**200.02 DEFINITIONS is amended to read**

Subdivision 1. **Application.** The terms defined in this section apply to the Minnesota Election Law.

**Subdivision 30. Absentee ballot processing. “Absentee ballot processing” refers to all steps required to receive and accept or reject a ballot, update the ballot status in the SVRS, and store and secure the return envelope, which must contain the unopened signature envelope, from receipt until the storage and counting of absentee ballots in section 203B.121 Subdivisions 4 and 5. Ballots must remain segregated by precinct throughout this process.**

**Subdivision 31. Storage and counting of absentee ballots. “Storage and counting of absentee ballots” refers to the safeguards required to maintain the chain of custody and protect the secrecy of the ballot until tabulation. This process includes the removal of ballots from the secrecy envelope, the non-tabulated count of total ballots opened and accepted each day prior to the election and the storage of those ballots and envelopes in a secure container. After the polls close on election day, each secure container shall be opened and tabulated separately, in such a manner as to ensure ongoing precinct segregation of the ballots. After tabulating each precinct’s container(s), the election judges shall total the number of votes cast for each candidate and question by absentee ballot for that precinct. No tabulation of ballots shall occur prior to 8pm on election night. This process must be public.**

**Subdivision 32. Tabulation. “Tabulation” means the manual or automatic counting of the votes cast for each race or question recorded on a single ballot and the subsequent summarization of the total votes cast by all voters.**

**Subdivision 33. Chain of custody**

**203B.08 MARKING AND RETURN OF ABSENTEE BALLOTS is amended to read**

Subd. 2.**Address on return envelopes.** The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to the county auditor or municipal clerk who has the responsibility to accept and reject the absentee ballots. **The return address must include the precinct designation to facilitate the segregation of ballots upon receipt.**

Subd. 3.**Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a locked ballot container or other secured and locked space**, segregated by precinct,** with other return envelopes received by that office. Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days. Ballots received on election day either (1) after 3:00 p.m., if delivered in person; or (2) after 8:00 p.m., if delivered by mail or a package delivery service, shall be marked as received late by the county auditor or municipal clerk, and must not be delivered to the ballot board.

Subd. 3a. [Repealed, [1999 c 132 s 46](https://www.revisor.mn.gov/laws/?id=132&year=1999&type=0)]

Subd. 4.**Rules.** The secretary of state shall adopt rules establishing procedures to be followed by county auditors and municipal clerks to assure accurate and timely return of absentee ballots. The rules of the secretary of state may authorize procedures and methods of return in addition to those specified in this section. **These rules must comply with the plain language of the section.**

**203B.121 BALLOT BOARDS is amended to read**

**Subdivision 1. Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board~~, and~~ **a process to accept election judge applications from eligible voters within their respective boundaries and create a list that must include every applicant who meets the qualifications listed under section 204B.19.** The board must consist of a sufficient number of election judges appointed as provided in sections [204B.19](https://www.revisor.mn.gov/statutes/cite/204B.19) to [204B.22](https://www.revisor.mn.gov/statutes/cite/204B.22). **Only after the appointment lists identified in section 204B.21 Subdivisions 1 and 2 are exhausted, may** ~~T~~ **t**he board may include deputy county auditors or deputy city clerks who have received training in the processing and counting of absentee ballots. Each member of the ballot board must be provided adequate training on the processing and counting of absentee ballots, including but not limited to instruction on accepting and rejecting absentee ballots, storage of absentee ballots, timelines and deadlines, the role of the ballot board, procedures for opening absentee ballot envelopes, procedures for counting absentee ballots, and procedures for reporting absentee ballot totals.

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

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

**Subd. 2.Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all **~~signature~~** **return** envelopes delivered to them in accordance with section [203B.08](https://www.revisor.mn.gov/statutes/cite/203B.08). **The ballots must remain segregated by precinct throughout all processing and counting procedures.** Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall **remove the signature envelope from the return envelope,** examine each signature envelope and shall mark it accepted or rejected in the manner provided in this subdivision**, and place the signature envelope back into the return envelope**. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section [205.075, subdivision 4](https://www.revisor.mn.gov/statutes/cite/205.075#stat.205.075.4), or **section**[**205A.10, subdivision 2**](https://www.revisor.mn.gov/statutes/cite/205A.10#stat.205A.10.2)**.**

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

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

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

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

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

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

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

The **return and** signature envelope**s** from accepted ballots must be preserved and returned **together** to the county auditor **as election materials**.

**Each major party and candidate shall be allowed to designate at least one observer to be present at every ballot board whenever absentee ballots are being processed and counted. If an observer believes any election laws is being violated by a member of the ballot board, that observer may inform the election official of the issue. If the election official chooses not to address the matter, in order to create a record of the issue, the observer may document the concern by photograph or other means, so long as there is no infringement upon the secrecy of the ballot. These records shall not be disseminated to the public outside of an election contest.**

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

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

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

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

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count must be recorded on a summary statement in substantially the same format as provided in section [204C.26](https://www.revisor.mn.gov/statutes/cite/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](https://www.revisor.mn.gov/statutes/cite/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](https://www.revisor.mn.gov/statutes/cite/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.

# 204B.21 APPOINTMENT OF ELECTION JUDGES is amended to read

Subd. 2.**Appointing authority; powers and duties.** Election judges for precincts **and ballot boards** in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as otherwise provided in this section, appointments shall be made from the list of voters who reside in each precinct, furnished pursuant to subdivision 1, subject to the eligibility requirements and other qualifications established or authorized under section [204B.19](https://www.revisor.mn.gov/statutes/cite/204B.19). **After exhausting the lists identified in Subdivision 1, appointments shall be made from the local lists of qualified applicants created under 203B.121 Subdivision 1.** At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional election judges are required after all listed names in that municipality have been exhausted, the appointing authority may appoint other individuals who meet the qualifications to serve as an election judge, including persons on the list furnished pursuant to subdivision 1 who indicated a willingness to travel to the municipality, and persons who are not affiliated with a major political party. An individual who is appointed from a source other than the list furnished pursuant to subdivision 1 must provide to the appointing authority the individual's major political party affiliation or a statement that the individual does not affiliate with any major political party. An individual who refuses to provide the individual's major political party affiliation or a statement that the individual does not affiliate with a major political party must not be appointed as an election judge. The appointments shall be made at least 25 days before the election at which the election judges will serve, except that the appointing authority may pass a resolution authorizing the appointment of additional election judges within the 25 days before the election if the appointing authority determines that additional election judges will be required.

**204B.22 ELECTION JUDGES; NUMBER REQUIRED is amended to read**

Subdivision 1. **Minimum number required.** (a) A minimum of four election judges shall be appointed for each precinct **and ballot board** in the state general election, provided that a minimum of three election judges shall be appointed for each precinct with fewer than 500 registered voters as of 14 weeks before the state primary. In all other elections, a minimum of three election judges shall be appointed for each precinct **and ballot board**. **Ballot boards must coordinate the processing and counting of ballots with the scheduling of election judges by precinct to ensure ballots are processed and counted by an election judge from the precinct of the voter.** In a combined polling place under section [204B.14, subdivision 2](https://www.revisor.mn.gov/statutes/cite/204B.14#stat.204B.14.2), at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

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

Subd. 2. [Repealed, [2013 c 131 art 2 s 85](https://www.revisor.mn.gov/laws/?id=131&year=2013&type=0)]

Subd. 3. [Repealed, [2010 c 201 s 82](https://www.revisor.mn.gov/laws/?id=201&year=2010&type=0)]

Subd. 4. **Election judge trainees not counted toward minimum number of election judges.** The presence or participation of election judge trainees must not be counted toward satisfying any of the required numbers of election judges in this chapter.