

## HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **894**

02/25/2013 Authored by Simon  
The bill was read for the first time and referred to the Committee on Elections  
03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Government Operations  
03/20/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Taxes  
By motion, recalled and re-referred to the Committee on State Government Finance and Veterans Affairs  
04/04/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means  
04/17/2013 Adoption of Report: Pass as Amended and Read Second Time  
05/08/2013 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

## A bill for 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, campaigns, the loss and restoration of voting rights, vacancies in nomination, county government structure, 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; 201.054, subdivision 2, by adding a subdivision; 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; 206.895; 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; 244; repealing Minnesota Statutes 2012, sections 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:

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

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

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

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

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

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

4.27 (1) each regularly scheduled primary for federal, state, county, city, or school board  
4.28 office;

4.29 (2) each regularly scheduled general election for city or school board office for  
4.30 which a primary is not held; and

4.31 (3) a special primary to fill a federal or county office vacancy or special election to  
4.32 fill a federal or county office vacancy, if a primary is not required to be held pursuant to  
4.33 section 204D.03, subdivision 3, or 204D.07, subdivision 3; and

4.34 (4) any election held in conjunction with an election described in clauses (1) to (3);  
4.35 or at least 45 days before any other primary or other election for which a primary is not held.

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

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

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

5.13 (1) the voter's name and address on the return envelope are the same as the  
5.14 information provided on the absentee ballot application;

5.15 (2) the voter signed the certification on the envelope;

5.16 (3) the voter's Minnesota driver's license, state identification number, or the last four  
5.17 digits of the voter's Social Security number are the same as the number provided on the  
5.18 voter's application for ballots. If the number does not match the number as submitted on  
5.19 the application, or if a number was not submitted on the application, the election judges  
5.20 must compare the signature provided by the applicant to determine whether the ballots  
5.21 were returned by the same person to whom they were transmitted;

5.22 (4) the voter is registered and eligible to vote in the precinct or has included a  
5.23 properly completed voter registration application in the return envelope;

5.24 (5) the certificate has been completed as prescribed in the directions for casting an  
5.25 absentee ballot; and

5.26 (6) the voter has not already voted at that election, either in person or, if it is after the  
5.27 close of business on the ~~fourth~~ seventh day before the election, by absentee ballot.

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

5.30 (c)(1) If a majority of the members of the ballot board examining a return envelope  
5.31 find that an absentee voter has failed to meet one of the requirements provided in  
5.32 paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the  
5.33 word "Rejected," list the reason for the rejection on the envelope, and return it to the  
5.34 county auditor. There is no other reason for rejecting an absentee ballot beyond those  
5.35 permitted by this section. Failure to place the ballot within the security envelope before  
5.36 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 the day following final enactment.

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 ~~15~~ 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

12.1 publicly or privately operated shelter or dwelling designed to provide temporary living  
12.2 accommodations for the homeless.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13.28 **201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT**  
13.29 **CHANGES OF NAMES.**

13.30 The state court administrator shall regularly report by electronic means to the  
13.31 secretary of state the name, address, and, if available, driver's license or state identification  
13.32 card number of each individual, 18 years of age or over, whose name was changed since  
13.33 the last report, by marriage, divorce, or any order or decree of the court. The secretary of

14.1 state shall determine if any of the persons in the report are registered to vote under their  
14.2 previous name and shall prepare a list of those registrants for each county auditor. Upon  
14.3 receipt of the list, the county auditor shall make the change in the voter's record and mail  
14.4 to the voter the notice of registration required by section 201.121, subdivision 2. A notice  
14.5 must not be mailed if the voter's record is challenged due to a felony conviction, lack of  
14.6 United States citizenship, legal incompetence, or court-ordered revocation of voting rights  
14.7 of persons under guardianship.

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

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

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

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

14.21 (3) If the chairs of the two largest major political parties do not jointly submit a  
14.22 single date for conducting their precinct caucuses as provided in this paragraph, then  
14.23 for purposes of the next general election year, the first Tuesday in February shall be  
14.24 considered the day of a major political party precinct caucus and sections 202A.19 and  
14.25 202A.192 shall only apply on that date.

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

14.29 (c) In the event of severe weather a major political party may request the secretary of  
14.30 state to postpone caucuses. If a major political party makes a request, or upon the secretary  
14.31 of state's own initiative, after consultation with all major political parties and on the advice  
14.32 of the federal Weather Bureau and the Department of Transportation, the secretary of state  
14.33 may declare precinct caucuses to be postponed for a week in counties where weather  
14.34 makes travel especially dangerous. The secretary of state shall submit a notice of the

15.1 postponement to news media covering the affected counties by 6:00 p.m. on the scheduled  
15.2 day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

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

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

15.6 (1) the county auditor of that county has designated the clerk to administer them; or

15.7 (2) the clerk has given the county auditor of that county notice of intention to  
15.8 administer them.

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

15.11 A clerk of a city that is located in more than one county may only administer the  
15.12 provisions of sections 203B.04 to 203B.15 if the clerk has been designated by each of  
15.13 the county auditors or has provided notice to each of the county auditors that the city will  
15.14 administer absentee voting. A clerk may only administer the provisions of sections 203B.04  
15.15 to 203B.15 if the clerk has technical capacity to access the statewide voter registration  
15.16 system in the secure manner prescribed by the secretary of state. The secretary of state  
15.17 must identify hardware, software, security, or other technical prerequisites necessary to  
15.18 ensure the security, access controls, and performance of the statewide voter registration  
15.19 system. A clerk must receive training approved by the secretary of state on the use of the  
15.20 statewide voter registration system before administering this section. A clerk may not use  
15.21 the statewide voter registration system until the clerk has received the required training.  
15.22 The county auditor must notify the secretary of state of any municipal clerk who will be  
15.23 administering the provisions of this section and the duties that the clerk will administer.

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

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

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

16.2 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

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

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

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

16.9 ~~(3) an election held in conjunction with an election described in clauses (1) and (2),~~

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

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

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

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

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

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

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

16.32 (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.

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

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

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

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

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

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

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

19.31 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

21.1 the last day for filing. The county auditor shall post a similar notice at least ten days before  
21.2 the first day to file affidavits of candidacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.9 **204B.46 MAIL ELECTIONS; QUESTIONS.**

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

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

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

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

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

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

24.14 **204C.14 UNLAWFUL VOTING; PENALTY.**

24.15 No individual shall intentionally:

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

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

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

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

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

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

24.26 A violation of this section is a felony.

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

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

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

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

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

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

25.26 **204C.25 DISPOSITION OF BALLOTS.**

25.27 After the count and the summary statements have been completed, in the presence  
25.28 of all the election judges, the counted, defective, and blank ballots shall be placed in  
25.29 envelopes ~~marked or printed to distinguish the color of the ballots contained,~~ and the  
25.30 envelopes shall be sealed. The election judges shall sign each envelope over the sealed part  
25.31 so that the envelope cannot be opened without disturbing the continuity of the signatures.  
25.32 The number ~~and kind~~ of ballots in each envelope, the name of the town or city, and the  
25.33 name of the precinct shall be plainly written upon the envelopes. The number and name of  
25.34 the district must be plainly written on envelopes containing school district ballots. The

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

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

26.4 **204C.27 DELIVERY OF RETURNS TO COUNTY AUDITORS.**

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

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

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

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

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

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

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

26.29 and the difference determines the nomination, the canvassing board with responsibility  
26.30 for declaring the results for that office shall manually recount the vote upon receiving a  
26.31 written request from the candidate whose nomination is in question.

26.32 Immediately following the meeting of the board that has responsibility for  
26.33 canvassing the results of the nomination, the filing officer must notify the candidate that  
26.34 the candidate has the option to request a recount of the votes at no cost to the candidate.

27.1 This written request must be received by the filing officer no later than 48 hours after the  
27.2 canvass of the primary for which the recount is being sought.

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

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

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

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

27.13 (2) is ten votes or less if the total number of votes cast for the office is 400 votes or less,  
27.14 the canvassing board shall manually recount the votes upon receiving a written request  
27.15 from the candidate whose election is in question.

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

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

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

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

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

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

27.33 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.

~~(c)~~ (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.

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

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

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

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

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

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

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

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

29.31 Subd. 4. **Special federal white ballot.** (a) The names of all candidates for the  
29.32 offices of president and vice-president of the United States and senator and representative

30.1 in Congress shall be placed on a ballot ~~printed on white paper which~~ that shall be known  
30.2 as the "special federal ~~white~~ ballot."

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

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

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

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

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

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

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

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

30.26 Subd. 3. **Nominees by petition; placement on ballot.** The names of candidates  
30.27 nominated by petition for a partisan office voted on at the state general election shall be  
30.28 placed on the ~~white~~ state general election ballot after the names of the candidates for that  
30.29 office who were nominated at the state primary. ~~Prior to the state primary~~ No later than  
30.30 11 weeks before the state general election, the secretary of state shall determine by lot  
30.31 the order of candidates nominated by petition. The drawing of lots must be by political  
30.32 party or principle. The political party or political principle of the candidate as stated on  
30.33 the petition shall be placed after the name of a candidate nominated by petition. The word

31.1 "nonpartisan" shall not be used to designate any partisan candidate whose name is placed  
31.2 on the ~~white~~ state general election ballot by nominating petition.

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

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

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

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

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

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

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

31.21 **204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;**  
31.22 **PUBLICATION.**

31.23 ~~Two weeks before the state general election the county auditor shall prepare sample~~  
31.24 ~~copies of the white and canary ballots and~~ At least 46 days before the state general  
31.25 election, the county auditor shall post copies of these sample ballots and a sample of the  
31.26 pink ballot for each precinct in the auditor's office for public inspection and transmit an  
31.27 electronic copy of these sample ballots to the secretary of state. No earlier than 15 days  
31.28 and no later than two days before the state general election the county auditor shall cause  
31.29 ~~the a sample white and canary ballots~~ state general election ballot to be published in at  
31.30 least one newspaper of general circulation in the county.

32.1 Sec. 51. Minnesota Statutes 2012, section 204D.165, is amended to read:

32.2 **204D.165 SAMPLE BALLOTS TO SCHOOLS.**

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

32.9 Sec. 52. Minnesota Statutes 2012, section 204D.19, subdivision 2, is amended to read:

32.10 Subd. 2. **Special election when legislature will be in session.** Except for  
32.11 vacancies in the legislature which occur at any time between the last day of session in an  
32.12 odd-numbered year and the 40th day prior to the opening day of session in the succeeding  
32.13 even-numbered year, when a vacancy occurs and the legislature will be in session so  
32.14 that the individual elected as provided by this section could take office and exercise the  
32.15 duties of the office immediately upon election, the governor shall issue within five days  
32.16 after the vacancy occurs a writ calling for a special election. The special election shall  
32.17 be held as soon as possible, consistent with the notice requirements of section 204D.22,  
32.18 subdivision 3, but in no event more than 35 days after the issuance of the writ. A special  
32.19 election must not be held during the four days before or the four days after a holiday as  
32.20 defined in section 645.44, subdivision 5.

32.21 Sec. 53. Minnesota Statutes 2012, section 205.02, subdivision 2, is amended to read:

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

32.28 Sec. 54. Minnesota Statutes 2012, section 205.10, subdivision 3, is amended to read:

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

32.31 Sec. 55. Minnesota Statutes 2012, section 205.13, subdivision 1a, is amended to read:

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

33.9 Sec. 56. Minnesota Statutes 2012, section 205.16, subdivision 4, is amended to read:

33.10 Subd. 4. **Notice to auditor.** At least ~~67~~ 74 days before every municipal election held  
33.11 ~~in conjunction with a regularly scheduled primary for federal, state, county, city, or school~~  
33.12 ~~board office or a special primary for federal office, at least 74 days before every municipal~~  
33.13 ~~election held in connection with a regularly scheduled general election for federal, state,~~  
33.14 ~~county, city, or school board office or a special election for federal office, and at least 53~~  
33.15 ~~days before any other municipal election,~~ the municipal clerk shall provide a written notice  
33.16 to the county auditor, including the date of the election, the offices to be voted on at the  
33.17 election, and the title and language for each ballot question to be voted on at the election.  
33.18 At least ~~67~~ 74 days before every municipal election ~~held in conjunction with a regularly~~  
33.19 ~~scheduled primary for federal, state, county, city, or school board office or a special~~  
33.20 ~~primary for federal office, at least 74 days before a regularly scheduled general election for~~  
33.21 ~~federal, state, county, city, or school board office or a special election for federal office, and~~  
33.22 ~~at least 46 days before any other election,~~ the municipal clerk must provide written notice  
33.23 to the county auditor of any special election canceled under section 205.10, subdivision 6.

33.24 Sec. 57. Minnesota Statutes 2012, section 205.16, subdivision 5, is amended to read:

33.25 Subd. 5. **Notice to secretary of state.** At least ~~67~~ 74 days before every municipal  
33.26 election ~~held in conjunction with a regularly scheduled primary for federal, state, county,~~  
33.27 ~~city, or school board office or a special primary for federal office, at least 74 days before~~  
33.28 ~~every municipal election held in conjunction with a regularly scheduled general election~~  
33.29 ~~for federal, state, county, city, or school board office or a special election for federal office,~~  
33.30 ~~and at least 46 days before any other municipal election~~ for which a notice is provided  
33.31 to the county auditor under subdivision 4, the county auditor shall provide a notice of  
33.32 the election to the secretary of state, in a manner and including information prescribed  
33.33 by the secretary of state.

34.1 Sec. 58. Minnesota Statutes 2012, section 205.17, subdivision 1, is amended to read:

34.2 Subdivision 1. ~~Second, third, and fourth class cities; towns~~ **Municipal offices;**  
34.3 **questions; general election ballot.** In all statutory and home rule charter cities ~~of the~~  
34.4 ~~second, third, and fourth class~~, and in all towns, ~~for the municipal general election~~, the  
34.5 municipal clerk shall have printed ~~on light green paper~~ the official ballot containing the  
34.6 names of all candidates for municipal offices and municipal ballot questions. The ballot  
34.7 shall be printed in quantities of 25, 50, or 100, shall be headed "City or Town Election  
34.8 Ballot," shall state the name of the city or town and the date of the election, and shall  
34.9 conform in other respects to the ~~white ballot used at the state general election~~ ballot. The  
34.10 names shall be arranged on city ballots in the manner provided for the state elections. On  
34.11 town ballots names of the candidates for each office shall be arranged either:

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

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

34.15 Sec. 59. Minnesota Statutes 2012, section 205.17, subdivision 3, is amended to read:

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

34.22 Sec. 60. Minnesota Statutes 2012, section 205A.04, is amended by adding a  
34.23 subdivision to read:

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

34.30 Sec. 61. Minnesota Statutes 2012, section 205A.05, subdivision 1, is amended to read:

34.31 Subdivision 1. **Questions.** Special elections must be held for a school district on a  
34.32 question on which the voters are authorized by law to pass judgment. The school board  
34.33 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

37.1 provide a notice of the election to the secretary of state, in a manner and including  
37.2 information prescribed by the secretary of state.

37.3 Sec. 66. Minnesota Statutes 2012, section 205A.08, subdivision 1, is amended to read:

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

37.7 Sec. 67. Minnesota Statutes 2012, section 206.57, is amended by adding a subdivision  
37.8 to read:

37.9 Subd. 8. **Ballot boxes.** Notwithstanding Minnesota Rules, part 8230.4355, ballot  
37.10 boxes used with precinct count voting systems are not required to contain two separate  
37.11 compartments to receive ballots.

37.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.13 Sec. 68. Minnesota Statutes 2012, section 206.61, subdivision 4, is amended to read:

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

37.20 Sec. 69. Minnesota Statutes 2012, section 206.89, subdivision 2, is amended to read:

37.21 Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the  
37.22 county canvassing board in each county must set the date, time, and place for the  
37.23 postelection review of the state general election to be held under this section. The  
37.24 postelection review must not begin before the 11th day after the state general election and  
37.25 must be complete no later than the 18th day after the state general election.

37.26 At the canvass of the state general election, the county canvassing boards must select  
37.27 the precincts to be reviewed by lot. ~~Ballots counted centrally by a ballot board shall be~~  
37.28 ~~considered one precinct eligible to be selected for purposes of this subdivision.~~ The ballots  
37.29 to be reviewed for a precinct include both the ballots counted at the polling place for that  
37.30 precinct and the absentee ballots counted centrally by a ballot board for that precinct. The  
37.31 county canvassing board of a county with fewer than 50,000 registered voters must conduct  
37.32 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 206.895, is amended to read:

**206.895 SECRETARY OF STATE MONITOR.**

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

Sec. 72. 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

39.1 constitutional amendments; county offices and questions; municipal offices and questions;  
39.2 school district offices and questions; special district offices and questions; and judicial  
39.3 offices.

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

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

39.8 If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the  
39.9 instructions to voters must include a statement that reads substantially as follows: "THIS  
39.10 BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN  
39.11 BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR  
39.12 CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains  
39.13 political party columns on both sides of the ballot, the instructions to voters must include a  
39.14 statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE  
39.15 PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL  
39.16 PARTY ONLY." At the bottom of each political party column on the primary ballot, the  
39.17 ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING  
39.18 ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4,  
39.19 do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio  
39.20 ballot readers must follow the order of offices and questions on the optical scan or paper  
39.21 ballot used in the same precinct, or the sample ballot posted for that precinct.

39.22 Sec. 73. Minnesota Statutes 2012, section 208.04, subdivision 1, is amended to read:

39.23 Subdivision 1. **Form of presidential ballots.** When presidential electors and  
39.24 alternates are to be voted for, a vote cast for the party candidates for president and vice  
39.25 president shall be deemed a vote for that party's electors and alternates as filed with the  
39.26 secretary of state. The secretary of state shall certify the names of all duly nominated  
39.27 presidential and vice presidential candidates to the county auditors of the counties of  
39.28 the state. Each county auditor, subject to the rules of the secretary of state, shall cause  
39.29 the names of the candidates of each major political party and the candidates nominated  
39.30 by petition to be printed in capital letters, set in type of the same size and style as for  
39.31 candidates on the state ~~white~~ general election ballot, before the party designation. To the  
39.32 left of, and on the same line with the names of the candidates for president and vice  
39.33 president, near the margin, shall be placed a square or box, in which the voters may  
39.34 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. 74. 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. 75. 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. 76. 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. 77. 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"~~

41.1 ~~or "against license."~~ either "Shall the city issue ... intoxicating liquor licenses?" or "Shall  
41.2 the city discontinue issuing intoxicating liquor licenses?".

41.3 Sec. 78. Minnesota Statutes 2012, section 340A.416, subdivision 3, is amended to read:

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

41.8 Sec. 79. Minnesota Statutes 2012, section 340A.602, is amended to read:

41.9 **340A.602 CONTINUATION.**

41.10 In any city in which the report of the operations of a municipal liquor store has  
41.11 shown a net loss prior to interfund transfer in any two of three consecutive years, the  
41.12 city council shall, not more than 45 days prior to the end of the fiscal year following  
41.13 the three-year period, hold a public hearing on the question of whether the city shall  
41.14 continue to operate a municipal liquor store. Two weeks' notice, written in clear and easily  
41.15 understandable language, of the hearing must be printed in the city's official newspaper.  
41.16 Following the hearing the city council may on its own motion or shall upon petition of five  
41.17 percent or more of the registered voters of the city, submit to the voters at a general or  
41.18 special municipal election the question of whether the city shall continue or discontinue  
41.19 municipal liquor store operations by a date which the city council shall designate. The  
41.20 date designated by the city council must not be more than 30 months following the date  
41.21 of the election. The form of the question shall be: "Shall the city of (name) discontinue  
41.22 operating the municipal liquor store on (Month xx, 2xxx)?".

41.23 Sec. 80. Minnesota Statutes 2012, section 375.20, is amended to read:

41.24 **375.20 BALLOT QUESTIONS.**

41.25 If the county board may do an act, incur a debt, appropriate money for a purpose,  
41.26 or exercise any other power or authority, only if authorized by a vote of the people, the  
41.27 question may be submitted at a special or general election, by a resolution specifying the  
41.28 matter or question to be voted upon. If the question is to authorize the appropriation of  
41.29 money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election  
41.30 shall be given as in the case of special elections. If the question submitted is adopted, the  
41.31 board shall pass an appropriate resolution to carry it into effect. In the election the form  
41.32 of the ballot shall be: ~~"In favor of~~ Shall (here state the substance of the resolution to be  
41.33 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. 81. 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. 82. 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. 83. 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 ~~91~~ 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. 84. 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. 85. **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. 86. **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.

45.1 (b) Minnesota Statutes 2012, section 2.484, is repealed.

45.2 **ARTICLE 3**

45.3 **LOSS AND RESTORATION OF VOTING RIGHTS**

45.4 Section 1. Minnesota Statutes 2012, section 13.851, subdivision 10, is amended to read:

45.5 Subd. 10. **Felony ~~sentence~~ offender data; voter registration.** The use of felony  
45.6 ~~sentence~~ offender data made available to the secretary of state is governed by section  
45.7 201.157.

45.8 Sec. 2. Minnesota Statutes 2012, section 201.054, is amended by adding a subdivision  
45.9 to read:

45.10 Subd. 1a. **Invalid registrations; notice to voter.** If the county auditor has reason  
45.11 to believe based upon records provided by another public entity that an individual who  
45.12 has submitted a voter registration application is not eligible to vote, the county auditor  
45.13 must notify the individual of the reason that the individual's eligibility is in question  
45.14 and that the individual will not be registered to vote unless the individual reaffirms the  
45.15 individual's eligibility in writing.

45.16 Sec. 3. Minnesota Statutes 2012, section 201.054, subdivision 2, is amended to read:

45.17 Subd. 2. **Prohibitions; penalty; affirmative defense.** (a) No individual shall  
45.18 intentionally:

45.19 ~~(a)~~ (1) cause or attempt to cause the individual's name to be registered in any  
45.20 precinct if the individual is not eligible to vote;

45.21 ~~(b)~~ (2) cause or attempt to cause the individual's name to be registered for the  
45.22 purpose of voting in more than one precinct;

45.23 ~~(c)~~ (3) misrepresent the individual's identity when attempting to register to vote; or

45.24 ~~(d)~~ (4) aid, abet, counsel, or procure any other individual to violate this subdivision.

45.25 A violation of this subdivision is a felony.

45.26 (b) It is an affirmative defense to a prosecution for violation of paragraph (a), clause  
45.27 (1), if the individual:

45.28 (1) requested, in writing, that the county auditor of the county where the individual  
45.29 resides withdraw the registration, and the request was made before any complaint was  
45.30 filed alleging a violation of paragraph (a), clause (1); and

45.31 (2) did not vote at an election between the time the registration application was  
45.32 submitted and the time the individual requested the registration be withdrawn.

Sec. 4. Minnesota Statutes 2012, section 201.157, is amended to read:

**201.157 USE OF DEPARTMENT OF CORRECTIONS DATA.**

Subdivision 1. Access to 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.

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.

Subd. 2. Notice to affected individuals. (a) Between 60 and 65 days prior to a state general election, the Department of Corrections shall provide to the secretary of state a list of offenders who, at the time the list is prepared, are on supervised release or probation for a felony offense that resulted in the loss of civil rights. The list shall also include former offenders who the data indicates were discharged from all felony-level sentences since the previous list was provided in accordance with this subdivision and who are not serving a felony-level sentence at the time the list is prepared. The data must include the offender's name; date of birth; last known residential address that is not a correctional facility; if available, corrections state identification number and driver's license or state identification card number; and if an offender has completed the sentence, the date the discharge occurred.

(b) The secretary of state shall use the data provided in paragraph (a) to mail written notices at least one month prior to a state general election, as follows:

(1) a notice to each individual on probation for a felony offense that would result in the loss of civil rights, informing the individual that registration or voting while on probation for the offense is itself a felony offense and may result in the loss of the individual's probation status; and

(2) a notice to each individual who has completed a term of probation resulting in the loss of civil rights and who has no new felony conviction, that the individual's right to vote has been restored.

Sec. 5. 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 according to the generally applicable standards regarding the prosecutorial functions and duties of a county attorney, provided that the county attorney is not required to proceed with the prosecution

48.1 if the complainant withdraws the allegation. A county attorney who declines to institute a  
48.2 prosecution shall describe, in a written public document, the reasons for that decision. A  
48.3 county attorney who refuses or intentionally fails to faithfully perform this or any other  
48.4 duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit  
48.5 office. The county attorney, under the penalty of forfeiture of office, shall prosecute all  
48.6 violations of this chapter except violations of this section; if, however, a complainant  
48.7 withdraws an allegation under this chapter, the county attorney is not required to proceed  
48.8 with the prosecution. section is subject to the penalties provided in section 609.43. The  
48.9 county attorney is not subject to penalty for declining to institute a prosecution so long as  
48.10 the requirements of this section have been met.

48.11 Sec. 6. Minnesota Statutes 2012, section 203B.06, subdivision 3, is amended to read:

48.12 Subd. 3. **Delivery of ballots.** (a) The commissioner of corrections must provide the  
48.13 secretary of state with a list of the names and mailing addresses of state adult correctional  
48.14 facilities. An application for an absentee ballot that provides an address included on the list  
48.15 provided by the commissioner of corrections must not be accepted and an absentee ballot  
48.16 must not be provided to the applicant. The county auditor or municipal clerk must promptly  
48.17 transmit a copy of the application to the county attorney. The Department of Corrections  
48.18 must implement procedures to ensure that absentee ballots issued under chapter 203B are  
48.19 not received or mailed by offenders incarcerated at state adult correctional facilities.

48.20 (b) If an application for absentee ballots is accepted at a time when absentee ballots  
48.21 are not yet available for distribution, the county auditor, or municipal clerk accepting the  
48.22 application shall file it and as soon as absentee ballots are available for distribution shall  
48.23 mail them to the address specified in the application. If an application for absentee ballots  
48.24 is accepted when absentee ballots are available for distribution, the county auditor or  
48.25 municipal clerk accepting the application shall promptly:

48.26 (1) mail the ballots to the voter whose signature appears on the application if the  
48.27 application is submitted by mail and does not request commercial shipping under clause (2);

48.28 (2) ship the ballots to the voter using a commercial shipper requested by the voter at  
48.29 the voter's expense;

48.30 (3) deliver the absentee ballots directly to the voter if the application is submitted in  
48.31 person; or

48.32 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has  
48.33 been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a  
48.34 voter who would have difficulty getting to the polls because of incapacitating health  
48.35 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. 7. Minnesota Statutes 2012, section 204C.14, is amended to read:

**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. 8. 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. 9. **[244.25] NOTICE OF LOSS OF VOTING RIGHTS.**

Whenever an adult felon is placed on probation supervision, the individual must be provided a written notice, included in the probation agreement, that the individual may not register to vote or cast a ballot in any election during the period of felony supervision. The individual must acknowledge, by signature, receipt of the notice. A copy of the notice and signature must be placed in the felon's probation supervision file.

Sec. 10. **APPROPRIATION.**

\$47,000 is appropriated in fiscal year 2014 and \$88,000 is appropriated in fiscal year 2015 to the secretary of state to administer this act. Of these amounts, \$68,000 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 must use electronic rosters to process election day registration. 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 as provided in this section.

Subd. 2. **Participating cities.** Precincts located in Minnetonka, Moorhead, St. Anthony, St. Paul, and St. Peter may participate in the project. In participating cities, individual precincts shall be selected by the head elections official within each jurisdiction.

Subd. 3. **Requirements of electronic roster technology.** In participating cities, an electronic roster and the computer it is run on must:

- (1) allow for data to be exported in a file format prescribed by the secretary of state;
- (2) 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;

(3) provide for a printed voter's signature certificate, containing the voter's name, address of residence, date of birth, the oath required by Minnesota Statutes, section 204C.10, and a space for the voter's original signature;

(4) immediately alert the election judge if the electronic roster indicates that a voter has already voted, or it appears that the voter resides in a different precinct; and

(5) perform any other functions necessary for the efficient and secure administration of the election, as determined by the secretary of state.

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 roster 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. **Evaluation.** The secretary of state must provide for an evaluation of the pilot project and must report to the legislative committees with jurisdiction over elections by February 15, 2014. 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 or feedback from election judges or 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 or feedback 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.

Sec. 2. **USE OF ELECTRONIC ROSTERS FOR PREREGISTERED VOTERS; MOCK ELECTION.**

(a) No later than April 15, 2014, the secretary of state must conduct a mock election to demonstrate and test the use of electronic rosters that contain data on preregistered voters. The secretary of state must ensure that the list of preregistered voters used for the mock election includes the variety of types of voters that could appear in a polling place, including voters listed as "challenged" for different reasons, voters who are registered at a different address in the precinct, voters who have already voted in-person at the polling place, and voters who have already voted by absentee ballot. The mock election must test the ability of the electronic roster technology to upload data from the electronic roster into the statewide voter registration system. Prior to the mock election, the secretary of state, in consultation with local election officials, must develop a checklist of items that should be tested when using electronic rosters that contain data on preregistered voters and prepare specific instructions to be displayed on the electronic roster to the election judge for resolving a particular type of challenge when a voter's record is challenged. The secretary of state may adopt other procedures related to the conduct of the mock election as necessary to ensure the mock election resembles, to the extent practical, an actual election conducted according to the Minnesota Election Law.

(b) On or before April 30, 2014, the secretary of state must report the results of the mock election to the chairs and ranking minority members of the legislative committees with jurisdiction over elections, including feedback on the process from local elections officials, and recommendations about the feasibility of using electronic rosters that contain data on preregistered voters at the 2014 state primary and state general election.

Sec. 3. **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;

- 53.1 (9) one representative appointed by the speaker of the house;  
53.2 (10) one representative appointed by the minority leader of the house of  
53.3 representatives;  
53.4 (11) one senator appointed by the senate majority leader;  
53.5 (12) one senator appointed by the senate minority leader;  
53.6 (13) one individual, appointed by the governor, familiar with electronic roster  
53.7 technology but who does not represent a specific vendor of the technology; and  
53.8 (14) two election judges appointed by the governor.  
53.9 (b) Any vacancy shall be filled by appointment of the appointing authority for the  
53.10 vacating member.  
53.11 (c) Members shall be appointed by June 1, 2013.  
53.12 Subd. 2. **Duties.** (a) The task force must research the following issues:  
53.13 (1) electronic roster technology, including different types of electronic rosters;  
53.14 (2) the ability to use photographs received from the Department of Public Safety,  
53.15 Division of Driver and Vehicle Services;  
53.16 (3) the ability to add photographs to the roster on election day;  
53.17 (4) data security in electronic rosters, the statewide voter registration system, and the  
53.18 Department of Public Safety, Division of Driver and Vehicle Services;  
53.19 (5) reliability of Department of Public Safety, Division of Driver and Vehicle  
53.20 Services data, including the ability to match names and photographs without duplication;  
53.21 (6) ability of precincts across the state to connect an electronic roster to a secure  
53.22 network to access the statewide voter registration system; and  
53.23 (7) direct and indirect costs associated with using electronic rosters.  
53.24 (b) The task force must prepare a report summarizing its findings and listing  
53.25 recommendations based on its research. The report shall include suggested legislation if  
53.26 the task force believes legislation is necessary.  
53.27 Subd. 3. **First meeting.** (a) The secretary of state, or the secretary's designee, must  
53.28 convene the initial meeting of the task force by July 1, 2013. The members of the task force  
53.29 must elect a chair and a vice-chair from the members of the task force at the first meeting.  
53.30 (b) Members of the task force shall be compensated at the rate of \$55 a day spent on  
53.31 task force activities, when authorized by the task force, plus expenses in the same manner  
53.32 and amount as authorized by the commissioner's plan adopted under Minnesota Statutes,  
53.33 section 43A.18, subdivision 2. Members who, as a result of time spent attending task force  
53.34 meetings, incur child care expenses that would not otherwise have been incurred, may  
53.35 be reimbursed for those expenses upon council or committee authorization. Legislative  
53.36 members of the task force shall receive compensation pursuant to Minnesota Statutes,

54.1 section 3.099, for activities related to the task force. Members who are state employees,  
54.2 not including legislators, must not receive the daily compensation for activities that occur  
54.3 during working hours for which they are compensated by the state.

54.4 (c) The Legislative Coordinating Commission shall provide staff support, as needed,  
54.5 to facilitate the task force's work.

54.6 Subd. 4. **Report.** The task force shall submit its report to the chairs and ranking  
54.7 minority members of the legislative committees with primary jurisdiction over elections  
54.8 by February 15, 2014.

54.9 Sec. 4. **APPROPRIATION.**

54.10 (a) \$59,000 is appropriated from the general fund to the secretary of state to carry  
54.11 out the requirements of sections 1 and 2. This is a onetime appropriation.

54.12 (b) \$8,000 in fiscal year 2014 and \$8,000 in fiscal year 2015 are appropriated to the  
54.13 Legislative Coordinating Commission for the purposes of the task force established in  
54.14 section 3.

54.15 Sec. 5. **EFFECTIVE DATE.**

54.16 This article is effective the day following final enactment.

54.17 **ARTICLE 5**

54.18 **VACANCIES IN NOMINATION**

54.19 Section 1. Minnesota Statutes 2012, section 204B.13, subdivision 1, is amended to read:

54.20 Subdivision 1. ~~**Death or withdrawal**~~ **Partisan office.** (a) A vacancy in nomination  
54.21 ~~may~~ for a partisan office must be filled in the manner provided by this section. A vacancy  
54.22 in nomination exists for a partisan office when: ~~(1) a major political party candidate~~  
54.23 ~~or nonpartisan candidate who was nominated at a primary dies or files an affidavit of~~  
54.24 ~~withdrawal as provided in section 204B.12, subdivision 2a; or (2) a candidate for a~~  
54.25 ~~nonpartisan office, for which one or two candidates filed,~~ who has been nominated in  
54.26 accordance with section 204D.03, subdivision 3, or 204D.10, subdivision 1:

54.27 (1) dies;

54.28 (2) withdraws as provided in section 204B.12, subdivision 1; or

54.29 (3) withdraws by filing an affidavit of withdrawal, as provided in paragraph (b), at  
54.30 least one day prior to the general election with the same official who received the affidavit  
54.31 of candidacy.

54.32 (b) An affidavit of withdrawal filed under paragraph (a), clause (3), must state that  
54.33 the candidate has been diagnosed with a catastrophic illness that will permanently and

55.1 continuously incapacitate the candidate and prevent the candidate from performing the  
55.2 duties of the office sought, if elected. The affidavit must be accompanied by a certificate  
55.3 verifying the candidate's illness meets the requirements of this paragraph, signed by at  
55.4 least two licensed physicians. The affidavit and certificate may be filed by the candidate  
55.5 or the candidate's legal guardian.

55.6 Sec. 2. Minnesota Statutes 2012, section 204B.13, subdivision 2, is amended to read:

55.7 Subd. 2. **Partisan office; nomination by party; special election.** (a) ~~A vacancy in~~  
55.8 ~~nomination for partisan office shall be filled as provided in this subdivision. Except as~~  
55.9 ~~provided in subdivision 5, a major political party has the authority to may~~ fill a vacancy  
55.10 in nomination of that party's candidate as defined in subdivision 1, clause (1) or (3), by  
55.11 filing a one nomination certificate with the same official who received the affidavits of  
55.12 candidacy for that office.

55.13 ~~(b) A major political party may provide in its governing rules a procedure, including~~  
55.14 ~~designation of an appropriate committee, to fill vacancies~~ a vacancy in nomination for ~~all~~  
55.15 ~~offices elected statewide~~ any federal or state partisan office. The nomination certificate  
55.16 shall be prepared under the direction of and executed by the chair and secretary of the  
55.17 political party and filed within ~~seven days after the vacancy in nomination occurs or~~  
55.18 ~~before the 14th day before the general election, whichever is sooner. If the vacancy in~~  
55.19 ~~nomination occurs through the candidate's death or catastrophic illness, the nomination~~  
55.20 ~~certificate must be filed within seven days after the vacancy in nomination occurs but no~~  
55.21 ~~later than four days before the general election~~ the timelines established in this section.  
55.22 When filing the certificate the chair and secretary ~~when filing the certificate~~ shall attach an  
55.23 affidavit stating that the newly nominated candidate has been selected under the rules of  
55.24 the party and that the individuals signing the certificate and making the affidavit are the  
55.25 chair and secretary of the party.

55.26 (b) In the case of a vacancy in nomination for partisan office that occurs on or before  
55.27 the 79th day before the general election, the major political party must file the nomination  
55.28 certificate no later than 71 days before the general election. The name of the candidate  
55.29 nominated by the party must appear on the general election ballot.

55.30 (c) Except as provided in subdivision 5, in the case of a vacancy in nomination for  
55.31 a partisan office that occurs after the 79th day before the general election, the general  
55.32 election ballot shall remain unchanged, but the county and state canvassing boards must  
55.33 not certify the vote totals for that office from the general election, and the office must be  
55.34 filled at a special election held in accordance with this section. Except for the vacancy  
55.35 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.

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 16th 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.

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.

**ARTICLE 6****COUNTY GOVERNMENT STRUCTURE****Section 1. KANDIYOHI COUNTY AUDITOR-TREASURER AND RECORDER  
MAY BE APPOINTED.**

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Kandiyohi County Board of Commissioners, the offices of county auditor-treasurer and county recorder are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county auditor-treasurer and the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment opportunity, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county auditor-treasurer and the county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ten percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county auditor-treasurer and recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

**EFFECTIVE DATE.** This section is effective the day after the Kandiyohi County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

**Sec. 2. LAKE COUNTY AUDITOR-TREASURER AND RECORDER MAY BE APPOINTED.**

61.1           Subdivision 1. **Authorization to make office appointive.** Notwithstanding  
61.2 Minnesota Statutes, section 382.01, upon adoption of a resolution by the Lake County  
61.3 Board of Commissioners, the offices of county auditor-treasurer and county recorder are not  
61.4 elective but must be filled by appointment by the county board as provided in the resolution.

61.5           Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of  
61.6 a resolution by the county board of commissioners and subject to subdivisions 3 and 4,  
61.7 the duties of an elected official required by statute whose office is made appointive as  
61.8 authorized by this section must be discharged by the county board of commissioners  
61.9 acting through a department head appointed by the board for that purpose. Reorganization,  
61.10 reallocation, delegation, or other administrative change or transfer does not diminish,  
61.11 prohibit, or avoid the discharge of duties required by statute.

61.12           Subd. 3. **Incumbents to complete term.** The person elected at the last general  
61.13 election to an office made appointive under this section must serve in that capacity and  
61.14 perform the duties, functions, and responsibilities required by statute until the completion  
61.15 of the term of office to which the person was elected or until a vacancy occurs in the  
61.16 office, whichever occurs earlier.

61.17           Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption  
61.18 of a resolution to provide for the appointment of the county auditor-treasurer and the  
61.19 county recorder, the county board must publish a proposed resolution notifying the  
61.20 public of its intent to consider the issue once each week for two consecutive weeks in the  
61.21 official publication of the county. Following publication and prior to formally adopting  
61.22 the resolution, the county board shall provide an opportunity at its next regular meeting  
61.23 for public comment relating to the issue. After the public comment opportunity, at the  
61.24 same meeting or a subsequent meeting, the county board of commissioners may adopt  
61.25 a resolution that provides for the appointment of the county auditor-treasurer and the  
61.26 county recorder as permitted in this section. The resolution must be approved by at least  
61.27 80 percent of the members of the county board. The resolution may take effect 60 days  
61.28 after it is adopted, or at a later date stated in the resolution, unless a petition is filed as  
61.29 provided in paragraph (b).

61.30           (b) Within 60 days after the county board adopts the resolution, a petition requesting  
61.31 a referendum may be filed with the county auditor-treasurer. The petition must be signed  
61.32 by at least ten percent of the registered voters of the county. The petition must meet  
61.33 the requirements of the secretary of state, as provided in Minnesota Statutes, section  
61.34 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the  
61.35 question of appointing the county auditor-treasurer and recorder must be placed on the

ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

**Subd. 5. Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

**EFFECTIVE DATE.** This section is effective the day after the Lake County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

**Sec. 3. CLAY COUNTY AUDITOR-TREASURER AND RECORDER MAY BE APPOINTED.**

**Subdivision 1. Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Clay County Board of Commissioners, the offices of county auditor-treasurer and county recorder are not elective but must be filled by appointment by the county board as provided in the resolution.

**Subd. 2. Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as

63.1 authorized by this section must be discharged by the county board of commissioners  
63.2 acting through a department head appointed by the board for that purpose. Reorganization,  
63.3 reallocation, delegation, or other administrative change or transfer does not diminish,  
63.4 prohibit, or avoid the discharge of duties required by statute.

63.5 Subd. 3. **Incumbents to complete term.** The person elected at the last general  
63.6 election to an office made appointive under this section must serve in that capacity and  
63.7 perform the duties, functions, and responsibilities required by statute until the completion  
63.8 of the term of office to which the person was elected or until a vacancy occurs in the  
63.9 office, whichever occurs earlier.

63.10 Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption  
63.11 of a resolution to provide for the appointment of the county auditor-treasurer and the  
63.12 county recorder, the county board must publish a proposed resolution notifying the  
63.13 public of its intent to consider the issue once each week for two consecutive weeks in the  
63.14 official publication of the county. Following publication and prior to formally adopting  
63.15 the resolution, the county board shall provide an opportunity at its next regular meeting  
63.16 for public comment relating to the issue. After the public comment opportunity, at the  
63.17 same meeting or a subsequent meeting, the county board of commissioners may adopt  
63.18 a resolution that provides for the appointment of the county auditor-treasurer and the  
63.19 county recorder as permitted in this section. The resolution must be approved by at least  
63.20 80 percent of the members of the county board. The resolution may take effect 60 days  
63.21 after it is adopted, or at a later date stated in the resolution, unless a petition is filed as  
63.22 provided in paragraph (b).

63.23 (b) Within 60 days after the county board adopts the resolution, a petition requesting  
63.24 a referendum may be filed with the county auditor-treasurer. The petition must be signed  
63.25 by at least ten percent of the registered voters of the county. The petition must meet  
63.26 the requirements of the secretary of state, as provided in Minnesota Statutes, section  
63.27 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the  
63.28 question of appointing the county auditor-treasurer and recorder must be placed on the  
63.29 ballot at a regular or special election. If a majority of the voters of the county voting on  
63.30 the question vote in favor of appointment, the resolution may be implemented.

63.31 Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution  
63.32 to provide for the election of an office made an appointed position under this section, but  
63.33 not until at least three years after the office was made an appointed position. The county  
63.34 board must publish a proposed resolution notifying the public of its intent to consider the  
63.35 issue once each week for two consecutive weeks in the official publication of the county.  
63.36 Following publication and before formally adopting the resolution, the county board must

provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

**EFFECTIVE DATE.** This section is effective the day after the Clay County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 4. **JACKSON COUNTY AUDITOR-TREASURER MAY BE APPOINTED.**

Subdivision 1. Authorization to make office appointive. Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Jackson County Board of Commissioners, the office of county auditor-treasurer is not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. Board controls; may change as long as duties done. Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. Incumbents to complete term. The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

65.1        Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption  
65.2 of a resolution to provide for the appointment of the county auditor-treasurer, the county  
65.3 board must publish a proposed resolution notifying the public of its intent to consider the  
65.4 issue once each week for two consecutive weeks in the official publication of the county.  
65.5 Following publication and prior to formally adopting the resolution, the county board shall  
65.6 provide an opportunity at its next regular meeting for public comment relating to the issue.  
65.7 After the public comment opportunity, at the same meeting or a subsequent meeting, the  
65.8 county board of commissioners may adopt a resolution that provides for the appointment  
65.9 of the county auditor-treasurer as permitted in this section. The resolution must be  
65.10 approved by at least 80 percent of the members of the county board. The resolution may  
65.11 take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a  
65.12 petition is filed as provided in paragraph (b).

65.13        (b) Within 60 days after the county board adopts the resolution, a petition requesting  
65.14 a referendum may be filed with the county auditor-treasurer. The petition must be signed  
65.15 by at least ten percent of the registered voters of the county. The petition must meet  
65.16 the requirements of the secretary of state, as provided in Minnesota Statutes, section  
65.17 204B.071, and any rules adopted to implement that section. If the petition is sufficient,  
65.18 the question of appointing the county auditor-treasurer must be placed on the ballot at a  
65.19 regular or special election. If a majority of the voters of the county voting on the question  
65.20 vote in favor of appointment, the resolution may be implemented.

65.21        Subd. 5. **Reverting to elected offices.** (a) The county board may adopt a resolution  
65.22 to provide for the election of an office made an appointed position under this section, but  
65.23 not until at least three years after the office was made an appointed position. The county  
65.24 board must publish a proposed resolution notifying the public of its intent to consider the  
65.25 issue once each week for two consecutive weeks in the official publication of the county.  
65.26 Following publication and before formally adopting the resolution, the county board must  
65.27 provide an opportunity at its next regular meeting for public comment relating to the  
65.28 issue. After the public comment hearing, the county board may adopt the resolution. The  
65.29 resolution must be approved by at least 60 percent of the members of the county board and  
65.30 is effective August 1 following adoption of the resolution.

65.31        (b) The question of whether an office made an appointed position under this section  
65.32 must be made an elected office must be placed on the ballot at the next general election if:

65.33        (1) the position has been an appointed position for at least three years;

65.34        (2) a petition signed by at least ten percent of the registered voters of the county  
65.35 is filed with the office of the county auditor-treasurer by August 1 of the year in which  
65.36 the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

**EFFECTIVE DATE.** This section is effective the day after the Jackson County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 5. **LYON COUNTY AUDITOR-TREASURER AND RECORDER MAY BE APPOINTED.**

Subdivision 1. **Authorization to make office appointive.** Notwithstanding Minnesota Statutes, section 382.01, upon adoption of a resolution by the Lyon County Board of Commissioners, the offices of county auditor-treasurer and county recorder are not elective but must be filled by appointment by the county board as provided in the resolution.

Subd. 2. **Board controls; may change as long as duties done.** Upon adoption of a resolution by the county board of commissioners and subject to subdivisions 3 and 4, the duties of an elected official required by statute whose office is made appointive as authorized by this section must be discharged by the county board of commissioners acting through a department head appointed by the board for that purpose. Reorganization, reallocation, delegation, or other administrative change or transfer does not diminish, prohibit, or avoid the discharge of duties required by statute.

Subd. 3. **Incumbents to complete term.** The person elected at the last general election to an office made appointive under this section must serve in that capacity and perform the duties, functions, and responsibilities required by statute until the completion of the term of office to which the person was elected or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publishing resolution; petition; referendum.** (a) Before the adoption of a resolution to provide for the appointment of the county auditor-treasurer and the county recorder, the county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and prior to formally adopting the resolution, the county board shall provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment opportunity, at the same meeting or a subsequent meeting, the county board of commissioners may adopt a resolution that provides for the appointment of the county auditor-treasurer and the

county recorder as permitted in this section. The resolution must be approved by at least 80 percent of the members of the county board. The resolution may take effect 60 days after it is adopted, or at a later date stated in the resolution, unless a petition is filed as provided in paragraph (b).

(b) Within 60 days after the county board adopts the resolution, a petition requesting a referendum may be filed with the county auditor-treasurer. The petition must be signed by at least ten percent of the registered voters of the county. The petition must meet the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If the petition is sufficient, the question of appointing the county auditor-treasurer and recorder must be placed on the ballot at a regular or special election. If a majority of the voters of the county voting on the question vote in favor of appointment, the resolution may be implemented.

**Subd. 5. Reverting to elected offices.** (a) The county board may adopt a resolution to provide for the election of an office made an appointed position under this section, but not until at least three years after the office was made an appointed position. The county board must publish a proposed resolution notifying the public of its intent to consider the issue once each week for two consecutive weeks in the official publication of the county. Following publication and before formally adopting the resolution, the county board must provide an opportunity at its next regular meeting for public comment relating to the issue. After the public comment hearing, the county board may adopt the resolution. The resolution must be approved by at least 60 percent of the members of the county board and is effective August 1 following adoption of the resolution.

(b) The question of whether an office made an appointed position under this section must be made an elected office must be placed on the ballot at the next general election if:

(1) the position has been an appointed position for at least three years;

(2) a petition signed by at least ten percent of the registered voters of the county is filed with the office of the county auditor-treasurer by August 1 of the year in which the general election is held; and

(3) the petition meets the requirements of the secretary of state, as provided in Minnesota Statutes, section 204B.071, and any rules adopted to implement that section. If a majority of the voters of the county voting on the question vote in favor of making the office an elected position, the election for the office must be held at the next regular or special election.

**EFFECTIVE DATE.** This section is effective the day after the Lyon County Board of Commissioners and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

APPENDIX  
Article locations in H0894-5

ARTICLE 1 ABSENTEE VOTING ..... Page.Ln 2.1

ARTICLE 2 ELECTION ADMINISTRATION ..... Page.Ln 7.16

ARTICLE 3 LOSS AND RESTORATION OF VOTING RIGHTS ..... Page.Ln 45.2

ARTICLE 4 ELECTRONIC ROSTERS ..... Page.Ln 50.17

ARTICLE 5 VACANCIES IN NOMINATION ..... Page.Ln 54.17

ARTICLE 6 COUNTY GOVERNMENT STRUCTURE ..... Page.Ln 59.1

**2.484 FORTY-FIFTH DISTRICT.**

Subdivision 1. **Senate district.** Senate District 45 consists of that district as described in the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. C0-01-160 (March 19, 2002).

Subd. 2. **House of representatives districts.** Notwithstanding the order of the Minnesota Special Redistricting Panel in *Zachman v. Kiffmeyer*, No. C0-01-160 (March 19, 2002), Senate District 45, as described in that order, is divided into two house of representatives districts as follows:

(a) House of Representatives District 45A consists of House of Representatives District 45A as described in that order, except for the portion of that House of Representatives District 45A described as follows:

Beginning at the intersection of the center lines of 35th Avenue North and Nevada Avenue North, then south along the center line of Nevada Avenue North to the center line of 34th Avenue North, then west along the center line of 34th Avenue North to the center line of Winpark Drive, then north along the center line of Winpark Drive to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Winnetka Avenue North, then north along the center line of Winnetka Avenue North to the north municipal boundary line of Crystal, then west along that municipal boundary line to the west municipal boundary line of Crystal, then south along that municipal boundary line to the center line of 33rd Avenue North, then east along the center line of 33rd Avenue North to the center line of Wisconsin Avenue North, then north along the center line of Wisconsin Avenue North to the center line of 35th Avenue North, then east along the center line of 35th Avenue North to the center line of Utah Avenue North, then south along the center line of Utah Avenue North to the center line of 33rd Place North, then east along the center line of 33rd Place North to the center line of Winnetka Avenue North, then south along the center line of Winnetka Avenue North to the center line of 32nd Avenue North, then east along the center line of 32nd Avenue North to the center line of Nevada Avenue, then north along the center line of Nevada Avenue to the center line of Valley Place, then east along the center line of Valley Place to the center line of Louisiana Avenue North, then north along the center line of Louisiana Avenue North to the center line of 35th Avenue North, then west along the center line of 35th Avenue North to the center line of Nevada Avenue North, which was the place of beginning.

(b) House of Representatives District 45B consists of that portion of Senate District 45 not included in House of Representatives District 45A.

**203B.04 APPLICATION FOR BALLOTS.**

Subd. 6. **Ongoing absentee status; termination.** (a) An eligible voter may apply to a county auditor or municipal clerk for status as an ongoing absentee voter who reasonably expects to meet the requirements of section 203B.02, subdivision 1. Each applicant must automatically be provided with an absentee ballot application for each ensuing election other than an election by mail conducted under section 204B.45, and must have the status of ongoing absentee voter indicated on the voter's registration record.

(b) Ongoing absentee voter status ends on:

- (1) the voter's written request;
- (2) the voter's death;
- (3) return of an ongoing absentee ballot as undeliverable;
- (4) a change in the voter's status so that the voter is not eligible to vote under section 201.15 or 201.155; or
- (5) placement of the voter's registration on inactive status under section 201.171.

**204B.12 WITHDRAWAL OF CANDIDATES.**

Subd. 2a. **After primary; candidates for constitutional office.** (a) A candidate for a constitutional office may withdraw from the general election ballot by filing an affidavit of withdrawal with the same official who received the affidavit of candidacy. The affidavit must request that official to withdraw that candidate's name from the ballot and must be filed no later than 16 days before the general election.

(b) A candidate for a constitutional office may withdraw after the deadline in paragraph (a) if:

- (1) the candidate withdraws because of a catastrophic illness that was diagnosed after the deadline for withdrawal;

## APPENDIX

### Repealed Minnesota Statutes: H0894-5

(2) the candidate's illness will permanently and continuously incapacitate the candidate and prevent the candidate from performing the duties of the office sought; and

(3) the candidate or the candidate's legal guardian files with the affidavit of withdrawal a certificate verifying that the candidate's illness meets the requirements of clauses (1) and (2), signed by at least two licensed physicians.

#### **204B.13 VACANCY IN NOMINATION.**

Subd. 4. **Nonpartisan office; filling vacancy.** A vacancy in nomination in 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.

Subd. 6. **Vacancy after deadline.** If a candidate withdraws after the 16th day before the general election but before four days before the general election, the secretary of state shall instruct the election judges to strike the name of the withdrawn candidate from the general election ballot and shall substitute no other candidate's name. Filing officers may not accept a nomination certificate for filing to fill a vacancy in nomination resulting from the filing of an affidavit of withdrawal by a candidate after the 14th day before the general election.

#### **204B.22 ELECTION JUDGES; NUMBER REQUIRED.**

Subd. 2. **Exception.** A minimum of three election judges shall be appointed in precincts not using electronic voting equipment. One additional election judge shall be appointed for each 150 votes cast in that precinct at the last similar election.

#### **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.

## APPENDIX

### Repealed Minnesota Statutes: H0894-5

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.