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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **840**

02/12/2015 Authored by Sanders and Nelson

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to elections; modifying various provisions related to election
1.3 administration, including provisions related to school districts, voters, ballots,
1.4 candidates, and other election related provisions; making technical changes;
1.5 amending Minnesota Statutes 2014, sections 123B.09, subdivision 1; 200.02,
1.6 by adding subdivisions; 201.071, subdivision 1; 201.158; 203B.07, subdivision
1.7 1; 203B.08, subdivisions 1, 3; 203B.121, subdivision 2; 203B.17, subdivision
1.8 1; 204B.06, subdivision 1b; 204B.19, subdivision 6; 204B.45, subdivision 2;
1.9 204C.04, subdivision 2; 204C.08, subdivision 1d; 204C.35, subdivisions 1, 2;
1.10 204C.36, subdivisions 1, 2; 204C.40, subdivision 2; 204D.27, subdivision 11;
1.11 209.021, subdivisions 2, 3; 209.09, subdivision 2; repealing Minnesota Statutes
1.12 2014, sections 204B.14, subdivision 6; 204C.30, subdivision 1.

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

1.14 Section 1. Minnesota Statutes 2014, section 123B.09, subdivision 1, is amended to read:

1.15 Subdivision 1. **School board membership.** The care, management, and control of
1.16 independent districts is vested in a board of directors, to be known as the school board.
1.17 The term of office of a member shall be four years commencing on the first Monday in
1.18 January and until a successor qualifies. The membership of the board shall consist of six
1.19 elected directors together with such ex officio member as may be provided by law. The
1.20 board may submit to the electors at any school election the question whether the board
1.21 shall consist of seven members. If a majority of those voting on the proposition favor a
1.22 seven-member board, a seventh member shall be elected at the next election of directors
1.23 for a four-year term and thereafter the board shall consist of seven members.

1.24 Those districts with a seven-member board may submit to the electors at any school
1.25 election at least 150 days before the next election of three members of the board the
1.26 question whether the board shall consist of six members. If a majority of those voting on
1.27 the proposition favor a six-member board instead of a seven-member board, ~~two~~ three

2.1 members instead of ~~three~~ four members shall be elected at the next election of the board of
2.2 directors and thereafter the board shall consist of six members.

2.3 Sec. 2. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 27. **Partisan offices.** "Partisan offices" means federal offices, presidential
2.6 electors, constitutional offices, and legislative offices.

2.7 Sec. 3. Minnesota Statutes 2014, section 200.02, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 28. **Nonpartisan offices.** "Nonpartisan offices" means all judicial, county,
2.10 municipal, school district, and special district offices.

2.11 Sec. 4. Minnesota Statutes 2014, section 201.071, subdivision 1, is amended to read:

2.12 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
2.13 contain the same information unless otherwise provided by law. A voter registration
2.14 application must contain spaces for the following required information: voter's first name,
2.15 middle name, and last name; voter's previous name, if any; voter's current address; voter's
2.16 previous address, if any; voter's date of birth; voter's municipality and county of residence;
2.17 voter's telephone number, if provided by the voter; date of registration; current and valid
2.18 Minnesota driver's license number or Minnesota state identification number, or if the voter
2.19 has no current and valid Minnesota driver's license or Minnesota state identification, the
2.20 last four digits of the voter's Social Security number; and voter's signature. The paper
2.21 registration application may include the voter's e-mail address, if provided by the voter.
2.22 The electronic voter registration application must include the voter's e-mail address. The
2.23 registration application may include the voter's interest in serving as an election judge,
2.24 if indicated by the voter. The application must also contain the following certification
2.25 of voter eligibility:

2.26 "I certify that I:

2.27 (1) will be at least 18 years old on election day;

2.28 (2) am a citizen of the United States;

2.29 (3) will have resided in Minnesota for 20 days immediately preceding election day;

2.30 (4) maintain residence at the address given on the registration form;

2.31 (5) am not under court-ordered guardianship in which the court order revokes my
2.32 right to vote;

2.33 (6) have not been found by a court to be legally incompetent to vote;

3.1 (7) have the right to vote because, if I have been convicted of a felony, my felony
3.2 sentence has expired (been completed) or I have been discharged from my sentence; and

3.3 (8) have read and understand the following statement: that giving false information
3.4 is a felony punishable by not more than five years imprisonment or a fine of not more
3.5 than \$10,000, or both."

3.6 The certification must include boxes for the voter to respond to the following
3.7 questions:

3.8 "(1) Are you a citizen of the United States?" and

3.9 "(2) Will you be 18 years old on or before election day?"

3.10 And the instruction:

3.11 "If you checked 'no' to either of these questions, do not complete this form."

3.12 ~~A paper voter registration application must be of suitable size and weight for~~
3.13 ~~mailing.~~ The form of the voter registration application and the certification of voter
3.14 eligibility must be as provided in this subdivision and approved by the secretary of state.
3.15 Voter registration forms authorized by the National Voter Registration Act must also be
3.16 accepted as valid. The federal postcard application form must also be accepted as valid if
3.17 it is not deficient and the voter is eligible to register in Minnesota.

3.18 An individual may use a voter registration application to apply to register to vote in
3.19 Minnesota or to change information on an existing registration.

3.20 Sec. 5. Minnesota Statutes 2014, section 201.158, is amended to read:

3.21 **201.158 USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

3.22 As required by the Help America Vote Act of 2002, Public Law 107-252, the
3.23 commissioner of public safety shall make electronic data on citizenship available to the
3.24 secretary of state. The secretary of state must determine whether the data newly indicates
3.25 that any individuals who have active records in the statewide voter registration system
3.26 are not citizens. The secretary of state shall prepare a list of those voters for each county
3.27 auditor at least monthly. The county auditor shall change the status of those registrants in
3.28 the statewide voter registration system to reflect that they are challenged based upon their
3.29 citizenship and must notify the county attorney.

3.30 ~~In 2010, the secretary of state must make the determination and provide lists~~
3.31 ~~to the county auditors between 30 and 60 days before the general election and again~~
3.32 ~~between six and ten weeks after the election. In 2011, the secretary of state must make~~
3.33 ~~this determination again as part of the annual list maintenance. By August 1, 2012, the~~
3.34 ~~secretary of state must provide electronic lists to the counties at least monthly.~~

4.1 Sec. 6. Minnesota Statutes 2014, section 203B.07, subdivision 1, is amended to read:

4.2 Subdivision 1. **Delivery of envelopes, directions.** The county auditor or the
4.3 municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and
4.4 a copy of the directions for casting an absentee ballot to each applicant whose application
4.5 for absentee ballots is accepted pursuant to section 203B.04. The county auditor or
4.6 municipal clerk shall provide first class postage for the return envelope. The directions
4.7 for casting an absentee ballot shall be printed in at least 14-point bold type with heavy
4.8 leading and may be printed on the ballot envelope. When a person requests the directions
4.9 in Braille or on ~~eassette-tape~~ audio file, the county auditor or municipal clerk shall provide
4.10 them in the form requested. The secretary of state shall prepare Braille and ~~eassette~~ audio
4.11 file copies and make them available.

4.12 When a voter registration application is sent to the applicant as provided in section
4.13 203B.06, subdivision 4, the directions on registration application shall include instructions
4.14 for registering to vote.

4.15 Sec. 7. Minnesota Statutes 2014, section 203B.08, subdivision 1, is amended to read:

4.16 Subdivision 1. **Marking and return by voter.** An eligible voter who receives
4.17 absentee ballots as provided in this chapter shall mark them in the manner specified in the
4.18 directions for casting the absentee ballots. The return envelope containing marked ballots
4.19 may be mailed as provided in the directions for casting the absentee ballots or may be
4.20 left with the county auditor or municipal clerk who transmitted the absentee ballots to the
4.21 voter. If delivered in person ~~by an agent~~, the return envelope must be submitted to the
4.22 county auditor or municipal clerk by 3:00 p.m. on election day.

4.23 The voter may designate an agent to deliver in person the sealed absentee ballot
4.24 return envelope to the county auditor or municipal clerk or to deposit the return envelope
4.25 in the mail. An agent may deliver or mail the return envelopes of not more than three
4.26 voters in any election. Any person designated as an agent who tampers with either the
4.27 return envelope or the voted ballots or does not immediately mail or deliver the return
4.28 envelope to the county auditor or municipal clerk is guilty of a misdemeanor.

4.29 Sec. 8. Minnesota Statutes 2014, section 203B.08, subdivision 3, is amended to read:

4.30 Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a
4.31 county auditor or municipal clerk, that official shall stamp or initial and date the return
4.32 envelope and place it in a secure location with other return envelopes received by that
4.33 office. Within five days after receipt, the county auditor or municipal clerk shall deliver to
4.34 the ballot board all ballots received, except that during the 14 days immediately preceding

5.1 an election, the county auditor or municipal clerk shall deliver all ballots received to the
 5.2 ballot board within three days. Ballots received on election day either (1) after 3:00 p.m.,
 5.3 if delivered ~~by an agent in person~~; or (2) after the last mail delivery, if delivered by ~~another~~
 5.4 ~~method~~ mail or a package delivery service, shall be marked as received late by the county
 5.5 auditor or municipal clerk, and must not be delivered to the ballot board.

5.6 Sec. 9. Minnesota Statutes 2014, section 203B.121, subdivision 2, is amended to read:

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

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

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

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

5.21 (3) the voter's Minnesota driver's license, state identification number, or the last four
 5.22 digits of the voter's Social Security number are the same as ~~the~~ a number provided on the
 5.23 voter's absentee ballot application for ballots or voter record. If the number does not
 5.24 match ~~the number as submitted on the application, or if a number was not submitted on~~
 5.25 ~~the application~~, the election judges must compare the signature provided by the applicant
 5.26 to determine whether the ballots were returned by the same person to whom they were
 5.27 transmitted;

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

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

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

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

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

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

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

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

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

6.23 (2) the reason for rejection; and

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

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

6.28 Sec. 10. Minnesota Statutes 2014, section 203B.17, subdivision 1, is amended to read:

6.29 Subdivision 1. **Submission of application.** (a) An application for absentee ballots
6.30 for a voter described in section 203B.16 must be in writing and may be submitted in
6.31 person, by mail, by electronic facsimile device, by electronic mail, or electronically
6.32 through a secure Web site that shall be maintained by the secretary of state for this
6.33 purpose, upon determination by the secretary of state that security concerns have been
6.34 adequately addressed. An application for absentee ballots for a voter described in section
6.35 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or

7.1 child over the age of 18 years. ~~For purposes of an application under this subdivision, a~~
 7.2 ~~person's Social Security number, no matter how it is designated, qualifies as the person's~~
 7.3 ~~military identification number if the person is in the military.~~

7.4 (b) An application for a voter described in section 203B.16, subdivision 1, shall be
 7.5 submitted to the county auditor of the county where the voter maintains residence or
 7.6 through the secure Web site maintained by the secretary of state.

7.7 (c) An application for a voter described in section 203B.16, subdivision 2, shall be
 7.8 submitted to the county auditor of the county where the voter last maintained residence in
 7.9 Minnesota or through the secure Web site maintained by the secretary of state.

7.10 (d) An application for absentee ballots shall be valid for any primary, special
 7.11 primary, general election, or special election from the time the application is received
 7.12 through the end of that calendar year.

7.13 (e) There shall be no limitation of time for filing and receiving applications for
 7.14 ballots under sections 203B.16 to 203B.27.

7.15 Sec. 11. Minnesota Statutes 2014, section 204B.06, subdivision 1b, is amended to read:

7.16 Subd. 1b. **Address and telephone number.** (a) An affidavit of candidacy must
 7.17 state a telephone number where the candidate can be contacted. An affidavit must also
 7.18 state the candidate's address of residence as determined under section 200.031, or at the
 7.19 candidate's request in accordance with paragraph (c), the candidate's campaign contact
 7.20 address. The form for the affidavit of candidacy must allow the candidate to request, if
 7.21 eligible, that the candidate's address of residence be classified as private data, and to
 7.22 provide the certification required under paragraph (c) for classification of that address.

7.23 (b) For an office whose residency requirement must be satisfied by the close of the
 7.24 filing period, a registered voter in this state may request in writing that the filing officer
 7.25 receiving the affidavit of candidacy review the address as provided in this paragraph, at
 7.26 any time up to one day after the last day for filing for office. If requested, the filing officer
 7.27 must determine whether the address provided in the affidavit of candidacy is within the
 7.28 area represented by the office the candidate is seeking. If the filing officer determines
 7.29 that the address is not within the area represented by the office, the filing officer must
 7.30 immediately notify the candidate and the candidate's name must be removed from the
 7.31 ballot for that office. A determination made by a filing officer under this paragraph is
 7.32 subject to judicial review under section 204B.44.

7.33 (c) If the candidate requests that the candidate's address of residence be classified
 7.34 as private data, the candidate must list the candidate's address of residence on a separate
 7.35 form to be attached to the affidavit. The candidate must also certify on the affidavit that

8.1 a police report has been submitted or an order for protection has been issued in regard
8.2 to the safety of the candidate or the candidate's family, or that the candidate's address is
8.3 otherwise private pursuant to Minnesota law. The address of residence provided by a
8.4 candidate who makes a request for classification on the candidate's affidavit of candidacy
8.5 and provides the certification required by this paragraph is classified as private data,
8.6 as defined in section 13.02, subdivision 12, but may be reviewed by the filing officer
8.7 as provided in this subdivision.

8.8 (d) The requirements of this subdivision do not apply to affidavits of candidacy for a
8.9 candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff.

8.10 Sec. 12. Minnesota Statutes 2014, section 204B.19, subdivision 6, is amended to read:

8.11 Subd. 6. **High school students.** Notwithstanding any other requirements of this
8.12 section, a student enrolled in a high school in Minnesota or who is in a home school
8.13 in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is
8.14 eligible to be appointed as a without party affiliation trainee election judge ~~in the county in~~
8.15 ~~which the student resides~~. The student must meet qualifications for trainee election judges
8.16 specified in rules of the secretary of state. A student appointed as a trainee election judge
8.17 may be excused from school attendance during the hours that the student is serving as a
8.18 trainee election judge if the student submits a written request signed and approved by the
8.19 student's parent or guardian to be absent from school and a certificate from the appointing
8.20 authority stating the hours during which the student will serve as a trainee election judge
8.21 to the principal of the school at least ten days prior to the election. Students shall not
8.22 serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the
8.23 contrary, trainee election judges may be paid not less than two-thirds of the minimum
8.24 wage for a large employer. The principal of the school may approve a request to be absent
8.25 from school conditioned on acceptable academic performance at the time of service as
8.26 a trainee election judge.

8.27 Sec. 13. Minnesota Statutes 2014, section 204B.45, subdivision 2, is amended to read:

8.28 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must
8.29 be given at least ten weeks prior to the election. Not more than 46 days nor later than 14
8.30 days before a regularly scheduled election and not more than 30 days nor later than 14
8.31 days before any other election, the auditor shall mail ballots by nonforwardable mail to
8.32 all voters registered in the town or unorganized territory. No later than 14 days before
8.33 the election, the auditor must make a subsequent mailing of ballots to those voters who
8.34 register to vote after the initial mailing but before the 20th day before the election.

9.1 Eligible voters not registered at the time the ballots are mailed may apply for ballots as
 9.2 provided in chapter 203B. Ballot return envelopes, with return postage provided, must
 9.3 be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in
 9.4 person to the office of the auditor or clerk. The auditor or clerk must appoint a ballot board
 9.5 to examine the mail and absentee ballot return envelopes and mark them "accepted" or
 9.6 "rejected" within three days of receipt if there are 14 or fewer days before election day, or
 9.7 within five days of receipt if there are more than 14 days before election day. The board
 9.8 may consist of deputy county auditors or deputy municipal clerks who have received
 9.9 training in the processing and counting of mail ballots, who need not be affiliated with
 9.10 a major political party. Election judges performing the duties in this section must be of
 9.11 different major political parties, unless they are exempt from that requirement under
 9.12 section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at
 9.13 least five days before the election, the ballots in the envelope must remain sealed and the
 9.14 auditor or clerk shall provide the voter with a replacement ballot and return envelope in
 9.15 place of the spoiled ballot. If the ballot is rejected within five days of the election, the
 9.16 envelope must remain sealed and the official in charge of the ballot board must attempt to
 9.17 contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been
 9.18 rejected. The official must document the attempts made to contact the voter.

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

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

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

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

9.31 Sec. 14. Minnesota Statutes 2014, section 204C.04, subdivision 2, is amended to read:

9.32 Subd. 2. **Elections covered.** For purposes of this section, "election" means a
 9.33 regularly scheduled ~~state primary or general~~ election, an election to fill a vacancy in the
 9.34 office of United States senator or United States representative, an election to fill a vacancy

10.1 in nomination for a constitutional office, or an election to fill a vacancy in the office of
 10.2 state senator or state representative.

10.3 Sec. 15. Minnesota Statutes 2014, section 204C.08, subdivision 1d, is amended to read:

10.4 Subd. 1d. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
 10.5 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
 10.6 forth in this section. Before the hours of voting are scheduled to begin, the election judges
 10.7 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
 10.8 of Rights is as follows:

10.9 "VOTER'S BILL OF RIGHTS

10.10 For all persons residing in this state who meet federal voting eligibility requirements:

10.11 (1) You have the right to be absent from work for the purpose of voting in a ~~state~~
 10.12 ~~or federal~~ regularly scheduled election without reduction to your pay, personal leave, or
 10.13 vacation time on election day for the time necessary to appear at your polling place,
 10.14 cast a ballot, and return to work.

10.15 (2) If you are in line at your polling place any time before 8:00 p.m., you have the
 10.16 right to vote.

10.17 (3) If you can provide the required proof of residence, you have the right to register
 10.18 to vote and to vote on election day.

10.19 (4) If you are unable to sign your name, you have the right to orally confirm your
 10.20 identity with an election judge and to direct another person to sign your name for you.

10.21 (5) You have the right to request special assistance when voting.

10.22 (6) If you need assistance, you may be accompanied into the voting booth by a
 10.23 person of your choice, except by an agent of your employer or union or a candidate.

10.24 (7) You have the right to bring your minor children into the polling place and into
 10.25 the voting booth with you.

10.26 (8) If you have been convicted of a felony but your felony sentence has expired (been
 10.27 completed) or you have been discharged from your sentence, you have the right to vote.

10.28 (9) If you are under a guardianship, you have the right to vote, unless the court
 10.29 order revokes your right to vote.

10.30 (10) You have the right to vote without anyone in the polling place trying to
 10.31 influence your vote.

10.32 (11) If you make a mistake or spoil your ballot before it is submitted, you have the
 10.33 right to receive a replacement ballot and vote.

10.34 (12) You have the right to file a written complaint at your polling place if you are
 10.35 dissatisfied with the way an election is being run.

11.1 (13) You have the right to take a sample ballot into the voting booth with you.

11.2 (14) You have the right to take a copy of this Voter's Bill of Rights into the voting
11.3 booth with you."

11.4 Sec. 16. Minnesota Statutes 2014, section 204C.35, subdivision 1, is amended to read:

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

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

11.10 (2) a statewide federal office, state constitutional office, statewide judicial office,
11.11 congressional office, or district judicial office is less than one-quarter of one percent of
11.12 the total number of votes counted for that nomination or is ten votes or less and the total
11.13 number of votes cast for the nomination is 400 votes or less;

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

11.17 Immediately following the meeting of the board that has responsibility for
11.18 canvassing the results of the nomination, the filing officer must notify the candidate that
11.19 the candidate has the option to request a recount of the votes at no cost to the candidate.
11.20 This written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m.
11.21 on the second day after the canvass of the primary for which the recount is being sought.

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

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

11.27 (2) a statewide federal office, state constitutional office, statewide judicial office,
11.28 congressional office, or district judicial office and the votes of any other candidate for that
11.29 office is less than one-quarter of one percent of the total number of votes counted for that
11.30 office or is ten votes or less if the total number of votes cast for the office is 400 votes or less,
11.31 the canvassing board shall manually recount the votes upon receiving a written request
11.32 from the candidate whose election is in question.

11.33 Immediately following the meeting of the board that has responsibility for canvassing
11.34 the results of the general election, the filing officer must notify the candidate that the
11.35 candidate has the option to request a recount of the votes at no cost to the candidate. This

12.1 written request must be received by the filing officer no later than ~~48 hours~~ 5:00 p.m. on
 12.2 the second day after the canvass of the election for which the recount is being sought.

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

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

12.7 Sec. 17. Minnesota Statutes 2014, section 204C.35, subdivision 2, is amended to read:

12.8 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate whose
 12.9 name was on the ballot for nomination or election to a statewide federal office, state
 12.10 constitutional office, statewide judicial office, congressional office, state legislative office,
 12.11 or district judicial office may request a recount in a manner provided in this section at the
 12.12 candidate's own expense when the vote difference is greater than the difference required
 12.13 by this section. The votes shall be manually recounted as provided in this section if the
 12.14 candidate files a request during the time for filing notice of contest of the primary or
 12.15 election for which a recount is sought.

12.16 (b) The requesting candidate shall file with the filing officer a bond, cash, or surety in
 12.17 an amount set by the filing officer for the payment of the recount expenses. The requesting
 12.18 candidate is responsible for the following expenses: the compensation of the secretary of
 12.19 state, or designees, and any election judge, municipal clerk, county auditor, administrator,
 12.20 or other personnel who participate in the recount; necessary supplies and travel related to
 12.21 the recount; the compensation of the appropriate canvassing board and costs of preparing
 12.22 for the canvass of recount results; and any attorney fees incurred in connection with the
 12.23 recount by the governing body responsible for the recount.

12.24 (c) A discretionary recount of a primary must not delay delivery of the notice of
 12.25 nomination to the winning candidate under section 204C.32.

12.26 (d) The requesting candidate may provide the filing officer with a list of up to three
 12.27 precincts that are to be recounted first and may waive the balance of the recount after these
 12.28 precincts have been counted. If the candidate provides a list, the recount official must
 12.29 determine the expenses for those precincts in the manner provided by paragraph (b).

12.30 (e) The results of the recount must be certified by the canvassing board as soon as
 12.31 possible.

12.32 (f) If the winner of the race is changed by the optional recount, the cost of the
 12.33 recount must be paid by the jurisdiction conducting the recount.

12.34 (g) If a result of the vote counting in the manual recount is different from the
 12.35 result of the vote counting reported on election day by a margin greater than the standard

13.1 for acceptable performance of voting systems provided in section 206.89, subdivision 4,
13.2 the cost of the recount must be paid by the jurisdiction conducting the recount.

13.3 Sec. 18. Minnesota Statutes 2014, section 204C.36, subdivision 1, is amended to read:

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

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

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

13.30 (d) Candidates for county offices shall file a written request for the recount with the
13.31 county auditor. Candidates for municipal or school district offices shall file a written
13.32 request with the municipal or school district clerk as appropriate. All requests shall be
13.33 filed ~~during the time for notice of contest of the primary~~ or by 5:00 p.m. on the fifth day
13.34 after the canvass of a primary or special primary or by 5:00 p.m. on the seventh day of the
13.35 canvass of a special or general election for which a recount is sought.

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

14.6 Sec. 19. Minnesota Statutes 2014, section 204C.36, subdivision 2, is amended to read:

14.7 Subd. 2. **Discretionary candidate recounts.** (a) A losing candidate for nomination
 14.8 or election to a county, municipal, or school district office may request a recount in the
 14.9 manner provided in this section at the candidate's own expense when the vote difference is
 14.10 greater than the difference required by subdivision 1, paragraphs (a) to (e). The votes shall
 14.11 be manually recounted as provided in this section if the requesting candidate files with
 14.12 the county auditor, municipal clerk, or school district clerk a bond, cash, or surety in an
 14.13 amount set by the governing body of the jurisdiction or the school board of the school
 14.14 district for the payment of the recount expenses.

14.15 (b) The requesting candidate may provide the filing officer with a list of up to three
 14.16 precincts that are to be recounted first and may waive the balance of the recount after these
 14.17 precincts have been counted. If the candidate provides a list, the recount official must
 14.18 determine the expenses for those precincts in the manner provided by paragraph (b).

14.19 (c) A discretionary recount of a primary must not delay delivery of the notice of
 14.20 nomination to the winning candidate under section 204C.32.

14.21 (d) The results of the recount must be certified by the canvassing board as soon as
 14.22 possible.

14.23 (e) If the winner of the race is changed by the optional recount, the cost of the
 14.24 recount must be paid by the jurisdiction conducting the recount.

14.25 ~~(d)~~ (f) If a result of the vote counting in the manual recount is different from the
 14.26 result of the vote counting reported on election day by a margin greater than the standard
 14.27 for acceptable performance of voting systems provided in section 206.89, subdivision 4,
 14.28 the cost of the recount must be paid by the jurisdiction conducting the recount.

14.29 Sec. 20. Minnesota Statutes 2014, section 204C.40, subdivision 2, is amended to read:

14.30 Subd. 2. **Time of issuance; certain offices.** No certificate of election shall be issued
 14.31 until seven days after the canvassing board has declared the result of the election. ~~In case~~
 14.32 ~~of a contest, an election certificate shall not be issued until a court of proper jurisdiction~~
 14.33 ~~has finally determined the contest. This subdivision shall not apply to candidates elected~~
 14.34 ~~to the office of state senator or representative.~~

15.1 Sec. 21. Minnesota Statutes 2014, section 204D.27, subdivision 11, is amended to read:

15.2 Subd. 11. **Certificate of legislative election.** A certificate of election in a special
15.3 election for state senator or state representative shall be issued by the secretary of state to
15.4 the ~~individual declared elected by the county or state canvassing board~~ chief clerk of the
15.5 house or the secretary of the senate two days, excluding Sundays and legal holidays, after
15.6 the appropriate canvassing board finishes canvassing the returns for the election.

15.7 In case of a contest the certificate shall not be issued until the district court
15.8 determines the contest.

15.9 Sec. 22. Minnesota Statutes 2014, section 209.021, subdivision 2, is amended to read:

15.10 Subd. 2. **Notice filed with court.** If the contest relates to a nomination or
15.11 election for statewide office, the contestant shall file the notice of contest with the court
15.12 administrator of District Court in Ramsey County. For contests relating to any other office,
15.13 the contestant shall file the notice of contest with the court administrator of district court
15.14 in the county where the contestee resides.

15.15 If the contest relates to a constitutional amendment ~~or other question voted on~~
15.16 ~~statewide~~, the contestant shall file the notice of contest with the court administrator
15.17 of District Court in Ramsey County. If the contest relates to any other question, the
15.18 contestant shall file the notice of contest with the court administrator of district court for
15.19 the county or any one of the counties where the question appeared on the ballot.

15.20 Sec. 23. Minnesota Statutes 2014, section 209.021, subdivision 3, is amended to read:

15.21 Subd. 3. **Notice served on parties.** In all contests relating to the nomination or
15.22 election of a candidate, the notice of contest must be served on the candidate who is
15.23 the contestee, a copy of the notice must be sent to the contestee's last known address
15.24 by certified mail, and a copy must be furnished to the official authorized to issue the
15.25 certificate of election. If personal or substituted service on the contestee cannot be made,
15.26 an affidavit of the attempt by the person attempting to make service and the affidavit of
15.27 the person who sent a copy of the notice to the contestee by certified mail is sufficient to
15.28 confer jurisdiction upon the court to decide the contest.

15.29 If the contest relates to a constitutional amendment ~~or other question voted on~~
15.30 ~~statewide or voted on in more than one county~~, notice of contest must be served on the
15.31 secretary of state, who is the contestee. If a contest relates to a question voted on within
15.32 only one county, school district, or municipality, a copy of the notice of contest must be
15.33 served on the county auditor, clerk of the school district, or municipal clerk, respectively,
15.34 who is the contestee. If the contest is upon the question of consolidation or reorganization

16.1 of a school district, a copy of the notice of contest must be served on the county auditor
16.2 authorized by law to issue the order.

16.3 Sec. 24. Minnesota Statutes 2014, section 209.09, subdivision 2, is amended to read:

16.4 Subd. 2. **Statewide offices and questions.** Section 209.10, subdivision 4, applies
16.5 to a contest regarding a statewide office, a constitutional amendment, ~~or other question~~
16.6 ~~voted on statewide~~. A copy of the Supreme Court's decision must be forwarded to the
16.7 contestant and the contestee.

16.8 Sec. 25. **REPEALER.**

16.9 Minnesota Statutes 2014, sections 204B.14, subdivision 6; and 204C.30, subdivision
16.10 1, are repealed.

204B.14 ELECTION PRECINCTS.

Subd. 6. **Precinct boundaries to follow physical features.** (a) Unless a precinct consists entirely of unorganized territory or more than one precinct is entirely included within one census block, for the first two years following a decennial census an election precinct boundary must follow a census block line.

(b) The boundaries of election precincts must follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established in the manner provided in the rules of the secretary of state to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

(c) For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

(d) If the secretary of state determines that a precinct boundary does not comply with this subdivision, the secretary of state shall send a notice to the county auditor or municipal clerk specifying the action needed to correct the precinct boundary. If, after 60 days, the county or municipal governing body has not taken action to correct the precinct boundary, the secretary of state shall correct the precinct boundary and notify the county auditor or municipal clerk of the action taken.

(e) If a visible, clearly recognizable physical feature is not available for use as a precinct boundary, an alternate boundary used by the United States Bureau of the Census may be authorized by the secretary of state.

204C.30 ELECTION RETURNS; ADDITIONAL DUTIES OF COUNTY AUDITOR.

Subdivision 1. **Delivery of summary statements to secretary of state.** The county auditor shall promptly deliver to the secretary of state one of the sets of summary statements received from each precinct.