

Senators Higgins, Marty, Wiger, Pariseau and Kleis introduced--
S.F. No. 290: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; setting standards for and
3 providing for the acquisition of voting systems;
4 appropriating money from the Help America Vote Act
5 account; amending Minnesota Statutes 2004, section
6 206.80; proposing coding for new law in Minnesota
7 Statutes, chapter 206.

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

9 Section 1. [206.585] [STATE VOTING SYSTEMS CONTRACT.]

10 The secretary of state, in cooperation with the
11 commissioner of administration, shall establish a state voting
12 systems contract. The contract should, if practical, include
13 provisions for maintenance of the equipment purchased. Bids for
14 voting systems and related election services must be solicited
15 from each vendor selling or leasing voting systems that have
16 been certified for use by the secretary of state. The contract
17 must be renewed no later than July 1 of each odd-numbered year.
18 Counties and municipalities may purchase or lease voting systems
19 and obtain related election services from the state contract.

20 Sec. 2. Minnesota Statutes 2004, section 206.80, is
21 amended to read:

22 206.80 [ELECTRONIC VOTING SYSTEMS.]

23 (a) An electronic voting system may not be employed unless
24 it:

25 (1) permits every voter to vote in secret;

26 (2) permits every voter to vote for all candidates and

1 questions for whom or upon which the voter is legally entitled
2 to vote;

3 (3) provides for write-in voting when authorized;

4 (4) rejects by means of the automatic tabulating equipment,
5 except as provided in section 206.84 with respect to write-in
6 votes, all votes for an office or question when the number of
7 votes cast on it exceeds the number which the voter is entitled
8 to cast;

9 (5) permits a voter at a primary election to select
10 secretly the party for which the voter wishes to vote; and

11 (6) rejects, by means of the automatic tabulating
12 equipment, all votes cast in a primary election by a voter when
13 the voter votes for candidates of more than one party; and

14 (7) provides every voter an opportunity to verify votes and
15 to change votes or correct any error before the voter's ballot
16 is cast and counted, produces a permanent paper record of the
17 ballot cast by the voter, and preserves the paper record as an
18 official record available for use in any recount.

19 (b) An electronic voting system purchased on or after the
20 effective date of this section may not be employed unless it
21 accepts and tabulates, in the precinct or at a counting center,
22 a marked optical scan ballot or creates a marked optical scan
23 ballot that can be tabulated in the precinct or at a counting
24 center by an optical scan machine certified for use in this
25 state.

26 Sec. 3. [APPROPRIATIONS.]

27 Subdivision 1. [ASSISTED VOTING EQUIPMENT.] \$18,000,000 is
28 appropriated from the Help America Vote Act account to the
29 secretary of state for grants to counties to purchase electronic
30 voting systems equipped for individuals with disabilities that
31 meet the requirements of Minnesota Statutes, section 206.80, and
32 have been certified by the secretary of state under Minnesota
33 Statutes, section 206.57. The secretary of state shall make a
34 grant to each county in the amount of \$4,400 times the number of
35 polling places in the county as certified by the county, which
36 must not be more than the number of polling places used by the

1 county in the state general election of 2004. Each polling
2 place used after January 1, 2006, must be equipped with an
3 electronic voting system equipped for individuals with
4 disabilities.

5 Subd. 2. [OPTICAL SCAN EQUIPMENT; OPERATING COSTS.] (a)
6 \$18,000,000 is appropriated from the Help America Vote Act
7 account to the secretary of state for grants to counties to
8 purchase optical scan voting systems that meet the requirements
9 of Minnesota Statutes, section 206.80, and have been certified
10 by the secretary of state under Minnesota Statutes, section
11 206.57, and to pay for operating costs of the systems purchased
12 under this subdivision or subdivision 1. The amount allocated
13 to each county must be in proportion to the number of polling
14 places used by the county in the state general election of 2004.

15 (b) "Operating costs" may include county and municipal
16 costs for hardware maintenance, election day technical support,
17 software licensing, voting system testing, training of county or
18 municipal staff in the use of the voting system, transportation
19 of the voting systems to and from the polling places, and
20 storage of the voting systems between elections. Total annual
21 operating costs of a county or municipality may not exceed \$450
22 per polling place.

23 (c) To receive a grant, a county must apply to the
24 secretary of state on forms prescribed by the secretary of state
25 that set forth how the grant money will be spent. A county may
26 submit more than one grant application, so long as the
27 appropriation remains available and the total amount granted to
28 the county does not exceed the county's allocation.

29 Subd. 3. [LOCAL EQUIPMENT PLANS.] (a) The county auditor
30 shall convene a working group of the city and town election
31 officials in each county to create a local equipment plan. The
32 working group must continue to meet until the plan is completed,
33 which must be no later than June 30, 2005. The plan must:

34 (1) contain procedures to implement assisted voting
35 technology for use by disabled voters in each polling location;

36 (2) define who is responsible for any capital or operating

1 costs related to election equipment not covered by federal money
2 from the Help America Vote Act account; and

3 (3) outline how the grants under subdivisions 1 and 2 will
4 be spent.

5 (b) A county plan must provide funding to purchase
6 precinct-based optical scan equipment for any polling place
7 whose city or town requests it, if the requesting city or town
8 agrees with the county on who will be responsible for operating
9 and replacement costs related to the use of the precinct-based
10 equipment.

11 (c) The county board of commissioners must adopt the local
12 equipment plan after a public hearing. Money from the Help
13 America Vote Act account may not be expended until the plan is
14 adopted. The county auditor shall file the adopted local
15 equipment plan with the secretary of state.

16 Subd. 4. [REPORT.] Each county receiving a grant under
17 subdivision 1 or 2 must report to the secretary of state by
18 January 15, 2006, the amount spent for the purchase of each kind
19 of electronic voting system and for operating costs of the
20 systems purchased. The secretary of state shall compile this
21 information and report it to the legislature by February 15,
22 2006.

23 Subd. 5. [AVAILABILITY.] The appropriations in this
24 section are available until June 30, 2009.

25 Sec. 4. [MAIL BALLOTING.]

26 Nothing in this act is intended to preclude the use of mail
27 balloting in those precincts where it is allowed under state law.

28 Sec. 5. [EFFECTIVE DATE.]

29 This act is effective the day following final enactment.

1 Senator moves to amend S.F. No. 290 as follows:

2 Page 2, line 20, after "it" insert ":

3 (1) has a firmware option that supports cumulative voting

4 and ranked order voting; and

5 (2)"

ROLL CALL VOTE

Date: January, 26, 2005

Senator Limmer requested a **Roll Call Vote** on:

1. adoption of A-1 amendment - S.F. 290
2. passage of . F. No.
3. adoption of motion

SENATOR	YES	NO	PASS	ABSENT
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Higgins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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1 Senator moves to amend S.F. No. 290 as follows:

2 Page 3, line 1, before the period, insert "plus \$4,400 to
3 purchase an electronic voting system to be used by the county
4 auditor for absentee and mail balloting"

5 Page 3, lines 13 and 14, delete "polling place" and insert "
6 precinct"

1 Senator moves to amend S.F. No. 290 as follows:

2 Page 1, line 10, before "The" insert "Subdivision 1.

3 [CONTRACT REQUIRED.]"

4 Page 1, line 13, after the period, insert "The contract
5 must give the state a perpetual license to use and modify the
6 software. The contract must include provisions for escrow of
7 the software source code, as provided in subdivision 2."

8 Page 1, after line 19, insert:

9 "Subd. 2. [ESCROW OF SOURCE CODE.] The contract must
10 require the voting system vendor to provide a copy of the source
11 code for the voting system to an independent third-party
12 evaluator selected by the vendor, the secretary of state, and
13 the chairs of the major political parties. The evaluator must
14 examine the source code and certify to the secretary of state
15 that the voting system will record and count votes as
16 represented by the vendor. Source code that is trade secret
17 information must be treated as nonpublic information, in
18 accordance with section 13.37. Each major political party may
19 designate an agent to examine the source code to verify that the
20 voting system will record and count votes as represented by the
21 vendor; the agent must not disclose the source code to anyone
22 else."

1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 290: A bill for an act relating to elections;
4 setting standards for and providing for the acquisition of
5 voting systems; appropriating money from the Help America Vote
6 Act account; amending Minnesota Statutes 2004, section 206.80;
7 proposing coding for new law in Minnesota Statutes, chapter 206.

8 Reports the same back with the recommendation that the bill
9 be amended as follows:

10 Page 1, line 10, before "The" insert "Subdivision 1.

11 [CONTRACT REQUIRED.]"

12 Page 1, line 13, after the period, insert "The contract
13 must give the state a perpetual license to use and modify the
14 software. The contract must include provisions for escrow of
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23 that the voting system will record and count votes as
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26 accordance with section 13.37. Each major political party may
27 designate an agent to examine the source code to verify that the
28 voting system will record and count votes as represented by the
29 vendor; the agent must not disclose the source code to anyone
30 else."

31 Page 2, line 14, after "votes" insert "electronically"

32 Page 2, line 20, after "it" insert ":

33 (1) has a firmware option that supports cumulative voting
34 and ranked order voting; and

35 (2)"

36 Page 3, line 1, before the period, insert ", plus \$4,400 to
37 purchase an electronic voting system to be used by the county
38 auditor for absentee and mail balloting"

39 Page 3, lines 13 and 14, delete "polling places" and insert

Senator Wimmer moves to amend S.F. 290 as introduced as follows:

Page 2, line 14, after "to" insert "have the electronic voting system"

Sen. Higgs

amend pg. 2 ln 14 after "votes" insert
"electronically" — carried

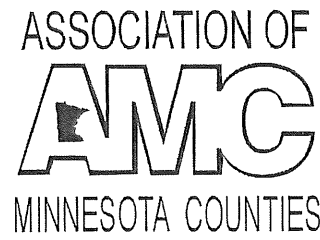
1 "precincts"

2 And when so amended the bill do pass and be re-referred to
3 the Committee on Finance. Amendments adopted. Report adopted.

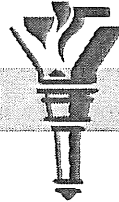
4

5
6 (Committee Chair)

7
8 January 26, 2005.....
9 (Date of Committee recommendation)



Minnesota School



Boards Association

January 6, 2005

Honorable Steve Sviggum
Speaker of the House
Minnesota House of Representatives
463 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Honorable Matt Entenza
Minority Leader
Minnesota House of Representatives
267 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Honorable Dean Johnson
Majority Leader
Minnesota State Senate
208 Capitol Building
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Honorable Dick Day
Minority Leader
Minnesota State Senate
147 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
Saint Paul, MN 55155

Dear Speaker Sviggum, Senator Johnson, Representative Entenza, and Senator Day:

Minnesota has a unique opportunity to make improvements to its election equipment in 2005. The federal Help America Vote Act money, if spent efficiently and wisely, will allow Minnesota to continue to be a national leader in election administration.

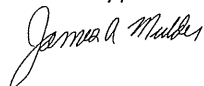
With that in mind, individuals representing the local government units that under Minnesota law are charged with the administration and funding of elections have worked on a legislative proposal that appropriates the federal funding. The proposal included with this letter has the complete support of the Association of Minnesota Counties (AMC), the League of Minnesota Cities (LMC), the Minnesota Association of Townships (MAT), and the Minnesota School Boards Association (MSBA).

The proposal places the purchase and operation of assisted voting equipment for disabled voters for each polling place in Minnesota as its top priority. Eighteen million dollars is appropriated for this purpose. Another \$18 million is appropriated for the purchase or replacement of precinct-based optical scan vote counting equipment and central count equipment. This funding is also made available to cover operational and maintenance costs that will be associated with all election equipment. The funding is divided among the counties based on the number of precincts utilized in the 2004 general election.

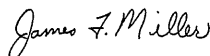
You will note the proposal requires the counties, cities, and towns to meet and adopt local equipment plans, all of which will be required to meet both federal HAVA requirements and state law. The local solutions adopted will allow for the most efficient and effective use of these one-time federal dollars.

We look forward to working with the legislature to pass this legislation early in the 2005 session so there is ample time to do all that is required to have this equipment in place by the January 2006 deadline.

Sincerely,



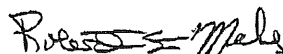
James A. Mulder
Association of Minnesota Counties



James F. Miller
League of Minnesota Cities



David A. Fricke
Minnesota Association of Townships



Robert Meeks
Minnesota School Board Association

CC: Mary Kiffmeyer, Secretary of State
Patrick O'Connor, Minnesota Association of County Officials

Enclosure

S.F. 290

County	Precincts	% of State		Amount for AVT			# of registered voters	Per Registered Voter		Central Count	Hand Count	Precinct Count	Mail Ballot	\$ per polling location
		Total	Grant \$18 m	machine	Total Grant									
Aitkin	61	1.4856%	\$ 267,413.54	\$ 272,800.00	\$ 540,213.54	11,003	\$ 49.10	0	48	13	0	\$ 8,855.96		
Anoka	120	2.9226%	\$ 526,059.43	\$ 532,400.00	\$ 1,058,459.43	186,730	\$ 5.67	0	0	120	0	\$ 8,820.50		
Becker	46	1.1203%	\$ 201,656.11	\$ 206,800.00	\$ 408,456.11	19,144	\$ 21.34	31	7	8	0	\$ 8,879.48		
Beltrami	62	1.5100%	\$ 271,797.37	\$ 198,000.00	\$ 469,797.37	23,373	\$ 20.10	55	0	7	18	\$ 10,677.21		
Benton	30	0.7306%	\$ 131,514.86	\$ 123,200.00	\$ 254,714.86	21,728	\$ 11.72	4	7	19	3	\$ 9,433.88		
Big Stone	23	0.5602%	\$ 100,828.06	\$ 52,800.00	\$ 153,628.06	3,443	\$ 44.62	0	23	0	12	\$ 13,966.19		
Blue Earth	54	1.3151%	\$ 236,726.74	\$ 228,800.00	\$ 465,526.74	37,575	\$ 12.39	54	0	0	3	\$ 9,127.98		
Brown	32	0.7793%	\$ 140,282.51	\$ 145,200.00	\$ 285,482.51	16,864	\$ 16.93	32	0	0	0	\$ 8,921.33		
Carlton	39	0.9498%	\$ 170,969.31	\$ 123,200.00	\$ 294,169.31	19,848	\$ 14.82	38	0	1	12	\$ 10,895.16		
Carver	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	52,381	\$ 5.62	0	0	33	0	\$ 8,917.16		
Cass	72	1.7535%	\$ 315,635.66	\$ 193,600.00	\$ 509,235.66	18,926	\$ 26.90	66	0	6	29	\$ 11,842.69		
Chippewa	23	0.5602%	\$ 100,828.06	\$ 105,600.00	\$ 206,428.06	7,719	\$ 26.74	19	0	4	0	\$ 8,975.13		
Chisago	23	0.5602%	\$ 100,828.06	\$ 105,600.00	\$ 206,428.06	30,422	\$ 6.79	0	0	23	0	\$ 8,975.13		
Clay	54	1.3151%	\$ 236,726.74	\$ 242,000.00	\$ 478,726.74	33,248	\$ 14.40	23	0	31	0	\$ 8,865.31		
Clearwater	29	0.7063%	\$ 127,131.03	\$ 105,600.00	\$ 232,731.03	5,291	\$ 43.99	0	29	0	6	\$ 10,118.74		
Cook County	12	0.2923%	\$ 52,605.94	\$ 22,000.00	\$ 74,605.94	3,645	\$ 20.47	12	0	0	8	\$ 18,651.49		
Cottonwood	29	0.7063%	\$ 127,131.03	\$ 132,000.00	\$ 259,131.03	7,429	\$ 34.88	29	0	0	0	\$ 8,935.55		
Crow Wing	59	1.4369%	\$ 258,645.88	\$ 224,400.00	\$ 483,045.88	36,124	\$ 13.37	15	0	44	9	\$ 9,660.92		
Dakota	135	3.2879%	\$ 591,816.85	\$ 598,400.00	\$ 1,190,216.85	231,375	\$ 5.14	0	0	135	0	\$ 8,816.42		
Dodge	19	0.4627%	\$ 83,292.74	\$ 88,000.00	\$ 171,292.74	11,684	\$ 14.66	17	0	2	0	\$ 9,015.41		
Douglas	36	0.8768%	\$ 157,817.83	\$ 162,800.00	\$ 320,617.83	22,336	\$ 14.35	0	0	36	0	\$ 8,906.05		
Fairbault	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	9,847	\$ 29.88	27	0	6	0	\$ 8,917.16		
Fillmore	37	0.9011%	\$ 162,201.66	\$ 167,200.00	\$ 329,401.66	13,900	\$ 23.70	37	0	0	0	\$ 8,902.75		
Freeborn	40	0.9742%	\$ 175,353.14	\$ 180,400.00	\$ 355,753.14	22,556	\$ 15.77	10	0	30	0	\$ 8,893.83		
Goodhue	44	1.0716%	\$ 192,888.46	\$ 198,000.00	\$ 390,888.46	30,372	\$ 12.87	19	0	25	0	\$ 8,883.83		
Grant	23	0.5602%	\$ 100,828.06	\$ 105,600.00	\$ 206,428.06	4,518	\$ 45.69	0	23	0	0	\$ 8,975.13		
Hennepin	422	10.2776%	\$ 1,849,975.65	\$ 1,861,200.00	\$ 3,711,175.65	740,300	\$ 5.01	0	0	422	0	\$ 8,794.26		
Houston	27	0.6576%	\$ 118,363.37	\$ 123,200.00	\$ 241,563.37	13,186	\$ 18.32	27	0	0	0	\$ 8,946.79		
Hubbard	34	0.8281%	\$ 149,050.17	\$ 136,400.00	\$ 285,450.17	13,170	\$ 21.67	34	0	0	4	\$ 9,515.01		
Isanti	17	0.4140%	\$ 74,525.09	\$ 79,200.00	\$ 153,725.09	22,039	\$ 6.98	0	0	17	0	\$ 9,042.65		
Itasca	80	1.9484%	\$ 350,706.28	\$ 220,000.00	\$ 570,706.28	26,778	\$ 21.31	67	0	13	31	\$ 11,647.07		
Jackson	30	0.7306%	\$ 131,514.86	\$ 136,400.00	\$ 267,914.86	6,808	\$ 39.35	30	0	0	0	\$ 8,930.50		
Kanabec	21	0.5114%	\$ 92,060.40	\$ 96,800.00	\$ 188,860.40	9,511	\$ 19.86	21	0	0	0	\$ 8,993.35		
Kandiyohi	47	1.1447%	\$ 206,039.94	\$ 211,200.00	\$ 417,239.94	25,326	\$ 16.47	47	0	0	0	\$ 8,877.45		
Kittson	38	0.9255%	\$ 166,585.48	\$ 39,600.00	\$ 206,185.48	3,138	\$ 65.71	38	0	0	30	\$ 25,773.19		
Koochiching	35	0.8524%	\$ 153,434.00	\$ 132,000.00	\$ 285,434.00	8,253	\$ 34.59	0	27	8	6	\$ 9,842.55		
Lac Quil Parle	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	5,194	\$ 56.66	0	33	0	0	\$ 8,917.16		
Lake County	18	0.4384%	\$ 78,908.91	\$ 79,200.00	\$ 158,108.91	8,043	\$ 19.66	18	0	0	1	\$ 9,300.52		
Lake of the Woods	15	0.3653%	\$ 65,757.43	\$ 13,200.00	\$ 78,957.43	2,789	\$ 28.31	13	0	2	13	\$ 39,478.71		
Le Sueur	29	0.7063%	\$ 127,131.03	\$ 132,000.00	\$ 259,131.03	16,380	\$ 15.82	29	0	0	0	\$ 8,935.55		
Lincoln	20	0.4871%	\$ 87,676.57	\$ 92,400.00	\$ 180,076.57	3,890	\$ 46.29	20	0	0	0	\$ 9,003.83		
Lyon	33	0.8037%	\$ 144,666.34	\$ 145,200.00	\$ 289,866.34	15,683	\$ 18.48	30	0	3	1	\$ 9,058.32		
Mahnomen	19	0.4627%	\$ 83,292.74	\$ 74,800.00	\$ 158,092.74	3,096	\$ 51.06	0	19	0	3	\$ 9,880.80		
Marshall	60	1.4613%	\$ 263,029.71	\$ 268,400.00	\$ 531,429.71	6,259	\$ 84.91	0	60	0	0	\$ 8,857.16		
Martin County	37	0.9011%	\$ 162,201.66	\$ 162,800.00	\$ 325,001.66	13,160	\$ 24.70	29	0	8	1	\$ 9,027.82		
McLeod	28	0.6819%	\$ 122,747.20	\$ 127,600.00	\$ 250,347.20	21,094	\$ 11.87	7	0	21	0	\$ 8,940.97		

County	Precincts	% of State Total	Grant \$18 m	Amount for AVT machine	Total Grant	# of registered voters	Per Registered Voter	Central Count	Hand Count	Precinct Count	Mail Ballot	\$ per polling location
Meeker	30	0.7306%	\$ 131,514.86	\$ 136,400.00	\$ 267,914.86	14,240	\$ 18.81	29	0	1	0	\$ 8,930.50
Mille Lacs	25	0.6089%	\$ 109,595.71	\$ 114,400.00	\$ 223,995.71	15,325	\$ 14.62	23	0	2	0	\$ 8,959.83
Morrison	49	1.1934%	\$ 214,807.60	\$ 171,600.00	\$ 386,407.60	19,686	\$ 19.63	49	0	0	11	\$ 10,168.62
Mower	39	0.9498%	\$ 170,969.31	\$ 176,000.00	\$ 346,969.31	23,197	\$ 14.96	0	33	6	0	\$ 8,896.65
Murray	29	0.7063%	\$ 127,131.03	\$ 132,000.00	\$ 259,131.03	5,469	\$ 47.38	29	0	0	0	\$ 8,935.55
Nicollet	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	20,919	\$ 14.07	33	0	0	0	\$ 8,917.16
Nobles	40	0.9742%	\$ 175,353.14	\$ 180,400.00	\$ 355,753.14	11,230	\$ 31.68	40	0	0	0	\$ 8,893.83
Norman	33	0.8037%	\$ 144,666.34	\$ 127,600.00	\$ 272,266.34	4,485	\$ 60.71	0	31	2	5	\$ 9,723.80
Olmsted	75	1.8266%	\$ 328,787.14	\$ 334,400.00	\$ 663,187.14	81,042	\$ 8.18	1	0	74	0	\$ 8,842.50
Otter Tail	91	2.2163%	\$ 398,928.40	\$ 404,800.00	\$ 803,728.40	35,750	\$ 22.48	41	0	50	0	\$ 8,832.18
Pennington	34	0.8281%	\$ 149,050.17	\$ 154,000.00	\$ 303,050.17	8,239	\$ 36.78	21	0	13	0	\$ 8,913.24
Pine	47	1.1447%	\$ 206,039.94	\$ 211,200.00	\$ 417,239.94	17,698	\$ 23.58	0	45	2	0	\$ 8,877.45
Pipestone	22	0.5358%	\$ 96,444.23	\$ 96,800.00	\$ 193,244.23	5,904	\$ 32.73	19	0	3	1	\$ 9,202.11
Polk	82	1.9971%	\$ 359,473.94	\$ 294,800.00	\$ 654,273.94	16,520	\$ 39.60	75	0	7	16	\$ 9,913.24
Pope	30	0.7306%	\$ 131,514.86	\$ 136,400.00	\$ 267,914.86	7,705	\$ 34.77	0	20	10	0	\$ 8,930.50
Ramsey	178	4.3351%	\$ 780,321.48	\$ 787,600.00	\$ 1,567,921.48	308,978	\$ 5.07	0	0	178	0	\$ 8,808.55
Red Lake	21	0.5114%	\$ 92,060.40	\$ 96,800.00	\$ 188,860.40	2,275	\$ 83.02	0	21	0	0	\$ 8,993.35
Redwood	43	1.0472%	\$ 188,504.63	\$ 193,600.00	\$ 382,104.63	9,480	\$ 40.31	40	0	3	0	\$ 8,886.15
Renville	37	0.9011%	\$ 162,201.66	\$ 167,200.00	\$ 329,401.66	9,893	\$ 33.30	37	0	0	0	\$ 8,902.75
Rice	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	37,872	\$ 7.77	0	0	33	0	\$ 8,917.16
Rock	24	0.5845%	\$ 105,211.89	\$ 110,000.00	\$ 215,211.89	5,998	\$ 35.88	24	0	0	0	\$ 8,967.16
Roseau	44	1.0716%	\$ 192,888.46	\$ 180,400.00	\$ 373,288.46	9,257	\$ 40.32	0	40	4	4	\$ 9,332.21
Scott	40	0.9742%	\$ 175,353.14	\$ 180,400.00	\$ 355,753.14	62,558	\$ 5.69	0	0	40	0	\$ 8,893.83
Sherburne	29	0.7063%	\$ 127,131.03	\$ 132,000.00	\$ 259,131.03	47,327	\$ 5.48	0	0	29	0	\$ 8,935.55
Sibley	24	0.5845%	\$ 105,211.89	\$ 110,000.00	\$ 215,211.89	9,374	\$ 22.96	0	0	24	0	\$ 8,967.16
St. Louis	187	4.5543%	\$ 819,775.94	\$ 752,400.00	\$ 1,572,175.94	136,683	\$ 11.50	19	80	88	17	\$ 9,248.09
Stearns	102	2.4842%	\$ 447,150.51	\$ 453,200.00	\$ 900,350.51	90,226	\$ 9.98	0	18	84	0	\$ 8,826.97
Steele	26	0.6332%	\$ 113,979.54	\$ 118,800.00	\$ 232,779.54	20,953	\$ 11.11	26	0	0	0	\$ 8,953.06
Stevens	25	0.6089%	\$ 109,595.71	\$ 114,400.00	\$ 223,995.71	7,452	\$ 30.06	0	20	5	0	\$ 8,959.83
Swift	31	0.7550%	\$ 135,898.68	\$ 140,800.00	\$ 276,698.68	6,639	\$ 41.68	0	29	2	0	\$ 8,925.76
Todd	38	0.9255%	\$ 166,585.48	\$ 171,600.00	\$ 338,185.48	14,200	\$ 23.82	38	0	0	0	\$ 8,899.62
Traverse	20	0.4871%	\$ 87,676.57	\$ 92,400.00	\$ 180,076.57	2,434	\$ 73.98	0	13	7	0	\$ 9,003.83
Wabasha	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	13,922	\$ 21.14	19	0	14	0	\$ 8,917.16
Wadena	24	0.5845%	\$ 105,211.89	\$ 110,000.00	\$ 215,211.89	7,881	\$ 27.31	0	14	10	0	\$ 8,967.16
Waseca	22	0.5358%	\$ 96,444.23	\$ 101,200.00	\$ 197,644.23	11,280	\$ 17.52	22	0	0	0	\$ 8,983.83
Washington	84	2.0458%	\$ 368,241.60	\$ 374,000.00	\$ 742,241.60	148,925	\$ 4.98	0	1	83	0	\$ 8,836.21
Watonwan	21	0.5114%	\$ 92,060.40	\$ 79,200.00	\$ 171,260.40	6,362	\$ 26.92	0	18	3	4	\$ 10,074.14
Wilkin	31	0.7550%	\$ 135,898.68	\$ 140,800.00	\$ 276,698.68	4,139	\$ 66.85	0	0	31	0	\$ 8,925.76
Winona	47	1.1447%	\$ 206,039.94	\$ 211,200.00	\$ 417,239.94	33,300	\$ 12.53	47	0	0	0	\$ 8,877.45
Wright	39	0.9498%	\$ 170,969.31	\$ 176,000.00	\$ 346,969.31	65,448	\$ 5.30	0	7	32	0	\$ 8,896.65
Yellow Medicine	33	0.8037%	\$ 144,666.34	\$ 149,600.00	\$ 294,266.34	6,520	\$ 45.13	0	28	5	0	\$ 8,917.16
Total	4106	100.0000%	\$ 18,000,000.00	\$ 17,358,000.00	\$ 35,358,000.00	3,193,437	\$ 11.07	1530	694	1882	248	\$ 9,164.85

Senators Higgins, Scheid, Pappas, Kleis and Senjem introduced--
S.F. No. 359: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; allowing campaign workers
3 access to multiple unit dwellings unaccompanied by a
4 candidate; amending Minnesota Statutes 2004, section
5 211B.20, subdivision 1.

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

7 Section 1. Minnesota Statutes 2004, section 211B.20,
8 subdivision 1, is amended to read:

9 Subdivision 1. [PROHIBITION.] It is unlawful for a person,
10 either directly or indirectly, to deny access to an apartment
11 house, dormitory, nursing home, manufactured home park, other
12 multiple unit facility used as a residence, or an area in which
13 two or more single-family dwellings are located on private
14 roadways to a candidate who has filed for election to public
15 office or to a campaign workers-accompanied-by-the
16 candidate worker, if the candidate and-workers or worker seeking
17 admittance to the facility ~~do~~ does so solely for the purpose of
18 campaigning. A violation of this section is a petty misdemeanor.

1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 359: A bill for an act relating to elections;
4 allowing campaign workers access to multiple unit dwellings
5 unaccompanied by a candidate; amending Minnesota Statutes 2004,
6 section 211B.20, subdivision 1.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Page 1, line 18, after "campaigning" insert "for a
10 candidate or ballot question, registering voters, or getting out
11 the vote"

12 And when so amended the bill do pass. Amendments adopted.
13 Report adopted.

14
15 (Committee Chair)

16
17 January 26, 2005.....
18 (Date of Committee recommendation)

Senate Counsel & Research

G-17 STATE CAPITOL
75 REV. DR. MARTIN LUTHER KING JR. BLVD.
ST. PAUL, MN 55155-1606
(651) 296-4791
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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

COUNSEL

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LEGISLATIVE ANALYSTS

DAVID GIEL
GREGORY C. KNOPFF
MATTHEW GROSSER
DANIEL L. MUELLER
JACK PAULSON
CHRIS L. TURNER
AMY M. VENNEWITZ
MAJA WEIDMANN

S.F. No. 385 - Absentee Ballot

Author: Senator John Marty

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *PK*

Date: January 21, 2005

S.F. No. 385 is designed to make it easier to vote by absentee ballot. It authorizes any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence to vote by absentee ballot, and it authorizes a voter to request that an absentee ballot be sent to the voter using a commercial shipper at the voter's expense.

The substance of S.F. No. 385 has passed the Senate in other forms in previous sessions. It passed the Senate as part of S.F. No. 1483 during the 1994 session but died on General Orders in the House of Representatives. It also passed as part of S.F. No. 35 in the 1995 session but again died on General Orders in the House. In 1997, it passed as part of S.F. No. 78 but was vetoed by the Governor because of other provisions that allowed hospital patients to vote by fax. In 1998, it was presented to the Governor as S.F. No. 2148, which left out the provisions authorizing hospital patients to vote by fax, but was again vetoed by the Governor, this time because it had been supported by only one Republican in the House and "scant more" in the Senate. In 1999, it was introduced as S.F. No. 138, heard and amended in committee, and laid on the table. In 2001, it failed on final passage in the Senate, 32-31. In 2003, it passed the Subcommittee on Elections but was defeated in the Committee on Rules and Administration. In 2004, it was withdrawn from the Committee on Rules and Administration and referred to the Committee on Elections, which passed it to the floor, where it died on General Orders.

Section 1 authorizes any eligible voter to vote by absentee ballot if the voter will be unable to vote in person at the polling place on election day. It strikes the specific reasons a voter must now give for being unable to vote in person.

Section 2 strikes from the absentee ballot application any reference to the reason the voter will be unable to vote in person at the polling place on election day.

Section 3 authorizes a voter to request that an absentee ballot be sent to the voter using a commercial shipper at the voter's expense.

Section 4 authorizes a voter who is disabled or a participant in a residential program for adults licensed by the Commissioner of Human Services to designate an agent to deliver absentee ballots to the voter and return them by 3:00 p.m. on election day. The agent may deliver ballots to no more than three persons in an election.

PSW:ph

Senators Marty, Higgins and Wiger introduced--
S.F. No. 385: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; making it easier to vote by
3 absentee ballot; amending Minnesota Statutes 2004,
4 sections 203B.02, subdivision 1; 203B.04, subdivision
5 1; 203B.06, subdivision 3; 203B.11, subdivision 4.

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

7 Section 1. Minnesota Statutes 2004, section 203B.02,
8 subdivision 1, is amended to read:

9 Subdivision 1. [~~UNABLE-TO-GO-TO-POLLING-PLACE~~ ELIGIBILITY
10 FOR ABSENTEE VOTING.] Any eligible voter who reasonably expects
11 to be unable to go to the polling place on election day in the
12 precinct where the individual maintains residence because of
13 ~~absence-from-the-precinct,-illness,-disability,-religious~~
14 ~~discipline,-observance-of-a-religious-holiday,-or-service-as-an~~
15 ~~election-judge-in-another-precinct~~ may vote by absentee ballot
16 as provided in sections 203B.04 to 203B.15.

17 Sec. 2. Minnesota Statutes 2004, section 203B.04,
18 subdivision 1, is amended to read:

19 Subdivision 1. [APPLICATION PROCEDURES.] Except as
20 otherwise allowed by subdivision 2, an application for absentee
21 ballots for any election may be submitted at any time not less
22 than one day before the day of that election. The county
23 auditor shall prepare absentee ballot application forms in the
24 format provided in the rules of the secretary of state and shall
25 furnish them to any person on request. An application submitted

1 pursuant to this subdivision shall be in writing and shall be
2 submitted to:

3 {a} (1) the county auditor of the county where the
4 applicant maintains residence; or

5 {b} (2) the municipal clerk of the municipality, or school
6 district if applicable, where the applicant maintains residence.

7 An application shall be approved if it is timely received,
8 signed and dated by the applicant, contains the applicant's name
9 and residence and mailing addresses, and states that the
10 applicant is eligible to vote by absentee ballot ~~for one of the~~
11 ~~reasons specified in section 203B.02.~~ The application may
12 contain a request for the voter's date of birth, which must not
13 be made available for public inspection. An application may be
14 submitted to the county auditor or municipal clerk by an
15 electronic facsimile device. An application mailed or returned
16 in person to the county auditor or municipal clerk on behalf of
17 a voter by a person other than the voter must be deposited in
18 the mail or returned in person to the county auditor or
19 municipal clerk within ten days after it has been dated by the
20 voter and no later than six days before the election. The
21 absentee ballot applications or a list of persons applying for
22 an absentee ballot may not be made available for public
23 inspection until the close of voting on election day.

24 An application under this subdivision may contain an
25 application under subdivision 5 to automatically receive an
26 absentee ballot application.

27 Sec. 3. Minnesota Statutes 2004, section 203B.06,
28 subdivision 3, is amended to read:

29 Subd. 3. [DELIVERY OF BALLOTS.] If an application for
30 absentee ballots is accepted at a time when absentee ballots are
31 not yet available for distribution, the county auditor, or
32 municipal clerk accepting the application shall file it and as
33 soon as absentee ballots are available for distribution shall
34 mail them to the address specified in the application. If an
35 application for absentee ballots is accepted when absentee
36 ballots are available for distribution, the county auditor or

1 municipal clerk accepting the application shall promptly:

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

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

7 ~~(b)~~ (3) deliver the absentee ballots directly to the voter
8 if the application is submitted in person; or

9 ~~(c)~~ (4) deliver the absentee ballots in a sealed
10 transmittal envelope to an agent who has been designated to
11 bring the ballots to a voter who is disabled or who is a patient
12 in a health care facility or a participant in a residential
13 program for adults, as provided in section 203B.11, subdivision
14 4.

15 If an application does not indicate the election for which
16 absentee ballots are sought, the county auditor or municipal
17 clerk shall mail or deliver only the ballots for the next
18 election occurring after receipt of the application. Only one
19 set of ballots may be mailed ~~or~~, shipped, or delivered to an
20 applicant for any election, except as provided in section
21 203B.13, subdivision 2, or when a replacement ballot has been
22 requested by the voter for a ballot that has been spoiled or
23 lost in transit.

24 Sec. 4. Minnesota Statutes 2004, section 203B.11,
25 subdivision 4, is amended to read:

26 Subd. 4. [AGENT DELIVERY OF BALLOTS.] During the four days
27 preceding an election and until 2:00 p.m. on election day, an
28 eligible voter who is disabled or who is a patient of a health
29 care facility or is a participant in a residential program for
30 adults licensed under section 245A.02, subdivision 14, may
31 designate an agent to deliver the ballots to the voter from the
32 county auditor or municipal clerk. A candidate at the election
33 may not be designated as an agent. The voted ballots must be
34 returned to the county auditor or municipal clerk no later than
35 3:00 p.m. on election day. The voter must complete an affidavit
36 requesting the auditor or clerk to provide the agent with the

1 ballots in a sealed transmittal envelope. The affidavit must
2 include a statement from the voter stating that the ballots were
3 delivered to the voter by the agent in the sealed transmittal
4 envelope. An agent may deliver ballots to no more than three
5 persons in any election. The secretary of state shall provide
6 samples of the affidavit and transmission envelope for use by
7 the county auditors.

1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 385: A bill for an act relating to elections;
4 making it easier to vote by absentee ballot; amending Minnesota
5 Statutes 2004, sections 203B.02, subdivision 1; 203B.04,
6 subdivision 1; 203B.06, subdivision 3; 203B.11, subdivision 4.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

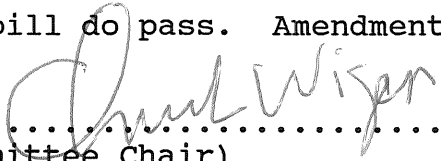
9 Page 1, line 10, strike "who reasonably expects"

10 Page 1, strike line 11

11 Page 1, line 12, strike "precinct where the individual
12 maintains residence"

13 And when so amended the bill do pass. Amendments adopted.
14 Report adopted.

15
16 (Committee Chair)



17
18 January 26, 2005.....
19 (Date of Committee recommendation)

Senator Skoglund introduced--
S.F. No. 153: Referred to the Committee on Elections.

1 A bill for an act
2 relating to elections; requiring presidential electors
3 to vote by public ballot and speak aloud the name of
4 the candidates for whom they are voting; amending
5 Minnesota Statutes 2004, section 208.08.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 2004, section 208.08, is
8 amended to read:
9 208.08 [ELECTORS TO MEET AT STATE CAPITOL.]
10 The original and substituted presidential electors, at
11 12:00 M., shall meet in the executive chamber at the State
12 Capitol and shall perform all the duties imposed upon them as
13 electors by the Constitution and laws of the United States and
14 this state. They shall vote by public ballot and speak aloud
15 the name of the candidate for president and for vice president
16 for whom they are voting.

Senators Skoglund, Wiger, Marko, Pariseau and Fischbach introduced--
S.F. No. 289: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; imposing certain requirements
3 on presidential electors and the secretary of state;
4 amending Minnesota Statutes 2004, section 208.08.

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

6 Section 1. Minnesota Statutes 2004, section 208.08, is
7 amended to read:

8 208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

9 The original and substituted presidential electors, at
10 12:00 M., shall meet in the executive chamber at the State
11 Capitol and shall perform all the duties imposed upon them as
12 electors by the Constitution and laws of the United States and
13 this state. Each elector, as a condition of having been elected
14 under the name of a presidential and a vice-presidential
15 candidate, is obligated to vote for those candidates. The
16 elector shall vote by public ballot and speak aloud the name of
17 the candidate for president and for vice president for whom the
18 elector is voting. If an elector fails to cast a vote for the
19 presidential or vice-presidential candidate under whose name the
20 elector was elected, the elector's vote or abstention is
21 invalidated and the secretary of state automatically becomes an
22 agent for the elector and shall cast a ballot in the name of the
23 elector for the presidential and vice-presidential candidate
24 under whose name the elector was elected. The invalidation of
25 an elector's vote does not apply if the presidential or

1 vice-presidential candidate under whose name the elector was
2 elected has unconditionally released the elector or has died or
3 become mentally disabled.

1 Senator moves to amend S.F. No. 289 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 208.03, is
4 amended to read:

5 208.03 [NOMINATION OF PRESIDENTIAL ELECTORS.]

6 Presidential electors for the major political parties of
7 this state shall be nominated by delegate conventions called and
8 held under the supervision of the respective state central
9 committees of the parties of this state. On or before primary
10 election day the chair of the major political party shall
11 certify to the secretary of state the names of the persons
12 nominated as presidential electors, the names of eight alternate
13 presidential electors, and the names of the party candidates for
14 president and vice-president.

15 Sec. 2. Minnesota Statutes 2004, section 208.04,
16 subdivision 1, is amended to read:

17 Subdivision 1. [FORM OF PRESIDENTIAL BALLOTS.] When
18 presidential electors and alternates are to be voted for, a vote
19 cast for the party candidates for president and vice-president
20 shall be deemed a vote for that party's electors and alternates
21 as filed with the secretary of state. The secretary of state
22 shall certify the names of all duly nominated presidential and
23 vice-presidential candidates to the county auditors of the
24 counties of the state. Each county auditor, subject to the
25 rules of the secretary of state, shall cause the names of the
26 candidates of each major political party and the candidates
27 nominated by petition to be printed in capital letters, set in
28 type of the same size and style as for candidates on the state
29 white ballot, before the party designation. To the left of, and
30 on the same line with the names of the candidates for president
31 and vice-president, near the margin, shall be placed a square or
32 box, in which the voters may indicate their choice by marking an
33 "x."

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

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

4 Sec. 3. Minnesota Statutes 2004, section 208.05, is
5 amended to read:

6 208.05 [STATE CANVASSING BOARD.]

7 The State Canvassing Board at its meeting on the second
8 Tuesday after each state general election shall open and canvass
9 the returns made to the secretary of state for presidential
10 electors and alternates, prepare a statement of the number of
11 votes cast for the persons receiving votes for these offices,
12 and declare the person or persons receiving the highest number
13 of votes for each office duly elected. When it appears that
14 more than the number of persons to be elected as presidential
15 electors or alternates have the highest and an equal number of
16 votes, the secretary of state, in the presence of the board
17 shall decide by lot which of the persons shall be declared
18 elected. The governor shall transmit to each person declared
19 elected a certificate of election, signed by the governor,
20 sealed with the state seal, and countersigned by the secretary
21 of state.

22 Sec. 4. Minnesota Statutes 2004, section 208.06, is
23 amended to read:

24 208.06 [ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.]

25 The presidential electors and alternate presidential
26 electors, before 12:00 M. on the day before that fixed by
27 Congress for the electors to vote for president and
28 vice-president of the United States, shall notify the governor
29 that they are at the State Capitol and ready at the proper time
30 to fulfill their duties as electors. The governor shall deliver
31 to the electors present a certificate of the names of all the
32 electors. If any elector named therein fails to appear before
33 9:00 a.m. on the day, and at the place, fixed for voting for
34 president and vice-president of the United States, an alternate,
35 chosen from among the alternates by lot, shall be appointed to
36 act for that elector. If more than eight alternates are

1 necessary, the electors present shall, in the presence of the
2 governor, immediately elect by ballot a person to fill the
3 vacancy. If more than the number of persons required have the
4 highest and an equal number of votes, the governor, in the
5 presence of the electors attending, shall decide by lot which of
6 those persons shall be elected.

7 Sec. 5. Minnesota Statutes 2004, section 208.07, is
8 amended to read:

9 208.07 [CERTIFICATE OF ELECTORS.]

10 Immediately after the vacancies have been filled, the
11 original electors and alternates present shall certify to the
12 governor the names of the persons elected to complete their
13 number, and the governor shall at once cause written notice to
14 be given to each person elected to fill a vacancy. The persons
15 so chosen shall be presidential electors and shall meet and act
16 with the other electors.

17 Sec. 6. Minnesota Statutes 2004, section 208.08, is
18 amended to read:

19 208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

20 The original, alternate, and substituted presidential
21 electors, at 12:00 M., shall meet in the executive chamber at
22 the State Capitol and shall perform all the duties imposed upon
23 them as electors by the Constitution and laws of the United
24 States and this state.

25 Each elector, as a condition of having been chosen under
26 the name of the party of a presidential and a vice presidential
27 candidate, is obligated to vote for those candidates. The
28 elector shall vote by public ballot and speak aloud the name of
29 the candidate for president and for vice president for whom the
30 elector is voting.

31 If an elector fails to cast a ballot for the presidential
32 or vice presidential candidate of the party under whose name the
33 elector was chosen, the elector's vote or abstention is
34 invalidated and an alternate presidential elector, chosen by lot
35 from among the alternates, shall cast a ballot in the name of
36 the elector for the presidential and vice presidential candidate

1 of the party under whose name the elector was chosen. The
2 invalidation of an elector's vote or abstention on the ballot
3 for president or vice-president does not apply if the
4 presidential candidate under whose party's name the elector was
5 chosen has without condition released the elector or has died or
6 become mentally disabled. The invalidation of an elector's vote
7 or abstention on the ballot for vice-president does not apply if
8 the vice-presidential candidate under whose party's name the
9 elector was chosen has released without condition the elector or
10 has died or become mentally disabled."

11 Delete the title and insert:

12 "A bill for an act

13 relating to presidential electors; providing for
14 alternates and providing certain voting procedures;
15 amending Minnesota Statutes 2004, sections 208.03;
16 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08."

1 Senator moves to amend S.F. No. 289 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 208.08, is
4 amended to read:

5 208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

6 The original and substituted presidential electors, at
7 12:00 M., shall meet in the executive chamber at the State
8 Capitol and shall perform all the duties imposed upon them as
9 electors by the Constitution and laws of the United States and
10 this state.

11 Each elector, as a condition of having been chosen under
12 the name of the party of a presidential and a vice presidential
13 candidate, is obligated to vote for those candidates. The
14 elector shall vote by public ballot and speak aloud the name of
15 the candidate for president and for vice president for whom the
16 elector is voting.

17 If an elector fails to cast a ballot for the presidential
18 or vice presidential candidate of the party under whose name the
19 elector was chosen, the elector's vote or abstention is
20 invalidated and the secretary of state automatically becomes an
21 agent for the elector and shall cast a ballot in the name of the
22 elector for the presidential and vice presidential candidate of
23 the party under whose name the elector was chosen. The
24 invalidation of an elector's vote or abstention on the ballot
25 for president or vice president does not apply if the
26 presidential candidate under whose party's name the elector was
27 chosen has without condition released the elector ^{For the presidential ballot} or has died or
28 become mentally disabled. The invalidation of an elector's vote
29 or abstention on the ballot for vice president does not apply if
30 the vice presidential candidate under whose party's name the
31 elector was chosen ^{without condition} has released the elector ^{For the vice-presidential ballot} or has died or
32 become mentally disabled."

1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 289: A bill for an act relating to elections;
4 imposing certain requirements on presidential electors and the
5 secretary of state; amending Minnesota Statutes 2004, section
6 208.08.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Delete everything after the enacting clause and insert:

10 "Section 1. Minnesota Statutes 2004, section 208.03, is
11 amended to read:

12 208.03 [NOMINATION OF PRESIDENTIAL ELECTORS.]

13 Presidential electors for the major political parties of
14 this state shall be nominated by delegate conventions called and
15 held under the supervision of the respective state central
16 committees of the parties of this state. On or before primary
17 election day the chair of the major political party shall
18 certify to the secretary of state the names of the persons
19 nominated as presidential electors, the names of eight alternate
20 presidential electors, and the names of the party candidates for
21 president and vice-president.

22 Sec. 2. Minnesota Statutes 2004, section 208.04,
23 subdivision 1, is amended to read:

24 Subdivision 1. [FORM OF PRESIDENTIAL BALLOTS.] When
25 presidential electors and alternates are to be voted for, a vote
26 cast for the party candidates for president and vice-president
27 shall be deemed a vote for that party's electors and alternates
28 as filed with the secretary of state. The secretary of state
29 shall certify the names of all duly nominated presidential and
30 vice-presidential candidates to the county auditors of the
31 counties of the state. Each county auditor, subject to the
32 rules of the secretary of state, shall cause the names of the
33 candidates of each major political party and the candidates
34 nominated by petition to be printed in capital letters, set in
35 type of the same size and style as for candidates on the state
36 white ballot, before the party designation. To the left of, and
37 on the same line with the names of the candidates for president
38 and vice-president, near the margin, shall be placed a square or

1 box, in which the voters may indicate their choice by marking an
2 "X."

3 The form for the presidential ballot and the relative
4 position of the several candidates shall be determined by the
5 rules applicable to other state officers. The state ballot,
6 with the required heading, shall be printed on the same piece of
7 paper and shall be below the presidential ballot with a blank
8 space between one inch in width.

9 Sec. 3. Minnesota Statutes 2004, section 208.05, is
10 amended to read:

11 208.05 [STATE CANVASSING BOARD.]

12 The State Canvassing Board at its meeting on the second
13 Tuesday after each state general election shall open and canvass
14 the returns made to the secretary of state for presidential
15 electors and alternates, prepare a statement of the number of
16 votes cast for the persons receiving votes for these offices,
17 and declare the person or persons receiving the highest number
18 of votes for each office duly elected. When it appears that
19 more than the number of persons to be elected as presidential
20 electors or alternates have the highest and an equal number of
21 votes, the secretary of state, in the presence of the board
22 shall decide by lot which of the persons shall be declared
23 elected. The governor shall transmit to each person declared
24 elected a certificate of election, signed by the governor,
25 sealed with the state seal, and countersigned by the secretary
26 of state.

27 Sec. 4. Minnesota Statutes 2004, section 208.06, is
28 amended to read:

29 208.06 [ELECTORS TO MEET AT CAPITOL; FILLING OF VACANCIES.]

30 The presidential electors and alternate presidential
31 electors, before 12:00 M. on the day before that fixed by
32 Congress for the electors to vote for president and
33 vice-president of the United States, shall notify the governor
34 that they are at the State Capitol and ready at the proper time
35 to fulfill their duties as electors. The governor shall deliver
36 to the electors present a certificate of the names of all the

1 electors. If any elector named therein fails to appear before
2 9:00 a.m. on the day, and at the place, fixed for voting for
3 president and vice-president of the United States, an alternate,
4 chosen from among the alternates by lot, shall be appointed to
5 act for that elector. If more than eight alternates are
6 necessary, the electors present shall, in the presence of the
7 governor, immediately elect by ballot a person to fill the
8 vacancy. If more than the number of persons required have the
9 highest and an equal number of votes, the governor, in the
10 presence of the electors attending, shall decide by lot which of
11 those persons shall be elected.

12 Sec. 5. Minnesota Statutes 2004, section 208.07, is
13 amended to read:

14 208.07 [CERTIFICATE OF ELECTORS.]

15 Immediately after the vacancies have been filled, the
16 original electors and alternates present shall certify to the
17 governor the names of the persons elected to complete their
18 number, and the governor shall at once cause written notice to
19 be given to each person elected to fill a vacancy. The persons
20 so chosen shall be presidential electors and shall meet and act
21 with the other electors.

22 Sec. 6. Minnesota Statutes 2004, section 208.08, is
23 amended to read:

24 208.08 [ELECTORS TO MEET AT STATE CAPITOL.]

25 The original, alternate, and substituted presidential
26 electors, at 12:00 M., shall meet in the executive chamber at
27 the State Capitol and shall perform all the duties imposed upon
28 them as electors by the Constitution and laws of the United
29 States and this state.

30 Each elector, as a condition of having been chosen under
31 the name of the party of a presidential and a vice-presidential
32 candidate, is obligated to vote for those candidates. The
33 elector shall speak aloud or affirm in a nonverbal manner the
34 name of the candidate for president and for vice-president for
35 whom the elector is voting and then confirm that vote by written
36 public ballot.

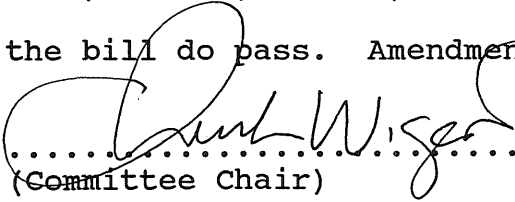
1 If an elector fails to cast a ballot for the presidential
2 or vice-presidential candidate of the party under whose name the
3 elector was chosen, the elector's vote or abstention is
4 invalidated and an alternate presidential elector, chosen by lot
5 from among the alternates, shall cast a ballot in the name of
6 the elector for the presidential and vice-presidential candidate
7 of the party under whose name the elector was chosen. The
8 invalidation of an elector's vote or abstention on the ballot
9 for president or vice-president does not apply if the
10 presidential candidate under whose party's name the elector was
11 chosen has without condition released the elector or has died or
12 become mentally disabled. The invalidation of an elector's vote
13 or abstention on the ballot for vice-president does not apply if
14 the vice-presidential candidate under whose party's name the
15 elector was chosen has released without condition the elector or
16 has died or become mentally disabled."

17 Delete the title and insert:

18 "A bill for an act relating to presidential electors;
19 providing for alternates and providing certain voting
20 procedures; amending Minnesota Statutes 2004, sections 208.03;
21 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08."

22 And when so amended the bill do pass. Amendments adopted.
23 Report adopted.

24
25 (Committee Chair)



26
27 January 26, 2005.....
28 (Date of Committee recommendation)

Senate Elections Committee

Thank you for your participation!
Please sign in!

Name	Organization	Address	Phone	Bill of Interest
Ken Pentel	Volunteer Green Party MN	PO Box 3872 55403	612-387-0601	Sen Marty's SF 290
Thomas J. Keeper	Co-Chair Green Party of MN	4024 Virginia Ave Greenwood 55126	651 235 7007	SF 290
Scott Simmons	AMC	125 Charles Av St. Paul	224 3344	ALL
Luis Botzer	MAEO	26 E. Exchange St. Paul	293 0953	ALL
Jackie Mae	mccL	4244 Nicollet Ave mpls	612 825 6831	ALL
Allan Hancock	Volunteer Green Party	5520 Fremont Ave Brooklyn Center	763-561-9758	SF 290
Chandler Harrison Stevens		203 20th St. SW Austin MN 5590	507-219-7252	SF 283 + SF 289
Marsht Indole & Cross	MSCOD	101 85th Pl Place #107, St Paul MN	297-8120	SP 385

Date Jan 26 2005

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S.F. No. 290 - Voting Equipment Appropriation

Author: Senator Linda Higgins

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *psw*

Date: January 21, 2005

S.F. No. 290 appropriates \$36 million from the Help America Vote Act account: \$18 million to purchase voting equipment to comply with the mandate of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (Oct. 29, 2002) (HAVA) that every polling place be equipped with a voting machine that permits people with disabilities to vote in private without assistance, and \$18 million to purchase optical scan voting equipment and pay for operating costs of voting equipment. The Consolidated Appropriations Act, 2004, Public Law 108-199 (Jan. 23, 2004) appropriated \$1.5 billion of federal money to fund the HAVA requirements. Minnesota's share is \$39,178,788, which has been deposited in the HAVA account in the state treasury created by Laws 2003, First Special Session chapter 7. These appropriations are made from that account.

Section 1 directs the Secretary of State, in cooperation with the Commissioner of Administration, to establish a state voting systems contract from which counties and municipalities may purchase or lease voting systems and obtain related election services.

Section 2 implements the requirement of HAVA, section 301(a)(2)(B), that:

- (i) The voting system shall produce a permanent paper record with a manual audit capacity for such system.
- (ii) The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(iii) The paper record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election in which the system is used.

It also imposes a requirement that an electronic voting system purchased on or after the effective date of this section may not be employed unless it accepts and tabulates in the precinct or at a counting center a marked optical scan ballot or creates a marked optical scan ballot that can be tabulated in the precinct or at a counting center by an optical scan machine that has been certified for use in this State.

Section 3 contains the appropriations.

Subdivision 1 appropriates \$18 million from the HAVA account for grants to counties to purchase electronic voting systems equipped for individuals with disabilities. The amount of the grant to each county is \$4,400 times the number of polling places in the county as certified by the county. Each polling place used after January 1, 2006, must be equipped with an electronic voting system equipped for individuals with disabilities.

Subdivision 2 appropriates \$18 million from the HAVA account for grants to counties to purchase optical scan voting systems and to pay for operating costs of electronic voting systems purchased with money from the HAVA account. The amount allocated to each county must be in proportion to the number of polling places used by the county in the state general election of 2004. Total annual operating costs of a county or municipality may not exceed \$450 per polling place.

Subdivision 3 requires each county to develop by June 30, 2005, a local equipment plan detailing how the HAVA money will be spent and who will be responsible for purchasing and maintaining the new equipment. The county board must hold a public hearing on the plan and may not spend the HAVA money until the local equipment plan has been adopted. The county must file a copy of the adopted plan with the Secretary of State.

Subdivision 4 requires each county receiving a grant to report to the Secretary of State by January 15, 2006, on how the money was spent. The Secretary of State must compile this information and report it to the Legislature by February 15, 2006.

Subdivision 5 makes the appropriations available until June 30, 2009.

Section 4 provides that nothing in this act is intended to preclude the use of mail balloting in those precincts where it is allowed under state law.

Section 5 makes the act effective the day following final enactment.

No federal funds available for reimbursement