**---------------------------------------Need to establish the following---------------------------------------
Providing Clarity in Definitions
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# 200.02 DEFINITIONS. (is amended to read)

**Subd. 30. Definition of election contest.**

**An election contest is an administrative proceeding filed in the civil court system. When presented with an election contest, the court is tasked with determining the process to complete all discovery related to each alleged material violation of the Minnesota Constitution and/or election law. ensure Minnesota elections laws were followed and ballots were properly counted.**

**---------------------------------------Need to establish the following---------------------------------------
Restoring MN Constitution on Separation of Powers**

**---------------------------------------------------------------------------------------------------------------------**

**NEW STAND-ALONE STATUTE:**

**Any proposed change to Minnesota election law using a consent decree or other court settlement must be approved by both branches of the Minnesota legislature prior to its implementation.**

**---------------------------------------These are the proposed changes---------------------------------------**

**Allowing proper oversight and transparency to the data
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# 201.021 PERMANENT REGISTRATION SYSTEM. (is amended to read)

A permanent system of voter registration by county is established, with a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system. **The secretary of state shall make available to the public all information related to the design of and fields used in the permanent registration system as well as the process for maintaining and administering the centralized system. All information not excluded by the Data Practices Act shall be made available in the public lists defined in 201.091.**

## History:

[*1973 c 676 s 3*](https://www.revisor.mn.gov/laws/?id=676&year=1973&type=0)*;*[*1975 c 204 s 94*](https://www.revisor.mn.gov/laws/?id=204&year=1975&type=0)*;*[*1981 c 29 art 2 s 5*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1984 c 560 s 2*](https://www.revisor.mn.gov/laws/?id=560&year=1984&type=0)*;*[*1987 c 361 s 2*](https://www.revisor.mn.gov/laws/?id=361&year=1987&type=0)*;*[*2004 c 293 art 1 s 1*](https://www.revisor.mn.gov/laws/?id=293&year=2004&type=0)

# 201.022 STATEWIDE REGISTRATION SYSTEM (is amended to read)

## Subdivision 1. Establishment. The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique identifier to each legally registered voter in the state **which will remain the permanent identifier for that voter, including after changes in residency or periods of inactivity**;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;

(11) provide access to municipal clerks to use the system;

(12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;

(13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; ~~and~~

(14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section [203B.16](https://www.revisor.mn.gov/statutes/cite/203B.16)~~.;~~ **and**

**(15) maintain the voter records of all inactive voters in the statewide registration system and include the reason a voter is no longer registered to vote and the date of all status changes.**

**All information in the statewide voter registration system will be included in the public information list, excluding information collected under Subd. 1 (6) and (13).**

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section [201.021](https://www.revisor.mn.gov/statutes/cite/201.021).

## Subd. 2.Rules. The secretary of state shall make permanent rules, consistent with Minnesota election laws, necessary to administer the system required in subdivision 1.

## Subd. 3.Consultation with local officials.

The secretary of state must consult with representatives of local election officials in the development of the statewide voter registration system.

## History:

[*1987 c 361 s 1*](https://www.revisor.mn.gov/laws/?id=361&year=1987&type=0)*;*[*1988 c 646 s 1*](https://www.revisor.mn.gov/laws/?id=646&year=1988&type=0)*;*[*1990 c 585 s 2*](https://www.revisor.mn.gov/laws/?id=585&year=1990&type=0)*;*[*1995 c 233 art 2 s 56*](https://www.revisor.mn.gov/laws/?id=233&year=1995&type=0)*;*[*1Sp2001 c 10 art 18 s 8*](https://www.revisor.mn.gov/laws/?id=10&year=2001&type=1)*;*[*2004 c 293 art 1 s 2*](https://www.revisor.mn.gov/laws/?id=293&year=2004&type=0)*;*[*2005 c 162 s 1*](https://www.revisor.mn.gov/laws/?id=162&year=2005&type=0)

**201.091 REGISTERED VOTER LISTS; REPORTS; REGISTRATION PLACES (is amended to read:)**

***Insert new subdivision:***

**Subd. 2. Complete list of Voter Histories. No voter registration record or related information may be purged from the county master list or the Minnesota Statewide Voter Registration System between the 46th day preceding an election and the 45th day following that election.** **The voter registration data in the MN SVRS at the end of the business day on the 42nd day after the election shall be considered the official record of the that election and will be referred to as the “(Insert election date) Complete Statewide Voter Registration System Record”. This list must be permanently preserved by the MN Secretary of State and available by request under Subd. 6.**

**~~Subd. 5.~~ Subd. 6. Copy of list to registered voter.** The county auditors and the secretary of state shall provide copies of the public information lists**, including voter lists with the “(Insert election date) Complete Statewide Voter Registration System Record”,** in electronic or other media to any voter registered in Minnesota within ten days of receiving a written or electronic request accompanied by payment of the cost of reproduction. **The public information lists must include the most recent updates to voter histories, including the date a voter’s absentee ballot was accepted, as required under section 203B.121.** The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement.

**---------------------------------------These are the proposed changes---------------------------------------**

**Protecting and Defending the Absentee Ballot Process
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# 203B.08 MARKING AND RETURN OF ABSENTEE BALLOTS (is amended to read)

**Subdivision 1.** Marking and return by voter. (a) An eligible voter who receives **an** absentee ballot~~s~~ as provided in this chapter shall mark **it** ~~them~~ in the manner specified in the directions for casting the absentee ballot~~s~~. The return envelope containing **a** marked ballot~~s~~ may be mailed as provided in the directions for casting the absentee ballot~~s~~, may be left with the county auditor or municipal clerk who transmitted the absentee ballot~~s~~ to the voter, or may be left in a drop box as provided in section [203B.082](https://www.revisor.mn.gov/statutes/cite/203B.082). If delivered in person, the return envelope must be submitted to the county auditor or municipal clerk by 3:00 p.m. on election day

 (b) The voter may designate an agent to deliver in person the sealed absentee ballot return envelope to the county auditor or municipal clerk or to deposit the return envelope in the mail. **The name of the agent must be written clearly on the return envelope and the voter must sign an acknowledgment the agent has the voter’s permission to deliver or mail the absentee ballot.** An agent may deliver or mail the return envelopes of not more than three voters in any election. Any person designated as an agent who tampers with either the return envelope or the voted ballots or does not immediately mail or deliver the return envelope to the county auditor or municipal clerk is guilty of a **felony**~~misdemeanor~~.

## Subd. 1a. [Repealed, [1999 c 132 s 46](https://www.revisor.mn.gov/laws/?id=132&year=1999&type=0)]

**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 a code identifying the precinct to which the ballot must be connected.**

**Subd. 3. Procedures on receipt of ballots.** When an absentee ballot~~s~~ **is** ~~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 with other return envelopes received by that office. **The county auditor or municipal clerk must immediately record the date the return envelope was received for processing in the SVRS, but shall neither accept nor reject the absentee ballot.** Within five days after receipt, the county auditor or municipal clerk shall deliver to the ballot board all **return envelopes** ~~ballots~~ received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all **return envelopes** ~~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 **but no rule may not violate any statutory requirements of Minnesota election law**.

## History:

[*1981 c 29 art 3 s 8*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1983 c 253 s 2*](https://www.revisor.mn.gov/laws/?id=253&year=1983&type=0)*,3;*[*1986 c 362 s 1*](https://www.revisor.mn.gov/laws/?id=362&year=1986&type=0)*,2;*[*1987 c 266 art 1 s 16*](https://www.revisor.mn.gov/laws/?id=266&year=1987&type=0)*;*[*1990 c 453 s 2*](https://www.revisor.mn.gov/laws/?id=453&year=1990&type=0)*;*[*1997 c 147 s 16*](https://www.revisor.mn.gov/laws/?id=147&year=1997&type=0)*;*[*1999 c 132 s 11*](https://www.revisor.mn.gov/laws/?id=132&year=1999&type=0)*;*[*2004 c 293 art 1 s 22*](https://www.revisor.mn.gov/laws/?id=293&year=2004&type=0)*;*[*2008 c 244 art 2 s 14*](https://www.revisor.mn.gov/laws/?id=244&year=2008&type=0)*;*[*2010 c 194 s 7*](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)*,8;*[*2013 c 131 art 2 s 15*](https://www.revisor.mn.gov/laws/?id=131&year=2013&type=0)*;*[*2015 c 70 art 1 s 13*](https://www.revisor.mn.gov/laws/?id=70&year=2015&type=0)*,14;*[*1Sp2021 c 12 art 4 s 3*](https://www.revisor.mn.gov/laws/?id=12&year=2021&type=1)*,4*

# 203B.065 USING THE REGISTRATION SYSTEM.

Upon accepting an application for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system the voter's name, date of birth, address of residence in Minnesota, mailing address **and** Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security number~~, if provided by the voter~~. Upon acceptance of an absentee ballot application of a voter who is registered to vote at an address different from the residential address certified on the absentee ballot application, the voter registration record with the previous address shall be challenged. Once the absentee ballot has been transmitted to the voter, the method of transmission and the date of transmission must be recorded.

Upon receipt of a returned absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system that the voter has returned the ballot.

Upon receipt of notice that the ballot board has accepted or rejected the absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system whether the ballot was accepted or rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to the voter, the county auditor or municipal clerk shall record ~~this~~ in the statewide voter registration system **both the dates of transmission and the total number of transmitted**.

The labels provided for envelopes used for transmitting an absentee ballot to and from an applicant for an absentee ballot for a state primary or state general election must contain bar codes generated by the statewide voter registration system to facilitate the recording required under this section. A county auditor or municipal clerk entering information into the statewide voter registration system under this section must include the information provided on the bar code label whenever information is entered into the system.

## History:

[*2010 c 194 s 4*](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)

# 203B.12 ABSENTEE VOTER NAMES.

**Subdivision 1.** [Repealed, [2010 c 194 s 27](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)]

**Subd. 2.**  [Repealed, [2010 c 194 s 27](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)]

**Subd. 3.** [Repealed, [2010 c 194 s 27](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)]

**Subd. 4.** [Repealed, [2010 c 194 s 27](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)]

**Subd. 5.** [Repealed, [1999 c 132 s 46](https://www.revisor.mn.gov/laws/?id=132&year=1999&type=0)]

## Subd. 6. [Repealed, [2010 c 194 s 27](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)]

**Subd. 7.Names of persons; rejected absentee ballots**. (a) The names of voters who have submitted an absentee ballot to the county auditor or municipal clerk that has not been accepted may not be made available for public inspection until the close of voting on election day.

 (b) After the close of voting on election day, the lists must be available to the public in the same manner as public information lists in section [201.091, subdivisions 4](https://www.revisor.mn.gov/statutes/cite/201.091), 5, and 9.

**Subd. 8.**Names of persons; accepted absentee ballots. For all elections where use of the statewide voter registration system is required, the secretary of state must maintain a list of voters who have submitted absentee ballots that have been accepted. **Section 203B.121 Subd. 3 requires the voter history in the statewide voter registration system be updated immediately upon the acceptance of the voter’s absentee ballot. The voter histories must include the date an absentee ballot was accepted. The secretary of state may not limit the availability of absentee data.** For all other elections, the county auditor or municipal clerk must maintain a list of voters who have submitted absentee ballots that have been accepted. The lists must be available to the public in the same manner as public information lists in section [201.091, subdivisions 4](https://www.revisor.mn.gov/statutes/cite/201.091), 5, and 9.

## History:

[*1981 c 29 art 3 s 12*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1981 c 185 s 2*](https://www.revisor.mn.gov/laws/?id=185&year=1981&type=0)*;*[*1983 c 253 s 5*](https://www.revisor.mn.gov/laws/?id=253&year=1983&type=0)*,6;*[*1984 c 560 s 6*](https://www.revisor.mn.gov/laws/?id=560&year=1984&type=0)*-9;*[*1987 c 266 art 1 s 18*](https://www.revisor.mn.gov/laws/?id=266&year=1987&type=0)*;*[*1989 c 291 art 1 s 5*](https://www.revisor.mn.gov/laws/?id=291&year=1989&type=0)*,6;*[*1990 c 585 s 21*](https://www.revisor.mn.gov/laws/?id=585&year=1990&type=0)*,22;*[*1991 c 320 s 1*](https://www.revisor.mn.gov/laws/?id=320&year=1991&type=0)*;*[*1997 c 147 s 20*](https://www.revisor.mn.gov/laws/?id=147&year=1997&type=0)*,21;*[*2004 c 293 art 1 s 23*](https://www.revisor.mn.gov/laws/?id=293&year=2004&type=0)*;*[*2005 c 156 art 6 s 26*](https://www.revisor.mn.gov/laws/?id=156&year=2005&type=0)*;*[*1Sp2005 c 7 s 21*](https://www.revisor.mn.gov/laws/?id=7&year=2005&type=1)*;*[*2014 c 264 s 10*](https://www.revisor.mn.gov/laws/?id=264&year=2014&type=0)*,11;*[*2021 c 31 art 3 s 3*](https://www.revisor.mn.gov/laws/?id=31&year=2021&type=0)

**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. 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).~~The 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. **The names of all staff appointed to the Ballot Board must be available to the public.**

(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 return envelopes ~~signature envelopes~~ delivered to them in accordance with section [203B.08](https://www.revisor.mn.gov/statutes/cite/203B.08). Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall confirm the return envelope was received by the statutory deadline. If the postmark or received date is outside the time allowed by statute, the ballot shall not be accepted. If the election judges determine the ballot was properly received, they 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. The return envelopes must be preserved with all other election materials for the precinct. 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 signature envelope from accepted ballots must be preserved and **stored with all election materials for the precinct** ~~returned to the county auditor~~.

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

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and signature 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 signature envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

**Subd. 3.**Record of voting. **(a) When ~~applicable~~** an absentee ballot is accepted**, the county auditor**, chief election official or director **or municipal clerk must immediately record,** in the voter history in the statewide voter registration system, **that the voter's absentee ballot has been accepted. After the close of business on the 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.~~

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(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~~ **Absentee and mail-in ballots** received after the close of business on the seventh day before the election **shall not be processed until after the polls close on election day. These ballots shall be delivered to the appropriate precinct at the end of the business day on election day. Election judges at the precinct must determine whether each absentee ballot can be accepted by comparing voter information on the absentee ballot to the roster. If it is determined the absentee ballot was cast by a voter who cast an in-person ballot at the precinct, the absentee ballot must be rejected.** ~~is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.~~

**203B.121 (is amended to read)**

**Subd. 4. Opening of envelopes.** After the close of business on the seventh day before the election, the ballots from ~~return~~ **secrecy** envelopes **within the signature envelopes**marked "Accepted" may be opened, duplicated as needed in the manner provided in section [206.86, subdivision 5](https://www.revisor.mn.gov/statutes/cite/206.86#stat.206.86.5), initialed by the members of the ballot board, and deposited in the appropriate **precinct**ballot box**, to be stored securely, without tabulation, until counted after the polls close on election night.**If more than one voted ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section [204C.25](https://www.revisor.mn.gov/statutes/cite/204C.25) for return of spoiled ballots, and may not be counted.

**Subd. 5.** **Storage and counting of absentee ballots is amended to read**

(a) **At the end of every day ~~On~~** ~~a day~~ on which absentee ballots are **opened and** inserted into a **precinct** ballot box **under Subd. 4**, two members of the ballot board must:

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

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

(3) seal and secure all voted and unvoted ballots present in that location **in that precinct ballot box** ~~at the end of the day~~ **along with a document, signed by each election judge, stating the total number of voted and unvoted ballots placed in the precinct ballot box.**

(b) **If ballot board has not brought the accepted absentee and mail-in ballots to the precinct for tabulation, a**~~A~~fter the polls have closed on election day, two members of the ballot board must **open each precinct ballot box, verify that the number of voted and unvoted ballots in each box matches the number of ballots reported to have been placed in the precinct ballot box and then** count the ballots **by precinct**, 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.

**Every major party may have one observer for every two tables used to process ballots. The observers shall be allowed to be within 6 feet of the processing tables to ensure they can fully observe the process. The observer must present documentation from a major party confirming they represent that major party to the county auditor or chief election official upon arrival at the ballot board. The major party may have observers present at all times the ballot board is processing ballots. If an observer has a concern about the processing of the ballots, that observer may notify either the chief election official or the major party about the concerns. If the matter cannot be resolved, the county auditor or chief election official must document the concerns raised. A copy of this information must be placed with the precincts election materials and provided to each of the major parties and to the secretary of state within 3 days.**

The count shall be public. No ~~vote totals from~~ ballots may be **tabulated** ~~made public~~ before the close of voting on election day. **The tabulated results shall be provided to the county auditor for release only after all ballots for a precinct have been tabulated.**

(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 **for the precinct** and handled according to paragraph (b).

**History:**

[*2010 c 194 s 9*](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)*;*[*2010 c 314 s 4*](https://www.revisor.mn.gov/laws/?id=314&year=2010&type=0)*;*[*2013 c 131 art 1 s 6*](https://www.revisor.mn.gov/laws/?id=131&year=2013&type=0)*-8; art 2 s 17,18;*[*2015 c 70 art 1 s 15*](https://www.revisor.mn.gov/laws/?id=70&year=2015&type=0)*;*[*1Sp2019 c 10 art 4 s 3*](https://www.revisor.mn.gov/laws/?id=10&year=2019&type=1)*;*[*2021 c 31 art 3 s 4*](https://www.revisor.mn.gov/laws/?id=31&year=2021&type=0)*,5;*[*1Sp2021 c 12 art 4 s 6*](https://www.revisor.mn.gov/laws/?id=12&year=2021&type=1)

**~~203B.082 ABSENTEE BALLOT DROP BOXES; SECURITY AND INTEGRITY.~~**
~~Subdivision 1.Definition. As used in this section, "drop box" means a secure receptacle or container established to receive completed absentee ballots 24 hours per day. Drop box does not include a receptacle or container maintained by the United States Postal Service, or a location at which a voter or an agent may return a completed absentee ballot by providing it directly to an employee of the county auditor or municipal clerk.~~

~~Subd. 2.Minimum security and integrity standards. The county auditor or municipal clerk may provide locations at which a voter may deposit a completed absentee ballot enclosed in the completed signature envelope in a secure drop box, consistent with the following security and integrity standards:~~

~~(1) each drop box must be continually recorded during the absentee voting period;~~
~~(2) each drop box must be designed to prevent an unauthorized person from moving, removing, or tampering with the drop box;~~
~~(3) each drop box placed in an outdoor location must be fastened to a building, bolted to a concrete pad, or otherwise attached to a similarly secure structure;~~
~~(4) ballots deposited in a drop box must be secured against access by any unauthorized person, and in the case of a drop box located in an outdoor location, the drop box must be secured against damage due to weather or other natural conditions;~~
~~(5) each drop box must contain signage or markings that:~~

~~(i) clearly identifies the drop box as an official absentee ballot return location; and~~

~~(ii) include the location and hours where an agent may return an absentee ballot;~~

~~(6) deposited ballots must be collected at least once per business day during the absentee voting period by the county auditor, municipal clerk, or an elections official trained by the county auditor or municipal clerk in the proper maintenance and handling of absentee ballots and absentee ballot drop boxes, and in the security measures used to protect absentee ballots; and~~
~~(7) ballots collected from each drop box must be properly date-stamped and stored in a locked ballot container or other secured and locked space consistent with any applicable laws governing the collection and storage of absentee ballots.~~

~~Subd. 3.Publication of locations required. (a) The county auditor or municipal clerk must provide a list of designated absentee ballot drop box locations to the secretary of state no later than 40 days prior to the start of the absentee voting period at every regularly scheduled primary or general election. The list must be published on the website of the county or municipality and on the website of the secretary of state at least 35 days prior to the start of the absentee voting period.~~

~~(b) The county auditor or municipal clerk must provide an updated list of designated absentee ballot drop box locations to the secretary of state no later than 20 days prior to the start of the absentee voting period at every regularly scheduled primary or general election, if any locations have changed or been added since submission of the list under paragraph (a). The list must be published on the website of the county or municipality and on the website of the secretary of state at least 15 days prior to the start of the absentee voting period.~~

~~Subd. 4.Electioneering prohibited. Section 211B.11 applies to conduct within 100 feet of an absentee ballot drop box established under this section.~~

**---------------------------------------These are the proposed changes---------------------------------------**

**Opening the door to the public of being an Election Judge
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# 204B.19 ELECTION JUDGES; QUALIFICATIONS (is amended to read)

## Subd. 4.Additional qualifications permitted; examination. The appointing authority may establish additional qualifications which are not inconsistent with the provisions of this section and which relate to the ability of an individual to perform the duties of an election judge but may not use those qualifications if that use would interfere with the order of appointment of election judges under Subd. 5. The appointing authority must utilize a uniform process to determine whether an ~~may examine any~~ individual who seeks appointment as an election judge ~~to determine whether the~~ meets any qualification established under this section.

## Subd. 5.~~Party balance requirement~~ Proportional Major Party Representation requirement.

## ~~No more than half of the election judges in a precinct may be members of the same major political party unless the election board consists of an odd number of election judges, in which case the number of election judges who are members of the same major political party may be one more than half the number of election judges in that precinct.~~

## The major party affiliation of appointed election judges in each precinct and on ballot boards must be proportional to the percentage of votes received by each major party in the last statewide election, as possible based upon the available election judge applications. To create a proportionally representative ballot board, the appointing authority must appoint election judges in the following order:

1. **Election judge applicants provided by the MN Secretary of State under section 204B.21 Subd. 1 until proportional representation is reached or party list is exhausted;**
2. **Party-affiliated applications received by the county auditor or municipal clerk until the proportional representation limit is reached or the party-affiliated applications are exhausted; and then**
3. **Unaffiliated election judge applicants until list is exhausted.**
4. **Only after a ballot board exhausts all qualified election judge applications may that ballot board appoint or hire city or county employees to serve as election officials on the ballot board.**

 **---------------------------------------These are the proposed changes---------------------------------------**

**Counting all the Votes
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# 204C.19 COUNTING VOTES; PENALTY (is amended to read)

## Subdivision 1. Procedure. When the hours for voting have ended and all voting has concluded, the election judges shall immediately count the votes cast at the election. If the ballot board has brought the accepted absentee and mail-in ballots to the precinct for tabulation, the ballots cast at the precinct shall be counted first and totaled, followed by the ballots processed by the local ballot board. The count shall be held at the polling place and shall be public. It shall be continued without intermission until it is completed and the results are declared, except that the election judges may recess for meals or other necessary purposes. During the count no one except the election judges shall handle the ballots. Any other individual who touches or interferes with ballots during the counting or any election judge who permits such touching or interference is guilty of a misdemeanor.

## Subd. 2. Counting ballots. Except as otherwise provided in this subdivision, the ballot boxes shall be opened, the votes counted, and the total declared. The election judges on each counting team shall be evenly divided between the major political parties. The numbers entered on the summary sheet shall not be considered final until the ballots in all the boxes have been counted and corrections have been made if ballots have been deposited in the wrong boxes.

## Subd. 3. Premature disclosure of count results. No count results from any precinct shall be disclosed by any election judge or other individual until all count results from that precinct are available, nor shall the public media disclose any count results from any precinct before the time when voting is scheduled to end in the state.

## History:

[*1981 c 29 art 5 s 19*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1987 c 266 art 1 s 38*](https://www.revisor.mn.gov/laws/?id=266&year=1987&type=0)*;*[*1991 c 227 s 17*](https://www.revisor.mn.gov/laws/?id=227&year=1991&type=0)*;*[*2013 c 131 art 2 s 34*](https://www.revisor.mn.gov/laws/?id=131&year=2013&type=0)

**---------------------------------------These are the proposed changes---------------------------------------**

**Restoring Accountability and Trust in the Canvassing Process
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**204C.33 Canvass of State General Elections** **(is amended to read)**

## Subdivision 1. County canvass. The county canvassing board shall meet at the county auditor's office between the third and tenth days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. The county auditor’s report on the returns must include the total number of voter histories identified in the statewide voter registration system as having voted in each election being canvassed. The county auditor must also include, for each election, the number of voter histories identified as casting a ballot at the precinct on election day, a mail-in ballot or an absentee ballot. The canvass of an election may not be completed until the county canvassing board has verified the number of voter histories identified in the SVRS and the number of reported votes match within 0.05%. Any discrepancies between the number of voters identified in the SVRS and the reported votes must be reported to the secretary of state, who shall immediately publish those discrepancies on the secretary of state website page “Election Results”. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct;

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or county office must not be counted unless the candidate has timely filed a request under section [204B.09, subdivision 3](https://www.revisor.mn.gov/statutes/cite/204B.09#stat.204B.09.3). The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section [204B.09](https://www.revisor.mn.gov/statutes/cite/204B.09) that votes for those candidates be tallied.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit a certified copy of the county canvassing board report for state and federal offices to the secretary of state by messenger, express mail, or similar service immediately upon conclusion of the county canvass.

## Subd. 3.State canvass. The State Canvassing Board shall meet at a public meeting space located in the Capitol complex area on the third Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors. The state canvass may not be completed until the canvassing board is able to ~~and shall~~ prepare a report that states:

## (1) every county has certified that the reported votes by precinct, mail-in and absentee ballot in each of its elections match, within 0.05%, the number of voter histories that indicate a precinct, mail-in or absentee vote was cast in each of those elections;

~~(1)~~**(2)** the number of individuals voting in the state and in each county;

~~(2)~~**(3)** the number of votes received by each of the candidates, specifying the counties in which they were cast; ~~and~~

~~(3)~~**(4)** the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast; **and**

**(5) there are no active election contests or petitions to correct errors and omissions related to the elections.**

All members of the State Canvassing Board shall sign the report and certify its correctness. The State Canvassing Board shall declare the result within three days after completing the canvass.

The penalties in 201.27 shall apply to all violations of subdivisions 1 and 3.

## History:

[*1981 c 29 art 5 s 33*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1983 c 303 s 15*](https://www.revisor.mn.gov/laws/?id=303&year=1983&type=0)*;*[*1997 c 147 s 41*](https://www.revisor.mn.gov/laws/?id=147&year=1997&type=0)*;*[*2000 c 467 s 21*](https://www.revisor.mn.gov/laws/?id=467&year=2000&type=0)*;*[*2004 c 293 art 2 s 26*](https://www.revisor.mn.gov/laws/?id=293&year=2004&type=0)*;*[*2010 c 194 s 19*](https://www.revisor.mn.gov/laws/?id=194&year=2010&type=0)*,20;*[*2010 c 201 s 43*](https://www.revisor.mn.gov/laws/?id=201&year=2010&type=0)*;*[*2017 c 92 art 1 s 21*](https://www.revisor.mn.gov/laws/?id=92&year=2017&type=0)

**---------------------------------------These are the proposed changes---------------------------------------**

**Providing Accountability in Election Contests
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# 209.02 CONTESTANT; GROUNDS (is amended to read)

## Subdivision 1. General. Any eligible voter, including a candidate, may contest in the manner provided in this chapter: (1) the nomination or election of any person for whom the voter had the right to vote if that person is declared nominated or elected to the senate or the house of representatives of the United States, or to a statewide, county, legislative, municipal, school, or district court office; or (2) the declared result of a constitutional amendment or other question voted upon at an election. The contest may be brought over an irregularity in the conduct of an election or canvass of votes, over the question of who received the largest number of votes legally cast, over the number of votes legally cast in favor of or against a question, or on the grounds of ~~deliberate,~~ intentional ~~serious, and~~ material violations of the Minnesota Election Law.

## Subd. 2. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 3. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 4. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 4a.[Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 5. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 6. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 7. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## Subd. 8. [Repealed, [1986 c 408 s 13](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)]

## History:

[*1959 c 675 art 10 s 2*](https://www.revisor.mn.gov/laws/?id=675&year=1959&type=0)*;*[*1961 c 607 s 1*](https://www.revisor.mn.gov/laws/?id=607&year=1961&type=0)*;*[*1963 c 682 s 1*](https://www.revisor.mn.gov/laws/?id=682&year=1963&type=0)*;*[*1965 c 81 s 4*](https://www.revisor.mn.gov/laws/?id=81&year=1965&type=0)*-6;*[*1971 c 733 s 3*](https://www.revisor.mn.gov/laws/?id=733&year=1971&type=0)*,4;*[*1974 c 312 s 1*](https://www.revisor.mn.gov/laws/?id=312&year=1974&type=0)*;*[*1978 c 674 s 60*](https://www.revisor.mn.gov/laws/?id=674&year=1978&type=0)*;*[*1981 c 29 art 7 s 38*](https://www.revisor.mn.gov/laws/?id=29&year=1981&type=0)*;*[*1983 c 303 s 23*](https://www.revisor.mn.gov/laws/?id=303&year=1983&type=0)*;*[*1986 c 408 s 2*](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)*;*[*1987 c 266 art 1 s 64*](https://www.revisor.mn.gov/laws/?id=266&year=1987&type=0)*;*[*1990 c 453 s 18*](https://www.revisor.mn.gov/laws/?id=453&year=1990&type=0)

# 209.021 NOTICE OF CONTEST (is amended to read)

## Subdivision 1. Manner; time; contents. Service of a notice of contest must be made in the same manner as the service of summons in civil actionsupon the secretary of state, who shall be listed as the sole Respondent. The notice of contest must specify the grounds on which the contest will be made. ~~The contestant shall serve notice of the contest on the parties enumerated in this section.~~ Except as provided in section [204D.27](https://www.revisor.mn.gov/statutes/cite/204D.27), notice must be served and filed within five days after the canvass is completed in the case of a primary or special primary or within seven days after the canvass is completed in the case of a special or general election. If a contest is based on a deliberate, serious, and material violation of the election laws that was discovered from the statements of receipts and disbursements required to be filed by candidates and committees, the action may be commenced and the notice served and filed within ten days after the filing of the statements in the case of a general or special election or within five days after the filing of the statements in the case of a primary or special primary. If a notice of contest questions only which party received the highest number of votes legally cast at the election, a contestee who loses may serve and file a notice of contest on any other ground during the three days following expiration of the time for appealing the decision on the vote count.

**Subd. 2. Notice filed with court. Within 3 days of receiving a notice of contest, the secretary of state must inform the court of that contest. The secretary of state may assert jurisdiction for any election contest in the District Court in Ramsey County**. If the contest relates to a nomination or election for statewide office, the ~~contestant~~ **secretary of state** shall file the notice of contest with the court administrator of District Court in Ramsey County. For contests relating to any other office, the ~~contestant~~ **secretary of state may** ~~shall~~ file the notice of contest with the court administrator of district court in the county where the contestee resides.

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

Subd. 3.**Notice of contest provided to interested parties ~~served on parties~~.** In all contests relating to the nomination or election of a candidate, **the secretary of state must, within 3 days, forward** the notice of contest ~~must be~~ **to all interested parties, including all candidates, all major political parties and the election officials responsible for the ballot boards(s) and precincts affected.** ~~served on the candidate who is the contestee, a copy of the notice must be sent to the contestee's last known address by certified mail, and a copy must be furnished to the official authorized to issue the certificate of election. If personal or substituted service on the contestee cannot be made, an affidavit of the attempt by the person attempting to make service and the affidavit of the person who sent a copy of the notice to the contestee by certified mail is sufficient to confer jurisdiction upon the court to decide the contest.~~

If the contest relates to a constitutional amendment, notice of contest must be served on the secretary of state, who is the contestee. If a contest relates to a question voted on within only one county, school district, or municipality, a copy of the notice of contest must be served on the county auditor, clerk of the school district, or municipal clerk, respectively, who is the contestee. If the contest is upon the question of consolidation or reorganization of a school district, a copy of the notice of contest must be served on the county auditor authorized by law to issue the order.

**History:**

[*1986 c 408 s 3*](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)*;*[*1Sp1986 c 3 art 1 s 82*](https://www.revisor.mn.gov/laws/?id=3&year=1986&type=1)*;*[*1987 c 175 s 16*](https://www.revisor.mn.gov/laws/?id=175&year=1987&type=0)*;*[*1987 c 266 art 1 s 65*](https://www.revisor.mn.gov/laws/?id=266&year=1987&type=0)*;*[*1989 c 291 art 1 s 29*](https://www.revisor.mn.gov/laws/?id=291&year=1989&type=0)*;*[*1990 c 453 s 19*](https://www.revisor.mn.gov/laws/?id=453&year=1990&type=0)*;*[*2015 c 70 art 1 s 52*](https://www.revisor.mn.gov/laws/?id=70&year=2015&type=0)*,53;*[*2016 c 161 art 1 s 19*](https://www.revisor.mn.gov/laws/?id=161&year=2016&type=0)

## 209.06 Inspection of Ballots. (is amended to read)

## 209.06 Inspection of Ballots and Election Materials

## Subdivision 1. Appointment of inspectors. After a contest has been instituted, either party may have the ballots and election materials inspected before preparing for trial. The party requesting an inspection shall file with the district court where the contest is brought a verified petition, stating that the case cannot properly be prepared for trial without an inspection of the ballots and election materials and designating the precincts in which an inspection is desired. A judge of the court in which the contest is pending shall then appoint as many sets of three inspectors for a contest of any office or question as are needed to count and inspect the ballots and election materials expeditiously. One inspector must be selected by each of the parties to the contest and a third must be chosen by those two inspectors. If either party neglects or refuses to name an inspector, the judge shall appoint the inspector. The compensation of inspectors is the same as for referees, unless otherwise stipulated.

## Subd. 2.Bond, taxing of costs. The party applying for the inspection shall file with the court administrator of district court a bond in the sum of $250 if the contest is in a single county. In other cases the bond shall be in a sum set by the court with sureties approved by the court, and conditioned that the party seeking inspection will pay the administrative costs and expenses of the inspection if that party loses the contest or fails to identify a violation of election law occurred. If a violation of election law did occur, the administrative costs and expenses of the inspection shall be paid by the county, municipality or school district responsible for the oversight of the election in which the violations occurred.

## Subd. 3.Report of inspectors. An inspection must be made in the office and in the presence of the legal custodian of the ballots and election materials. In a contest challenging the total vote count t~~T~~he inspectors shall recanvass the votes cast for the parties to the contest or the question in issue in accordance with the rules for counting ballots in the Minnesota Election Law. They shall make a written report of the inspection indicating the number of votes cast for each candidate or each side of the question in each precinct where the ballots were inspected and indicating any disputed ballots upon which the inspectors cannot agree. In a contest that alleges a material violation of election law, the inspectors shall examine the election materials, including but not limited to rosters, SVRS data, outer and signature envelopes, flash drives and routers, necessary to address the allegations brought forward.

## History:

[*1959 c 675 art 10 s 9*](https://www.revisor.mn.gov/laws/?id=675&year=1959&type=0)*;*[*1961 c 607 s 5*](https://www.revisor.mn.gov/laws/?id=607&year=1961&type=0)*;*[*1986 c 408 s 7*](https://www.revisor.mn.gov/laws/?id=408&year=1986&type=0)*;*[*1Sp1986 c 3 art 1 s 82*](https://www.revisor.mn.gov/laws/?id=3&year=1986&type=1)