege to take the public office as a result of the election outcome. In light of the COVID-19 health crisis and the Governor's Executive Orders, Quam anticipates that many of his supporters, as a necessity, will resort to absentee balloting to cast their ballots.

5. Because the Olmsted County ballot board will play a significant role in the upcoming election contest, for any governmental entity or election official not to abide by the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the

November election result. Notably, failing to follow the laws related to the acceptance, rejection, and counting of absentee ballots in Olmsted County can have a direct impact on Quam's legal right or privilege to take public office as a result of the election outcome.

6. In this November's election, Quam intends to vote absentee. But, he believes voting absentee may not bring to him the same level of certainty that his vote will be properly tabulated and will not undergo a process of rejection where at the polling place any uncertainty can be immediately addressed. By this petition, he invokes his right to have his absentee ballot processed in full compliance with the laws for tabulating absentee ballots because those laws reduce additional risk that his ballot may be improperly rejected.

**Petitioners Thomas M. Blondell, Larry F. Mattson, and
Wayne Delano Harris**

7. Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris are election judges and are on major political party lists for selection with Olmsted County as election judges for the 2020 general election. All are registered eligible voters who reside in Olmsted County and are members of the Minnesota Voters Alliance.

8. Blondell, Mattson, and Harris also seek appointment, as election judges, to the Olmsted County ballot board under Minnesota Statutes § 203B.121, subdivision 1. However, appointment to the ballot board by Board of Commissioners is denied when, contrary to § 203B.121, subdivision 1, appointments are made solely by the Director of Property Records and Licensing and the Board of Commissioners appoints staff of the Property Records and Licensing Department to the ballot board—inappropriately—and doing so without regard to party list exhaustion. That process, established by the Olmsted County for the 2020 primary elections is the same process is being used in 2020 general elections. Blondell, Mattson, and

Harris are denied the opportunity to seek Board of Commissioners appointment to the ballot board, by the Board's misapplication of the law and by the Director of Property Records and Licensing, and, thereby, are prevented from the possibility of performing the duties of the ballot board, including accepting and rejecting absentee ballots. Minn. Stat. § 203B.121, subd. 2. Instead, the County Board and Director of Property Records and Licensing have staff, or temporary staff, do the accepting or rejecting of absentee ballots.

Respondent County of Ramsey Board of Commissioners

9. The Olmsted County Board of Commissioners, acting for the County of Olmsted, is the county governing body under Minnesota Statutes § 203B.121, subdivision 1 that, by ordinance or resolution, establishes a ballot board. Under subdivision 1, the board is responsible for handling absentee ballots.

10. The Olmsted County ballot board is required to include election judges trained in handling absentee ballots and appointed in accordance with §§ 204B.19 to 204B.22. The Board of Commissioners, as the appointing authority, must appoint election judges to the board. Minn. Stat. § 204B.21, subd. 1.

Respondent Olmsted County Director of Property Records and Licensing, Mark Krupski

11. Mark Krupski is the Director of Property Records and Licensing for Olmsted County. Krupski is responsible for all matters relating or regarding elections within the jurisdiction of Olmsted County for the November 2020 general elections.

12. Krupski is responsible for the administrative and management support of the Board of Commissioners' appointed ballot board and all individuals engaged by him as the Director of Property Records and Licensing for all duties related to the election processes.

Attached documents relevant to the Petition identified as Exhibits 1 - 4.

13. Attached as **Exhibit 1** is a copy of Olmsted County Board of Commissioners “Request for County Board Action” memorandum and attached Resolution 20-139 dated July 21, 2020. The approved Resolution authorized, among other election related matters, the 2020 County ballot board (referred to as the “Absentee Ballot Board”). The resolution is identified as the “July 21st Resolution” throughout this Petition.

14. Attached as **Exhibit 2** is a copy of the 2013 House of Representatives House File No. 979.

15. Attached as **Exhibit 3** is a copy of the House Research Bill Summary dated March 7, 2013.

16. Attached as **Exhibit 4** is a copy of Minnesota Session Laws—2013, Regular Session.

FACTUAL BACKGROUND

I. Minnesota voters may cast a vote by absentee ballot.

17. Minnesota will hold general elections on November 3, 2020.

18. Prior to the date of the election, eligible Minnesota voters will be allowed the privilege to vote by absentee ballot.

II. The Olmsted County Board of Commissioners establishes the ballot board for absentee ballots.

19. In Olmsted County, Minnesota, the absentee ballot process will include a ballot board. Minn. Stat. § 203B.121.

20. Under Minnesota Statutes § 203B.121 subdivision 1, the governing body of each county and municipality, as the governing authority, is to establish a ballot board.

21. The governing body in Olmsted County is the Olmsted County Board of Commissioners and thus, is the policy-determining body of the county.

22. The Olmsted County Board of Commissioners establishes the ballot board. Minn. Stat. §203B.121, subd. 1.

23. On July 21, 2020, the Olmsted County Board of Commissioners passed a resolution that established the County's ballot board, referred to as the "Absentee Ballot Board." *See* Exhibit 1.

24. Minnesota Statutes § 203B.121, subdivision 1 states that the ballot board "must consist of a sufficient number of election judges...and *appointed* as provided in sections 204B.19 to 204B.22." Emphasis added.

25. The July 21st Resolution provided that all members of the Olmsted County ballot board be all Property Records and Licensing Department staff for election purposes who have been appointed by the Director of the Department whom he appointed as "deputy county auditors." *See* Exhibit 1.

26. Olmsted County does not have a "county auditor." The position was abolished under Olmsted County Resolution 98-131, enacted in December of 1998. The abolished Auditor-Treasurer duties are now performed by the Director of Property Records and Licensing and a Chief Financial Officer. Olmsted Cty Resol. (Minn.) 98-121 (1998).

27. Under Resolution 98-131, the Director of Property Records and Licensing "shall have the responsibilities formerly performed by the county auditor and which are related to land records, taxation, collection of all property taxes, licenses and elections." *Id.*

28. Resolution 98-131 also stated that “[t]he Director of Property Records and Licensing and any deputy authorized by the said Director may sign documents of said department and any which have been by law or custom signed by the County Auditor.” *Id.*

29. However, even if Krupski, as Director of Property Records and Licensing is the equivalent of a “county auditor,” he did not legally appoint and cannot appoint the entire Property Records and Licensing Department staff as “deputy county auditors.” *See* Exhibit 1.

30. Moreover, the Olmsted Board of Commissioners cannot appoint *only* deputy county auditors to serve on the ballot board “to perform the task” presumably to accept or reject absentee ballots under § 203B.121, subdivision 2. *See* Exhibit 1.

31. In addition, there is no evidence that the Krupski appointments of the entire Property Records and Licensing Department staff as “deputy county auditors,” met the statutory requirements of Minnesota Statutes § 384.08 in all respects.

32. While the Board of Commissioners are able to appoint deputy county auditors to the ballot board there are limitations and statutory guidelines that must be adhered to before and after those appointments.

III. Election judges must be on the ballot board.

33. Under Minnesota Statutes § 203B.121, subdivision 1(a), the Legislature mandated as to who “must” be on the ballot board: “the board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22.” Sections 204B.19 to 204B.22 govern election judges, from qualifications to numbers required:

- § 204B.19 refers to election judge qualifications;
- § 204B.195 refers to time off from work to serve as an election judge;
- § 204B.20 refers to the head election judge and duties;
- § 204B.21 refers to the appointment of election judges; and
- § 204B.22 refers to the number of election judges required.

34. Although the statutes identified apply to precincts, the statutes are applicable to the appointment of election judges to the ballot board. Minn. Stat. § 203B.121, subd. 1.

35. The Olmsted County July 21st Resolution (Exhibit 1) acknowledged that §§ 204B.19 to 204B.22 are applicable to ballot board appointments.

36. The phrase “sufficient number of election judges” in § 203B.121, subdivision 1 refers to the minimum number of election judges needed to carry out the mandated duties under § 203B.121, subdivision 2. The minimum number is found under §204B.21, subdivision 2:

“At least two election judges...must be affiliated with different major political parties.”

37. The “sufficient number” is consistent with one provision of Minnesota Rule 8210.2450 regarding election judges reviewing absentee ballots:

“Two or more ballot board members from different major political parties must review the absentee ballots returned....”

38. Therefore, only election judges from different major political parties must review absentee ballots. Minn. Stat. § 203B.121, subd. 2.

IV. Section 204B.19 allows for any eligible voter to be appointed an election judge provided other qualifications are met.

39. Election judges are statutorily defined under Minnesota Statutes § 204B.19, subdivision 1, as “any individual who is eligible to vote in this state is qualified to be appointed as an election judge.”

40. Under Minnesota Statutes § 204B.19, subdivision 4, “the appointing authority may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge. The appointing authority may examine any individual who seeks appointment as an election judge to determine whether the individual meets any qualification established under this section.”

41. The Olmsted County Board of Commissioners has no other additional qualifications for election judges.

42. Under Minnesota Statutes § 204B.21, subdivision 2, election judges are to be *appointed* by the governing body, here, the Olmsted County Board of Commissioners.

43. Minnesota Statutes § 204B.21, subdivision 2, describes how election judges are to be appointed by the appointing authority. Under subdivision 1, in the first instance, major political party lists¹ are provided to the Secretary of State, who in turn provides them to the county auditor. Minn. Stat. § 204B.21, subd. 1.

¹ In Minnesota, there are four major political parties; the Minnesota Democratic–Farmer–Labor Party (DFL), the Republican Party of Minnesota, Grassroots-Legalize Cannabis Party, and the Legal Marijuana Now Party. Minn. Sec. of State; <https://www.sos.state.mn.us/elections-voting/how-elections-work/political-parties/> (last visited June 16, 2020).

44. As provided in § 204B.21, subdivision 2, the appointment of election judges is made from the major political party lists. If no lists are furnished or if the lists are exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge. *Id.* See also, Minn. Stat. § 204B.19.

45. If an individual is appointed from a source other than the furnished major political party lists as required under § 204B.21, subdivision 1, that individual “must provide to the appointing authority the individual’s major political party affiliation or a statement that the individual does not affiliate with any major political party.” Minn. Stat. § 204B.21, subd. 2. An individual who refuses to provide the statement of party affiliation or non-party affiliation “must not be appointed as an election judge.” *Id.*

46. Therefore, only upon the exhaustion of election judges identified from major political party lists for purposes of appointments to the ballot board, may deputy county auditors be appointed.

47. Nevertheless, when a deputy county auditor is appointed to the ballot board, the person is considered as an election judge and is required to follow the legislative mandates of § 204B.21, including the disclosure of their respective major political party affiliation or a statement of non-affiliation.

48. There is no evidence that Kruski provided that information of the deputy county clerks to the Board of Commissioners prior to their appointment.

49. There is no evidence that Kruski obtained that statutorily mandated statement of major political party affiliation or statement of non-affiliation from the appointed deputy county clerks to comply with § 203B.121, subdivision 2 to accept or reject absentee ballots.

V. Only statutorily qualified deputy county auditors may serve on the county ballot board.

50. Minnesota Statutes § 203B.121, subdivision 1, allows, under certain circumstances, deputy county auditors to serve on a county ballot board. First, deputy county auditors may serve *after* the exhaustion of major political party lists of election judges who are appointed as ballot board members.

51. Second, only qualified deputy county auditors may serve on the county ballot board. A qualified deputy county auditor is statutorily defined under Minnesota Statutes § 384.08.

52. Section 384.08 allows Mark Krupski, Director of Property Records and Licensing, by a “certificate in writing” to appoint deputies.” There is no evidence Krupski provided the “certificate in writing.”

53. The appointed deputies,” *before* entering their duties,” must “record with the county recorder” those certificates. The certificates are to be endorsed with their “oaths of office.” Minn. Stat. § 384.08. There is no evidence that Krupski has done so.

54. Section 384.08 also states the duties of the county deputy auditor:

Such deputies may sign all papers and do all other things which county auditors may do.

55. In addition, § 384.08 mandates that the county auditor “require bonds of their deputies in such amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure.”

56. There is no evidence Krupski’s appointed deputy county auditors have that authority since the Board of Commissioners’ July 21st Resolution states that the deputy

county auditors are appointed only in the capacity of election judges under §§ 204B.19 to 204B.22 to perform election judge tasks.

57. There is no evidence Krupski has exhausted the major political party lists of election judges as appointments to the ballot board. Instead, the Board of Commissioners, as a matter of public policy—with the Director of Property Records and Licensing—use department staff to supplant, substitute, replace, or exchange election judges from major political party lists with “deputy county auditors.”

58. When legally appropriate, if a “deputy county auditor” is appointed and serves on a ballot board, the person must serve as an “election judge” regardless of the title “deputy county auditor.” If the person is to perform the duties of an election judge under § 203B.121, subdivision 2, such as accepting or rejecting absentee ballots, the person must disclose their major political party affiliation. If they do not, the person may not act as an election judge under subdivision 2 and may not be given duties to accept or reject absentee ballots. However, election judges not qualified to perform duties under § 203B.121, subdivision 2, could perform other duties as outlined under the statute, such as counting ballots. *See e.g.*, Minn. Stat. § 203B.121, subd. 5.

59. In short, the appointments of the Olmsted County Board of Commissioners and the Director of Property Records and Licensing Department’s entire county staff as “deputy county auditors” failed to meet the requirements of § 384.08 to be appointed “deputy county auditors,” and they cannot serve as election judge members on the County’s ballot board.

60. None of the Board of Commissioner appointments of county staff identified as “deputy county auditors” in the July 21st Resolution for the specific assignments related to elections may serve as ballot board members under § 203B.121.

61. Meanwhile, without waiving any argument presented as it pertains to the Legislature’s specific designation of “deputy county auditors,” there is no provision under § 203B.121 that allows other county auditor or other county staff, who are not a bona fide “deputy county auditor,” either permanent or temporary employees, to serve on the ballot board or otherwise perform the duties of election judges. In other words, a person designated as a staff person or employee of the county auditor’s office *may not* either serve on the ballot board *or* perform any duty of an election judge mandated under § 203B.121, subdivision 2.

VI. If there is any statutory ambiguity under § 203B.121, subdivision 1, regarding a qualified “deputy county auditor” as requiring the disclosure of the person’s major political party affiliation, legislative history resolves that issue.

62. When the Legislature first enacted § 203B.121, staff of any county or municipality could be appointed to the ballot board provided they were trained as election judges:

The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.²

² § 203B.121, subd. 1(a); Minn. Sess. Laws–2010, Reg. Sess. Ch. 194 Minn. Laws (original underlining).

63. There is nothing in the statute then, as now, that exempts any appointee to the ballot board from disclosing their party affiliation. To do so, would defeat the purpose of the intended party balance sought.

64. “Staff trained as election judges” appeared explicit in 2010, that the duties performed under § 203B.121, subdivision 2, required the disclosure of the person’s party affiliation. That training, as a matter of course, had to include the accepting and rejecting of absentee ballots as directed under the first provision of the ballot board election judge duties under § 203B.121, subdivision 1:

The governing body of each county, municipality...with the responsibility to accept and reject absentee ballots....

65. Notably, the statutory provision also mandates a prerequisite—a sufficient number of election judges appointed in accordance with statutes §§ 204B.19 to 204B.22. In short, in 2010, the ballot board could include staff, but not until there were at least two election judges—appointed as to the requirements of the identified statutes.

66. Even so, the elements of those statutes §§ 204B.19 to 204B.22 would have applied to the staff. For instance, § 204B.21 is explicit:

If no lists have been furnished or if *additional* election judges are required...the *appointing authority* may *appoint* other individuals who meet the qualifications to serve as an election judge.³

67. Thus, in 2010, staff were election judges and as election judges, they would still be required to be appointed by the appointing authority—because of the exhaustion of major political party lists or when lists were not furnished.

³ Minn. Stat. § 204B.21, subd. 2.

68. Further, in 2010, the staff would be required to disclose their major political party affiliation in accordance with § 204B.21, subdivision 2, as they are being appointed “from a source other than the list,” here, county or city staff:

An individual who is appointed from a source other than the list furnished pursuant to ...must provide the appointing authority the individual’s major political party affiliation or a statement that the individual does not affiliate with any major political party.

69. Section 203B.121, subdivision 2, in 2010, provided two types of sources from which appointees could be obtained to serve on the ballot board as it is the explicit duty of the appointing authority to “establish a ballot board.”⁴

70. The establishment of the ballot board necessarily requires the make-up of the board, that is, appointments to the board.

71. Again, the appointing authority has two sources to establish the board—identified election judges from major political party lists or from another source if no party lists are provided or are exhausted. But, nothing in 2010 suggests that the staff—trained as election judges – were exempt from party affiliation disclosures.

72. This was affirmed three years later. In 2013, the Minnesota House of Representatives introduced House File No. 979 which explicitly sought to exempt staff from disclosing party affiliations:

Election judges performing duties in this section must be of different major political parties, unless they are staff of the county auditor, municipal clerk....⁵

⁴ Minn. Stat. § 203B.121, subd. 1.

⁵ Minn. House File No. 979; li. 6.30 (2013);

https://www.revisor.mn.gov/bills/text.php?number=HF979&type=bill&version=1&session=ls88&session_year=2013&session_number=0 (last visited July 27, 2020).

73. As the House Research Bill Summary stated, section 12 of House File No. 979 meant to exempt party affiliation disclosure as necessary in complying with mandated duties under § 203B.121, subdivision 2 to accept or reject absentee ballots of election judges from different major political parties:

Exempt[] staff of the county auditor, municipal clerk, and school district clerk from party affiliation requirements that otherwise apply to election judges serving on an absentee ballot board.⁶

74. The exemption was never enacted.

75. Little has changed from 2010's original enactment of § 203B.121 to the present. The provision identifying "staff" as a second source as members of the ballot board was amended in 2013. The provision narrowed the second source for the appointing authority to specific identified individuals who are staff of the county—deputy county clerks:

The board may include ~~staff trained as election judges~~ deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.⁷

76. As previously noted, deputy county clerks are defined under Minnesota Statutes § 384.08. While their "official" day-to-day duties relate specifically to their particular office, the title does not translate to service on a ballot board. For example, under § 384.08, duties may include "sign[ing] of all papers and do all other things which county auditors may do." First, a county auditor does not and cannot serve on a ballot board—and, serving on a ballot board is certainly not "another thing" that county auditors do.

⁶ House Research Bill Summary (Mar. 7, 2013); <https://www.house.leg.state.mn.us/hrd/bs/88/HF0979.pdf> (last visited July 27, 2020).

⁷ Minn. Sess. Laws—2013, Reg. Sess. Ch. 131, §17 (2013).

77. Second, serving on a ballot board is not a “thing” a county auditor does, even in an election year. Thus, the title “deputy county auditor” is nothing more than an identifier for a second source from which the appointing authority may choose from. And as a second source, the deputy county auditor is in fact an “election judge” as found under §204B.21, performing the statutory duties of election judges under § 203B.121, subdivisions 2 through 5 as members of the ballot board.

78. Nevertheless, the amendment to § 203B.121, subdivision 1, eliminating the general “staff” designation of the pre-2013 statute has become more restrictive as to who may be appointed to the ballot board as members by the appointing authority.

79. The remaining part of the statutory phrase, “received training in the processing and counting of absentee ballots” describes the duties of election judges under § 203B.121, subdivision 2. Nowhere does the provision exempt county deputy auditors from disclosing their major political party affiliation.

VII. Specific statutory mandates govern accepting or rejecting absentee ballots.

Party partisan election judges perform the duties of accepting or rejecting absentee ballots since the Legislature requires party balance for those decisions which excludes all county officials and staff.

80. Under Minnesota Statutes § 203B.121, subdivision 1, a sufficient number of election judges must be appointed to a ballot board to perform the duties under subdivision 2 who are trained in the handling of absentee ballots “*and appointed as provided in sections 204B.19 to 204B.22.*” Emphasis added.

81. Election judges performing the statutory duties under § 203B.121, subdivision 2, must be from two different major political parties:

“Election judges performing the duties in this section must be of different major political parties....”

82. Under Minnesota Statutes § 204B.21, subdivision 2, election judges are to be first selected from previously provided major political party lists. Minn. Stat. § 204B.21.

83. Further, under § 204B.21, subdivision 2, “if no lists have been furnished or if additional election judges are required after all listed names in that municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge.” The appointing authority is the Olmsted County Board of Commissioners.

84. Therefore, until the major political party lists are exhausted, no other ballot board member may be appointed as an election judge, including deputy county auditors to serve on a ballot board. Furthermore, there is no provision under § 203B.121 that allows a county auditor official, staff person, or another employee of the county auditor’s office, here the Property Records and Licensing Department, to either be appointed to the ballot board or do any work prescribed expressly to an election judge.

85. The Minnesota Republican Party did submit a list of election judges to the Secretary of State. The Secretary did forward a list of Republican Party election judges to Olmsted County, to the Director of Property Records and Licensing.

86. Meanwhile, even if a deputy county auditor is appointed to the ballot board, the person must meet all requirements of an election judge, including the mandates found in Minnesota Statutes § 204B.21.

87. Even if a “deputy county auditor” is appointed by the Olmsted County Board of Commissioners—presuming Krupski followed all mandates under § 384.08—the person must still meet all requirements of an election judge, including the disclosure of the person’s affiliation with a major political party *before* she may perform any duty prescribed under § 203B.121, subdivision 2 in accepting or rejecting absentee ballots wherein the statutory mandate requires persons from two different major political parties to perform those duties.

88. Under § 204B.21, subdivision 2, “an individual who is appointed from a source other than the list furnished pursuant to [§204B.21] subdivision 1 *must* provide to the appointing authority the individual’s major political party affiliation or a statement that the individual does not affiliate with a major political party.” Emphasis added. An individual who refuses to provide their major political party affiliation or a statement that the individual does not affiliate with a major political party “*must not* be appointed as an election judge.” *Id.* Emphasis added.

89. “Must” means “be obligated to; should...used to insist on something.” Oxford American Desk Dictionary & Thesaurus 523 (3rd ed. Oxford University Press (2010)).

90. Minnesota Statutes § 203B.121, subdivision 2, defining the duties of ballot board election judges, requires that they “*must be* of different major political parties....” Emphasis added. The mandate reflects the Legislature’s intent to ensure party balance in the performance of duties related to the decision-making process to accept or reject absentee ballots. Minn. Stat. § 203B.121, subd. 1.

91. Further, while a “deputy county auditor” may swear as an employee of the County Auditor’s Office to be non-partisan, the mandate of the Legislature requires the disclosure of the person’s major political party affiliation when a deputy county auditor is appointed to the ballot board and hence, is acting as an election judge in the acceptance or rejection of absentee ballots or other duties under § 203B.121, subdivision 2. As § 203B.121, subdivision 2 mandates, only election judges from different major political parties may accept or reject absentee ballots. Hence, there can be no claim that non-partisanship is acceptable to perform election judge duties under § 203B.121, subdivision 2.

92. However, should there be appointed an election judge to the ballot board who has provided a statement of non-major party affiliation, the individual may do limited election judge duties as prescribed elsewhere in the statute, under, for instance, § 203B.121, subdivision 5 (*e.g.*, counting ballots). Non-partisanship is *not* an option for duties mandated under subdivision 2.

93. The oath for election judges, found under Minnesota Statutes § 204B.24, taken before assuming the duties of the office, relates *only* to the acceptable and expected *performance* of the election judge, for example: “I will perform my duties in a fair and impartial manner and not attempt to create an advantage for *my party* or for any candidate.” (Emphasis added.) The oath *is not* a statement of an election judge’s major political party affiliation or non-major political party affiliation.

94. For Olmsted County, party partisanship of election judges to accept or reject absentee ballots for ballot boards is an expressed legislative public policy as mandated under §203B.121, subdivision 2.

95. Section 203B.121, subdivision 2, mandates that election judges perform specific duties related to absentee ballots upon the county's receipt of those ballots:

Upon receipt from the county auditor, municipal clerk...[of absentee ballots] two or more members of the ballot board shall examine each return envelope and *shall* mark it accepted or rejected in the manner provided *in this subdivision*.⁸

96. "Subdivision" refers to § 203B.121, subdivision 2.

Election judges performing the duties in this section *must* be of *different major political parties*, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.⁹

Emphasis added.

97. "Section" refers to § 203B.121, subdivision 2.

98. Section 203B.121, subdivision 2 mandates that election judges are to handle the decisions regarding the accepting or rejecting of absentee ballots.

99. Thus, for instance, even if Olmsted County had actual bona fide deputy county auditors on a ballot board (which it does not) who had been appointed *after* all major political party lists were exhausted, whenever deputy county auditors are processing absentee ballots engaged in accepting or rejecting absentee ballots, they are acting as election judges.

100. Because appointed deputy county auditors are acting as election judges, *all* ballot board election judges performing these and all other duties under §203B.121, subdivision 2 *must* be from *different major political parties*. Therefore, at the time of a deputy county auditor's appointment to the ballot board, the deputy county auditor must state, as

⁸ Emphasis added.

⁹ *Id.*

mandated under § 204B.21, subdivision 2, their major political party affiliation or non-major party affiliation, otherwise they cannot serve as election judges on the ballot board or carry out the mandate of the Legislature of accepting or rejecting absentee ballots as political party partisans. There are no exemptions for deputy county auditors, even if Olmsted County had legally legitimate deputy county auditors.

VIII. When the Legislature provides for an exception to the law, it expressly states the exception.

Only in a few instances has the Legislature expressly excused party balance for election judge duties.

101. It is expressed legislative policy to allow for and to mandate party partisanship on county ballot boards in the accepting and rejecting of absentee ballots.

102. Section 203B.121, subdivision 2, also references § 205.075, subdivision 4 and § 205A.10, subdivision 2. They are not applicable for county ballot boards. For example, § 205.075, subdivision 4, refers to general town elections. Party balance for duties performed by election judges is excused *if* not in conjunction with statewide elections:

The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, *relating to party balance* in the appointment of judges and to duties to be performed by judges of different major political parties *do not apply* to a town election *not held in conjunction with a statewide election*.

Emphasis added.

103. Likewise, § 205A.10, subdivision 2, governs school district elections. Party balance for duties performed by election judges is excused *if* not in conjunction with statewide elections.

For school district elections *not held in conjunction with a statewide election*, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, *relating to party balance* in appointment of judges and to duties to be performed by judges of different major political parties *do not apply* to school district elections not held in conjunction with a statewide election.

Emphasis added.

104. As §§ 205.075, subdivision 4 and 205A.10, subdivision 2 show, when the Legislature seeks to have an exception to party partisanship, it explicitly states the exception.

105. Another example of an exception to party partisanship, as a matter of legislative public policy, is found in the ballot board for military and oversea absentee ballots, which is under the exclusive control of the counties. (The Olmsted County July 21st Resolution does not relate to the military and overseas absentee ballot board.)

106. The governing statute for the ballot board of military and overseas absentee ballots is § 203B.23. Subdivision 1 specifically excludes the need for election judge party balance:

The county auditor must establish an absentee ballot board for ballots issued under sections 203B.16 to 203B.27. The board may consist of staff trained as election judges, in which case, *the board is exempt* from sections 204B.19, subdivision 5, and 204C.15, *relating to party balance in appointment of judges and to duties to be performed* by judges of different major political parties.

Emphasis added.

107. If the ballot board contains election judges who have stated they are not affiliated with a major political party, they may nonetheless perform duties that do not

require party partisanship, such as that found under 203B.121, subdivision 5, which involves other duties including counting.

IX. The legislative history of § 203B.121 reflects the Legislature’s efforts to ensure party balance of all appointees and to eliminate the use of “staff” to serve on ballot boards.

108. In 2013, the Legislature considered allowing staff of the county auditor, municipal clerk, or school district clerk to be exempt from party affiliation requirements that otherwise apply to election judges serving on an absentee ballot board. *See* Exhibit 2, House File No. 979, li. 6.30:

Election judges performing the duties in this section [§ 203B.121, subd. 2] must be of different major political parties, unless they are staff of the county auditor, municipal clerk, or school district clerk, or are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

Original underlining. *See also* and Exhibit 3, House Research Summary for H.F. 979, § 12 (Mar. 7, 2013)

109. However, the suggested amendment was never adopted or enacted into law. *See* Exhibit 4, Minn. Session Laws-2013, Regular Session.

110. The legislative mandate of party balance remains intact for the election task of accepting or rejecting absentee ballots under § 203B.121, subdivision 2, for *all* election judges, including duly and legally appointed deputy county auditors who perform election judge duties under that same provision.

111. Moreover, under the July 21st Resolution, the Olmsted County Board of Commissioners references to §§ 204B.19 through 204B.22, reflect its intent to incorporate and adopt the Legislature’s intent regarding ballot boards under Minnesota Statutes §

203B.121, which means any duly and legally appointed deputy county auditor must disclose their major political party affiliation to perform the duties of accepting or rejecting absentee ballots under §203B.121, subdivision 2 and ensure party balance in the performance of those duties.

112. As a matter of policy, the Olmsted County Board of Commissioners and the Director of Property Records and Licensing failed to appoint election judges to the ballot board to perform those duties reflecting party balance and hence, legislative party partisanship in accordance with Minnesota Statutes § 203B.121, subdivision 2 and § 204B.21, subdivision 2.

113. In addition, the Board of Commissioners or the Director of Property Records and Licensing, or both, failed to obtain the major political party affiliation of each election judge or statement of non-party affiliation to comply with the mandates of § 203B.121, subdivision 2. Failure to make the party affiliation, or non-affiliation, disclosure to the appointing authority, excludes the individual as an election judge as the Legislature has mandated:

An individual who refuses to provide the individual's major political party affiliation or a statement that the individual does not affiliate with a major political party *must not* be appointed as an election judge.

Minn. Stat. § 204B.21, subd. 2. Emphasis added.

114. The Olmsted County Board of Commissioners and the Director of Property Records and Licensing failed to comply with the legislative mandates for Olmsted County's ballot board.

X. The County Director of Property Records and Licensing allows staff, either temporary or permanent employees, to perform duties specifically delegated to election judges of different major political parties under § 203B.121, subdivision 2.

115. There is no provision under § 203B.121, subdivisions 1 and 2 that allows either county staff—whether full-time, part-time, or temporary—to serve on a county ballot board to accept or reject absentee ballots. Those duties are expressly assigned to election judges from different major political parties:

Election judges performing the duties in this section [subdivision 2] must be of different political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

Minn. Stat. §203B.121, subd. 2.

116. In addition, only the Olmsted County Board of Commissioners, as the appointing authority, can within the 25-day period before the election, authorize the appointment of additional election judges to the ballot board, and only if a determination of the need for additional election judges is made by the appointing authority:

The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required.

Minn. Stat. § 204B.21, subd. 2.

117. For the 2020 primary election, Kruski has appointed temporary “deputy county auditors” to administer and perform the duties specifically mandated for election judges. Those temporary “deputy county auditors” do not meet the qualifications of “county

auditors” under Minnesota statutory law. Therefore, it is contrary to the law for them to serve on the County’s ballot board *and* to accept or reject absentee ballots for the primary election. Nevertheless, Kruspki will use his adopted policy for the November 2020 general election despite it being contrary to the law. Minn. Stat. § 203B.121, subd. 2.

118. Kruspki has no authority to appoint members to the County’s ballot board who are not qualified to do so.

119. Throughout 2020 to the present, Kruspki, as Director of Property Records and Licensing, fails to comply with the election laws under Minnesota Statutes §§ 203B.121 and 204B.21 despite the July 21st Resolution implying the compliance with the legislative mandates of Minnesota statutes including §§ 203B.121 and 204B.21.

120. Kruspki’s conduct is contrary to legislative mandates found within the election laws governing county ballot boards.

121. As previously stated, the Legislature will expressly state ballot board exemptions or exceptions. As an example, under Minnesota Statutes § 203B.23, the appointment of absentee ballot board members for ballots from overseas and military individuals, may include “staff trained as election judges, in which case, *the board is exempt* from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties.” Emphasis added.

122. Likewise, Minnesota Statutes § 204B.45 governing mail balloting for certain towns and cities located outside the metropolitan area, with few exceptions, allows for a

ballot board to be appointed by an auditor or clerk to examine mail and absentee ballot return envelopes to mark them “accepted” or “rejected.”

123. Under § 204B.45, the ballot board may consist of deputy county auditors or deputy municipal clerks “who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party.” No similar exemptions or exceptions are found under § 203B.121. Section 204B.45 does not apply to Olmsted County.

124. For the 2020 primary elections, Krupski did not have election judges from different political parties accept or reject absentee ballots and has expressed that in the 2020 general election it is his continuing policy not do so, regardless of the requisites of statutory law. Minn. Stat. § 203B.121, subd. 2.

125. For the 2020 primary elections, the Olmsted County Board of Commissioner appointed members to the ballot board deputy county auditors appointed by Krupski who included the entire staff of the Property Records and Licensing Department, without meeting the mandates of §384.08 for deputy county auditors. Therefore, Krupski and the Board allowed “staff” to act and do the duties contemplated as those exclusively delegated to election judges by the Legislature under § 203B.121. Moreover, neither the Board nor Krupski obtained all appointees to the ballot board their respective major political party affiliations or statements that the individuals did not affiliate with any major political party.

126. By the July 21st Resolution, the Board of Commissioners and Krupski have identified and adopted a policy for all elections in 2020, first carried through in the August 2020 primaries and now the November 2020 general elections.

127. “Mandamus is an extraordinary legal remedy.”¹⁰

128. “The authority to issue a writ of mandamus is statutory.”¹¹ The two primary uses of mandamus are (1) to compel the performance of an official duty clearly imposed by law and (2) to compel the exercise of discretion when that exercise is required by law.¹²

129. However, a writ of mandamus does not control the particular manner in which a duty is to be performed and does not dictate how discretion is to be exercised.¹³

130. In addition, a writ of mandamus “shall not issue in any case where there is a plain, speedy, and adequate remedy in the ordinary course of law.”¹⁴

131. The Petitioner Republican Party of Minnesota seeks a writ of mandamus as a major political party to ensure Olmsted County, its Board of Commissioners and the Olmsted County Director of Property Records and Licensing perform the legislative mandates of Minnesota Statutes §§ 203B.121 and 204B.21 which the Respondents have affirmed they will not follow.

132. The Republican Party of Minnesota, as a major political party, has a specific interest under § 203B.121, subdivision 2, in that, the statute mandates that the accepting or

¹⁰ *Mendota Golf, LLP v. City of Mendota Heights*, 708 N.W.2d 162, 171 (Minn. 2006) quoting *State v. Pero*, 590 N.W.2d 319, 323 (Minn. 1999).

¹¹ *Id.*, *State v. Wilson*, 632 N.W.2d 225, 227 (Minn. 2001); see Minn. Stat. §§ 586.01–586.12 (2004).

¹² *Mendota Golf, LLP*, 708 N.W.2d at 171, citing Minn. Stat. § 586.01; *N. States Power Co. v. Minn. Metro. Council*, 684 N.W.2d 485, 491 (Minn. 2004).

¹³ *Mendota Golf, LLP*, 708 N.W.2d at 171, citing e.g., *State v. Davis*, 592 N.W.2d 457, 459 (Minn. 1999); *State ex rel. S. St. Paul v. Hetherington*, 240 Minn. 298, 301, 61 N.W.2d 737, 740 (1953); *State ex rel. Laurisch v. Pohl*, 214 Minn. 221, 226, 8 N.W.2d 227, 231 (1943).

¹⁴ *Mendota Golf, LLP*, 708 N.W.2d at 171, quoting Minn. Stat. § 586.02.

rejecting of absentee ballots must be reviewed by election judges from two different major political parties.

133. The Petitioner Minnesota Voters Alliance seeks a writ of mandamus as an association consisting of Olmsted County election judges and members of a major political party to ensure the Olmsted County, its Board of Commissioners and the Olmsted County Director of Property Records and Licensing perform the legislative mandates of Minnesota Statutes §§ 203B.121 and 204B.21 which the Respondents have affirmed they will not follow.

134. The Petitioners Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris submit this petition on behalf of themselves and all others similarly situated as election judges as for all allegations and claims asserted, under all applicable provisions of Rules 23.01 and 23.02 of the Minnesota Rules of Civil Procedure governing class actions.

135. The proposed class of election judges the Petitioners Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris seek to represent is composed of election judges on major political party lists who seek appointment by the Olmsted County Board of Commissioners and further seek appointment by the Olmsted County Director of Property Records and Licensing as ballot board members under Minnesota Statutes § 203B.121. Alternatively, should it be found that any of the Petitioners' allegations or claims could not be certified as a whole, then the Petitioners seek certification of any subclass so identified.

136. The class of election judges satisfies all requirements under Rule 23.01 and Rule 23.02 of the Minnesota Rules of Civil Procedure, including, but not limited to, the

elements commonly known as numerosity, commonality, typicality, adequacy, and superiority.

- a. The proposed class is so numerous that joinder of all members is impracticable, since the election judges will number in the hundreds many of which are yet to be named and determined to be appointed as election judges.
- b. The claims of the proposed class share common questions of law or fact. The named Respondents have engaged in a common course of misconduct regarding the ballot board appointments and duties under Minnesota Statutes § 203B.121 that affect all potential members of the board which are to be appointed as election judges. The Olmsted County Director of Property Records and Licensing, Mark Krupski, in particular has not identified, to the Olmsted County Board of Commissioners the major party affiliations or their statements of non-affiliation of election judges as required by law (albeit not public data per statutory law but, nonetheless, a necessary disclosure to the Board of Commissioners), among other things as indicated above. The common course of misconduct and resultant injury to the Petitioners and the other members of the proposed class and the commonality of remedies available demonstrate the propriety of class certification.

- c. The claims of the proposed Class Representatives are typical of the class. Each Petitioner is an election judge and is on a major political party list. Their allegations and claims arise out of the same misconduct perpetrated by each Respondent against the Petitioner election judge and other members of the proposed class. Thus, Petitioners' theories and evidence will be practically identical to those underlying the claims of the other members of the proposed class.
- d. The Petitioners will fairly and adequately protect the interests of the proposed class. The Petitioners have no adverse or conflicting interests, and have retained experienced and competent counsel to adequately litigate a class action.
- e. In addition, adjudication by individual members of the proposed class would create a risk of inconsistent adjudications with respect to individual members of the class, and as a practical matter, would be dispositive of the interests of other members not parties to the adjudications. If Petitioners prevail against Respondents, the claims of the other members of the proposed class would be substantially affected.
- f. Further, the common questions of law or fact predominate over any questions affecting individual proposed class members, and the class action is superior to other available methods.

Adjudication of this proposed class action in a single forum would obviate the potential for inconsistent results for the proposed class members. The Petitioners are not aware of any difficulties likely to be encountered in managing this litigation as a class action.

- g. Proper and sufficient notice of this action may be provided to the proposed class members through actual notice to participants as election judges as contacted through the information kept on record by all major political parties and the Olmsted County Director of Property Records and Licensing.
- h. The Petitioner election judges are suffering statutory harm as a result of Respondents' illegal conduct. Election judges on major political party lists are not selected as required in the first instance for the statutory duties under Minnesota Statutes § 203B.121. Absent representative action, the members of the proposed class will continue to suffer the statutory harm embodied within the statutory commands imposed upon the Olmsted County Board of Commissioners and the Olmsted County Director of Property Records and Licensing if the violations of the law are allowed to continue with impunity.

Claim

137. The preceding paragraphs are incorporated in their entirety by reference as if fully restated to support the claim asserted.

138. The Olmsted County Board of Commissioners is acting contrary to Minnesota Statutes § 203B.121, subdivision 1, that states the Board of Commissioners must establish a ballot board that consists of a sufficient number of election judges. The Board of Commissioners did not appoint election judges to the ballot board for the 2020 primary elections and as a matter of policy will not appoint election judges to the ballot board for the November 2020 general election.

139. Instead, the Olmsted Board of Commissioners appointed, exclusively, so-called appointed “deputy county auditors” of Mark Krupski, Director of Olmsted County’s Property Records and Licensing Department. The “deputy county auditors” are the entire staff of the Department.

140. Krupski failed to follow the mandates of §384.08 to properly and legally appoint the Department’s entire staff as “deputy county auditors.”

141. Furthermore, Krupski failed to follow the mandates under § 204B.21. The statute required each person serving in the capacity of an election judge to perform the duties of an election judge under § 203B.121, subdivision 2, to disclose their respective major political party affiliation or statement of non-party affiliation.

142. Minnesota Statutes § 203B.121 states that the ballot board may include deputy county auditors as election judges.

143. Provided party lists have been exhausted, any other individual, if he or she qualifies as an election judge, may be appointed as an election judge to the Olmsted County ballot board. This also includes deputy county auditors. Before a deputy county auditor is appointed to the Olmsted County ballot board, the provided major political party lists must be exhausted.

144. Even if a person could be considered as a deputy county auditor serving on the Olmsted County's ballot board, they must act and make the necessary statutory disclosures as required under Minnesota Statutes § 204B.21 and perform election judge duties as statutorily mandated under § 203B.121, subdivision 2.

145. There is no provision under Minnesota Statutes § 203B.121 that allows for the appointment of any other County staff person to the ballot board by either the Board of Commissioners, or the Director of Property Records and Licensing, regardless of whether the person is designated as "full-time staff" or "temporary staff," to accept or reject absentee ballots.

146. Because the Director of Property Records and Licensing failed to properly follow Minnesota law for the designation of persons to be deputy county auditors, they can only be found to be either "full-time staff" or "temporary staff" and cannot accept or reject absentee ballots, yet, the Director allows them to act as ballot board appointed election judges. This is contrary to the law. Moreover, only election judges from different major political parties may accept or reject absentee ballots.

147. The Olmsted County Board of Commissioners and the Director of Property Records and Licensing failed to require that at least two election judges from different major political parties accept or reject absentee ballots. This is contrary to the law.

148. If appointed to the ballot board, all election judges must declare their party affiliations or provide statements of non-affiliation if they are to perform the duties of election judges as described under § 204B.21 as directed by §203B.121, subdivision 1.

149. Failure to act in compliance with the statutory requirements of Minnesota Statutes §§ 203B.121, subdivisions 1 and 2, and § 204B.21, is contrary to the legislative intent of the statutes as expressed within those statutes as it relates to fair elections and fair election processes. The Legislature expressly provided for party balance—partisanship—for duties related to the acceptance or rejection of absentee ballots.

150. There is no other statutory mechanism to challenge and direct the offending Olmsted County officials to adhere to their specific duties imposed under §§ 203B.121 and 204B.21.

151. The alleged harms and their irreversible potential impacts on the November 2020 elections are significant and cannot be remedied after they have occurred.

152. The Minnesota Voters Alliance seeks as part of its association objectives, public confidence in the integrity of Minnesota’s elections, in election results and election systems, processes, procedures, and enforcement, and also that public officials act in accordance with the law in exercising their obligations to the people of the State of Minnesota.

153. The Minnesota Voters Alliance membership also includes election judges of major Minnesota political parties. The Voters Alliance also works to protect the rights of its members whenever laws, statutes, rules, regulations, or government actions threaten or impede implied or expressed rights or privileges afforded to them under our constitutions or laws or both. Its membership includes candidates seeking elective offices.

154. The Republican Party of Minnesota has expectations that as a major political party, members will be appointed as election judges to ballot boards including in Olmsted County to ensure major political party balance when absentee ballots are accepted or rejected, as required by law under Minnesota Statutes § 203B.121 and as the Legislature specifically intended.

155. Furthermore, the Republican Party of Minnesota, as a major political party, has an interest in the compliance of Minnesota Statutes § 203B.121, subdivision 2 in the acceptance or rejection of absentee ballots, which requires at least two election judges from different major political parties accept or reject absentee ballots.

156. The Republican Party of Minnesota, as a major political party, also has an interest that the Legislature's public policy of party-balance be achieved and maintained as reflected in Minnesota Statutes § 203B.121, subdivision 2 and § 204B.21.

157. Because the ballot board in Olmsted County will play a significant role in the upcoming election contest, for any governmental entity or election official to fail to comply with the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the November election result. As a result, County officials' actions that are contrary to the law

will directly affect the members of the Minnesota Voters Alliance and the Republican Party of Minnesota.

158. Duane Quam is presently a candidate for elected office in the Minnesota House of Representatives, District 25A in Olmsted County in the November 2020 general election. He is a member of the Minnesota Voters Alliance. Quam resides in Olmsted County and is an eligible and registered voter. He plans to vote absentee.

159. Quam has a particular interest as a candidate for elected public office because the ballot board in Olmsted County will play a significant role in the upcoming general election contest, for any governmental entity or election official not to abide by the mandatory requirements of the law can and will have an effect on the outcome of the election and any deviation from the election laws will undermine the credibility of the November election result. Notably, failing to act in compliance with the laws related to the acceptance, rejection, and counting of absentee ballots in Olmsted County can have a direct impact on Quam's legal right or privilege to take the public office as a result of the election outcome.

160. Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris are election judges and are on a major political party list for selection with Olmsted County for the 2020 general election. Blondell, Mattson, and Harris are registered eligible voters and reside in Olmsted County. They also seek appointment, as election judges, to the Olmsted County ballot board under Minnesota Statutes § 203B.121, subdivision 1.

161. However, appointment to the ballot board by the Olmsted County Board of Commissioners is denied to Thomas M. Blondell, Larry F. Mattson, and Wayne Delano

Harris when, contrary to § 203B.121, subdivision 1, appointments are made to populate the ballot board solely with “county deputy auditors” by the Director of Property Records and Licensing presumably in accordance with § 384.08, without regard to any major political party list exhaustion, for the 2020 primary election. That same process is being used in 2020 for the November 2020 general election. They are denied the opportunity to seek Board of Commissioner appointment to the ballot board by the Director of Property Records and Licensing.

162. Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris are election judges and are on a major political party list for selection with Olmsted County for the 2020 general election. Blondell, Mattson, and Harris are registered eligible voters and reside in Olmsted County. They also seek appointment, as election judges, to the Olmsted County ballot board under Minnesota Statutes § 203B.121, subdivision 1.

Relief Requested

The Petitioners Minnesota Voters Alliance, the Republican Party of Minnesota, Thomas M. Blondell, Larry F. Mattson, and Wayne Delano Harris respectfully request judgment against Ramsey County, the Ramsey County Board of Commissioners, and the County Auditor from this Court:

1. Granting the writ of mandamus;
2. Directing the Olmsted County Board of Commissioners to appoint election judges to the Olmsted County ballot board in accordance with Minnesota Statutes §§203B.121, subdivision 1 and 204B.21;

3. Directing the Olmsted County Board of Commissioners, if additional election judges are necessary, to adhere to the provisions of Minnesota Statutes § 204B.21, subdivision 2, regarding the need for a determination of the election judge requirement for additional judges;

4. Directing that Mark Krupski, Director of Property Records and Licensing, ensure he complies with §384.08 for each deputy county auditor before any appointment to the ballot board and that he obtain from each person election judge before their appointment by the Olmsted County Board of Commissioners, a statement of their major political party affiliation or a statement of non-major political affiliation;

5. That if the current members of the Olmsted County ballot board are legally appointed deputy county auditors by that Mark Krupski, Director of Property Records and Licensing, obtain from each person election judge before their appointment by the Olmsted County Board of Commissioners, a statement of their major political party affiliation or a statement of non-major political affiliation.

6. Directing the Mark Krupski, Director of Property Records and Licensing to adhere to the provisions of Minnesota Statutes § 203B.121 under which staff of the Property Records and Licensing Department, whether full-time, part-time, or temporary, (a) may not serve on the Olmsted County ballot board; and (b) may not perform any duties of election judges as provided under § 203B.121, subdivision 2;

7. Directing Mark Krupski, Director of Property Records and Licensing for Olmsted County, that only when the major political party lists are exhausted as required under § 204B.21, may he then request the County Board of Commissioners to appoint other

election judges to the ballot board to perform the statutory duties found under § 203B.121, provided those individuals have complied with the mandates of § 204B.21 governing election judges; and

8. Directing Mark Krupski, Director of Property Records and Licensing to adhere to the provisions of Minnesota Statutes § 203B.121, subdivision 2, in which at least two ballot board election judges are to accept or reject absentee ballots, who are also from different major political parties.

Dated: July 30, 2020

/s/Erick G. Kaardal
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Minnesota Statute § 549.211 Acknowledgement

The undersigned, hereby acknowledges that pursuant to Minnesota Statute §549.21(1), costs, disbursements, and reasonable attorney fees and witness fees may be awarded to the opposing party or parties in this litigation if the Court should find that the undersigned acted in bad faith, asserted a claim or defense that is frivolous and that is costly to the other party, asserted an unfounded position solely to delay the course of the proceedings; or committed fraud upon the Court.

Dated: July 30, 2020

/s/ Erick G. Kaardal
Erick G. Kaardal

OLMSTED COUNTY, MINNESOTA

Request For County Board Action

AGENDA DATE: July 21, 2020

REQUEST BY: Mark Krupski, Property Records & Licensing
Kathryn Smith, Property Records & Licensing

STATE ITEM OF BUSINESS: Amend Resolution 20-132 Establishing Absentee Ballot Board and UOCAV Absentee Ballot Board

BACKGROUND:

Pursuant to MN Statute 203B.121, Subd.1, the county is required to establish an Absentee Ballot Board and a Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Ballot Board for the purpose of uniformity in the processing of accepting or rejecting returned absentee ballots in Olmsted County. The Absentee Ballot Board and UOCAVA Ballot Board will consist of Olmsted County Elections staff trained in the processing and counting of absentee ballots and appointed as deputy county auditors by the Director of Property Records and Licensing as provided in sections 204B.19 to 204B.22 to perform this task and to serve as election judges to perform election related duties assigned by County Elections staff on behalf of the County Auditor pursuant to Minn. Stat. Section 204B.21 for the 2020 primary and general election.

COUNTY BOARD ACTION REQUESTED:

Approved Amendment to Resolution No. 20-132 Establishing Absentee Ballot Board and UOCAVA Absentee Ballot Board and adopted supporting resolution as follows.

Reviewed with additional material provided: ✓ Approved
County Administrator

Resolution No. 20-139

WHEREAS, Olmsted County is required by Minnesota Statutes Section 203B.121, Subd. 1 to establish an Absentee Ballot Board and by Minnesota Statutes Section 203B.23 to establish a UOCAVA Ballot Board and

WHEREAS, this board will bring uniformity in the processing of accepting or rejecting returned absentee ballots in Olmsted County; and

WHEREAS, the Absentee Ballot Board would consist of Olmsted County Elections staff trained in the processing and counting of absentee ballots as provided in sections 204B.19 to 204B.22 who have been appointed to serve as deputy county auditors by the Director of Property Records and Licensing pursuant to Minn. Stat. Section 384.08 and County Resolution 98-131; and,

WHEREAS, pursuant to Minn. Stat. Section 204B.21, the County Board is authorized to appoint election judges trained in the handling of absentee ballots to perform election related duties assigned by the County Auditor and the County wishes to do this in order to prepare for the 2020 primary and general election; and,

NOW, THEREFORE, BE IT RESOLVED, that the Olmsted County Board of Commissioners hereby:

1. Establishes an Absentee Ballot Board for the 2020 primary and general election consisting of all members of the Olmsted County Property Records & Licensing Elections staff that have been appointed as deputy county auditors by the Director of Property Records and Licensing as provided in sections 204B.19 to 204B.22 to perform the task. That includes the following County staff:

- a. Randy Anderson
- b. Rachel Garness
- c. Christopher Martinez
- d. Sophia Pfander
- e. Michael Baumgartner
- f. Erin Campbell
- g. Marissa Carlson
- h. Joslyn Glenzinski
- i. Tuan Nguyen
- j. Lisa Sagherian
- k. Justine Webster
- l. Matthew Wermers
- m. Brock Quimby
- n. Anne Dehn
- o. Samuel Butterfass
- p. Ashley Sapon
- q. Conner Forrest
- r. Kathryn Smith
- s. Luke Turner
- t. John Neuman
- u. Shyanne Kizer

2. Appoints the following individuals to serve as election judges to perform election related duties assigned by County Elections staff on behalf of the County Auditor pursuant to Minn. Stat. Section 204B.21 for the 2020 primary and general election:

- a. Randy Anderson
- b. Rachel Garness
- c. Christopher Martinez
- d. Sophia Pfander
- e. Michael Baumgartner
- f. Erin Campbell
- g. Marissa Carlson
- h. Joslyn Glenzinski
- i. Tuan Nguyen
- j. Lisa Sagherian
- k. Justine Webster
- l. Matthew Wermers
- m. Brock Quimby
- n. Anne Dehn
- o. Samuel Butterfass
- p. Ashley Sapon
- q. Conner Forrest
- r. Shyanne Kizer

Dated at Rochester, Minnesota this 21st day of July, 2020.

OLMSTED COUNTY BOARD OF COMMISSIONERS

Matt Flynn, Chairperson

ATTEST:

Lisa Morris-Helmstetler, Deputy Clerk to the County Board

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Gregg Wright, Commissioner
SECONDER:	Kenneth Brown, Second District
AYES:	Podulke, Brown, Flynn, Bier, Kiscaden, Thein, Wright

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 979

02/28/2013 Authored by Halverson, Sanders, Uglem, O'Driscoll, Freiberg and others
The bill was read for the first time and referred to the Committee on Elections
03/11/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to elections; modifying election procedures; modifying election
1.3 administration; modifying ballot formatting; adjusting timelines; amending
1.4 Minnesota Statutes 2012, sections 103C.225, subdivision 3; 103C.305,
1.5 subdivision 3; 201.071, subdivision 2; 201.091, subdivision 8; 201.12,
1.6 subdivision 3; 201.13, subdivision 1a; 201.14; 202A.14, subdivision 1; 203B.05,
1.7 subdivision 1; 203B.08, subdivision 3; 203B.081; 203B.121, subdivisions 2, 5;
1.8 203B.227; 203B.28; 204B.04, by adding a subdivision; 204B.18, subdivision
1.9 2; 204B.22, subdivisions 1, 2; 204B.28, subdivision 1; 204B.32, subdivision 1;
1.10 204B.33; 204B.35, subdivision 4; 204B.36, subdivision 1; 204B.45, subdivision
1.11 2; 204B.46; 204C.14; 204C.15, subdivision 1; 204C.19, subdivision 2; 204C.25;
1.12 204C.27; 204D.08, subdivision 6; 204D.09, subdivision 2; 204D.11, subdivisions
1.13 1, 4, 5, 6; 204D.13, subdivision 3; 204D.14, subdivisions 1, 3; 204D.15,
1.14 subdivision 3; 204D.16; 204D.165; 204D.19, subdivision 2; 205.02, subdivision
1.15 2; 205.10, subdivision 3; 205.13, subdivision 1a, by adding a subdivision;
1.16 205.16, subdivisions 4, 5; 205.17, subdivisions 1, 3; 205A.04, by adding a
1.17 subdivision; 205A.05, subdivisions 1, 2; 205A.06, by adding a subdivision;
1.18 205A.07, subdivisions 3, 3a, 3b; 205A.08, subdivision 1; 206.61, subdivision 4;
1.19 206.89, subdivisions 2, 3; 206.895; 206.90, subdivision 6; 208.04, subdivisions
1.20 1, 2; 211B.045; 211B.37; 340A.416, subdivisions 2, 3; 340A.602; 375.20;
1.21 447.32, subdivisions 2, 3, 4; Laws 1963, chapter 276, section 2, subdivision 2,
1.22 as amended; repealing Minnesota Statutes 2012, sections 204B.42; 204D.11,
1.23 subdivisions 2, 3; 205.17, subdivisions 2, 4; 205A.08, subdivision 4.

1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.25 Section 1. Minnesota Statutes 2012, section 103C.225, subdivision 3, is amended to
1.26 read:

1.27 Subd. 3. **Referendum.** (a) ~~Within 60 days after the petition is received by the state~~
1.28 ~~board, it shall give due notice of the holding of a referendum, schedule the referendum at~~
1.29 ~~the next general election, and cooperate with county election officials to accomplish the~~
1.30 ~~election in the most expedient manner. Upon receipt of a petition, the state board shall~~
1.31 ~~provide written notice to the secretary of state and the county auditor of each county in~~
1.32 ~~which the district is located no later than 74 days before the state general election. The~~

2.1 notice must include the date of the election and the title and text of the question to be
 2.2 placed on the ballot. Prior to the referendum, the state board shall facilitate the preparation
 2.3 of a plan to continue the administration of the powers, duties, and responsibilities of the
 2.4 district, including the functions of the district board.

2.5 (b) The question shall be submitted by ballots, upon which the words "~~For terminating~~
 2.6 ~~the existence of~~ appear on the ballot in the following form: "Shall the (name
 2.7 of the soil and water conservation district to be here inserted)" ~~and "Against terminating~~
 2.8 ~~the existence of the~~ (name of the soil and water conservation district to be here
 2.9 inserted)" shall be printed, with a square before each proposition and a direction to insert
 2.10 ~~an X mark in the square before one or the other~~ be terminated?".

2.11 (c) Only eligible voters in the district may vote in the referendum.

2.12 (d) Informalities in the conduct of the referendum or matters relating to the
 2.13 referendum do not invalidate the referendum, or result of the referendum, if due notice has
 2.14 been given and the referendum has been fairly conducted.

2.15 (e) The state board shall publish the result of the referendum.

2.16 Sec. 2. Minnesota Statutes 2012, section 103C.305, subdivision 3, is amended to read:

2.17 Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of
 2.18 candidates shall be placed on the ~~"canary ballot" described in section 204D.11, subdivision~~
 2.19 ~~3~~ state general election ballot. The office title printed on the ballot must be either "Soil
 2.20 and Water Conservation District Supervisor" or "Conservation District Supervisor," based
 2.21 upon the district from which the supervisor is to be elected.

2.22 Sec. 3. Minnesota Statutes 2012, section 201.071, subdivision 2, is amended to read:

2.23 Subd. 2. **Instructions.** A registration application shall be accompanied by
 2.24 instructions specifying the manner and method of registration, the qualifications for
 2.25 voting, the penalties for false registration, and the availability of registration and voting
 2.26 assistance for elderly and disabled individuals and residents of health care facilities and
 2.27 hospitals. The instructions must indicate that if the voter does not have a valid Minnesota
 2.28 driver's license or identification card, the last four digits of the voter's Social Security
 2.29 number must be provided, unless the voter does not have a Social Security number. If,
 2.30 prior to election day, a person requests the instructions in Braille, ~~on cassette tape~~ audio
 2.31 format, or in a version printed in 16-point bold type with 24-point leading, the county
 2.32 auditor shall provide them in the form requested. The secretary of state shall prepare
 2.33 Braille and ~~cassette~~ audio copies and make them available.

3.1 Sec. 4. Minnesota Statutes 2012, section 201.091, subdivision 8, is amended to read:

3.2 Subd. 8. **Registration places.** Each county auditor shall designate a number of
3.3 public buildings in those political subdivisions of the county where preregistration of
3.4 voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may
3.5 register to vote. ~~At least one public building must be designated for each 30,000 residents~~
3.6 ~~of the county. At least one telecommunications device for the deaf must be available for~~
3.7 ~~voter registration information in each county seat and in every city of the first, second,~~
3.8 ~~and third class.~~

3.9 An adequate supply of registration applications and instructions must be maintained
3.10 at each designated location, and a designated individual must be available there to accept
3.11 registration applications and transmit them to the county auditor.

3.12 A person who, because of disability, needs assistance in order to determine eligibility
3.13 or to register must be assisted by a designated individual. Assistance includes but is not
3.14 limited to reading the registration form and instructions and filling out the registration
3.15 form as directed by the eligible voter.

3.16 Sec. 5. Minnesota Statutes 2012, section 201.12, subdivision 3, is amended to read:

3.17 Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election
3.18 official is returned as undeliverable but with a permanent forwarding address outside this
3.19 state, the county auditor shall promptly mail to the voter at the voter's new address a notice
3.20 advising the voter that the voter's status in the statewide voter registration system will be
3.21 changed to "inactive" unless the voter notifies the county auditor within 21 days that the
3.22 voter is retaining the former address as the voter's address of residence. If the voter's
3.23 record is challenged due to a felony conviction, lack of United States citizenship, legal
3.24 incompetence, or court-ordered revocation of voting rights of persons under guardianship,
3.25 the county auditor must not mail this notice. If the notice is not received by the deadline,
3.26 the county auditor shall change the voter's status to "inactive" in the statewide voter
3.27 registration system.

3.28 Sec. 6. Minnesota Statutes 2012, section 201.13, subdivision 1a, is amended to read:

3.29 Subd. 1a. **Social Security Administration; other reports of deceased residents.**
3.30 The secretary of state ~~shall~~ may determine if any of the persons listed on the Social
3.31 Security Death Index or reported as deceased by the vital records department of another
3.32 state are registered to vote and prepare a list of those registrants for each county auditor.
3.33 The county auditor shall change the status of those registrants to "deceased" in the
3.34 statewide voter registration system.

4.1 Sec. 7. Minnesota Statutes 2012, section 201.14, is amended to read:

4.2 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**
4.3 **CHANGES OF NAMES.**

4.4 The state court administrator shall regularly report by electronic means to the
4.5 secretary of state the name, address, and, if available, driver's license or state identification
4.6 card number of each individual, 18 years of age or over, whose name was changed since
4.7 the last report, by marriage, divorce, or any order or decree of the court. The secretary of
4.8 state shall determine if any of the persons in the report are registered to vote under their
4.9 previous name and shall prepare a list of those registrants for each county auditor. Upon
4.10 receipt of the list, the county auditor shall make the change in the voter's record and mail
4.11 to the voter the notice of registration required by section 201.121, subdivision 2. A notice
4.12 must not be mailed if the voter's record is challenged due to a felony conviction, lack of
4.13 United States citizenship, legal incompetence, or court-ordered revocation of voting rights
4.14 of persons under guardianship.

4.15 Sec. 8. Minnesota Statutes 2012, section 202A.14, subdivision 1, is amended to read:

4.16 Subdivision 1. **Time and manner of holding; postponement.** (a) In every state
4.17 general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph
4.18 (b), there shall be held for every election precinct a party caucus in the manner provided
4.19 in sections 202A.14 to 202A.19.

4.20 (b)(1) The chairs of the two largest major political parties shall jointly submit to
4.21 the secretary of state, no later than March 1 of each odd-numbered year, the single date
4.22 on which the two parties have agreed to conduct their precinct caucuses in the next
4.23 even-numbered year.

4.24 (2) ~~On March 1 of each odd-numbered year~~ Within two business days after the
4.25 parties have agreed on a single date on which to conduct their precinct caucuses, the
4.26 secretary of state shall publicly announce the official state precinct caucus date for the
4.27 following general election year.

4.28 (3) If the chairs of the two largest major political parties do not jointly submit a
4.29 single date for conducting their precinct caucuses as provided in this paragraph, then
4.30 for purposes of the next general election year, the first Tuesday in February shall be
4.31 considered the day of a major political party precinct caucus and sections 202A.19 and
4.32 202A.192 shall only apply on that date.

4.33 (4) For purposes of this paragraph, the two largest major political parties shall be the
4.34 parties whose candidates for governor received the greatest and second greatest number of
4.35 votes at the most recent gubernatorial election.

5.1 (c) In the event of severe weather a major political party may request the secretary of
5.2 state to postpone caucuses. If a major political party makes a request, or upon the secretary
5.3 of state's own initiative, after consultation with all major political parties and on the advice
5.4 of the federal Weather Bureau and the Department of Transportation, the secretary of state
5.5 may declare precinct caucuses to be postponed for a week in counties where weather
5.6 makes travel especially dangerous. The secretary of state shall submit a notice of the
5.7 postponement to news media covering the affected counties by 6:00 p.m. on the scheduled
5.8 day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

5.9 Sec. 9. Minnesota Statutes 2012, section 203B.05, subdivision 1, is amended to read:

5.10 Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer
5.11 the provisions of sections 203B.04 to 203B.15 if:

- 5.12 (1) the county auditor of that county has designated the clerk to administer them; or
5.13 (2) the clerk has given the county auditor of that county notice of intention to
5.14 administer them.

5.15 The designation or notice must specify whether the clerk will be responsible for the
5.16 administration of a ballot board as provided in section 203B.121.

5.17 A clerk of a city that is located in more than one county may only administer the
5.18 provisions of sections 203B.04 to 203B.15 if the clerk has been designated by each of
5.19 the county auditors or has provided notice to each of the county auditors that the city will
5.20 administer absentee voting. A clerk may only administer the provisions of sections 203B.04
5.21 to 203B.15 if the clerk has technical capacity to access the statewide voter registration
5.22 system in the secure manner prescribed by the secretary of state. The secretary of state
5.23 must identify hardware, software, security, or other technical prerequisites necessary to
5.24 ensure the security, access controls, and performance of the statewide voter registration
5.25 system. A clerk must receive training approved by the secretary of state on the use of the
5.26 statewide voter registration system before administering this section. A clerk may not use
5.27 the statewide voter registration system until the clerk has received the required training.
5.28 The county auditor must notify the secretary of state of any municipal clerk who will be
5.29 administering the provisions of this section and the duties that the clerk will administer.

5.30 Sec. 10. Minnesota Statutes 2012, section 203B.08, subdivision 3, is amended to read:

5.31 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a
5.32 county auditor or municipal clerk, that official shall stamp or initial and date the return
5.33 envelope and place it in a secure location with other return envelopes received by that
5.34 office. Within five days after receipt, the county auditor or municipal clerk shall deliver to

6.1 the ballot board all ballots received, except that during the 14 days immediately preceding
6.2 an election, the county auditor or municipal clerk shall deliver all ballots received to
6.3 the ballot board within three days. Ballots received on election day either (1) after 3:00
6.4 p.m., if delivered by an agent; or (2) after the last mail delivery, if delivered by another
6.5 method, shall be marked as received late by the county auditor or municipal clerk, and
6.6 must not be delivered to the ballot board.

6.7 Sec. 11. Minnesota Statutes 2012, section 203B.081, is amended to read:

6.8 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

6.9 An eligible voter may vote by absentee ballot in the office of the county auditor and
6.10 at any other polling place designated by the county auditor during the 46 days before: the
6.11 election, except as provided in this subdivision.

6.12 ~~(1) a regularly scheduled election for federal, state, county, city, or school board~~
6.13 ~~office;~~

6.14 ~~(2) a special election for a federal or county office; and~~

6.15 ~~(3) an election held in conjunction with an election described in clauses (1) and (2);~~

6.16 and Voters casting absentee ballots in person for a town election held in March may
6.17 do so during the 30 days before any other the election. The county auditor shall make
6.18 such designations at least 14 weeks before the election. At least one voting booth in each
6.19 polling place must be made available by the county auditor for this purpose. The county
6.20 auditor must also make available at least one electronic ballot marker in each polling place
6.21 that has implemented a voting system that is accessible for individuals with disabilities
6.22 pursuant to section 206.57, subdivision 5.

6.23 Sec. 12. Minnesota Statutes 2012, section 203B.121, subdivision 2, is amended to read:

6.24 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot
6.25 board shall take possession of all return envelopes delivered to them in accordance with
6.26 section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district
6.27 clerk, two or more members of the ballot board shall examine each return envelope and shall
6.28 mark it accepted or rejected in the manner provided in this subdivision. Election judges
6.29 performing the duties in this section must be of different major political parties, unless they
6.30 are staff of the county auditor, municipal clerk, or school district clerk, or are exempt from
6.31 that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

6.32 (b) The members of the ballot board shall mark the return envelope "Accepted" and
6.33 initial or sign the return envelope below the word "Accepted" if a majority of the members
6.34 of the ballot board examining the envelope are satisfied that:

- 7.1 (1) the voter's name and address on the return envelope are the same as the
7.2 information provided on the absentee ballot application;
- 7.3 (2) the voter signed the certification on the envelope;
- 7.4 (3) the voter's Minnesota driver's license, state identification number, or the last four
7.5 digits of the voter's Social Security number are the same as the number provided on the
7.6 voter's application for ballots. If the number does not match the number as submitted on
7.7 the application, or if a number was not submitted on the application, the election judges
7.8 must compare the signature provided by the applicant to determine whether the ballots
7.9 were returned by the same person to whom they were transmitted;
- 7.10 (4) the voter is registered and eligible to vote in the precinct or has included a
7.11 properly completed voter registration application in the return envelope;
- 7.12 (5) the certificate has been completed as prescribed in the directions for casting an
7.13 absentee ballot; and
- 7.14 (6) the voter has not already voted at that election, either in person or, if it is after the
7.15 close of business on the fourth day before the election, by absentee ballot.

7.16 The return envelope from accepted ballots must be preserved and returned to the
7.17 county auditor.

7.18 (c)(1) If a majority of the members of the ballot board examining a return envelope
7.19 find that an absentee voter has failed to meet one of the requirements provided in
7.20 paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the
7.21 word "Rejected," list the reason for the rejection on the envelope, and return it to the
7.22 county auditor. There is no other reason for rejecting an absentee ballot beyond those
7.23 permitted by this section. Failure to place the ballot within the security envelope before
7.24 placing it in the outer white envelope is not a reason to reject an absentee ballot.

7.25 (2) If an envelope has been rejected at least five days before the election, the
7.26 envelope must remain sealed and the official in charge of the ballot board shall provide the
7.27 voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

7.28 (3) If an envelope is rejected within five days of the election, the envelope must
7.29 remain sealed and the official in charge of the ballot board must attempt to contact the
7.30 voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected.
7.31 The official must document the attempts made to contact the voter.

7.32 (d) The official in charge of the absentee ballot board must mail the voter a written
7.33 notice of absentee ballot rejection between six and ten weeks following the election. If the
7.34 official determines that the voter has otherwise cast a ballot in the election, no notice is
7.35 required. If an absentee ballot arrives after the deadline for submission provided by this

8.1 chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A
8.2 notice of absentee ballot rejection must contain the following information:

8.3 (1) the date on which the absentee ballot was rejected or, if the ballot was received
8.4 after the required deadline for submission, the date on which the ballot was received;

8.5 (2) the reason for rejection; and

8.6 (3) the name of the appropriate election official to whom the voter may direct further
8.7 questions, along with appropriate contact information.

8.8 (e) An absentee ballot return envelope marked "Rejected" may not be opened or
8.9 subject to further review except in an election contest filed pursuant to chapter 209.

8.10 Sec. 13. Minnesota Statutes 2012, section 203B.121, subdivision 5, is amended to read:

8.11 Subd. 5. **Storage and counting of absentee ballots.** (a) On a day on which absentee
8.12 ballots are inserted into a ballot box, two members of the ballot board must:

8.13 (1) remove the ballots from the ballot box at the end of the day;

8.14 (2) without inspecting the ballots, ensure that the number of ballots removed from
8.15 the ballot box is equal to the number of voters whose absentee ballots were accepted
8.16 that day; and

8.17 (3) seal and secure all voted and unvoted ballots present in that location at the end
8.18 of the day.

8.19 (b) After the polls have closed on election day, two members of the ballot board
8.20 must count the ballots, tabulating the vote in a manner that indicates each vote of the voter
8.21 and the total votes cast for each candidate or question. In state primary and state general
8.22 elections, the results must indicate the total votes cast for each candidate or question in each
8.23 precinct and report the vote totals tabulated for each precinct. The count ~~shall be public.~~
8.24 ~~No vote totals from ballots may be made public before the close of voting on election day~~
8.25 must be recorded on a summary statement in substantially the same format as provided in
8.26 section 204C.26. The ballot board shall submit at least one completed summary statement
8.27 to the county auditor or municipal clerk. The county auditor or municipal clerk may
8.28 require the ballot board to submit a sufficient number of completed summary statements to
8.29 comply with the provisions of section 204C.27, or the county auditor or municipal clerk
8.30 may certify reports containing the details of the ballot board summary statement to the
8.31 recipients of the summary statements designated in section 204C.27.

8.32 In state primary and state general elections, these vote totals shall be added to the
8.33 vote totals on the summary statements of the returns for the appropriate precinct. In other
8.34 elections, these vote totals may be added to the vote totals on the summary statement of
8.35 returns for the appropriate precinct or may be reported as a separate total.

9.1 The count shall be public. No vote totals from ballots may be made public before the
9.2 close of voting on election day.

9.3 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been
9.4 completed previously, the members of the ballot board must verify as soon as possible, but
9.5 no later than 24 hours after the end of the hours for voting, that voters whose absentee
9.6 ballots arrived after the rosters were marked or supplemental reports were generated
9.7 and whose ballots were accepted did not vote in person on election day. An absentee
9.8 ballot submitted by a voter who has voted in person on election day must be rejected. All
9.9 other accepted absentee ballots must be opened, duplicated if necessary, and counted by
9.10 members of the ballot board. The vote totals from these ballots must be incorporated into
9.11 the totals with the other absentee ballots and handled according to paragraph (b).

9.12 Sec. 14. Minnesota Statutes 2012, section 203B.227, is amended to read:

9.13 **203B.227 WRITE-IN ABSENTEE BALLOT.**

9.14 (a) A voter described in section 203B.16, subdivision 1, may use ~~a state write-in~~
9.15 ~~absentee ballot~~ or the federal write-in absentee ballot to vote in any federal, state, or local
9.16 election. In a state or local election, a vote for a political party without specifying the
9.17 name of a candidate must not be counted.

9.18 (b) If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post
9.19 Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter
9.20 registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card
9.21 Application. If the voter has not already voted and the accompanying certificate is properly
9.22 completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

9.23 Sec. 15. Minnesota Statutes 2012, section 203B.28, is amended to read:

9.24 **203B.28 POSTELECTION REPORT TO LEGISLATURE.**

9.25 By ~~March 1, 2011, and by~~ January 15 of every odd-numbered year ~~thereafter~~, the
9.26 secretary of state shall provide to the chair and ranking minority members of the legislative
9.27 committees with jurisdiction over elections a statistical report related to absentee voting
9.28 in the most recent general election cycle. The statistics must be organized by county
9.29 ~~and precinct~~, and include:

- 9.30 (1) the number of absentee ballots transmitted to voters;
9.31 (2) the number of absentee ballots returned by voters;
9.32 (3) the number of absentee ballots that were rejected, categorized by the reason
9.33 for rejection;

10.1 (4) the number of absentee ballots submitted pursuant to sections 203B.16 to
10.2 203B.27, along with the number of returned ballots that were accepted, rejected, and
10.3 the reason for any rejections; and

10.4 (5) the number of absentee ballots that were not counted because the ballot return
10.5 envelope was received after the deadlines provided in this chapter.

10.6 Sec. 16. Minnesota Statutes 2012, section 204B.04, is amended by adding a
10.7 subdivision to read:

10.8 Subd. 4. Prohibition on multiple candidacy. A candidate who files an affidavit
10.9 of candidacy for an office to be elected at the general election may not subsequently file
10.10 another affidavit of candidacy for any other office to be elected on the date of that general
10.11 election.

10.12 Sec. 17. Minnesota Statutes 2012, section 204B.18, subdivision 2, is amended to read:

10.13 Subd. 2. **Ballot boxes.** ~~Each polling place shall be provided with one ballot box for~~
10.14 ~~each kind of ballot to be cast at the election. The boxes shall be substantially the same color~~
10.15 ~~as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a~~
10.16 ~~sufficient opening to receive and contain all the ballots likely to be deposited in it. When~~
10.17 ~~buff or goldenrod ballot boxes are required, a separate box must be provided for each school~~
10.18 ~~district for which ballots are to be cast at that polling place. The number and name of the~~
10.19 ~~school district must appear conspicuously on the top of each buff or goldenrod ballot box.~~

10.20 Sec. 18. Minnesota Statutes 2012, section 204B.22, subdivision 1, is amended to read:

10.21 Subdivision 1. **Minimum number required.** (a) A minimum of four election
10.22 judges shall be appointed for each precinct, ~~except as provided by subdivision 2 in the~~
10.23 state general election. In all other elections, a minimum of three election judges shall
10.24 be appointed for each precinct. In a combined polling place under section 204B.14,
10.25 subdivision 2, at least one judge must be appointed from each municipality in the
10.26 combined polling place, provided that not less than three judges shall be appointed for
10.27 each combined polling place. The appointing authorities may appoint election judges for
10.28 any precinct in addition to the number required by this subdivision including additional
10.29 election judges to count ballots after voting has ended.

10.30 (b) An election judge may serve for all or part of election day, at the discretion of the
10.31 appointing authority, as long as the minimum number of judges required is always present.
10.32 The head election judge designated under section 204B.20 must serve for all of election day

11.1 and be present in the polling place unless another election judge has been designated by the
11.2 head election judge to perform the functions of the head election judge during any absence.

11.3 Sec. 19. Minnesota Statutes 2012, section 204B.22, subdivision 2, is amended to read:

11.4 Subd. 2. **Exception.** A minimum of three election judges shall be appointed in
11.5 precincts not using electronic voting equipment. ~~One additional election judge shall~~
11.6 ~~be appointed for each 150 votes cast in that precinct at the last similar election and in~~
11.7 precincts with fewer than 500 registered voters as of 14 weeks before the state primary.

11.8 Sec. 20. Minnesota Statutes 2012, section 204B.28, subdivision 1, is amended to read:

11.9 Subdivision 1. **Meeting with election officials.** At least 12 weeks before each
11.10 regularly scheduled town general election conducted in March, and at least 18 weeks
11.11 before all other general elections, each county auditor shall conduct a meeting or otherwise
11.12 communicate with local election officials to review the procedures for the election. The
11.13 county auditor may require the head election judges in the county to attend this meeting.

11.14 Sec. 21. Minnesota Statutes 2012, section 204B.32, subdivision 1, is amended to read:

11.15 Subdivision 1. **Payment.** (a) The secretary of state shall pay the compensation for
11.16 presidential electors, the cost of printing the ~~pink paper~~ ballots, and all necessary expenses
11.17 incurred by the secretary of state in connection with elections.

11.18 (b) The counties shall pay the compensation prescribed in section 204B.31, clauses
11.19 (b) and (c), the cost of printing the ~~canary ballots, the white ballots, the pink state general~~
11.20 election ballots when machines are used, the state partisan primary ballots, and the
11.21 state and county nonpartisan primary ballots, all necessary expenses incurred by county
11.22 auditors in connection with elections, and the expenses of special county elections.

11.23 (c) Subject to subdivision 2, the municipalities shall pay the compensation prescribed
11.24 for election judges and sergeants at arms, the cost of printing the municipal ballots,
11.25 providing ballot boxes, providing and equipping polling places and all necessary expenses
11.26 of the municipal clerks in connection with elections, except special county elections.

11.27 (d) The school districts shall pay the compensation prescribed for election judges
11.28 and sergeants-at-arms, the cost of printing the school district ballots, providing ballot
11.29 boxes, providing and equipping polling places and all necessary expenses of the school
11.30 district clerks in connection with school district elections not held in conjunction with
11.31 state elections. When school district elections are held in conjunction with state elections,
11.32 the school district shall pay the costs of printing the school district ballots, providing ballot
11.33 boxes and all necessary expenses of the school district clerk.

12.1 All disbursements under this section shall be presented, audited, and paid as in
12.2 the case of other public expenses.

12.3 Sec. 22. Minnesota Statutes 2012, section 204B.33, is amended to read:

12.4 **204B.33 NOTICE OF FILING.**

12.5 (a) At least ~~15~~ 16 weeks before the state primary, the secretary of state shall notify
12.6 each county auditor of the offices to be voted for in that county at the next state general
12.7 election for which candidates file with the secretary of state. The notice shall include
12.8 the time and place of filing for those offices. Within ten days after notification by the
12.9 secretary of state, each county auditor shall notify each municipal clerk in the county of
12.10 all the offices to be voted for in the county at that election and the time and place for
12.11 filing for those offices. The county auditors and municipal clerks shall promptly post a
12.12 copy of that notice in their offices.

12.13 (b) At least ~~two weeks~~ one week before the first day to file an affidavit of candidacy,
12.14 the county auditor shall publish a notice stating the first and last dates on which affidavits
12.15 of candidacy may be filed in the county auditor's office and the closing time for filing on
12.16 the last day for filing. The county auditor shall post a similar notice at least ten days before
12.17 the first day to file affidavits of candidacy.

12.18 Sec. 23. Minnesota Statutes 2012, section 204B.35, subdivision 4, is amended to read:

12.19 Subd. 4. **Absentee ballots; preparation; delivery.** At least 46 days before a
12.20 ~~regularly scheduled an election for federal, state, county, city, or school board office~~
12.21 ~~or a special election for federal office, and at least 30 days before any other election,~~
12.22 ballots necessary to fill applications of absentee voters shall be prepared and delivered to
12.23 the officials who administer the provisions of chapter 203B, except as provided in this
12.24 subdivision. Ballots necessary to fill applications of absentee voters for a town general
12.25 election held in March shall be prepared and delivered to the town clerk at least 30 days
12.26 before the election.

12.27 This section applies to school district elections held on the same day as a statewide
12.28 election or an election for a county or municipality located partially or wholly within
12.29 the school district.

12.30 Sec. 24. Minnesota Statutes 2012, section 204B.36, subdivision 1, is amended to read:

12.31 Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient
12.32 thickness to prevent the printing from being discernible from the back. ~~All ballots of the~~
12.33 ~~same color shall be substantially uniform in style of printing, size, thickness and shade of~~

13.1 ~~color. When the ballots of a particular color vary in shade, those used in any one precinct~~
13.2 ~~shall be of the same shade.~~ All ballots shall be printed in easily readable type with suitable
13.3 lines dividing candidates, offices, instructions and other matter printed on ballots. The
13.4 name of each candidate shall be printed in capital letters. The same type shall be used for
13.5 the names of all candidates on the same ballot.

13.6 Sec. 25. Minnesota Statutes 2012, section 204B.45, subdivision 2, is amended to read:

13.7 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be
13.8 given at least six ten weeks prior to the election. Not more than 46 days nor later than
13.9 14 days before a regularly scheduled election ~~for federal, state, county, city, or school~~
13.10 ~~board office or a special election for federal office~~ and not more than 30 days nor later
13.11 than 14 days before any other election, the auditor shall mail ballots by nonforwardable
13.12 mail to all voters registered in the town or unorganized territory. No later than 14 days
13.13 before the election, the auditor must make a subsequent mailing of ballots to those voters
13.14 who register to vote after the initial mailing but before the 20th day before the election.
13.15 Eligible voters not registered at the time the ballots are mailed may apply for ballots as
13.16 provided in chapter 203B. Ballot return envelopes, with return postage provided, must
13.17 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in
13.18 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot
13.19 board to examine the mail and absentee ballot return envelopes and mark them "accepted"
13.20 or "rejected" within three days of receipt if there are 14 or fewer days before election
13.21 day, or within five days of receipt if there are more than 14 days before election day.
13.22 The board may consist of staff trained as election judges who need not be affiliated with
13.23 a major political party. Election judges performing the duties in this section must be of
13.24 different major political parties, unless they are exempt from that requirement under
13.25 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
13.26 least five days before the election, the ballots in the envelope must remain sealed and the
13.27 auditor or clerk shall provide the voter with a replacement ballot and return envelope in
13.28 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
13.29 envelope must remain sealed and the official in charge of the ballot board must attempt to
13.30 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
13.31 rejected. The official must document the attempts made to contact the voter.

13.32 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
13.33 indicate that the voter has already cast a ballot in that election. After the close of business
13.34 on the fourth day before the election, the ballots from return envelopes marked "Accepted"

14.1 may be opened, duplicated as needed in the manner provided by section 206.86,
14.2 subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

14.3 In all other respects, the provisions of the Minnesota Election Law governing
14.4 deposit and counting of ballots apply.

14.5 The mail and absentee ballots for a precinct must be counted together and reported
14.6 as one vote total. No vote totals from mail or absentee ballots may be made public before
14.7 the close of voting on election day.

14.8 The costs of the mailing shall be paid by the election jurisdiction in which the voter
14.9 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

14.10 Sec. 26. Minnesota Statutes 2012, section 204B.46, is amended to read:

14.11 **204B.46 MAIL ELECTIONS; QUESTIONS.**

14.12 A county, municipality, or school district submitting questions to the voters at a
14.13 special election may conduct an election by mail with no polling place other than the office
14.14 of the auditor or clerk. No offices may be voted on at a mail election. Notice of the election
14.15 must be given to the county auditor at least ~~53~~ 74 days prior to the election. This notice
14.16 shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail
14.17 ballot procedures must be posted at least six weeks prior to the election. Not more than ~~30~~
14.18 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by
14.19 nonforwardable mail to all voters registered in the county, municipality, or school district.
14.20 No later than 14 days before the election, the auditor or clerk must make a subsequent
14.21 mailing of ballots to those voters who register to vote after the initial mailing but before
14.22 the 20th day before the election. Eligible voters not registered at the time the ballots are
14.23 mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint
14.24 a ballot board to examine the mail and absentee ballot return envelopes and mark them
14.25 "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before
14.26 election day, or within five days of receipt if there are more than 14 days before election
14.27 day. The board may consist of staff trained as election judges who need not be affiliated
14.28 with a major political party. Election judges performing the duties in this section must be
14.29 of different major political parties, unless they are exempt from that requirement under
14.30 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
14.31 least five days before the election, the ballots in the envelope must remain sealed and the
14.32 auditor or clerk must provide the voter with a replacement ballot and return envelope in
14.33 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
14.34 envelope must remain sealed and the official in charge of the ballot board must attempt to

15.1 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
15.2 rejected. The official must document the attempts made to contact the voter.

15.3 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
15.4 indicate that the voter has already cast a ballot in that election. After the close of business
15.5 on the fourth day before the election, the ballots from return envelopes marked "Accepted"
15.6 may be opened, duplicated as needed in the manner provided by section 206.86,
15.7 subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

15.8 In all other respects, the provisions of the Minnesota Election Law governing
15.9 deposit and counting of ballots apply.

15.10 The mail and absentee ballots for a precinct must be counted together and reported
15.11 as one vote total. No vote totals from ballots may be made public before the close of
15.12 voting on election day.

15.13 Sec. 27. Minnesota Statutes 2012, section 204C.14, is amended to read:

15.14 **204C.14 UNLAWFUL VOTING; PENALTY.**

15.15 No individual shall intentionally:

15.16 (a) misrepresent the individual's identity in applying for a ballot, depositing a ballot in
15.17 a ballot box or attempting to vote by means of a voting machine or electronic voting system;

15.18 (b) vote more than once at the same election;

15.19 (c) put a ballot in a ballot box for any illegal purpose;

15.20 (d) give more than one ballot of the same kind ~~and color~~ to an election judge to
15.21 be placed in a ballot box;

15.22 (e) aid, abet, counsel or procure another to go into any precinct for the purpose
15.23 of voting in that precinct, knowing that the other individual is not eligible to vote in
15.24 that precinct; or

15.25 (f) aid, abet, counsel or procure another to do any act in violation of this section.

15.26 A violation of this section is a felony.

15.27 Sec. 28. Minnesota Statutes 2012, section 204C.15, subdivision 1, is amended to read:

15.28 Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need
15.29 for assistance because of inability to read English or physical inability to mark a ballot may
15.30 obtain the aid of two election judges who are members of different major political parties.
15.31 The election judges shall mark the ballots as directed by the voter and in as secret a manner
15.32 as circumstances permit. ~~If the voter is deaf or cannot speak English or understand it when~~
15.33 ~~it is spoken, the election judges may select two individuals who are members of different~~
15.34 ~~major political parties to provide assistance. The individuals shall assist the voter in~~

16.1 ~~marking the ballots.~~ A voter in need of assistance may alternatively obtain the assistance of
16.2 any individual the voter chooses. Only the following persons may not provide assistance
16.3 to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of
16.4 the voter's union, or a candidate for election. The person who assists the voter shall,
16.5 unaccompanied by an election judge, retire with that voter to a booth and mark the ballot
16.6 as directed by the voter. No person who assists another voter as provided in the preceding
16.7 sentence shall mark the ballots of more than three voters at one election. Before the ballots
16.8 are deposited, the voter may show them privately to an election judge to ascertain that they
16.9 are marked as the voter directed. An election judge or other individual assisting a voter
16.10 shall not in any manner request, persuade, induce, or attempt to persuade or induce the
16.11 voter to vote for any particular political party or candidate. The election judges or other
16.12 individuals who assist the voter shall not reveal to anyone the name of any candidate for
16.13 whom the voter has voted or anything that took place while assisting the voter.

16.14 Sec. 29. Minnesota Statutes 2012, section 204C.19, subdivision 2, is amended to read:

16.15 Subd. 2. **Ballots; order of counting.** Except as otherwise provided in this
16.16 subdivision, the ballot boxes shall be opened, the votes counted, and the total declared ~~one~~
16.17 ~~box at a time in the following order: the white box, the pink box, the canary box, the light~~
16.18 ~~green box, the blue box, the buff box, the goldenrod box, the gray box, and then the other~~
16.19 ~~kinds of ballots voted at the election. If enough election judges are available to provide~~
16.20 ~~counting teams of four or more election judges for each box, more than one box may be~~
16.21 ~~opened and counted at the same time.~~ The election judges on each counting team shall be
16.22 evenly divided between the major political parties. The numbers entered on the summary
16.23 sheet shall not be considered final until the ballots in all the boxes have been counted and
16.24 corrections have been made if ballots have been deposited in the wrong boxes.

16.25 Sec. 30. Minnesota Statutes 2012, section 204C.25, is amended to read:

16.26 **204C.25 DISPOSITION OF BALLOTS.**

16.27 After the count and the summary statements have been completed, in the presence
16.28 of all the election judges, the counted, defective, and blank ballots shall be placed in
16.29 envelopes ~~marked or printed to distinguish the color of the ballots contained,~~ and the
16.30 envelopes shall be sealed. The election judges shall sign each envelope over the sealed part
16.31 so that the envelope cannot be opened without disturbing the continuity of the signatures.
16.32 The number ~~and kind~~ of ballots in each envelope, the name of the town or city, and the
16.33 name of the precinct shall be plainly written upon the envelopes. The number and name of
16.34 the district must be plainly written on envelopes containing school district ballots. The

17.1 spoiled ballots shall be placed in separate envelopes and returned with the unused ballots
17.2 to the county auditor or municipal or school district clerk from whom they were received.

17.3 Sec. 31. Minnesota Statutes 2012, section 204C.27, is amended to read:

17.4 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

17.5 One or more of the election judges in each precinct shall deliver two sets of
17.6 summary statements; all spoiled ~~white, pink, canary, and gray~~ ballots; and the envelopes
17.7 containing the ~~white, pink, canary, and gray~~ ballots either directly to the municipal clerk
17.8 for transmittal to the county auditor's office or directly to the county auditor's office as
17.9 soon as possible after the vote counting is completed but no later than 24 hours after the
17.10 end of the hours for voting. One or more election judges shall deliver the remaining set
17.11 of summary statements and returns, all unused and spoiled municipal and school district
17.12 ballots, the envelopes containing municipal and school district ballots, and all other things
17.13 furnished by the municipal or school district clerk, to the municipal or school district
17.14 clerk's office within 24 hours after the end of the hours for voting. The municipal or school
17.15 district clerk shall return all polling place rosters and completed voter registration cards to
17.16 the county auditor within 48 hours after the end of the hours for voting.

17.17 Sec. 32. Minnesota Statutes 2012, section 204D.08, subdivision 6, is amended to read:

17.18 Subd. 6. **State and county nonpartisan primary ballot.** The state and county
17.19 nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary
17.20 Ballot." It shall be printed ~~on canary paper~~ in the manner provided in the rules of the
17.21 secretary of state. The names of candidates for nomination to the Supreme Court, Court of
17.22 Appeals, district court, and all county offices shall be placed on this ballot.

17.23 No candidate whose name is placed on the state and county nonpartisan primary
17.24 ballot shall be designated or identified as the candidate of any political party or in any
17.25 other manner except as expressly provided by law.

17.26 Sec. 33. Minnesota Statutes 2012, section 204D.09, subdivision 2, is amended to read:

17.27 Subd. 2. **Sample ballot.** At least ~~two weeks~~ 46 days before the state primary the
17.28 county auditor shall prepare a sample ~~state partisan primary ballot and a sample state and~~
17.29 ~~county nonpartisan primary~~ ballot for each precinct for public inspection and transmit an
17.30 electronic copy of these sample ballots to the secretary of state. The names of ~~all of the~~
17.31 candidates to be voted for in the county shall be placed on the sample ballots, with the
17.32 names of the candidates for each office arranged in the base rotation as determined by
17.33 section 206.61, subdivision 5. ~~Only one sample state partisan primary ballot and one~~

18.1 ~~sample state and county nonpartisan ballot shall be prepared for any county.~~ The county
18.2 auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall
18.3 cause them to be published at least one week before the state primary in at least one
18.4 newspaper of general circulation in the county.

18.5 Sec. 34. Minnesota Statutes 2012, section 204D.11, subdivision 1, is amended to read:

18.6 Subdivision 1. **White State general election ballot; rules.** The names of
18.7 the candidates for all ~~partisan state and federal offices, all proposed constitutional~~
18.8 ~~amendments, all county offices and questions, and all judicial offices~~ voted on at the state
18.9 general election shall be placed on a single ballot ~~printed on white paper which that~~ shall
18.10 be known as the "~~white state general election~~ ballot." This ballot shall be prepared by the
18.11 county auditor subject to the rules of the secretary of state. The secretary of state shall
18.12 adopt rules for preparation and time of delivery of the ~~white state general election~~ ballot.

18.13 Sec. 35. Minnesota Statutes 2012, section 204D.11, subdivision 4, is amended to read:

18.14 Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the
18.15 offices of president and vice-president of the United States and senator and representative
18.16 in Congress shall be placed on a ballot ~~printed on white paper which that~~ shall be known
18.17 as the "special federal ~~white~~ ballot."

18.18 (b) This ballot shall be prepared by the county auditor in the same manner as
18.19 the ~~white state general election~~ ballot and shall be subject to the rules adopted by the
18.20 secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished
18.21 in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act,
18.22 United States Code, title 42, section 1973ff.

18.23 (c) The special federal ~~white~~ ballot shall be the only ballot sent to citizens of
18.24 the United States who are eligible to vote by absentee ballot for federal candidates in
18.25 Minnesota.

18.26 Sec. 36. Minnesota Statutes 2012, section 204D.11, subdivision 5, is amended to read:

18.27 Subd. 5. **Ballot headings.** The ~~white, pink, and special federal white~~ ballot
18.28 ~~containing the offices and questions in subdivisions 1 and 4,~~ shall be headed with the
18.29 words "State General Election Ballot." ~~The canary ballot shall be headed with the words~~
18.30 ~~"County and Judicial Nonpartisan General Election Ballot."~~

18.31 Sec. 37. Minnesota Statutes 2012, section 204D.11, subdivision 6, is amended to read:

19.1 Subd. 6. **Gray Judicial ballot.** When the ~~canary ballot would be longer than 30~~
19.2 ~~inches or when~~ it would not be possible to place all offices on a single ballot card for the
19.3 state general election, the judicial offices ~~that should be placed on the canary ballot~~ may be
19.4 placed instead on a separate gray judicial ballot. The gray judicial ballot shall be prepared
19.5 by the county auditor in the manner provided in the rules of the secretary of state.

19.6 The gray judicial ballot must be headed with the words: "Judicial Nonpartisan
19.7 General Election Ballot." Separate ballot boxes must be provided for these gray judicial
19.8 ballots.

19.9 Sec. 38. Minnesota Statutes 2012, section 204D.13, subdivision 3, is amended to read:

19.10 Subd. 3. **Nominees by petition; placement on ballot.** The names of candidates
19.11 nominated by petition for a partisan office voted on at the state general election shall be
19.12 placed on the white state general election ballot after the names of the candidates for that
19.13 office who were nominated at the state primary. ~~Prior to the state primary~~ No later than
19.14 11 weeks before the state general election, the secretary of state shall determine by lot
19.15 the order of candidates nominated by petition. The drawing of lots must be by political
19.16 party or principle. The political party or political principle of the candidate as stated on
19.17 the petition shall be placed after the name of a candidate nominated by petition. The word
19.18 "nonpartisan" shall not be used to designate any partisan candidate whose name is placed
19.19 on the white state general election ballot by nominating petition.

19.20 Sec. 39. Minnesota Statutes 2012, section 204D.14, subdivision 1, is amended to read:

19.21 Subdivision 1. **Rotation of names.** The names of candidates for nonpartisan offices
19.22 on the ~~canary~~ state general election ballot and the judicial nonpartisan general election
19.23 ballot shall be rotated in the manner provided for rotation of names on state partisan
19.24 primary ballots by section 204D.08, subdivision 3.

19.25 Sec. 40. Minnesota Statutes 2012, section 204D.14, subdivision 3, is amended to read:

19.26 Subd. 3. **Uncontested judicial offices.** Judicial offices for a specific court for
19.27 which there is only one candidate filed must appear after all other judicial offices for that
19.28 same court on the ~~canary~~ ballot.

19.29 Sec. 41. Minnesota Statutes 2012, section 204D.15, subdivision 3, is amended to read:

19.30 Subd. 3. **Sample pink ballot; constitutional amendments.** Four weeks before the
19.31 state general election the secretary of state shall file sample copies of the ~~pink ballot~~
19.32 portion of the state general election ballot that contains the proposed constitutional

20.1 amendments in the Secretary of State's Office for public inspection. Three weeks before
20.2 the state general election the secretary of state shall ~~mail~~ transmit sample copies of the
20.3 ~~pink sample~~ ballot to each county auditor. Each auditor shall post the sample ballot in a
20.4 conspicuous place in the auditor's office.

20.5 Sec. 42. Minnesota Statutes 2012, section 204D.16, is amended to read:

20.6 **204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;**
20.7 **PUBLICATION.**

20.8 ~~Two weeks before the state general election the county auditor shall prepare sample~~
20.9 ~~copies of the white and canary ballots and~~ At least 46 days before the state general
20.10 election, the county auditor shall post copies of these sample ballots and a sample of the
20.11 pink ballot for each precinct in the auditor's office for public inspection and transmit an
20.12 electronic copy of these sample ballots to the secretary of state. No earlier than 15 days
20.13 and no later than two days before the state general election the county auditor shall cause
20.14 ~~the a sample white and canary ballots state general election ballot~~ to be published in at
20.15 least one newspaper of general circulation in the county.

20.16 Sec. 43. Minnesota Statutes 2012, section 204D.165, is amended to read:

20.17 **204D.165 SAMPLE BALLOTS TO SCHOOLS.**

20.18 ~~Notwithstanding any contrary provisions in section 204D.09 or 204D.16,~~ The county
20.19 auditor, two weeks before the applicable primary or general election, shall provide one
20.20 copy of ~~the an appropriate sample partisan primary, nonpartisan primary, canary, white,~~
20.21 ~~or pink~~ ballot to a school district upon request. The school district may have the sample
20.22 ballots reproduced at its expense for classroom educational purposes and for educational
20.23 activities authorized under section 204B.27, subdivision 7.

20.24 Sec. 44. Minnesota Statutes 2012, section 204D.19, subdivision 2, is amended to read:

20.25 Subd. 2. **Special election when legislature will be in session.** Except for
20.26 vacancies in the legislature which occur at any time between the last day of session in an
20.27 odd-numbered year and the 40th day prior to the opening day of session in the succeeding
20.28 even-numbered year, when a vacancy occurs and the legislature will be in session so
20.29 that the individual elected as provided by this section could take office and exercise the
20.30 duties of the office immediately upon election, the governor shall issue within five days
20.31 after the vacancy occurs a writ calling for a special election. The special election shall
20.32 be held as soon as possible, consistent with the notice requirements of section 204D.22,
20.33 subdivision 3, but in no event more than 35 days after the issuance of the writ. A special

21.1 election must not be held during the four days before or the four days after a holiday as
21.2 defined in section 645.44, subdivision 5.

21.3 Sec. 45. Minnesota Statutes 2012, section 205.02, subdivision 2, is amended to read:

21.4 Subd. 2. **City elections.** In all statutory and home rule charter cities, the primary,
21.5 general and special elections held for choosing city officials and deciding public questions
21.6 relating to the city shall be held as provided in this chapter, except that sections 205.065,
21.7 subdivisions 4 to 6; 205.07, subdivision 3; 205.10; 205.121; and 205.17, ~~subdivisions 2~~
21.8 ~~and subdivision 3~~, do not apply to a city whose charter provides the manner of holding
21.9 its primary, general or special elections.

21.10 Sec. 46. Minnesota Statutes 2012, section 205.10, subdivision 3, is amended to read:

21.11 Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be
21.12 held within ~~40~~ 56 days after the state general election.

21.13 Sec. 47. Minnesota Statutes 2012, section 205.13, subdivision 1a, is amended to read:

21.14 Subd. 1a. **Filing period.** In a city nominating candidates at a primary, an affidavit of
21.15 candidacy for a city office voted on in November must be filed no more than 84 days nor
21.16 less than 70 days before the city primary. In municipalities that do not hold a primary, an
21.17 affidavit of candidacy must be filed no more than 70 days and not less than 56 days before
21.18 the municipal general election held in March in any year, or a special election not held in
21.19 conjunction with another election, and no more than 98 days nor less than 84 days before
21.20 the municipal general election held in November of any year. The municipal clerk's office
21.21 must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period.

21.22 Sec. 48. Minnesota Statutes 2012, section 205.13, is amended by adding a subdivision
21.23 to read:

21.24 Subd. 7. **Write-in candidates for city offices.** The governing body of any city
21.25 may, by resolution, require that a candidate for a city office who wants write-in votes for
21.26 the candidate to be counted file a written request with the city clerk no later than the
21.27 seventh day before the general election. The filing officer shall provide copies of the
21.28 form to make the request.

21.29 Sec. 49. Minnesota Statutes 2012, section 205.16, subdivision 4, is amended to read:

21.30 Subd. 4. **Notice to auditor.** At least ~~67~~ 74 days before every municipal election held
21.31 ~~in conjunction with a regularly scheduled primary for federal, state, county, city, or school~~

22.1 ~~board office or a special primary for federal office, at least 74 days before every municipal~~
 22.2 ~~election held in connection with a regularly scheduled general election for federal, state,~~
 22.3 ~~county, city, or school board office or a special election for federal office, and at least 53~~
 22.4 ~~days before any other municipal election, the municipal clerk shall provide a written notice~~
 22.5 ~~to the county auditor, including the date of the election, the offices to be voted on at the~~
 22.6 ~~election, and the title and language for each ballot question to be voted on at the election.~~
 22.7 ~~At least 67~~ 74 ~~days before every municipal election held in conjunction with a regularly~~
 22.8 ~~scheduled primary for federal, state, county, city, or school board office or a special~~
 22.9 ~~primary for federal office, at least 74 days before a regularly scheduled general election for~~
 22.10 ~~federal, state, county, city, or school board office or a special election for federal office, and~~
 22.11 ~~at least 46 days before any other election, the municipal clerk must provide written notice~~
 22.12 ~~to the county auditor of any special election canceled under section 205.10, subdivision 6.~~

22.13 Sec. 50. Minnesota Statutes 2012, section 205.16, subdivision 5, is amended to read:

22.14 Subd. 5. **Notice to secretary of state.** ~~At least 67~~ 74 ~~days before every municipal~~
 22.15 ~~election held in conjunction with a regularly scheduled primary for federal, state, county,~~
 22.16 ~~city, or school board office or a special primary for federal office, at least 74 days before~~
 22.17 ~~every municipal election held in conjunction with a regularly scheduled general election~~
 22.18 ~~for federal, state, county, city, or school board office or a special election for federal office,~~
 22.19 ~~and at least 46 days before any other municipal election for which a notice is provided~~
 22.20 ~~to the county auditor under subdivision 4, the county auditor shall provide a notice of~~
 22.21 ~~the election to the secretary of state, in a manner and including information prescribed~~
 22.22 ~~by the secretary of state.~~

22.23 Sec. 51. Minnesota Statutes 2012, section 205.17, subdivision 1, is amended to read:

22.24 Subdivision 1. ~~Second, third, and fourth class cities; towns~~ **Municipal offices;**
 22.25 **questions; general election ballot.** In all statutory and home rule charter cities ~~of the~~
 22.26 ~~second, third, and fourth class, and in all towns, for the municipal general election, the~~
 22.27 ~~municipal clerk shall have printed on light green paper the official ballot containing the~~
 22.28 ~~names of all candidates for municipal offices and municipal ballot questions.~~ The ballot
 22.29 shall be printed in quantities of 25, 50, or 100, shall be headed "City or Town Election
 22.30 Ballot," shall state the name of the city or town and the date of the election, and shall
 22.31 conform in other respects to the ~~white ballot used at the state general election~~ ballot. The
 22.32 names shall be arranged on city ballots in the manner provided for the state elections. On
 22.33 town ballots names of the candidates for each office shall be arranged either:

22.34 (1) alphabetically according to the candidates' surnames; or

23.1 (2) in the manner provided for state elections if the town electors chose at the town's
23.2 annual meeting to arrange the names in that way for at least two consecutive years.

23.3 Sec. 52. Minnesota Statutes 2012, section 205.17, subdivision 3, is amended to read:

23.4 Subd. 3. **Primary ballots.** The municipal primary ballot ~~in cities of the second,~~
23.5 ~~third, and fourth class and towns and the nonpartisan primary ballot in cities of the first~~
23.6 ~~class shall conform as far as practicable with the municipal general election ballot except~~
23.7 ~~that it shall be printed on light green paper. No blank spaces shall be provided for writing~~
23.8 ~~in the names of candidates. The partisan primary ballot in cities of the first class shall~~
23.9 ~~conform as far as practicable with the state partisan primary ballot.~~

23.10 Sec. 53. Minnesota Statutes 2012, section 205A.04, is amended by adding a
23.11 subdivision to read:

23.12 Subd. 3. **Change in year of general election.** The school board may, by resolution,
23.13 change the year in which the school district general election will be held. The resolution
23.14 must be approved no later than four weeks before the first day to file affidavits of
23.15 candidacy for the general election. A plan for the orderly transition to the new election
23.16 year must be included in the resolution. The terms of school board members may be
23.17 lengthened or shortened by one year as a part of the transition process.

23.18 Sec. 54. Minnesota Statutes 2012, section 205A.05, subdivision 1, is amended to read:

23.19 Subdivision 1. **Questions.** Special elections must be held for a school district on a
23.20 question on which the voters are authorized by law to pass judgment. The school board
23.21 may on its own motion call a special election to vote on any matter requiring approval of
23.22 the voters of a district. Upon petition filed with the school board of 50 or more voters of
23.23 the school district or five percent of the number of voters voting at the preceding school
23.24 district general election, whichever is greater, the school board shall by resolution call
23.25 a special election to vote on any matter requiring approval of the voters of a district. A
23.26 question is carried only with the majority in its favor required by law. The election officials
23.27 for a special election are the same as for the most recent school district general election
23.28 unless changed according to law. Otherwise, special elections must be conducted and the
23.29 returns made in the manner provided for the school district general election. A special
23.30 election may not be held during the ~~30~~ 56 days before and the ~~30~~ 56 days after ~~the state a~~
23.31 regularly scheduled primary, during the 30 days before and the 40 days after the state or
23.32 general election. In addition, a special election may not be held during the 20 days before
23.33 and the 20 days after any regularly scheduled election of a municipality conducted wholly

24.1 or partially within the school district. Notwithstanding any other law to the contrary, the
24.2 time period in which a special election must be conducted under any other law may be
24.3 extended by the school board to conform with the requirements of this subdivision.

24.4 Sec. 55. Minnesota Statutes 2012, section 205A.05, subdivision 2, is amended to read:

24.5 Subd. 2. **Vacancies in school district offices.** Special elections shall be held in
24.6 school districts in conjunction with school district primary and general elections to fill
24.7 vacancies in elective school district offices. When more than one vacancy exists in an
24.8 office elected at-large, voters must be instructed to vote for up to the number of vacancies
24.9 to be filled.

24.10 Sec. 56. Minnesota Statutes 2012, section 205A.06, is amended by adding a
24.11 subdivision to read:

24.12 Subd. 6. **Write-in candidates.** The governing body of any school district may, by
24.13 resolution, require that a candidate for school district office who wants write-in votes
24.14 for the candidate to be counted file a written request with the filing office for the office
24.15 sought no later than the seventh day before the general election. The filing officer shall
24.16 provide copies of the form to make the request.

24.17 Sec. 57. Minnesota Statutes 2012, section 205A.07, subdivision 3, is amended to read:

24.18 Subd. 3. **Notice to auditor.** At least ~~67~~ 74 days before every school district election
24.19 ~~held in conjunction with a regularly scheduled primary for federal, state, county, city, or~~
24.20 ~~school board office or a special primary for federal office, at least 74 days before every~~
24.21 ~~school district election held in conjunction with a regularly scheduled general election for~~
24.22 ~~federal, state, county, city, or school board office or a special election for federal office,~~
24.23 ~~and at least 53 days before any other school district election, the school district clerk shall~~
24.24 provide a written notice to the county auditor of each county in which the school district is
24.25 located. The notice must include the date of the election, the offices to be voted on at the
24.26 election, and the title and language for each ballot question to be voted on at the election.
24.27 For the purposes of meeting the timelines of this section, in a bond election, a notice,
24.28 including a proposed question, may be provided to the county auditor before receipt of a
24.29 review and comment from the commissioner of education and before actual initiation of
24.30 the election. At least ~~67~~ 74 days before every school district election ~~held in conjunction~~
24.31 ~~with a regularly scheduled primary for federal, state, county, city, or school board office or~~
24.32 ~~a special primary for federal office, at least 74 days before an election held in conjunction~~
24.33 ~~with a regularly scheduled general election for federal, state, county, city, or school board~~

25.1 ~~office or a special election for federal office, and at least 46 days before any other election,~~
25.2 the school district clerk must provide written notice to the county auditor of any special
25.3 election canceled under section 205A.05, subdivision 3.

25.4 Sec. 58. Minnesota Statutes 2012, section 205A.07, subdivision 3a, is amended to read:

25.5 Subd. 3a. **Notice to commissioner of education.** At least ~~67~~ 74 days before every
25.6 school district election ~~held in conjunction with a regularly scheduled primary for federal,~~
25.7 ~~state, county, city, or school board office or a special primary for federal office, at least 74~~
25.8 ~~days before every school district election held in conjunction with a regularly scheduled~~
25.9 ~~general election for federal, state, county, city, or school board office or a special election~~
25.10 ~~for federal office, and at least 49 days before any other school district election, under~~
25.11 section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall
25.12 provide a written notice to the commissioner of education. The notice must include the
25.13 date of the election and the title and language for each ballot question to be voted on at the
25.14 election. At least ~~67~~ 74 days before every school district election ~~held in conjunction with~~
25.15 ~~a regularly scheduled primary for federal, state, county, city, or school board office or a~~
25.16 ~~special primary for federal office, at least 74 days before every school district election~~
25.17 ~~held in conjunction with a regularly scheduled general election for federal, state, county,~~
25.18 ~~city, or school board office or a special election for federal office, and at least 46 days~~
25.19 ~~before any other school district election, the school district clerk must provide a written~~
25.20 notice to the commissioner of education of any special election canceled under section
25.21 205A.05, subdivision 3. The certified vote totals for each ballot question shall be provided
25.22 in a written notice to the commissioner in a timely manner.

25.23 Sec. 59. Minnesota Statutes 2012, section 205A.07, subdivision 3b, is amended to read:

25.24 Subd. 3b. **Notice to secretary of state.** At least ~~67~~ 74 days before every school
25.25 district election ~~held in conjunction with a regularly scheduled primary for federal, state,~~
25.26 ~~county, city, or school board office or a special primary for federal office, at least 74~~
25.27 ~~days before every school district election held in conjunction with a regularly scheduled~~
25.28 ~~general election for federal, state, county, city, or school board office or a special election~~
25.29 ~~for federal office, and at least 46 days before any other school district election for which~~
25.30 a notice is provided to the county auditor under subdivision 3, the county auditor shall
25.31 provide a notice of the election to the secretary of state, in a manner and including
25.32 information prescribed by the secretary of state.

25.33 Sec. 60. Minnesota Statutes 2012, section 205A.08, subdivision 1, is amended to read:

26.1 Subdivision 1. ~~Buff~~ **General election ballot.** The names of all candidates for offices
26.2 and all ballot questions to be voted on at a school district general election must be placed
26.3 on a single ballot printed on buff paper and known as the "buff ballot."

26.4 Sec. 61. Minnesota Statutes 2012, section 206.61, subdivision 4, is amended to read:

26.5 Subd. 4. **Order of candidates.** On the "State Partisan Primary Ballot" prepared for
26.6 primary elections, and on the ~~white~~ state general election ballot prepared for the general
26.7 election, the order of the names of nominees or names of candidates for election shall be
26.8 the same as required for paper ballots. More than one column or row may be used for the
26.9 same office or party. Electronic ballot display and audio ballot readers must conform to
26.10 the candidate order on the optical scan ballot used in the precinct.

26.11 Sec. 62. Minnesota Statutes 2012, section 206.89, subdivision 2, is amended to read:

26.12 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the
26.13 county canvassing board in each county must set the date, time, and place for the
26.14 postelection review of the state general election to be held under this section.

26.15 At the canvass of the state general election, the county canvassing boards must select
26.16 the precincts to be reviewed by lot. ~~Ballots counted centrally by a ballot board shall be~~
26.17 ~~considered one precinct eligible to be selected for purposes of this subdivision.~~ The county
26.18 canvassing board of a county with fewer than 50,000 registered voters must conduct a
26.19 postelection review of a total of at least two precincts. The county canvassing board of a
26.20 county with between 50,000 and 100,000 registered voters must conduct a review of a total
26.21 of at least three precincts. The county canvassing board of a county with over 100,000
26.22 registered voters must conduct a review of a total of at least four precincts, or three percent
26.23 of the total number of precincts in the county, whichever is greater. At least one precinct
26.24 selected in each county must have had more than 150 votes cast at the general election.

26.25 The county auditor must notify the secretary of state of the precincts that have been
26.26 chosen for review and the time and place the postelection review for that county will be
26.27 conducted, as soon as the decisions are made. If the selection of precincts has not resulted
26.28 in the selection of at least four precincts in each congressional district, the secretary of state
26.29 may require counties to select by lot additional precincts to meet the congressional district
26.30 requirement. The secretary of state must post this information on the office Web site.

26.31 Sec. 63. Minnesota Statutes 2012, section 206.89, subdivision 3, is amended to read:

26.32 Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint
26.33 the postelection review official as defined in subdivision 1. The postelection review must

27.1 be conducted of the votes cast for president or governor; ~~United States senator; and United~~
27.2 ~~States representative.~~ The postelection review official may conduct postelection review of
27.3 the votes cast for additional offices.

27.4 The postelection review must be conducted in public at the location where the
27.5 voted ballots have been securely stored after the state general election or at another
27.6 location chosen by the county canvassing board. The postelection review official for
27.7 each precinct selected must conduct the postelection review and may be assisted by
27.8 election judges designated by the postelection review official for this purpose. The party
27.9 balance requirement of section 204B.19 applies to election judges designated for the
27.10 review. The postelection review must consist of a manual count of the ballots used in the
27.11 precincts selected and must be performed in the manner provided by section 204C.21.
27.12 The postelection review must be conducted in the manner provided for recounts under
27.13 section 204C.361 to the extent practicable. The review must be completed no later
27.14 than two days before the meeting of the state canvassing board to certify the results of
27.15 the state general election.

27.16 Sec. 64. Minnesota Statutes 2012, section 206.895, is amended to read:

27.17 **206.895 SECRETARY OF STATE MONITOR.**

27.18 The secretary of state must monitor and evaluate election procedures in precincts
27.19 subject to the audit provided for in section 206.89 in at least ~~four precincts~~ one precinct in
27.20 each congressional district. The precincts must be chosen by lot by the State Canvassing
27.21 Board at its meeting to canvass the state general election.

27.22 Sec. 65. Minnesota Statutes 2012, section 206.90, subdivision 6, is amended to read:

27.23 Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card
27.24 on which all ballot information is included must be printed in black ink on white colored
27.25 material except that marks not to be read by the automatic tabulating equipment may be
27.26 printed in another color ink. In state elections, a single ballot title must be used, as provided
27.27 in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. In odd-numbered years
27.28 when both municipal and school district offices or questions appear on the ballot, the
27.29 single ballot title "City (or Town) and School District Ballot" must be used.

27.30 On the front of the ballot must be printed the words "Official Ballot" and the date of
27.31 the election and lines for the initials of at least two election judges.

27.32 When optical scan ballots are used, the offices to be elected must appear in the
27.33 following order: federal offices; state legislative offices; constitutional offices; proposed
27.34 constitutional amendments; county offices and questions; municipal offices and questions;

28.1 school district offices and questions; special district offices and questions; and judicial
28.2 offices.

28.3 On optical scan ballots, the names of candidates and the words "yes" and "no" for
28.4 ballot questions must be printed as close to their corresponding vote targets as possible.

28.5 The line on an optical scan ballot for write-in votes must contain the words "write-in,
28.6 if any."

28.7 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the
28.8 instructions to voters must include a statement that reads substantially as follows: "THIS
28.9 BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN
28.10 BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR
28.11 CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains
28.12 political party columns on both sides of the ballot, the instructions to voters must include a
28.13 statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE
28.14 PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL
28.15 PARTY ONLY." At the bottom of each political party column on the primary ballot, the
28.16 ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING
28.17 ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4,
28.18 do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio
28.19 ballot readers must follow the order of offices and questions on the optical scan or paper
28.20 ballot used in the same precinct, or the sample ballot posted for that precinct.

28.21 Sec. 66. Minnesota Statutes 2012, section 208.04, subdivision 1, is amended to read:

28.22 Subdivision 1. **Form of presidential ballots.** When presidential electors and
28.23 alternates are to be voted for, a vote cast for the party candidates for president and vice
28.24 president shall be deemed a vote for that party's electors and alternates as filed with the
28.25 secretary of state. The secretary of state shall certify the names of all duly nominated
28.26 presidential and vice presidential candidates to the county auditors of the counties of
28.27 the state. Each county auditor, subject to the rules of the secretary of state, shall cause
28.28 the names of the candidates of each major political party and the candidates nominated
28.29 by petition to be printed in capital letters, set in type of the same size and style as for
28.30 candidates on the state ~~white~~ general election ballot, before the party designation. To the
28.31 left of, and on the same line with the names of the candidates for president and vice
28.32 president, near the margin, shall be placed a square or box, in which the voters may
28.33 indicate their choice by marking an "X."

28.34 The form for the presidential ballot and the relative position of the several candidates
28.35 shall be determined by the rules applicable to other state officers. The state ballot, with

29.1 the required heading, shall be printed on the same piece of paper and shall be below the
29.2 presidential ballot with a blank space between one inch in width.

29.3 Sec. 67. Minnesota Statutes 2012, section 208.04, subdivision 2, is amended to read:

29.4 Subd. 2. **Applicable rules.** The rules for preparation, state contribution to the cost
29.5 of printing, and delivery of presidential ballots are the same as the rules for ~~white state~~
29.6 general election ballots under section 204D.11, subdivision 1.

29.7 Sec. 68. Minnesota Statutes 2012, section 211B.045, is amended to read:

29.8 **211B.045 NONCOMMERCIAL SIGNS EXEMPTION.**

29.9 ~~In any municipality, whether or not the municipality has an ordinance that regulates~~
29.10 ~~the size or number of noncommercial signs;~~ All noncommercial signs of any size may be
29.11 posted in any number ~~from~~ beginning 46 days before the state primary in a state general
29.12 election year until ten days following the state general election. Municipal ordinances
29.13 may regulate the size and number of noncommercial signs at other times.

29.14 Sec. 69. Minnesota Statutes 2012, section 211B.37, is amended to read:

29.15 **211B.37 COSTS ASSESSED.**

29.16 Except as otherwise provided in section 211B.36, subdivision 3, the chief
29.17 administrative law judge shall assess the cost of considering complaints filed under
29.18 section 211B.32 as provided in this section. Costs of complaints relating to a statewide
29.19 ballot question or an election for a statewide or legislative office must be assessed against
29.20 the appropriation from the general fund to the general account of the state elections
29.21 campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any
29.22 other ballot question or elective office must be ~~assessed against the county or counties in~~
29.23 ~~which the election is held. Where the election is held in more than one county, the chief~~
29.24 ~~administrative law judge shall apportion the assessment among the counties in proportion~~
29.25 ~~to their respective populations within the election district to which the complaint relates~~
29.26 ~~according to the most recent decennial federal census~~ paid from appropriations to the
29.27 office for this purpose.

29.28 Sec. 70. Minnesota Statutes 2012, section 340A.416, subdivision 2, is amended to read:

29.29 Subd. 2. **Ballot question.** The form of the question of the referendum under this
29.30 section must be ~~on a separate ballot and must allow the voters to vote either "for license"~~
29.31 ~~or "against license."~~ either "Shall the city issue ... intoxicating liquor licenses?" or "Shall
29.32 the city discontinue issuing intoxicating liquor licenses?".

30.1 Sec. 71. Minnesota Statutes 2012, section 340A.416, subdivision 3, is amended to read:

30.2 Subd. 3. **Effect of election results.** If a majority of persons voting on the
30.3 referendum question vote ~~"against license,"~~ to discontinue issuing licenses, the city may
30.4 not issue intoxicating liquor licenses until the results of the referendum have been reversed
30.5 at a subsequent election where the question has been submitted as provided in this section.

30.6 Sec. 72. Minnesota Statutes 2012, section 340A.602, is amended to read:

30.7 **340A.602 CONTINUATION.**

30.8 In any city in which the report of the operations of a municipal liquor store has
30.9 shown a net loss prior to interfund transfer in any two of three consecutive years, the
30.10 city council shall, not more than 45 days prior to the end of the fiscal year following
30.11 the three-year period, hold a public hearing on the question of whether the city shall
30.12 continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily
30.13 understandable language, of the hearing must be printed in the city's official newspaper.
30.14 Following the hearing the city council may on its own motion or shall upon petition of five
30.15 percent or more of the registered voters of the city, submit to the voters at a general or
30.16 special municipal election the question of whether the city shall continue or discontinue
30.17 municipal liquor store operations by a date which the city council shall designate. The
30.18 date designated by the city council must not be more than 30 months following the date
30.19 of the election. The form of the question shall be: "Shall the city of (name) discontinue
30.20 operating the municipal liquor store on (Month xx, 2xxx)?".

30.21 Sec. 73. Minnesota Statutes 2012, section 375.20, is amended to read:

30.22 **375.20 BALLOT QUESTIONS.**

30.23 If the county board may do an act, incur a debt, appropriate money for a purpose,
30.24 or exercise any other power or authority, only if authorized by a vote of the people, the
30.25 question may be submitted at a special or general election, by a resolution specifying the
30.26 matter or question to be voted upon. If the question is to authorize the appropriation of
30.27 money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election
30.28 shall be given as in the case of special elections. If the question submitted is adopted, the
30.29 board shall pass an appropriate resolution to carry it into effect. In the election the form
30.30 of the ballot shall be: ~~"In favor of~~ Shall (here state the substance of the resolution to be
30.31 submitted)?, Yes No.....," ~~with a square opposite each of the words "yes" and "no," in~~
30.32 ~~one of which the voter shall mark an "X" to indicate a choice.~~ The county board may call
30.33 a special county election upon a question to be held within 60 74 days after a resolution to
30.34 that effect is adopted by the county board. Upon the adoption of the resolution the county

31.1 auditor shall post and publish notices of the election, as required by section 204D.22,
31.2 subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the
31.3 manner prescribed by sections 204D.20 to 204D.27, so far as practicable.

31.4 Sec. 74. Minnesota Statutes 2012, section 447.32, subdivision 2, is amended to read:

31.5 Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law
31.6 applies to hospital district elections, as far as practicable. Regular elections must be held
31.7 in each hospital district at the same time, in the same election precincts, and at the same
31.8 polling places as general elections of state and county officers. It may establish the whole
31.9 district as a single election precinct or establish two or more different election precincts and
31.10 polling places for the elections. If there is more than one precinct, the boundaries of the
31.11 election precincts and the locations of the polling places must be defined in the notice of
31.12 election, either in full or by reference to a description or map on file in the office of the clerk.

31.13 Special elections may be called by the hospital board to vote on any matter required
31.14 by law to be submitted to the voters. A special election may not be conducted either
31.15 during the ~~30~~ 56 days before ~~and the 30 days after the state~~ or the 56 days after a regularly
31.16 scheduled primary or state general election, ~~or during the 20 days before and the 20 days~~
31.17 ~~after the regularly scheduled election of any municipality~~ conducted wholly or partially
31.18 within the hospital district. Special elections must be held within the election precinct or
31.19 precincts and at the polling place or places designated by the board. In the case of the
31.20 first election of officers of a new district, precincts and polling places must be set by the
31.21 governing body of the most populous city or town included in the district.

31.22 Advisory ballots may be submitted by the hospital board on any question it wishes,
31.23 concerning the affairs of the district, but only at a regular election or at a special election
31.24 required for another purpose.

31.25 Sec. 75. Minnesota Statutes 2012, section 447.32, subdivision 3, is amended to read:

31.26 Subd. 3. **Election notices.** At least two weeks before the first day to file affidavits
31.27 of candidacy, the clerk of the district shall publish a notice stating the first and last day
31.28 on which affidavits of candidacy may be filed, the places for filing the affidavits and the
31.29 closing time of the last day for filing. The clerk shall post a similar notice in at least one
31.30 conspicuous place in each city and town in the district at least ten days before the first
31.31 day to file affidavits of candidacy.

31.32 At least ~~53~~ 74 days prior to every hospital district election, the hospital district clerk
31.33 shall provide a written notice to the county auditor of each county in which the hospital
31.34 district is located. The notice must include the date of the election, the offices to be voted

32.1 on at the election, and the title and language for each ballot question to be voted on at the
32.2 election. ~~At least 46 days before a hospital district election for which a notice is provided~~
32.3 ~~to the county auditor under this subdivision;~~ The county auditor shall immediately provide
32.4 a notice to the secretary of state in a manner and including information prescribed by
32.5 the secretary of state.

32.6 The notice of each election must be posted in at least one public and conspicuous
32.7 place within each city and town included in the district at least ~~ten days~~ two weeks before
32.8 the election. It must be published in the official newspaper of the district or, if a paper has
32.9 not been designated, in a legal newspaper having general circulation within the district, at
32.10 least two weeks before the election. Failure to give notice does not invalidate the election
32.11 of an officer of the district. A voter may contest a hospital district election in accordance
32.12 with chapter 209. Chapter 209 applies to hospital district elections.

32.13 Sec. 76. Minnesota Statutes 2012, section 447.32, subdivision 4, is amended to read:

32.14 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a
32.15 candidate for the hospital board shall file an affidavit of candidacy for the election either as
32.16 member at large or as a member representing the city or town where the candidate resides.
32.17 The affidavit of candidacy must be filed with the city or town clerk not more than ~~94~~ 98 days
32.18 nor less than ~~77~~ 84 days before the first Tuesday after the first Monday in November of the
32.19 year in which the general election is held. The city or town clerk must forward the affidavits
32.20 of candidacy to the clerk of the hospital district or, for the first election, the clerk of the
32.21 most populous city or town immediately after the last day of the filing period. A candidate
32.22 may withdraw from the election by filing an affidavit of withdrawal with the clerk of the
32.23 district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

32.24 The governing body of any hospital district may, by resolution, require that a
32.25 candidate for hospital district office who wants write-in votes for the candidate to be
32.26 counted file a written request with the filing officer for the office sought no later than the
32.27 seventh day before the general election. The filing officer shall provide copies of the
32.28 form to make the request.

32.29 Voting must be by secret ballot. The clerk shall prepare, at the expense of the
32.30 district, necessary ballots for the election of officers. Ballots must be ~~printed on tan paper~~
32.31 ~~and~~ prepared as provided in the rules of the secretary of state. The ballots must be marked
32.32 and initialed by at least two judges as official ballots and used exclusively at the election.
32.33 Any proposition to be voted on may be printed on the ballot provided for the election
32.34 of officers. The hospital board may also authorize the use of voting systems subject to
32.35 chapter 206. Enough election judges may be appointed to receive the votes at each

33.1 polling place. The election judges shall act as clerks of election, count the ballots cast,
33.2 and submit them to the board for canvass.

33.3 After canvassing the election, the board shall issue a certificate of election to the
33.4 candidate who received the largest number of votes cast for each office. The clerk shall
33.5 deliver the certificate to the person entitled to it in person or by certified mail. Each person
33.6 certified shall file an acceptance and oath of office in writing with the clerk within 30
33.7 days after the date of delivery or mailing of the certificate. The board may fill any office
33.8 as provided in subdivision 1 if the person elected fails to qualify within 30 days, but
33.9 qualification is effective if made before the board acts to fill the vacancy.

33.10 Sec. 77. Laws 1963, chapter 276, section 2, subdivision 2, as amended by Laws 1992,
33.11 chapter 534, section 1, is amended to read:

33.12 Subd. 2. ~~One third of the members of the first hospital board shall be appointed for a~~
33.13 ~~term to expire one year from December 31 next following such appointment, one third~~
33.14 ~~for a term to expire two years from such date, and one third for a term to expire three~~
33.15 ~~years from such date. Successors to the original board members shall each be elected for~~
33.16 ~~terms of three years, and all members shall hold office until their successors are elected~~
33.17 ~~and qualify. Terms of all members shall expire on December 31. In case of a vacancy~~
33.18 ~~on the hospital board, whether due to death, removal from the district, inability to serve,~~
33.19 ~~resignation, or other cause the majority of the remaining members of the hospital board,~~
33.20 ~~at its next regular or special meeting, shall make an appointment to fill such vacancy for~~
33.21 ~~the then unexpired term. The election of successors to the original board members shall~~
33.22 ~~be elected by popular vote of the qualified voters in the hospital district. Hospital board~~
33.23 ~~elections shall be conducted as provided in Minnesota Statutes, section 447.32. The~~
33.24 ~~hospital board shall, by resolution, adopt a plan for the orderly transition to the new~~
33.25 ~~election schedule. The resolution must be approved no later than four weeks before the~~
33.26 ~~first day to file affidavits of candidacy for the general election. The terms of school board~~
33.27 ~~members may be lengthened or shortened by one year as a part of the transition process.~~

33.28 Sec. 78. **REPEALER.**

33.29 Minnesota Statutes 2012, sections 204B.42; 204D.11, subdivisions 2 and 3; 205.17,
33.30 subdivisions 2 and 4; and 205A.08, subdivision 4, are repealed.

204B.42 PAPER COLOR FOR SAMPLE BALLOTS; PENALTY.

No sample ballot shall be printed on paper of the same color as any official ballots except when printed in black ink on white paper and appearing in a newspaper as news matter. A violation of this section is a misdemeanor.

204D.11 STATE GENERAL ELECTION BALLOTS; CANDIDATES; OFFICIAL IN CHARGE; RULES; REIMBURSEMENT.

Subd. 2. **Pink ballots.** Amendments to the state Constitution shall be placed on a ballot printed on pink paper which shall be known as the "pink ballot." The pink ballot shall be prepared by the county auditor, in the manner provided in the rules of the secretary of state.

Subd. 3. **Canary ballot.** All questions and the names of all candidates for offices to be voted on at the state general election which are not placed on the white ballot shall be placed on a single ballot printed on canary paper which shall be known as the "canary ballot." The canary ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.

205.17 BALLOTS.

Subd. 2. **First class cities.** In all cities of the first class, for the municipal general election, the city clerk shall have printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "City Partisan General Ballot." The nonpartisan ballot shall be printed on light green paper and shall be headed "City Nonpartisan General Ballot." Both ballots shall state the name of the city and the date of the election and conform in all other respects to the white ballot used at the state general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state general elections.

On the partisan ballot the names of the candidates for mayor shall be placed first. The order of the names of the candidates shall be in the manner prescribed for state general elections in section 204D.13.

Subd. 4. **Blue ballots; questions.** All questions relating to the adoption of a city charter or charter amendments, a proposition for the issuance of bonds, and all other questions relating to city or town affairs submitted at an election to the voters of the municipality shall be printed on one separate blue ballot and shall be prepared, printed, and distributed under the direction of the municipal clerk at the same time and in the same manner as other municipal ballots. The ballots, when voted, shall be deposited in a separate blue ballot box provided by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other municipal ballots. The returns shall provide appropriate blank spaces for the counting, canvassing, and returning of the results of the questions submitted on the blue ballot.

205A.08 BALLOTS.

Subd. 4. **Goldenrod ballots; questions.** All questions relating to a proposition for the issuance of bonds, and all other questions relating to school district affairs submitted at an election to the voters of the school district, shall be printed on one separate goldenrod ballot and shall be prepared, printed, and distributed under the direction of the school district clerk at the same time and in the same manner as other school district ballots. The ballots, when voted, shall be deposited in a separate goldenrod ballot box provided by the local authorities for each voting precinct. The ballots shall be canvassed, counted, and returned in the same manner as other school district ballots. The returns shall provide appropriate blank spaces for the counting, canvassing, and return of the results of the questions submitted on the goldenrod ballot.

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 979
Version: As introduced

DATE: March 7, 2013

Authors: Halverson and others

Subject: Election Administration

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill modifies a number of provisions related to election procedure and administration, including standardizing certain election timelines, notices, and ballot formatting requirements, and elimination of obsolete language related to ballot colors.

Section

- 1 **Referendum.** Modifies administrative standards and procedures related to a referendum proposing discontinuance of a Soil and Water Conservation district.
- 2, 18, 22, **Ballots.** Eliminates obsolete references in law that assigns ballots a particular color, based on the offices or questions to be presented on the ballot. New titles for each form of ballot are provided, in addition to other technical changes.
26, 29, 31-
34, 36-43,
45, 65, 70,
71
- 3 **Instructions.** Eliminates a requirement that voter instructions be available by cassette tape requiring instead that the instructions be available in “audio format.”
- 4 **Registration places.** Eliminates a population-based requirement for determining how many public buildings must be available for voter registration prior to election day, and eliminates a specified number of telecommunications devices for the deaf that must be available in each county and city.
- 5 **Moved out of state.** Prohibits the county auditor from mailing a voter registration status notice to a voter who appears to have moved out-of-state if the voter’s record is listed as

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challenged due to ineligibility to vote.

- 6 **Social security administration; other reports of deceased residents.** Permits the secretary of state to review the social security death index and the vital records department of any other state to determine if any registered voter has died. Currently, law mandates this check with the social security administration.
- 7 **Court administration of district court; change of names.** Prohibits the county auditor from mailing a voter registration status notice to a voter who appears to have a changed name if the voter's record is listed as challenged due to ineligibility to vote.
- 8 **Time and manner of holding; postponement.** Requires the secretary of state to announce the official state precinct caucus date within two business days after the two largest major political parties have agreed on a date, following procedures provided in current law.
- 9 **Generally.** Requires that the designation or notice that a municipal clerk will administer absentee ballots also specify whether the clerk will also be responsible for administering the absentee ballot board. Special standards are provided where the municipality is located in more than one county.
- 10 **Procedures on receipt of ballots.** Requires absentee ballots received after the deadlines in law for receipt to be marked as late. These ballots may not be delivered to the ballot board.
- 11 **Locations for absentee balloting in person.** Streamlines existing language related to the absentee voting period. Absentee voting for all elections, except town elections held in March, must provide a 46-day absentee period. March town elections are required to provide a 30-day absentee period.
- 12 **Duties of absentee ballot board.** Exempts staff of the county auditor, municipal clerk, and school district clerk from party affiliation requirements that otherwise apply to election judges serving on an absentee ballot board.
- 13 **Storage and counting of absentee ballots.** Establishes standards related to summary statements used by an absentee ballot board, and recodifies language related to the public counting and release of vote totals.
- 14 **Write-in absentee ballot.** Eliminates an obsolete reference to the state write-in absentee ballot.
- 15 **Postelection report to legislature.** Provides a technical update to a section requiring a report to the legislature by the secretary of state.
- 16 **Prohibition on multiple candidacy.** Prohibits a candidate who files an affidavit of candidacy for one office to subsequently file another affidavit of candidacy for a different office to be elected at the same general election.
- 17 **Boundary change procedures.** Eliminates a requirement that new precinct boundaries be published in certain newspapers, replaced with a requirement that a notice be published

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directing voters to the website where new precinct maps can be found.

- 19 Minimum number required.** Reduces the minimum number of election judges required in a precinct from four to three for elections other than the state general election.
- 20 Exception.** Provides that a minimum of three election judges must be appointed in precincts with fewer than 500 registered voters as of 14 weeks prior to the state primary.
- 21 Meeting with election officials.** Modifies standards for a meeting between the county auditor and local election officials to discuss procedures for an election.
- 22 Notice of filing.** Modifies the timeline for certain notices related to the offices to be elected at an election, and the candidate filing period for those offices.
- 24 Posting requirements.** Permits the appropriate election official to comply with any election-related notice requirements by posting the notice on the jurisdiction's website.
- 25 Absentee ballots; preparation; delivery.** Streamlines standards related to the mailing of absentee ballots.
- 27 Procedure.** Modifies standards related to mail balloting procedures.
- 28 Mail elections; questions.** Modifies standards related to mail balloting procedures.
- 30 Physical assistance in marking ballots.** Eliminates an allowance for election judges to select two individuals of different major political parties to assist a voter in marking the voter's ballot. An allowance for the voter to select a person to assist remains as in current law.
- 35 Sample ballot.** Modifies standards related to preparation of a sample ballot, including elimination of a requirement that the sample ballot be published in certain newspapers. A requirement that a notice of the website address where a sample ballot can be found, which must be published in at least one newspaper, is added. Sample ballots must be transmitted electronically to the secretary of state.
- 43 Sample ballot; constitutional amendments.** Eliminates a reference to the "color" of the state constitutional amendment ballot, and provides that the secretary of state shall "transmit" rather than "mail" sample ballots to each county auditor.
- 44 Sample general election ballots; posting; publication.** Modifies timing, posting, and publication requirements for sample state general election ballots. A requirement that a notice of the Web site address where a sample ballot can be found, which must be published in at least one newspaper, is added. Sample ballots must be transmitted electronically to the secretary of state.
- 46 Special election when legislature will be in session.** Prohibits a special election conducted to fill a vacant legislative seat, when the legislature will be in session for the elected person to be seated, from occurring during the four days before or after a state holiday.

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- 47 **City elections.** Updates a cross reference to reflect changes made elsewhere in the bill.
- 48 **Prohibition.** Prohibits a municipal special election on a ballot question from being held within 56 days after the state general election.
- 49 **Filing period.** Requires the municipal clerk's office to accept candidate filings from 1:00 to 5:00 p.m. on the last day of the filing period for municipal offices.
- 50 **Write-in candidates for city offices.** Permits a city to require write-in candidates to file a written request for write-in votes to be counted for that candidate.
- 51 **Publication and posting.** Modifies notice and posting requirements related to municipal elections.
- 52 **Notice to auditor.** Modifies standards requiring the county auditor to receive notice of a municipal election.
- 53 **Notice to secretary of state.** Modifies standards requiring the secretary of state to receive notice of a municipal election.
- 54 **Municipal offices; questions; ballot format.** Standardizes ballot formatting requirements across all cities and towns.
- 55 **Primary ballots.** Standardizes ballot formatting requirements for municipal primary elections.
- 56 **Change in year of general election.** Permits a school board to change the year in which the school district general election is held by resolution. Transition standards are provided.
- 57 **Questions.** Expands the period before and after a regularly-schedule election during which a school district special election on a ballot question may not be held.
- 58 **Vacancies in school district offices.** Adds ballot instructions if more than one vacancy exists for an office elected at-large in a school district special election.
- 59 **Write-in candidates.** Permits a school district to require write-in candidates to file a written request for write-in votes to be counted for that candidate.
- 60 **Publication and posting.** Modifies notice and posting requirements related to school district elections.
- 61 **Notice to auditor.** Modifies standards requiring the county auditor to receive notice of a school district election.
- 62 **Notice to commissioner of education.** Modifies standards requiring the commissioner of education to receive notice of a school district election.
- 63 **Notice to secretary of state.** Modifies standards requiring the secretary of state to receive notice of a school district election.

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- 64** **General election ballot.** Requires all candidates and ballot questions to be voted on at a school district general election to be placed on a single ballot.
- 66** **Selection for review; notice.** Eliminates language providing that, for postelection review purposes, absentee ballots counted centrally by a ballot board constitute a single precinct for purposes of conducting the postelection review.
- 67** **Scope and conduct of review.** Eliminates a requirement that the postelection review include a review of votes cast for U.S. Senator and U.S. Representative.
- 68** **Secretary of state monitor.** Reduces the number of precincts required to be monitored by the secretary of state during the postelection review. Current law requires monitoring of four precincts in each congressional district; the bill would require the secretary to monitor one precinct in each congressional district.
- 69** **Ballots.** Modifies standards for titling ballots in precincts using an optical scan voting system.
- 72** **Noncommercial signs exemption.** Provides technical clarifications to the law governing the posting of noncommercial (campaign) signs during an election year.
- 73** **Costs assessed.** Eliminates a requirement that the county pay the cost of any fair campaign practices act complaint that relates to an office or ballot question that is not voted on statewide. The cost of these complaints is instead required to be paid from appropriations to the Office of Administrative Hearings for this purpose.
- 74** **Ballot question.** Standardizes the form of a referendum ballot question related to issuance of intoxicating liquor licenses by a city.
- 75** **Effect of election.** Provides a conforming change to reflect the modified ballot question contained in section 74.
- 76** **Continuation.** Standardizes the form of a referendum ballot question related to operation of a municipal liquor store.
- 77** **Ballot question.** Modifies the formatting of ballot questions related to actions of a county board to conform more closely to the laws governing general elections, and modifies the timing for conducting a special county election for the purpose of voting on a question.
- 78** **Elections.** Modifies standards related to the timing and conduct of a hospital district election.
- 79** **Election notices.** Modifies certain notice requirements related to the conduct of a hospital district election.
- 80** **Candidates; ballots; certifying election.** Modifies the filing period for candidates in a hospital district election, and permits the governing body of a hospital district to require a write-in candidate to request that write-in votes be counted for that candidate.

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81 **Laws 1963.** Replaces existing session law standards governing hospital district board member terms and election procedures with new standards, including a requirement that the hospital board adopt an orderly transition plan for the new election schedule.

82 **Repealer.** Repeals the following provisions of statute:

Sections 204B.42; 204D.11, subdivisions 2 and 3; 205.17, subdivisions 2 and 4; and 205A.08, subdivision 4: Obsolete provisions related to ballot color; and

Section 205.16, subdivision 2: Providing newspaper publication requirements for sample ballots in certain municipal elections.

Office of the Revisor of Statutes

Minnesota Session Laws - 2013, Regular Session

Authenticate  PDFKey: (1) ~~language to be deleted~~ (2) new language

CHAPTER 131--H.F.No. 894

An act relating to elections; making policy, technical, and clarifying changes to various provisions related to election law, including provisions related to absentee voting, redistricting, ballots, registration, voting, caucuses, candidates, recounts, campaigns, voting rights, voting data, vacancies in nomination, and election administration; providing an electronic roster pilot project and task force; requiring reports; appropriating money; amending Minnesota Statutes 2012, sections 5B.06; 13.851, subdivision 10; 103C.225, subdivision 3; 103C.305, subdivision 3; 103C.311, subdivision 2; 123A.48, subdivision 14; 201.061, subdivision 3; 201.071, subdivision 2; 201.091, subdivision 8; 201.12, subdivision 3; 201.13, subdivision 1a; 201.14; 201.157; 201.275; 202A.14, subdivision 1; 203B.02, subdivision 1; 203B.04, subdivisions 1, 5; 203B.05, subdivision 1; 203B.06, subdivisions 1, 3; 203B.08, subdivision 3; 203B.081; 203B.121, subdivisions 1, 2, 3, 4, 5; 203B.227; 203B.28; 204B.04, by adding a subdivision; 204B.13, subdivisions 1, 2, 5, by adding subdivisions; 204B.18, subdivision 2; 204B.22, subdivision 1; 204B.28, subdivision 1; 204B.32, subdivision 1; 204B.33; 204B.35, subdivision 4; 204B.36, subdivision 1; 204B.45, subdivisions 1, 2; 204B.46; 204C.14; 204C.15, subdivision 1; 204C.19, subdivision 2; 204C.25; 204C.27; 204C.35, subdivision 1, by adding a subdivision; 204C.36, subdivision 1; 204D.08, subdivision 6; 204D.09, subdivision 2; 204D.11, subdivisions 1, 4, 5, 6; 204D.13, subdivision 3; 204D.14, subdivisions 1, 3; 204D.15, subdivision 3; 204D.16; 204D.165; 204D.19, subdivision 2, by adding a subdivision; 205.02, subdivision 2; 205.10, subdivision 3; 205.13, subdivision 1a; 205.16, subdivisions 4, 5; 205.17, subdivisions 1, 3; 205A.04, by adding a subdivision; 205A.05, subdivisions 1, 2; 205A.07, subdivisions 3, 3a, 3b; 205A.08, subdivision 1; 206.57, by adding a subdivision; 206.61, subdivision 4; 206.89, subdivision 2, by adding a subdivision; 206.90, subdivision 6; 208.04, subdivisions 1, 2; 211B.045; 211B.37; 241.065, subdivision 2; 340A.416, subdivisions 2, 3; 340A.602; 375.20; 447.32, subdivisions 2, 3, 4; Laws 1963, chapter 276, section 2, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 2; 204B; repealing Minnesota Statutes 2012, sections 2.444; 2.484; 203B.04, subdivision 6; 204B.12, subdivision 2a; 204B.13, subdivisions 4, 6; 204B.22, subdivision 2; 204B.42; 204D.11, subdivisions 2, 3; 205.17, subdivisions 2, 4; 205A.08, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

ABSENTEE VOTING

Section 1. Minnesota Statutes 2012, section 5B.06, is amended to read:

5B.06 VOTING BY PROGRAM PARTICIPANT; ABSENTEE BALLOT.

A program participant who is otherwise eligible to vote may register with the secretary of state as ~~an ongoing~~ a permanent absentee voter. Notwithstanding section 203B.04, subdivision 5, the secretary of state is not required to send an absentee ballot application prior to each election to a program participant registered as a permanent absentee voter under this section. As soon as practicable before each election, the secretary of state shall determine the precinct in which the residential address of the program participant is located and shall request from and receive from the county auditor or other election official the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required by Minnesota law. The program participant shall complete the ballot and return it to the secretary of state, who shall review the ballot in the manner provided by section 203B.24. If the ballot and ballot materials comply with the requirements of that section, the ballot must be certified by the secretary of state as the ballot of a program participant, and must be forwarded to the appropriate electoral jurisdiction for tabulation along with all other ballots. The name and address of a program participant must not be listed in the statewide voter registration system.

Sec. 2. Minnesota Statutes 2012, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. ~~Unable to go to polling place~~ Absentee voting; eligibility. (a) Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence

because of absence from the precinct; illness, including isolation or quarantine under sections 144.419 to 144.4196 or United States Code, title 42, sections 264 to 272; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

~~(b) If the governor has declared an emergency and filed the declaration with the secretary of state under section 12.31, and the declaration states that the emergency has made it difficult for voters to go to the polling place on election day, any voter in a precinct covered by the declaration may vote by absentee ballot as provided in sections 203B.04 to 203B.15.~~

Sec. 3. Minnesota Statutes 2012, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** (a) Except as otherwise allowed by subdivision 2 or by section 203B.11, ~~subdivision 4~~, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (1) the county auditor of the county where the applicant maintains residence; or
- (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

(b) An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, date of birth, and at least one of the following:

- (1) the applicant's Minnesota driver's license number;
- (2) Minnesota state identification card number;
- (3) the last four digits of the applicant's Social Security number; or
- (4) a statement that the applicant does not have any of these numbers.

~~(c) To be approved, the application must state that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02, and must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.~~

(d) An applicant's full date of birth, Minnesota driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

(e) An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 4. Minnesota Statutes 2012, section 203B.04, subdivision 5, is amended to read:

Subd. 5. **Permanent illness or disability absentee voter status.** (a) An eligible voter ~~who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability~~ may apply to a county auditor or municipal clerk ~~under this section~~ to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record. An eligible voter listed as an ongoing absentee voter as of July 31, 2013, pursuant to laws in effect on that date, shall be treated as if the voter applied for status as a permanent absentee voter pursuant to this subdivision.

(b) A voter who applies under paragraph (a) must automatically be provided an absentee ballot application for each eligible election. A voter's permanent absentee status ends and automatic ballot application delivery must be terminated on:

- (1) the voter's written request;
- (2) the voter's death;
- (3) return of an absentee ballot as undeliverable; or
- (4) a change in the voter's status to "challenged" or "inactive" in the statewide voter registration system.

~~(b)~~ (c) The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 5. Minnesota Statutes 2012, section 203B.06, subdivision 1, is amended to read:

Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal clerk shall prepare and print a sufficient number of blank application forms for absentee ballots. The county auditor or municipal clerk shall deliver a blank application form to any voter who requests one pursuant to section 203B.04. Blank application forms must be mailed to eligible voters who have requested an application pursuant to section 203B.04, subdivision 5 ~~or 6~~, at least 60 days before:

- (1) each regularly scheduled primary for federal, state, county, city, or school board office;
 - (2) each regularly scheduled general election for city or school board office for which a primary is not held; and
 - (3) a special primary to fill a federal or county office vacancy or special election to fill a federal or county office vacancy, if a primary is not required to be held pursuant to section 204D.03, subdivision 3, or 204D.07, subdivision 3; and
 - (4) any election held in conjunction with an election described in clauses (1) to (3);
- or at least 45 days before any other primary or other election for which a primary is not held.

Sec. 6. Minnesota Statutes 2012, section 203B.121, subdivision 2, is amended to read:

Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

- (1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;
- (2) the voter signed the certification on the envelope;
- (3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as the number provided on the voter's application for ballots. If the number does not match the number as submitted on the application, or if a number was not submitted on the application, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;
- (4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope;
- (5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and
- (6) the voter has not already voted at that election, either in person or, if it is after the close of business on the ~~fourth~~ seventh day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

Sec. 7. Minnesota Statutes 2012, section 203B.121, subdivision 3, is amended to read:

Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted. After the close of business on the ~~fourth~~ seventh day before the election, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal or state office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of absentee voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

(1) by the county auditor or municipal clerk before election day;

(2) by the ballot board before election day; or

(3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the ~~fourth~~ seventh day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Sec. 8. Minnesota Statutes 2012, section 203B.121, subdivision 4, is amended to read:

Subd. 4. **Opening of envelopes.** After the close of business on the ~~fourth~~ seventh day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Sec. 9. **REPEALER.**

Minnesota Statutes 2012, section 203B.04, subdivision 6, is repealed.

Sec. 10. **EFFECTIVE DATE; APPLICABILITY.** This article is effective January 1, 2014, and applies to voting at elections conducted on the date of the state primary in 2014 and thereafter.

ARTICLE 2

ELECTION ADMINISTRATION

Section 1. [2.395] THIRTY-NINTH DISTRICT.

Subdivision 1. **Senate district.** Senate District 39 consists of that district as described in the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in Hippert v. Ritchie, No. A11-152 (February 21, 2012), Senate District 39, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 39A consists of the district as described in that order, with the modification contained in file L39A-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

(b) House of Representatives District 39B consists of that district as described in that order, with the modification contained in file L39B-1, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 9, 2012.

EFFECTIVE DATE. This section is effective for the state primary and state general elections conducted in 2014 for terms of office beginning on the first Monday in January 2015, and for all elections held thereafter.

Sec. 2. [2.495] FORTY-NINTH DISTRICT.

Subdivision 1. **Senate district.** Senate District 49 consists of that district as described in the order of the Minnesota Special Redistricting Panel in *Hippert v. Ritchie*, No. A11-152 (February 21, 2012).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in *Hippert v. Ritchie*, No. A11-152 (February 21, 2012), Senate District 49 is divided into two house of representatives districts as follows:

(a) House of Representatives District 49A consists of the district as described in that order, with the modification contained in file L49A-2, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 28, 2012.

(b) House of Representatives District 49B consists of the district as described in that order, with the modification contained in file L49B-2, on file with the Geographic Information Systems Office of the Legislative Coordinating Commission and published on its Web site on March 28, 2012.

EFFECTIVE DATE. This section is effective for the state primary and state general elections conducted in 2014 for terms of office beginning on the first Monday in January 2015, and for all elections held thereafter.

Sec. 3. Minnesota Statutes 2012, section 103C.225, subdivision 3, is amended to read:

Subd. 3. **Referendum.** (a) Within 60 days after the petition is received by the state board, it shall give due notice of the holding of a referendum, schedule the referendum at the next general election, and cooperate with county election officials to accomplish the election in the most expedient manner. Upon receipt of a petition, the state board shall provide written notice to the secretary of state and the county auditor of each county in which the district is located no later than 74 days before the state general election. The notice must include the date of the election and the title and text of the question to be placed on the ballot. Prior to the referendum, the state board shall facilitate the preparation of a plan to continue the administration of the powers, duties, and responsibilities of the district, including the functions of the district board.

(b) The question shall be submitted by ballots, upon which the words "For terminating the existence of appear on the ballot in the following form: "Shall the (name of the soil and water conservation district to be here inserted)" and "Against terminating the existence of the (name of the soil and water conservation district to be here inserted)" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other be terminated?"

(c) Only eligible voters in the district may vote in the referendum.

(d) Informalities in the conduct of the referendum or matters relating to the referendum do not invalidate the referendum, or result of the referendum, if due notice has been given and the referendum has been fairly conducted.

(e) The state board shall publish the result of the referendum.

Sec. 4. Minnesota Statutes 2012, section 103C.305, subdivision 3, is amended to read:

Subd. 3. **Ballots.** Ballots shall be prepared by the county auditor. The names of candidates shall be placed on the "canary ballot" described in section 204D.11, subdivision 3 state general election ballot. The office title printed on the ballot must be either "Soil and Water Conservation District Supervisor" or "Conservation District Supervisor," based upon the district from which the supervisor is to be elected.

Sec. 5. Minnesota Statutes 2012, section 103C.311, subdivision 2, is amended to read:

Subd. 2. **Supervisors elected by districts.** (a) The district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state at least 30 days before the first date candidates may file for the office of supervisor, and the filings must occur within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in a year ending in two, whichever comes first.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term.

Sec. 6. Minnesota Statutes 2012, section 123A.48, subdivision 14, is amended to read:

Subd. 14. **Election.** The board shall determine the date of the election, the number of boundaries of voting precincts, and the location of the polling places where voting shall be conducted, and the hours the polls will be open. The board shall also provide official ballots which must be used exclusively and shall be in the following form: "Shall the (name of school district) and the (name of school district) be consolidated as proposed? Yes No"

~~For consolidation~~

~~Against consolidation~~

The board must appoint election judges who shall act as clerks of election. The ballots and results must be certified to the board who shall canvass and tabulate the total vote cast for and against the proposal.

Sec. 7. Minnesota Statutes 2012, section 201.061, subdivision 3, is amended to read:

Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) presenting any document approved by the secretary of state as proper identification;

(3) presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct, or who is an employee employed by and working in a residential facility in the precinct and vouching for a resident in the facility, sign an oath in the presence of the election judge vouching that the voter or employee personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day. A voter who is registered to vote in the precinct may sign up to ~~45~~ eight proof-of-residence oaths on any election day. This limitation does not apply to an employee of a residential facility described in this clause. The secretary of state shall provide a form for election judges to use in recording the number of individuals for whom a voter signs proof-of-residence oaths on election day. The form must include space for the maximum number of individuals for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath, the form must include a statement that the voter is registered to vote in the precinct, personally knows that the individual is a resident of the precinct, and is making the statement on oath. The form must include a space for the voter's printed name, signature, telephone number, and address.

The oath required by this subdivision and Minnesota Rules, part 8200.9939, must be attached to the voter

registration application.

(b) The operator of a residential facility shall prepare a list of the names of its employees currently working in the residential facility and the address of the residential facility. The operator shall certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

(c) "Residential facility" means transitional housing as defined in section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

(d) For tribal band members, an individual may prove residence for purposes of registering by:

(1) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual; or

(2) presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, signature, and picture of the individual and also presenting one of the documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

(e) A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration application.

Sec. 8. Minnesota Statutes 2012, section 201.071, subdivision 2, is amended to read:

Subd. 2. **Instructions.** A registration application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and disabled individuals and residents of health care facilities and hospitals. The instructions must indicate that if the voter does not have a valid Minnesota driver's license or identification card, the last four digits of the voter's Social Security number must be provided, unless the voter does not have a Social Security number. If, prior to election day, a person requests the instructions in Braille, ~~on cassette tape~~ audio format, or in a version printed in 16-point bold type with 24-point leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and ~~cassette~~ audio copies and make them available.

Sec. 9. Minnesota Statutes 2012, section 201.091, subdivision 8, is amended to read:

Subd. 8. **Registration places.** Each county auditor shall designate a number of public buildings in those political subdivisions of the county where preregistration of voters is allowed as provided in section 201.061, subdivision 1, where eligible voters may register to vote. ~~At least one public building must be designated for each 30,000 residents of the county. At least one telecommunications device for the deaf must be available for voter registration information in each county seat and in every city of the first, second, and third class.~~

An adequate supply of registration applications and instructions must be maintained at each designated location, and a designated individual must be available there to accept registration applications and transmit them to the county auditor.

A person who, because of disability, needs assistance in order to determine eligibility or to register must be assisted by a designated individual. Assistance includes but is not limited to reading the registration form and instructions and filling out the registration form as directed by the eligible voter.

Sec. 10. Minnesota Statutes 2012, section 201.12, subdivision 3, is amended to read:

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship, the county auditor must not

mail this notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Sec. 11. Minnesota Statutes 2012, section 201.13, subdivision 1a, is amended to read:

Subd. 1a. **Social Security Administration; other reports of deceased residents.** The secretary of state ~~shall~~ may determine if any of the persons listed on the Social Security Death Index or reported as deceased by the vital records department of another state are registered to vote and prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Sec. 12. Minnesota Statutes 2012, section 201.14, is amended to read:

201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT CHANGES OF NAMES.

The state court administrator shall regularly report by electronic means to the secretary of state the name, address, and, if available, driver's license or state identification card number of each individual, 18 years of age or over, whose name was changed since the last report, by marriage, divorce, or any order or decree of the court. The secretary of state shall determine if any of the persons in the report are registered to vote under their previous name and shall prepare a list of those registrants for each county auditor. Upon receipt of the list, the county auditor shall make the change in the voter's record and mail to the voter the notice of registration required by section 201.121, subdivision 2. A notice must not be mailed if the voter's record is challenged due to a felony conviction, lack of United States citizenship, legal incompetence, or court-ordered revocation of voting rights of persons under guardianship.

Sec. 13. Minnesota Statutes 2012, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** (a) In every state general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19.

(b)(1) The chairs of the two largest major political parties shall jointly submit to the secretary of state, no later than March 1 of each odd-numbered year, the single date on which the two parties have agreed to conduct their precinct caucuses in the next even-numbered year.

(2) ~~On March 1 of each odd-numbered year~~ Within two business days after the parties have agreed on a single date on which to conduct their precinct caucuses, the secretary of state shall publicly announce the official state precinct caucus date for the following general election year.

(3) If the chairs of the two largest major political parties do not jointly submit a single date for conducting their precinct caucuses as provided in this paragraph, then for purposes of the next general election year, the first Tuesday in February shall be considered the day of a major political party precinct caucus and sections 202A.19 and 202A.192 shall only apply on that date.

(4) For purposes of this paragraph, the two largest major political parties shall be the parties whose candidates for governor received the greatest and second greatest number of votes at the most recent gubernatorial election.

(c) In the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal Weather Bureau and the Department of Transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 14. Minnesota Statutes 2012, section 203B.05, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the provisions of sections 203B.04 to 203B.15 if:

- (1) the county auditor of that county has designated the clerk to administer them; or
- (2) the clerk has given the county auditor of that county notice of intention to administer them.

The designation or notice must specify whether the clerk will be responsible for the administration of a ballot board as provided in section 203B.121.

A clerk of a city that is located in more than one county may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has been designated by each of the county auditors or has provided notice to each of the county auditors that the city will administer absentee voting. A clerk may only administer the provisions of sections 203B.04 to 203B.15 if

the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training. The county auditor must notify the secretary of state of any municipal clerk who will be administering the provisions of this section and the duties that the clerk will administer.

Sec. 15. Minnesota Statutes 2012, section 203B.08, subdivision 3, is amended to read:

Subd. 3. Procedures on receipt of ballots. When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots received on election day either (1) after 3:00 p.m., if delivered by an agent; or (2) after the last mail delivery, if delivered by another method, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Sec. 16. Minnesota Statutes 2012, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor during the 46 days before: the election, except as provided in this section.

- ~~(1) a regularly scheduled election for federal, state, county, city, or school board office;~~
- ~~(2) a special election for a federal or county office; and~~
- ~~(3) an election held in conjunction with an election described in clauses (1) and (2);~~

and Voters casting absentee ballots in person for a town election held in March may do so during the 30 days before any other the election. The county auditor shall make such designations at least 14 weeks before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 17. Minnesota Statutes 2012, section 203B.121, subdivision 1, is amended to read:

Subdivision 1. Establishment; applicable laws. (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include ~~staff trained as election judges~~ deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Sec. 18. Minnesota Statutes 2012, section 203B.121, subdivision 5, is amended to read:

Subd. 5. Storage and counting of absentee ballots. (a) On a day on which absentee ballots are inserted into a ballot box, two members of the ballot board must:

- (1) remove the ballots from the ballot box at the end of the day;
- (2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters whose absentee ballots were accepted that day; and
- (3) seal and secure all voted and unvoted ballots present in that location at the end of the day.

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count shall be public. No vote totals from ballots may be made public before the close of voting on election day must be recorded on a summary statement in substantially the same

format as provided in section 204C.26. The ballot board shall submit at least one completed summary statement to the county auditor or municipal clerk. The county auditor or municipal clerk may require the ballot board to submit a sufficient number of completed summary statements to comply with the provisions of section 204C.27, or the county auditor or municipal clerk may certify reports containing the details of the ballot board summary statement to the recipients of the summary statements designated in section 204C.27.

In state primary and state general elections, these vote totals shall be added to the vote totals on the summary statements of the returns for the appropriate precinct. In other elections, these vote totals may be added to the vote totals on the summary statement of returns for the appropriate precinct or may be reported as a separate total.

The count shall be public. No vote totals from ballots may be made public before the close of voting on election day.

(c) In addition to the requirements of paragraphs (a) and (b), if the task has not been completed previously, the members of the ballot board must verify as soon as possible, but no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day. An absentee ballot submitted by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

Sec. 19. Minnesota Statutes 2012, section 203B.227, is amended to read:

203B.227 WRITE-IN ABSENTEE BALLOT.

(a) A voter described in section 203B.16, subdivision 1, may use ~~a state write-in absentee ballot~~ or the federal write-in absentee ballot to vote in any federal, state, or local election. In a state or local election, a vote for a political party without specifying the name of a candidate must not be counted.

(b) If a voter submits a Federal Write-in Absentee Ballot for which a Federal Post Card Application was not received, the Federal Write-in Absentee Ballot serves as a voter registration, for voters who are eligible to register, in lieu of the voter's Federal Post Card Application. If the voter has not already voted and the accompanying certificate is properly completed, the absentee ballot board must accept the Federal Write-in Absentee Ballot.

Sec. 20. Minnesota Statutes 2012, section 203B.28, is amended to read:

203B.28 POSTELECTION REPORT TO LEGISLATURE.

By ~~March 1, 2011, and by~~ January 15 of every odd-numbered year ~~thereafter~~, the secretary of state shall provide to the chair and ranking minority members of the legislative committees with jurisdiction over elections a statistical report related to absentee voting in the most recent general election cycle. The statistics must be organized by county ~~and precinct~~, and include:

- (1) the number of absentee ballots transmitted to voters;
- (2) the number of absentee ballots returned by voters;
- (3) the number of absentee ballots that were rejected, categorized by the reason for rejection;
- (4) the number of absentee ballots submitted pursuant to sections 203B.16 to 203B.27, along with the number of returned ballots that were accepted, rejected, and the reason for any rejections; and
- (5) the number of absentee ballots that were not counted because the ballot return envelope was received after the deadlines provided in this chapter.

Sec. 21. Minnesota Statutes 2012, section 204B.04, is amended by adding a subdivision to read:

Subd. 4. **Prohibition on multiple candidacy.** A candidate who files an affidavit of candidacy for an office to be elected at the general election may not subsequently file another affidavit of candidacy for any other office to be elected on the date of that general election, unless the candidate withdraws the initial affidavit pursuant to section 204B.12. The provisions in section 645.21 do not apply to this subdivision.

Sec. 22. Minnesota Statutes 2012, section 204B.18, subdivision 2, is amended to read:

Subd. 2. **Ballot boxes.** ~~Each polling place shall be provided with one ballot box for each kind of ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it. When buff or goldenrod ballot boxes are required, a separate box must be provided for each school district for which ballots are to be~~

east at that polling place. The number and name of the school district must appear conspicuously on the top of each buff or goldenrod ballot box.

Sec. 23. Minnesota Statutes 2012, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. **Minimum number required.** (a) A minimum of four election judges shall be appointed for each precinct, ~~except as provided by subdivision 2 in the state general election, provided that a minimum of three election judges shall be appointed for each precinct with fewer than 500 registered voters as of 14 weeks before the state primary. In all other elections, a minimum of three election judges shall be appointed for each precinct.~~ In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 24. Minnesota Statutes 2012, section 204B.28, subdivision 1, is amended to read:

Subdivision 1. **Meeting with election officials.** At least 12 weeks before each regularly scheduled town general election conducted in March, and at least 18 weeks before all other general elections, each county auditor shall conduct a meeting or otherwise communicate with local election officials to review the procedures for the election. The county auditor may require the head election judges in the county to attend this meeting.

Sec. 25. Minnesota Statutes 2012, section 204B.32, subdivision 1, is amended to read:

Subdivision 1. **Payment.** (a) The secretary of state shall pay the compensation for presidential electors, ~~the cost of printing the pink paper ballots,~~ and all necessary expenses incurred by the secretary of state in connection with elections.

(b) The counties shall pay the compensation prescribed in section 204B.31, clauses (b) and (c), the cost of printing the ~~canary ballots, the white ballots, the pink state general election~~ ballots when machines are used, the state partisan primary ballots, and the state and county nonpartisan primary ballots, all necessary expenses incurred by county auditors in connection with elections, and the expenses of special county elections.

(c) Subject to subdivision 2, the municipalities shall pay the compensation prescribed for election judges and sergeants at arms, the cost of printing the municipal ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the municipal clerks in connection with elections, except special county elections.

(d) The school districts shall pay the compensation prescribed for election judges and sergeants-at-arms, the cost of printing the school district ballots, providing ballot boxes, providing and equipping polling places and all necessary expenses of the school district clerks in connection with school district elections not held in conjunction with state elections. When school district elections are held in conjunction with state elections, the school district shall pay the costs of printing the school district ballots, providing ballot boxes and all necessary expenses of the school district clerk.

All disbursements under this section shall be presented, audited, and paid as in the case of other public expenses.

Sec. 26. Minnesota Statutes 2012, section 204B.33, is amended to read:

204B.33 NOTICE OF FILING.

(a) At least ~~15~~ 16 weeks before the state primary, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly post a copy of that notice in their offices.

(b) At least ~~two weeks~~ one week before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 27. Minnesota Statutes 2012, section 204B.35, subdivision 4, is amended to read:

Subd. 4. **Absentee ballots; preparation; delivery.** At least 46 days before a regularly scheduled an election for federal, state, county, city, or school board office or a special election for federal office, and at least 30 days before any other election, ballots necessary to fill applications of absentee voters shall be prepared and delivered to the officials who administer the provisions of chapter 203B, except as provided in this subdivision. Ballots necessary to fill applications of absentee voters for a town general election held in March shall be prepared and delivered to the town clerk at least 30 days before the election.

This section applies to school district elections held on the same day as a statewide election or an election for a county or municipality located partially or wholly within the school district.

Sec. 28. Minnesota Statutes 2012, section 204B.36, subdivision 1, is amended to read:

Subdivision 1. **Type.** All ballots shall be printed with black ink on paper of sufficient thickness to prevent the printing from being discernible from the back. ~~All ballots of the same color shall be substantially uniform in style of printing, size, thickness and shade of color. When the ballots of a particular color vary in shade, those used in any one precinct shall be of the same shade.~~ All ballots shall be printed in easily readable type with suitable lines dividing candidates, offices, instructions and other matter printed on ballots. The name of each candidate shall be printed in capital letters. The same type shall be used for the names of all candidates on the same ballot.

Sec. 29. Minnesota Statutes 2012, section 204B.45, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** ~~A municipality town of any size not located in a metropolitan county as defined by section 473.121, or a city~~ having fewer than 400 registered voters on June 1 of an election year and not located in a metropolitan county as defined by section 473.121, may provide balloting by mail at any municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than ~~50~~ 100 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

Sec. 30. Minnesota Statutes 2012, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least ~~six~~ ten weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election for federal, state, county, city, or school board office or a special election for federal office and not more than 30 days nor later than 14 days before any other election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "accepted" or "rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of ~~staff trained as election judges deputy county auditors or deputy municipal clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party.~~ Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from mail or absentee ballots may be made public before the close of voting on election day.

The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 31. Minnesota Statutes 2012, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No offices may be voted on at a mail election. Notice of the election must be given to the county auditor at least ~~53~~ 74 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than ~~30~~ 46 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of ~~staff trained as election judges~~ deputy county auditors, deputy municipal clerks, or deputy school district clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

The mail and absentee ballots for a precinct must be counted together and reported as one vote total. No vote totals from ballots may be made public before the close of voting on election day.

Sec. 32. Minnesota Statutes 2012, section 204C.14, is amended to read:

204C.14 UNLAWFUL VOTING; PENALTY.

No individual shall intentionally:

- (a) misrepresent the individual's identity in applying for a ballot, depositing a ballot in a ballot box or attempting to vote by means of a voting machine or electronic voting system;
- (b) vote more than once at the same election;
- (c) put a ballot in a ballot box for any illegal purpose;
- (d) give more than one ballot of the same kind ~~and color~~ to an election judge to be placed in a ballot box;
- (e) aid, abet, counsel or procure another to go into any precinct for the purpose of voting in that precinct, knowing that the other individual is not eligible to vote in that precinct; or
- (f) aid, abet, counsel or procure another to do any act in violation of this section.

A violation of this section is a felony.

Sec. 33. Minnesota Statutes 2012, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. ~~If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to provide assistance. The individuals shall assist~~

~~the voter in marking the ballots.~~ A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 34. Minnesota Statutes 2012, section 204C.19, subdivision 2, is amended to read:

Subd. 2. **Ballots; order of counting.** Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared ~~one box at a time in the following order: the white box, the pink box, the canary box, the light green box, the blue box, the buff box, the goldenrod box, the gray box, and then the other kinds of ballots voted at the election. If enough election judges are available to provide counting teams of four or more election judges for each box, more than one box may be opened and counted at the same time.~~ The election judges on each counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

Sec. 35. Minnesota Statutes 2012, section 204C.25, is amended to read:

204C.25 DISPOSITION OF BALLOTS.

After the count and the summary statements have been completed, in the presence of all the election judges, the counted, defective, and blank ballots shall be placed in envelopes ~~marked or printed to distinguish the color of the ballots contained,~~ and the envelopes shall be sealed. The election judges shall sign each envelope over the sealed part so that the envelope cannot be opened without disturbing the continuity of the signatures. The number ~~and kind~~ of ballots in each envelope, the name of the town or city, and the name of the precinct shall be plainly written upon the envelopes. The number and name of the district must be plainly written on envelopes containing school district ballots. The spoiled ballots shall be placed in separate envelopes and returned with the unused ballots to the county auditor or municipal or school district clerk from whom they were received.

Sec. 36. Minnesota Statutes 2012, section 204C.27, is amended to read:

204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.

One or more of the election judges in each precinct shall deliver two sets of summary statements; all spoiled ~~white, pink, canary, and gray~~ ballots; and the envelopes containing the ~~white, pink, canary, and gray~~ ballots either directly to the municipal clerk for transmittal to the county auditor's office or directly to the county auditor's office as soon as possible after the vote counting is completed but no later than 24 hours after the end of the hours for voting. One or more election judges shall deliver the remaining set of summary statements and returns, all unused and spoiled municipal and school district ballots, the envelopes containing municipal and school district ballots, and all other things furnished by the municipal or school district clerk, to the municipal or school district clerk's office within 24 hours after the end of the hours for voting. The municipal or school district clerk shall return all polling place rosters and completed voter registration cards to the county auditor within 48 hours after the end of the hours for voting.

Sec. 37. Minnesota Statutes 2012, section 204C.35, subdivision 1, is amended to read:

Subdivision 1. **Automatic Publicly funded recounts.** (a) In a state primary when the difference between the votes cast for the candidates for nomination to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that nomination or is ten votes or less and the total number of votes cast for the nomination is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office;

~~(1) is less than one-half one-quarter of one percent of the total number of votes counted for that nomination; or~~

~~(2) is ten votes or less and the total number of votes cast for the nomination is 400 votes or less;~~

and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that

office shall manually recount the vote upon receiving a written request from the candidate whose nomination is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the nomination, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 48 hours after the canvass of the primary for which the recount is being sought.

(b) In a state general election when the difference between the votes of a candidate who would otherwise be declared elected to:

(1) a state legislative office is less than one-half of one percent of the total number of votes counted for that office or is ten votes or less and the total number of votes cast for the office is 400 votes or less; or

(2) a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office and the votes of any other candidate for that office;

~~(1)~~ is less than ~~one-half~~ one-quarter of one percent of the total number of votes counted for that office; or

~~(2)~~ is ten votes or less if the total number of votes cast for the office is 400 votes or less,

the canvassing board shall manually recount the votes upon receiving a written request from the candidate whose election is in question.

Immediately following the meeting of the board that has responsibility for canvassing the results of the general election, the filing officer must notify the candidate that the candidate has the option to request a recount of the votes at no cost to the candidate. This written request must be received by the filing officer no later than 48 hours after the canvass of the election for which the recount is being sought.

(c) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(d) Time for notice of a contest for an office which is recounted pursuant to this section shall begin to run upon certification of the results of the recount by the canvassing board.

~~(e) A losing candidate may waive a recount required pursuant to this section by filing a written notice of waiver with the canvassing board.~~

Sec. 38. Minnesota Statutes 2012, section 204C.35, is amended by adding a subdivision to read:

Subd. 4. **Filing officer.** For the purposes of this section, the secretary of state is the filing officer for candidates for all federal offices and for state offices voted on in more than one county. The county auditor is the filing officer for state offices voted on in only one county.

Sec. 39. Minnesota Statutes 2012, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. **Required Publicly funded recounts.** (a) Except as provided in ~~paragraph~~ paragraphs (b) and (c), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than ~~one-half~~ one-quarter of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the ~~one-half~~ one-quarter of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the votes cast for that candidate and for a winning candidate for nomination or election is less than one-half of one percent, and the total number of votes cast for the nomination or election of all candidates is more than 400 but less than 50,000. In cases of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

~~(b)~~ (c) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

~~(e)~~ (d) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.

~~(d)~~ (e) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district.

Sec. 40. Minnesota Statutes 2012, section 204D.08, subdivision 6, is amended to read:

Subd. 6. **State and county nonpartisan primary ballot.** The state and county nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary Ballot." It shall be printed ~~on canary paper~~ in the manner provided in the rules of the secretary of state. The names of candidates for nomination to the Supreme Court, Court of Appeals, district court, and all county offices shall be placed on this ballot.

No candidate whose name is placed on the state and county nonpartisan primary ballot shall be designated or identified as the candidate of any political party or in any other manner except as expressly provided by law.

Sec. 41. Minnesota Statutes 2012, section 204D.09, subdivision 2, is amended to read:

Subd. 2. **Sample ballot.** At least ~~two weeks~~ 46 days before the state primary the county auditor shall prepare a sample ~~state partisan primary ballot and a sample state and county nonpartisan primary ballot~~ for each precinct for public inspection and transmit an electronic copy of these sample ballots to the secretary of state. The names of ~~all of~~ the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged in the base rotation as determined by section 206.61, subdivision 5. ~~Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county.~~ The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 42. Minnesota Statutes 2012, section 204D.11, subdivision 1, is amended to read:

Subdivision 1. **White State general election ballot; rules.** The names of the candidates for all partisan state and federal offices, all proposed constitutional amendments, all county offices and questions, and all judicial offices voted on at the state general election shall be placed on a single ballot ~~printed on white paper which that~~ shall be known as the "white state general election ballot." This ballot shall be prepared by the county auditor subject to the rules of the secretary of state. The secretary of state shall adopt rules for preparation and time of delivery of the white state general election ballot.

Sec. 43. Minnesota Statutes 2012, section 204D.11, subdivision 4, is amended to read:

Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the offices of president and vice-president of the United States and senator and representative in Congress shall be placed on a ballot ~~printed on white paper which that~~ shall be known as the "special federal ~~white~~ ballot."

(b) This ballot shall be prepared by the county auditor in the same manner as the white state general election ballot and shall be subject to the rules adopted by the secretary of state pursuant to subdivision 1. This ballot must be prepared and furnished in accordance with the federal Uniformed and Overseas Citizens Absentee Voting Act, United States Code, title 42, section 1973ff.

(c) The special federal ~~white~~ ballot shall be the only ballot sent to citizens of the United States who are eligible to vote by absentee ballot for federal candidates in Minnesota.

Sec. 44. Minnesota Statutes 2012, section 204D.11, subdivision 5, is amended to read:

Subd. 5. **Ballot headings.** The ~~white, pink, and special federal white~~ ballot containing the offices and questions in subdivisions 1 and 4, shall be headed with the words "State General Election Ballot." ~~The canary ballot shall be headed with the words "County and Judicial Nonpartisan General Election Ballot."~~

Sec. 45. Minnesota Statutes 2012, section 204D.11, subdivision 6, is amended to read:

Subd. 6. **Gray Judicial ballot.** When ~~the canary ballot would be longer than 30 inches or when it would not be possible to place all offices on a single ballot card~~ for the state general election, the judicial offices ~~that should be placed on~~

~~the canary ballot~~ may be placed instead on a separate gray judicial ballot. The gray judicial ballot shall be prepared by the county auditor in the manner provided in the rules of the secretary of state.

The gray judicial ballot must be headed with the words: "Judicial Nonpartisan General Election Ballot." Separate ballot boxes must be provided for these gray judicial ballots.

Sec. 46. Minnesota Statutes 2012, section 204D.13, subdivision 3, is amended to read:

Subd. 3. **Nominees by petition; placement on ballot.** The names of candidates nominated by petition for a partisan office voted on at the state general election shall be placed on the white state general election ballot after the names of the candidates for that office who were nominated at the state primary. ~~Prior to the state primary~~ No later than 11 weeks before the state general election, the secretary of state shall determine by lot the order of candidates nominated by petition. The drawing of lots must be by political party or principle. The political party or political principle of the candidate as stated on the petition shall be placed after the name of a candidate nominated by petition. The word "nonpartisan" shall not be used to designate any partisan candidate whose name is placed on the white state general election ballot by nominating petition.

Sec. 47. Minnesota Statutes 2012, section 204D.14, subdivision 1, is amended to read:

Subdivision 1. **Rotation of names.** The names of candidates for nonpartisan offices on the ~~canary state general election ballot and the judicial nonpartisan general election~~ ballot shall be rotated in the manner provided for rotation of names on state partisan primary ballots by section 204D.08, subdivision 3.

Sec. 48. Minnesota Statutes 2012, section 204D.14, subdivision 3, is amended to read:

Subd. 3. **Uncontested judicial offices.** Judicial offices for a specific court for which there is only one candidate filed must appear after all other judicial offices for that same court on the ~~canary~~ ballot.

Sec. 49. Minnesota Statutes 2012, section 204D.15, subdivision 3, is amended to read:

Subd. 3. **Sample ~~pink~~ ballot; constitutional amendments.** Four weeks before the state general election the secretary of state shall file sample copies of the ~~pink ballot portion of the state general election ballot that contains the proposed constitutional amendments~~ in the Secretary of State's Office for public inspection. Three weeks before the state general election the secretary of state shall ~~mail~~ transmit sample copies of the ~~pink sample~~ ballot to each county auditor. Each auditor shall post the sample ballot in a conspicuous place in the auditor's office.

Sec. 50. Minnesota Statutes 2012, section 204D.16, is amended to read:

204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING; PUBLICATION.

~~Two weeks before the state general election the county auditor shall prepare sample copies of the white and canary ballots and~~ At least 46 days before the state general election, the county auditor shall post copies of these sample ballots and a sample of the pink ballot for each precinct in the auditor's office for public inspection and transmit an electronic copy of these sample ballots to the secretary of state. No earlier than 15 days and no later than two days before the state general election the county auditor shall cause ~~the a sample white and canary ballots~~ state general election ballot to be published in at least one newspaper of general circulation in the county.

Sec. 51. Minnesota Statutes 2012, section 204D.165, is amended to read:

204D.165 SAMPLE BALLOTS TO SCHOOLS.

~~Notwithstanding any contrary provisions in section 204D.09 or 204D.16,~~ The county auditor, two weeks before the applicable primary or general election, shall provide one copy of ~~the an appropriate sample partisan primary, nonpartisan primary, canary, white, or pink~~ an appropriate sample ballot to a school district upon request. The school district may have the sample ballots reproduced at its expense for classroom educational purposes and for educational activities authorized under section 204B.27, subdivision 7.

Sec. 52. Minnesota Statutes 2012, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the 40th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than 35

days after the issuance of the writ. A special election must not be held during the four days before or the four days after a holiday as defined in section 645.44, subdivision 5.

Sec. 53. Minnesota Statutes 2012, section 205.02, subdivision 2, is amended to read:

Subd. 2. **City elections.** In all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public questions relating to the city shall be held as provided in this chapter, except that sections 205.065, subdivisions 4 to 6; 205.07, subdivision 3; 205.10; 205.121; and 205.17, subdivisions 2 and subdivision 3, do not apply to a city whose charter provides the manner of holding its primary, general or special elections.

Sec. 54. Minnesota Statutes 2012, section 205.10, subdivision 3, is amended to read:

Subd. 3. **Prohibition.** No special election authorized under subdivision 1 may be held within 40 56 days after the state general election.

Sec. 55. Minnesota Statutes 2012, section 205.13, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In a city nominating candidates at a primary, an affidavit of candidacy for a city office voted on in November must be filed no more than 84 days nor less than 70 days before the city primary. In municipalities that do not hold a primary, an affidavit of candidacy must be filed no more than 70 days and not less than 56 days before the municipal general election held in March in any year, or a special election not held in conjunction with another election, and no more than 98 days nor less than 84 days before the municipal general election held in November of any year. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period.

Sec. 56. Minnesota Statutes 2012, section 205.16, subdivision 4, is amended to read:

Subd. 4. **Notice to auditor.** At least ~~67~~ 74 days before every municipal election ~~held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every municipal election held in connection with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 53 days before any other municipal election,~~ the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least ~~67~~ 74 days before every municipal election ~~held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other election,~~ the municipal clerk must provide written notice to the county auditor of any special election canceled under section 205.10, subdivision 6.

Sec. 57. Minnesota Statutes 2012, section 205.16, subdivision 5, is amended to read:

Subd. 5. **Notice to secretary of state.** At least ~~67~~ 74 days before every municipal election ~~held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every municipal election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other municipal election~~ for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 58. Minnesota Statutes 2012, section 205.17, subdivision 1, is amended to read:

Subdivision 1. ~~Second, third, and fourth class cities; towns~~ **Municipal offices; questions; general election ballot.** In all statutory and home rule charter cities ~~of the second, third, and fourth class, and in all towns, for the municipal general election,~~ the municipal clerk shall have printed ~~on light green paper~~ the official ballot containing the names of all candidates for municipal offices and municipal ballot questions. The ballot shall be printed in quantities of 25, 50, or 100, shall be headed "City or Town Election Ballot," shall state the name of the city or town and the date of the election, and shall conform in other respects to the ~~white ballot used at the state general election~~ ballot. The names shall be arranged on city ballots in the manner provided for the state elections. On town ballots names of the candidates for each office shall be arranged either:

- (1) alphabetically according to the candidates' surnames; or
- (2) in the manner provided for state elections if the town electors chose at the town's annual meeting to arrange the names in that way for at least two consecutive years.

Sec. 59. Minnesota Statutes 2012, section 205.17, subdivision 3, is amended to read:

Subd. 3. **Primary ballots.** ~~The municipal primary ballot in cities of the second, third, and fourth class and towns and the nonpartisan primary ballot in cities of the first class shall conform as far as practicable with the municipal general election ballot except that it shall be printed on light green paper. No blank spaces shall be provided for writing in the names of candidates. The partisan primary ballot in cities of the first class shall conform as far as practicable with the state partisan primary ballot.~~

Sec. 60. Minnesota Statutes 2012, section 205A.04, is amended by adding a subdivision to read:

Subd. 3. **Change in year of general election.** The school board may, by resolution, change the year in which the school district general election will be held. The resolution must be approved no later than four weeks before the first day to file affidavits of candidacy for the general election. A plan for the orderly transition to the new election year must be included in the resolution. The terms of school board members may be lengthened or shortened by one year as a part of the transition process.

Sec. 61. Minnesota Statutes 2012, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **Questions.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition filed with the school board of 50 or more voters of the school district or five percent of the number of voters voting at the preceding school district general election, whichever is greater, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the ~~30 56~~ days before and the ~~30 56~~ days after ~~the state a regularly scheduled primary, during the 30 days before and the 40 days after the state or~~ general election. ~~In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality conducted wholly or partially within the school district.~~ Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 62. Minnesota Statutes 2012, section 205A.05, subdivision 2, is amended to read:

Subd. 2. **Vacancies in school district offices.** Special elections shall be held in school districts in conjunction with school district primary and general elections to fill vacancies in elective school district offices. When more than one vacancy exists in an office elected at-large, voters must be instructed to vote for up to the number of vacancies to be filled.

Sec. 63. Minnesota Statutes 2012, section 205A.07, subdivision 3, is amended to read:

Subd. 3. **Notice to auditor.** ~~At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 53 days before any other school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor before receipt of a review and comment from the commissioner of education and before actual initiation of the election. At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before an election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other election, the school district clerk must provide written notice to the county auditor of any special election canceled under section 205A.05, subdivision 3.~~

Sec. 64. Minnesota Statutes 2012, section 205A.07, subdivision 3a, is amended to read:

Subd. 3a. **Notice to commissioner of education.** ~~At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general~~

~~election for federal, state, county, city, or school board office or a special election for federal office, and at least 49 days before any other school district election, under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, the school district clerk shall provide a written notice to the commissioner of education. The notice must include the date of the election and the title and language for each ballot question to be voted on at the election. At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other school district election, the school district clerk must provide a written notice to the commissioner of education of any special election canceled under section 205A.05, subdivision 3. The certified vote totals for each ballot question shall be provided in a written notice to the commissioner in a timely manner.~~

Sec. 65. Minnesota Statutes 2012, section 205A.07, subdivision 3b, is amended to read:

Subd. 3b. **Notice to secretary of state.** ~~At least 67 74 days before every school district election held in conjunction with a regularly scheduled primary for federal, state, county, city, or school board office or a special primary for federal office, at least 74 days before every school district election held in conjunction with a regularly scheduled general election for federal, state, county, city, or school board office or a special election for federal office, and at least 46 days before any other school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.~~

Sec. 66. Minnesota Statutes 2012, section 205A.08, subdivision 1, is amended to read:

Subdivision 1. **Buff General election ballot.** ~~The names of all candidates for offices and all ballot questions to be voted on at a school district general election must be placed on a single ballot printed on buff paper and known as the "buff ballot."~~

Sec. 67. Minnesota Statutes 2012, section 206.57, is amended by adding a subdivision to read:

Subd. 8. **Ballot boxes.** Notwithstanding Minnesota Rules, part 8230.4355, ballot boxes used with precinct count voting systems are not required to contain two separate compartments to receive ballots.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 68. Minnesota Statutes 2012, section 206.61, subdivision 4, is amended to read:

Subd. 4. **Order of candidates.** ~~On the "State Partisan Primary Ballot" prepared for primary elections, and on the white state general election ballot prepared for the general election, the order of the names of nominees or names of candidates for election shall be the same as required for paper ballots. More than one column or row may be used for the same office or party. Electronic ballot display and audio ballot readers must conform to the candidate order on the optical scan ballot used in the precinct.~~

Sec. 69. Minnesota Statutes 2012, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** ~~At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section. The postelection review must not begin before the 11th day after the state general election and must be complete no later than the 18th day after the state general election.~~

~~At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. Ballots counted centrally by a ballot board shall be considered one precinct eligible to be selected for purposes of this subdivision. The ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct.~~ The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office Web site.

Sec. 70. Minnesota Statutes 2012, section 206.89, is amended by adding a subdivision to read:

Subd. 2a. **Exception.** No review is required under this section if the election for the office will be subject to a recount as provided in section 204C.35, subdivision 1.

Sec. 71. Minnesota Statutes 2012, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink. In state elections, a single ballot title must be used, as provided in sections 204D.08, subdivision 6, and 204D.11, subdivision 1. In odd-numbered years when both municipal and school district offices or questions appear on the ballot, the single ballot title "City (or Town) and School District Ballot" must be used.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct.

Sec. 72. Minnesota Statutes 2012, section 208.04, subdivision 1, is amended to read:

Subdivision 1. **Form of presidential ballots.** When presidential electors and alternates are to be voted for, a vote cast for the party candidates for president and vice president shall be deemed a vote for that party's electors and alternates as filed with the secretary of state. The secretary of state shall certify the names of all duly nominated presidential and vice presidential candidates to the county auditors of the counties of the state. Each county auditor, subject to the rules of the secretary of state, shall cause the names of the candidates of each major political party and the candidates nominated by petition to be printed in capital letters, set in type of the same size and style as for candidates on the state white general election ballot, before the party designation. To the left of, and on the same line with the names of the candidates for president and vice president, near the margin, shall be placed a square or box, in which the voters may indicate their choice by marking an "X."

The form for the presidential ballot and the relative position of the several candidates shall be determined by the rules applicable to other state officers. The state ballot, with the required heading, shall be printed on the same piece of paper and shall be below the presidential ballot with a blank space between one inch in width.

Sec. 73. Minnesota Statutes 2012, section 208.04, subdivision 2, is amended to read:

Subd. 2. **Applicable rules.** The rules for preparation, state contribution to the cost of printing, and delivery of presidential ballots are the same as the rules for white state general election ballots under section 204D.11, subdivision 1.

Sec. 74. Minnesota Statutes 2012, section 211B.045, is amended to read:

211B.045 NONCOMMERCIAL SIGNS EXEMPTION.

~~In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, All noncommercial signs of any size may be posted in any number from beginning 46 days before the state primary in a state general election year until ten days following the state general election. Municipal ordinances may regulate the size and number of noncommercial signs at other times.~~

Sec. 75. Minnesota Statutes 2012, section 211B.37, is amended to read:

211B.37 COSTS ASSESSED.

Except as otherwise provided in section ~~211B.36, subdivision 3~~, the chief administrative law judge shall assess the cost of considering complaints filed under section ~~211B.32~~ as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section ~~10A.31, subdivision 4~~. Costs of complaints relating to any other ballot question or elective office must be assessed ~~against the county or counties in which the election is held. Where the election is held in more than one county, the chief administrative law judge shall apportion the assessment among the counties in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census paid from appropriations to the office for this purpose.~~

Sec. 76. Minnesota Statutes 2012, section 340A.416, subdivision 2, is amended to read:

Subd. 2. **Ballot question.** The ~~form of the~~ question of the referendum under this section must be ~~on a separate ballot and must allow the voters to vote either "for license" or "against license."~~ either "Shall the city issue ... intoxicating liquor licenses?" or "Shall the city discontinue issuing intoxicating liquor licenses?".

Sec. 77. Minnesota Statutes 2012, section 340A.416, subdivision 3, is amended to read:

Subd. 3. **Effect of election results.** If a majority of persons voting on the referendum question vote ~~"against license,"~~ to discontinue issuing licenses, the city may not issue intoxicating liquor licenses until the results of the referendum have been reversed at a subsequent election where the question has been submitted as provided in this section.

Sec. 78. Minnesota Statutes 2012, section 340A.602, is amended to read:

340A.602 CONTINUATION.

In any city in which the report of the operations of a municipal liquor store has shown a net loss prior to interfund transfer in any two of three consecutive years, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election. The form of the question shall be: "Shall the city of (name) discontinue operating the municipal liquor store on (Month xx, 2xxx)?".

Sec. 79. Minnesota Statutes 2012, section 375.20, is amended to read:

375.20 BALLOT QUESTIONS.

If the county board may do an act, incur a debt, appropriate money for a purpose, or exercise any other power or authority, only if authorized by a vote of the people, the question may be submitted at a special or general election, by a resolution specifying the matter or question to be voted upon. If the question is to authorize the appropriation of money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election shall be given as in the case of special elections. If the question submitted is adopted, the board shall pass an appropriate resolution to carry it into effect. In the election the form of the ballot shall be: ~~"In favor of Shall (here state the substance of the resolution to be submitted)?, Yes No.....,"~~ with a square opposite each of the words "yes" and "no," in one of which the voter shall mark an "X" to indicate a choice. The county board may call a special county election upon a question to be held within ~~60~~ 74 days after a resolution to that effect is adopted by the county board. Upon the adoption of the resolution the county auditor shall post and publish notices of the election, as required by section ~~204D.22~~, subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the manner prescribed by sections ~~204D.20 to 204D.27~~, so far as practicable.

Sec. 80. Minnesota Statutes 2012, section 447.32, subdivision 2, is amended to read:

Subd. 2. **Elections.** Except as provided in this chapter, the Minnesota Election Law applies to hospital district elections, as far as practicable. Regular elections must be held in each hospital district at the same time, in the same election precincts, and at the same polling places as general elections of state and county officers. It may establish the whole district as a single election precinct or establish two or more different election precincts and polling places for the elections. If there is more than one precinct, the boundaries of the election precincts and the locations of the polling places must be defined in the notice of election, either in full or by reference to a description or map on file in the office of the clerk.

Special elections may be called by the hospital board to vote on any matter required by law to be submitted to the voters. A special election may not be conducted either during the ~~30~~ 56 days before ~~and the 30 days after the state or the 56 days after a regularly scheduled primary or state general election, or during the 20 days before and the 20 days after the regularly scheduled election of any municipality conducted~~ wholly or partially within the hospital district. Special elections must be held within the election precinct or precincts and at the polling place or places designated by the board. In the case of the first election of officers of a new district, precincts and polling places must be set by the governing body of the most populous city or town included in the district.

Advisory ballots may be submitted by the hospital board on any question it wishes, concerning the affairs of the district, but only at a regular election or at a special election required for another purpose.

Sec. 81. Minnesota Statutes 2012, section 447.32, subdivision 3, is amended to read:

Subd. 3. **Election notices.** At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least ~~53~~ 74 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. ~~At least 46 days before a hospital district election for which a notice is provided to the county auditor under this subdivision,~~ The county auditor shall immediately provide a notice to the secretary of state in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ~~ten days~~ two weeks before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 82. Minnesota Statutes 2012, section 447.32, subdivision 4, is amended to read:

Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ~~94~~ 98 days nor less than ~~77~~ 84 days before the first Tuesday after the first Monday in November of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be ~~printed on tan paper and~~ prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 83. Laws 1963, chapter 276, section 2, subdivision 2, as amended by Laws 1992, chapter 534, section 1, is amended to read:

Subd. 2. ~~One third of the members of the first hospital board shall be appointed for a term to expire one year from December 31 next following such appointment, one third for a term to expire two years from such date, and one third for a term to expire three years from such date. Successors to the original board members shall each be elected for terms of three years, and all members shall hold office until their successors are elected and qualify. Terms of all members shall expire on December 31. In case of a vacancy on the hospital board, whether due to death, removal from the district, inability to serve, resignation, or other cause the majority of the remaining members of the hospital board, at its next regular or special meeting, shall make an appointment to fill such vacancy for the then unexpired term. The election of successors to the original board members shall be elected by popular vote of the qualified voters in the hospital district. Hospital board elections shall be conducted as provided in Minnesota Statutes, section 447.32. The hospital board shall, by resolution, adopt a plan for the orderly transition to the new election schedule. The resolution must be approved no later than four weeks before the first day to file affidavits of candidacy for the general election. The terms of hospital board members may be lengthened or shortened by one year as a part of the transition process.~~

Sec. 84. **APPROPRIATION.**

\$60,000 is appropriated from the general fund in fiscal year 2014 to the secretary of state to develop functionality within the statewide voter registration system to facilitate the processing and tracking of mail ballots.

Sec. 85. **REPEALER.**

(a) Minnesota Statutes 2012, sections 204B.22, subdivision 2; 204B.42; 204D.11, subdivisions 2 and 3; 205.17, subdivisions 2 and 4; and 205A.08, subdivision 4, are repealed.

(b) Minnesota Statutes 2012, sections 2.444; and 2.484, are repealed.

ARTICLE 3

VOTING RIGHTS AND VOTING DATA

Section 1. Minnesota Statutes 2012, section 13.851, subdivision 10, is amended to read:

Subd. 10. **Felony ~~sentene~~ offender data; voter registration.** The use of felony ~~sentene~~ offender data made available to the secretary of state is governed by section 201.157.

Sec. 2. Minnesota Statutes 2012, section 201.157, is amended to read:

201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.

~~As required by the Help America Vote Act of 2002, Public Law 107-252, (a)~~ The commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently:

(1) serving felony sentences under the commissioner's jurisdiction; or

(2) on probation for felony offenses that would result in the loss of civil rights, as indicated by the statewide supervision system established under section 241.065.

The data must include the name, date of birth, last known residential address that is not a correctional facility, and, if available, corrections' state identification number, and if available, and the driver's license or state identification card number, and, if an individual has completed the sentence, the date of discharge.

(b) The secretary of state must determine if any data newly indicates that:

(1) an individual with an active voter registration in the statewide voter registration system is currently serving a felony sentence under the commissioner's jurisdiction or is on probation for a felony offense that would result in the loss of civil rights and the individual's voter record does not already have a challenged status due to a felony conviction;

(2) an individual with an active voter registration in the statewide voter registration system who is currently serving a felony sentence under the commissioner's jurisdiction or who is on probation for a felony offense that would result in the loss of civil rights appears to have registered to vote or to have voted during a period when the individual's civil rights were revoked; and

(3) an individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction or who has been on probation for a felony offense that would result in the loss of civil rights has been discharged from a sentence.

EXHIBIT 4

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3) for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide voter registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

The secretary of state must make the required determinations and provide the required lists to the county auditors at least monthly.

For each state general election that occurs prior to the statewide voter registration system being programmed to generate lists as required by this section, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the election and again between six and ten weeks after the election. In the year following that state election, the secretary of state must make this determination and provide lists to the county auditors again as part of the annual list maintenance.

Sec. 3. Minnesota Statutes 2012, section 201.275, is amended to read:

201.275 INVESTIGATIONS; PROSECUTIONS.

A ~~county attorney who~~ law enforcement agency that is notified by affidavit of an alleged violation of this chapter shall promptly investigate. Upon receiving an affidavit alleging a violation of this chapter, a county attorney shall promptly forward it to a law enforcement agency with jurisdiction for investigation. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution.

Sec. 4. Minnesota Statutes 2012, section 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) The commissioner of corrections must provide the secretary of state with a list of the names and mailing addresses of state adult correctional facilities. An application for an absentee ballot that provides an address included on the list provided by the commissioner of corrections must not be accepted and an absentee ballot must not be provided to the applicant. The county auditor or municipal clerk must promptly transmit a copy of the application to the county attorney. The Department of Corrections must implement procedures to ensure that absentee ballots issued under chapter 203B are not received or mailed by offenders incarcerated at state adult correctional facilities.

(b) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

(b)(c) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

EFFECTIVE DATE. This section is effective June 15, 2013.

Sec. 5. Minnesota Statutes 2012, section 204C.14, is amended to read:

EXHIBIT 4

204C.14 UNLAWFUL VOTING; PENALTY.

Subdivision 1. Violations; penalty. No individual shall intentionally:

- (a) misrepresent the individual's identity in applying for a ballot, depositing a ballot in a ballot box or attempting to vote by means of a voting machine or electronic voting system;
- (b) vote more than once at the same election;
- (c) put a ballot in a ballot box for any illegal purpose;
- (d) give more than one ballot of the same kind and color to an election judge to be placed in a ballot box;
- (e) aid, abet, counsel or procure another to go into any precinct for the purpose of voting in that precinct, knowing that the other individual is not eligible to vote in that precinct; or
- (f) aid, abet, counsel or procure another to do any act in violation of this section.

A violation of this section is a felony.

Subd. 2. Signature on roster as evidence of intent. For purposes of proving a violation of this section, the signature of an individual on a polling place roster is prima facie evidence of the intent of the individual to vote at that election.

Sec. 6. Minnesota Statutes 2012, section 241.065, subdivision 2, is amended to read:

Subd. 2. Establishment. The Department of Corrections shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The adult data and juvenile data as defined in section 260B.171 in the statewide supervision system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to the Minnesota sex offender program as provided in section 246B.04, subdivision 3, to public defenders as provided in section 611.272, to all trial courts and appellate courts, and to criminal justice agencies in other states in the conduct of their official duties. Adult data in the statewide supervision system are accessible to the secretary of state for the purposes described in section 201.157.

Sec. 7. APPROPRIATION.

\$47,000 is appropriated in fiscal year 2014 and \$48,000 is appropriated in fiscal year 2015 to the secretary of state to administer this article. Of these amounts, \$48,000 is added to the base budget of the secretary of state.

ARTICLE 4**ELECTRONIC ROSTERS****Section 1. ELECTRONIC ROSTER PILOT PROJECT.**

Subdivision 1. Established. A pilot project is established to explore the use of electronic rosters in conducting elections. Jurisdictions participating in the project may use electronic rosters to process election day registration, to verify the registration status of preregistered voters, or both. The pilot project shall apply to general elections for home rule charter or statutory cities conducted in participating cities in 2013. The standards for conducting the pilot project are provided in this section.

Subd. 2. Participating cities. Precincts located in Dilworth, Minnetonka, Moorhead, Saint Anthony, and Saint Paul may participate in the project. In participating cities, the head elections official may designate individual precincts in the jurisdiction to participate. A city is not required to use electronic rosters in all precincts.

Subd. 3. Technology requirements. (a) In participating precincts, an electronic poll book must:

- (1) be able to be loaded with a data file that includes voter registration data in a file format prescribed by the secretary of state, to the extent feasible;
- (2) allow for data to be exported in a file format prescribed by the secretary of state;
- (3) allow for data to be entered manually or by scanning a Minnesota driver's license or identification card to populate a voter registration application that would be printed and signed and dated by the voter;
- (4) provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, voter identification number, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature;

EXHIBIT 4

(5) immediately alert the election judge if the electronic poll book indicates that a voter has already voted, the voter's registration status is challenged, or it appears the voter resides in a different precinct;

(6) provide immediate instructions on how to resolve a particular type of challenge when a voter's record is challenged; and

(7) perform any other functions necessary for the efficient and secure administration of participating election, as determined by the secretary of state.

(b) In precincts using electronic rosters only for election day registration, the technology does not need to comply with paragraph (a), clause (4), (5), or (6).

Subd. 4. **Minnesota election law; other law.** Except as provided in this section, the provisions of the Minnesota Election Law apply to this pilot project, so far as practicable. Voters participating in the safe at home program must be allowed to vote pursuant to Minnesota Statutes, section 5B.06. Nothing in this section shall be construed to amend absentee voting provisions in Minnesota Statutes, chapter 203B.

Subd. 5. **Election records retention.** All voter's signature certificates and voter registration applications printed from an electronic poll book shall be retained pursuant to Minnesota Statutes, section 204B.40. Data on election day registrants must be uploaded to the statewide voter registration system for processing by county auditors.

Subd. 6. **Election day.** Participating precincts may use electronic rosters for election day registration, to verify registration status of preregistered voters, or both. In precincts using electronic rosters to verify registration status of preregistered voters, the election judges shall also use a paper roster.

Subd. 7. **Evaluation.** The secretary of state must evaluate the pilot project and must report to the legislative committees with jurisdiction over elections by January 31, 2014, on the results of the evaluation. The report must include:

(1) a description of the technology that was used and explanation of how that technology was selected;

(2) the process used for implementing electronic poll books;

(3) a description of training that was conducted for election judges and other election officials in precincts that used electronic poll books;

(4) the number of voters who voted in each precinct using electronic poll books;

(5) comments, feedback, or recommendations from election judges and others in a precinct using electronic poll books;

(6) the costs associated with the use of electronic poll books, broken down by precinct;

(7) comments, feedback, or recommendations from the participating cities and counties regarding data transfers and other exchanges of information; and

(8) any other feedback or recommendations the secretary of state believes are relevant to evaluating the pilot project.

Subd. 8. **Expiration.** The authorization for this pilot project expires upon submission of the report as provided in subdivision 7.

Sec. 2. **ELECTRONIC ROSTER TASK FORCE.**

Subdivision 1. **Membership.** (a) The Electronic Roster Task Force consists of the following 15 members:

(1) the director of the Department of Public Safety, Division of Vehicle Services, or designee;

(2) the secretary of state, or designee;

(3) an individual designated by the secretary of state, from the elections division in the Office of the Secretary of State;

(4) the chief information officer of the state of Minnesota, or designee;

(5) one county auditor appointed by the Minnesota Association of County Officers;

(6) one town election official appointed by the Minnesota Association of Townships;

(7) one city election official appointed by the League of Minnesota Cities;

(8) one school district election official appointed by the Minnesota School Boards Association;

(9) one representative appointed by the speaker of the house of representatives;

(10) one representative appointed by the minority leader of the house of representatives;

(11) one senator appointed by the senate Subcommittee on the Committee of the Committee on Rules and Administration;

(12) one senator appointed by the senate minority leader;

(13) one person appointed by the governor, familiar with electronic roster technology but who does not represent a specific vendor of the technology; and

(14) two election judges appointed by the governor.

(b) Any vacancy shall be filled by appointment of the appointing authority for the vacating member.

(c) Members shall be appointed by June 1, 2013.

Subd. 2. **Conflict of interest.** No member of the task force may have a financial interest in a manufacturer or distributor of electronic roster technology.

Subd. 3. **Duties.** The task force must research the following issues:

(1) electronic roster technology, including different types of electronic rosters;

(2) the ability to use photographs received from the Department of Vehicle Services;

(3) the ability to add photographs to the roster on election day;

(4) data security in electronic rosters, the statewide voter registration system, and the Department of Vehicle Services;

(5) reliability of Department of Vehicle Services data, including the ability to match names and photographs without duplication;

(6) ability of precincts across the state to connect an electronic roster to a secure network to access the statewide voter registration system; and

(7) direct and indirect costs associated with using electronic rosters.

Subd. 4. **First meeting.** The secretary of state, or the secretary's designee, must convene the initial meeting of the task force by July 1, 2013. The members of the task force must elect a chair and a vice-chair from the members of the task force at the first meeting.

Subd. 5. **Compensation.** Public members of the task force shall be compensated pursuant to Minnesota Statutes, section 15.059, subdivision 3.

Subd. 6. **Staff.** The Legislative Coordinating Commission shall provide staff support, as needed, to facilitate the task force's work.

Subd. 7. **Report.** The task force must submit a report by January 31, 2014, to the chairs and ranking minority members of the committees in the senate and house of representatives with primary jurisdiction over elections, summarizing its findings and listing recommendations on the implementation of electronic rosters statewide. The report shall include draft legislation to implement the recommendations of the task force.

Subd. 8. **Sunset.** The task force shall sunset the day following submission of the report under subdivision 7, or January 31, 2014, whichever is earlier.

Sec. 3. APPROPRIATIONS.

(a) \$67,000 is appropriated from the general fund to the secretary of state in fiscal year 2014 to implement this article.

(b) \$21,000 is appropriated from the general fund to the Legislative Coordinating Commission in fiscal year 2014 for the purposes of this article.

Sec. 4. **EFFECTIVE DATE.** This article is effective the day following final enactment.

ARTICLE 5

EXHIBIT 4

VACANCIES IN NOMINATION

Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

Subdivision 1. ~~Death or withdrawal~~ **Partisan office.** (a) A vacancy in nomination may for a partisan office must be filled in the manner provided by this section. A vacancy in nomination exists for a partisan office when: (1) a major political party candidate or nonpartisan candidate who was nominated at a primary dies or files an affidavit of withdrawal as provided in section 204B.12, subdivision 2a; or (2) a candidate for a nonpartisan office, for which one or two candidates filed, who has been nominated in accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:

(1) dies;

(2) withdraws as provided in section 204B.12, subdivision 1; or

(3) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at least one day prior to the general election with the same official who received the affidavit of candidacy.

(b) An affidavit of withdrawal filed under paragraph (a), clause (3), must state that the candidate has been diagnosed with a catastrophic illness that will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought, if elected. The affidavit must be accompanied by a certificate verifying the candidate's illness meets the requirements of this paragraph, signed by at least two licensed physicians. The affidavit and certificate may be filed by the candidate or the candidate's legal guardian.

Sec. 2. Minnesota Statutes 2012, section 204B.13, subdivision 2, is amended to read:

Subd. 2. **Partisan office; nomination by party; special election.** (a) A vacancy in nomination for partisan office shall be filled as provided in this subdivision. Except as provided in subdivision 5, a major political party has the authority to may fill a vacancy in nomination of that party's candidate as defined in subdivision 1, clause (1) or (3), by filing a one nomination certificate with the same official who received the affidavits of candidacy for that office.

(b) A major political party may provide in its governing rules a procedure, including designation of an appropriate committee, to fill vacancies a vacancy in nomination for all offices elected statewide any federal or state partisan office. The nomination certificate shall be prepared under the direction of and executed by the chair and secretary of the political party and filed within seven days after the vacancy in nomination occurs or before the 14th day before the general election, whichever is sooner. If the vacancy in nomination occurs through the candidate's death or catastrophic illness, the nomination certificate must be filed within seven days after the vacancy in nomination occurs but no later than four days before the general election the timelines established in this section. When filing the certificate the chair and secretary when filing the certificate shall attach an affidavit stating that the newly nominated candidate has been selected under the rules of the party and that the individuals signing the certificate and making the affidavit are the chair and secretary of the party.

(b) In the case of a vacancy in nomination for partisan office that occurs on or before the 79th day before the general election, the major political party must file the nomination certificate no later than 71 days before the general election. The name of the candidate nominated by the party must appear on the general election ballot.

(c) Except as provided in subdivision 5, in the case of a vacancy in nomination for a partisan office that occurs after the 79th day before the general election, the general election ballot shall remain unchanged, but the county and state canvassing boards must not certify the vote totals for that office from the general election, and the office must be filled at a special election held in accordance with this section. Except for the vacancy in nomination, all other candidates whose names appeared on the general election ballot for the office must appear on the special election ballot for the office. New affidavits of candidacy or nominating petitions may not be accepted, and there must not be a primary to fill the vacancy in nomination. The major political party may file a nomination certificate as provided in paragraph (a), no later than seven days after the general election. On the date of the general election, the county auditor or municipal clerk shall post a notice in each precinct affected by a vacancy in nomination under this paragraph, informing voters of the reason for the vacancy in nomination and the procedures for filling the vacancy in nomination and conducting a special election as required by this section. The secretary of state shall prepare and electronically distribute the notice to county auditors in each county affected by a vacancy in nomination.

Sec. 3. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 2a. **Partisan office; filing period.** A vacancy in nomination for a partisan office due to a withdrawal of a candidate under section 204B.12, subdivision 1, may be filled in the manner provided in sections 204B.06, 204B.09, and 204B.11, except that all documents and fees required by those sections must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If there is more than one candidate at the end of the withdrawal period to fill the vacancy in nomination, the candidates' names must appear on the primary ballot. Otherwise, the candidate's name must appear on the general election ballot.

Sec. 4. Minnesota Statutes 2012, section 204B.13, subdivision 5, is amended to read:

Subd. 5. **Candidates for governor and lieutenant governor.** (a) If a vacancy in nomination for a major political party occurs in the race for governor, the political party must nominate the candidates for both governor and lieutenant governor. If a vacancy in nomination for a major political party occurs in the race for lieutenant governor, the candidate for governor determined under this section shall select the candidate for lieutenant governor. If a vacancy in nomination occurs in the race for lieutenant governor, due to a vacancy in nomination for governor or due to the withdrawal or death of the candidate for lieutenant governor, the candidate for governor shall select the candidate for lieutenant governor as provided in this subdivision.

(b) For a vacancy in nomination for lieutenant governor that occurs on or before the 14th 79th day before the general election, the name of the lieutenant governor candidate must be submitted by the governor candidate to the filing officer within seven days after the vacancy occurs, or before the 14th day before the general election, whichever is sooner no later than 71 days before the general election. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for lieutenant governor occurs after the 79th day before the general election, the candidate for governor shall submit the name of the new lieutenant governor candidate to the secretary of state within seven days after the vacancy in nomination occurs but no later than four days before the general election. If the vacancy in nomination occurs through the death or catastrophic illness of the candidate for governor, the new candidate for governor shall submit the name of the lieutenant governor candidate within seven days after the vacancy in nomination for governor is filled under section 204B.13, subdivision 2, but no later than four days before the general election. occurs, but no changes may be made to the general election ballots.

(c) When a vacancy in nomination for lieutenant governor occurs after the 79th day before the general election, the county auditor or municipal clerk shall post a notice in each precinct affected by the vacancy in nomination. The secretary of state shall prepare and electronically distribute the notice to county auditors. The county auditor must ensure that each precinct in the county receives the notice prior to the opening of the polls on election day. The notice must include:

(1) a statement that there is a vacancy in nomination for lieutenant governor and the statutory reason for the vacancy in nomination as provided in subdivision 1, paragraph (a), clauses (1) and (3);

(2) a statement that the results for the governor and lieutenant governor will be counted and that no special election will be held for that race; and

(3) a list of all candidates in the governor and lieutenant governor's race, listed in order of the base rotation. The listing of candidates shall include the name of the candidate to fill the vacancy in nomination for lieutenant governor. If the name of the candidate has not yet been named, then the list must include the date by which the candidate will be named.

Sec. 5. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 7. **Date of special election.** If a special election is required under this section, the governor shall issue a writ calling for a special election to be conducted on the second Tuesday in February of the year following the year the vacancy in nomination occurred. Except where otherwise provided in this section, the writ shall be issued and the special election conducted according to the requirements of sections 204D.22 to 204D.27.

Sec. 6. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 8. **Absentee voters.** At least 46 days, but no more than 50 days, before a special election conducted under this section, the county auditor shall transmit an absentee ballot for the special election to each applicant for an absentee ballot whose application for an absentee ballot for the preceding general election was recorded under section 203B.04 or 203B.17. New applicants for an absentee ballot may be provided a ballot in the manner specified in chapter 203B.

Sec. 7. Minnesota Statutes 2012, section 204B.13, is amended by adding a subdivision to read:

Subd. 9. **Appropriation.** In the case of a statewide special election under this section, the amount necessary is appropriated to the secretary of state to cover costs incurred by the state, county, and municipal governments to conduct the special election.

Sec. 8. [204B.131] VACANCY IN NOMINATION; NONPARTISAN OFFICE.

Subdivision 1. **Applicability.** A vacancy in nomination for a nonpartisan office must be filled in the manner provided by this section. A vacancy in nomination for a nonpartisan office exists when:

(1) a candidate for any nonpartisan office, for which one or two candidates filed, withdraws as provided in section 204B.12, subdivision 1; or

(2) a candidate for any nonjudicial nonpartisan office, for which only one or two candidates filed or who was nominated at a primary, dies on or before the 79th day before the date of the general election.

Subd. 2. **Procedure for filling vacancy.** A vacancy in nomination for a nonpartisan office may be filled by filing an affidavit of candidacy and paying a filing fee, or by filing an affidavit of candidacy and filing a petition in place of a filing fee, in the manner provided in sections 204B.06, 204B.09, and 204B.11. All documents and fees required by this subdivision must be filed within five days after the vacancy in nomination occurs. There must be a two-day period for withdrawal of candidates after the last day for filing.

If the vacancy in nomination resulted from a withdrawal during the withdrawal period held on the 68th to 69th day before the primary, and if, at the end of the withdrawal period to fill the vacancy in nomination, there are more than two candidates, the candidates' names must appear on the primary ballot. In all other cases, the candidates' names must appear on the general election ballot.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2012, section 204D.19, is amended by adding a subdivision to read:

Subd. 6. **Writ when vacancy results from vacancy in nomination.** If a vacancy in office is due to a vacancy in nomination under section 204B.13, the governor shall issue a writ in the manner provided in that section.

Sec. 10. **REPEALER.**

(a) Minnesota Statutes 2012, sections 204B.12, subdivision 2a; and 204B.13, subdivision 6, are repealed.

(b) Minnesota Statutes 2012, section 204B.13, subdivision 4, is repealed.

Sec. 11. **EFFECTIVE DATE.** This article is effective the day following final enactment and applies to vacancies in nomination occurring on or after that date.

Presented to the governor May 22, 2013

Signed by the governor May 23, 2013, 11:45 a.m.

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