

1.1 Senator ..... moves to amend S.F. No. 1361 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[203B.29] TRANSMISSION OF BALLOTS UNDER CERTAIN**  
1.4 **CIRCUMSTANCES.**

1.5 Subdivision 1. **Emergency response providers.** Any eligible Minnesota voter who is  
1.6 a trained or certified emergency response provider or utility worker who is deployed during  
1.7 the time period authorized by law for absentee voting, on election day, or during any state  
1.8 of emergency declared by the President of the United States or any governor of any state  
1.9 within the United States may request that ballots, instructions, and a certificate of voter  
1.10 eligibility be transmitted to the voter electronically. Upon receipt of a properly completed  
1.11 application requesting electronic transmission, the county auditor shall electronically transmit  
1.12 the requested materials to the voter. The county auditor is not required to provide return  
1.13 postage to voters to whom ballots are transmitted electronically.

1.14 Subd. 2. **Reasonable accommodation for voter with disability.** Any eligible Minnesota  
1.15 voter with a print disability, including any voter with disabilities that interfere with the  
1.16 effective reading, writing, or use of printed materials, may request that ballots, instructions,  
1.17 and a certificate of voter eligibility be transmitted to the voter electronically in an accessible  
1.18 format that meets Election Assistance Commission minimum accessibility requirements.  
1.19 Upon receipt of a properly completed application requesting electronic transmission, the  
1.20 county auditor shall electronically transmit the requested materials to the voter. The county  
1.21 auditor must also mail the voter materials required under section 203B.07.

1.22 Subd. 3. **Returning voted ballots.** A voter receiving a ballot electronically under  
1.23 subdivision 1 or 2 must print and return the voter's voted ballot and the certificate of voter  
1.24 eligibility to the county auditor in a sealed envelope. A voter must not return the ballot or  
1.25 certificate of voter eligibility electronically. A ballot that is returned electronically will not  
1.26 be accepted and will not be counted.

1.27 Sec. 2. Minnesota Statutes 2022, section 204B.35, is amended by adding a subdivision to  
1.28 read:

1.29 Subd. 6. **Electronic voting systems.** Notwithstanding sections 204B.35 to 204B.44 and  
1.30 chapter 204D, a jurisdiction may prepare blank paper ballots, if the jurisdiction employs an  
1.31 electronic voting system and the required information is instead displayed on a touch screen  
1.32 or other electronic device in a format that substantially meets the requirements of law.

2.1 Sec. 3. Minnesota Statutes 2022, section 204C.24, subdivision 1, is amended to read:

2.2 Subdivision 1. **Information requirements.** Precinct summary statements shall be  
2.3 submitted by the election judges in every precinct. For all elections, the election judges  
2.4 shall complete three or more copies of the summary statements, and each copy shall contain  
2.5 the following information for each kind of ballot:

2.6 (1) the number of ballots delivered to the precinct as adjusted by the actual count made  
2.7 by the election judges, the number of unofficial ballots made, and the number of absentee  
2.8 ballots delivered to the precinct;

2.9 (2) the number of votes each candidate received or the number of yes and no votes on  
2.10 each question, the number of undervotes, the number of overvotes, and the number of  
2.11 defective ballots with respect to each office or question;

2.12 (3) the number of spoiled ballots, the number of duplicate ballots made, the number of  
2.13 absentee ballots rejected, and the number of unused ballots, presuming that the total count  
2.14 provided on each package of unopened prepackaged ballots is correct;

2.15 (4) the number of voted ballots indicating only a voter's choices as provided by section  
2.16 206.80, paragraph (b), clause (2);

2.17 (5) the number of individuals who voted at the election in the precinct which must equal  
2.18 the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86,  
2.19 subdivision 1;

2.20 ~~(5)~~ (6) the number of voters registering on election day in that precinct; and

2.21 ~~(6)~~ (7) the signatures of the election judges who counted the ballots certifying that all  
2.22 of the ballots cast were properly piled, checked, and counted; and that the numbers entered  
2.23 by the election judges on the summary statements correctly show the number of votes cast  
2.24 for each candidate and for and against each question.

2.25 At least two copies of the summary statement must be prepared for elections not held  
2.26 on the same day as the state elections.

2.27 Sec. 4. Minnesota Statutes 2022, section 206.61, subdivision 1, is amended to read:

2.28 Subdivision 1. **Official responsible for providing ballots.** (a) The official charged with  
2.29 providing paper ballots when they are used shall provide all ballot cards, sample ballots,  
2.30 precinct summary statements, and other necessary supplies needed for electronic voting  
2.31 systems, except as otherwise provided by this section.

3.1 (b) At general elections and primaries the county auditor of each county in which an  
3.2 electronic voting system is used shall provide all ballot cards and other necessary printed  
3.3 forms and supplies needed for the electronic voting system, including all forms needed for  
3.4 voting on candidates and questions, the ballots for which are required by the election laws  
3.5 to be provided by the state when paper ballots are used.

3.6 (c) In precincts using a ballot format as provided by section 206.80, paragraph (b), clause  
3.7 (2), voters must be provided the option of voting with a regularly printed optical scan ballot.

3.8 Sec. 5. Minnesota Statutes 2022, section 206.80, is amended to read:

3.9 **206.80 ELECTRONIC VOTING SYSTEMS.**

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

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

3.12 (2) permits every voter to vote for all candidates and questions for whom or upon which  
3.13 the voter is legally entitled to vote;

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

3.15 (4) automatically rejects, except as provided in section 206.84 with respect to write-in  
3.16 votes, all votes for an office or question when the number of votes cast on it exceeds the  
3.17 number which the voter is entitled to cast;

3.18 (5) permits a voter at a primary election to select secretly the party for which the voter  
3.19 wishes to vote;

3.20 (6) automatically rejects all votes cast in a primary election by a voter when the voter  
3.21 votes for candidates of more than one party; and

3.22 (7) provides every voter an opportunity to verify votes recorded on the permanent paper  
3.23 ballot, either visually or using assistive voting technology, and to change votes or correct  
3.24 any error before the voter's ballot is cast and counted, produces an individual, discrete,  
3.25 permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record  
3.26 available for use in any recount.

3.27 (b) An electronic voting system purchased on or after June 4, 2005, may not be employed  
3.28 unless it:

3.29 (1) accepts and tabulates, in the polling place or at a counting center, a marked optical  
3.30 scan ballot; or

4.1 (2) creates a ~~marked optical scan~~ ballot that can be tabulated in the polling place or at a  
4.2 counting center by automatic tabulating equipment certified for use in this state and the  
4.3 ballot is:

4.4 (i) a marked optical scan ballot; or

4.5 (ii) a marked paper ballot indicating, at a minimum, the date of the election; the name  
4.6 of the precinct; an electronically readable precinct identifier or ballot style indicator; and  
4.7 the voter's votes for each office or question, generated from the voter's use of a touch screen  
4.8 or other electronic device on which a complete ballot meeting the information requirements  
4.9 of any applicable law was displayed electronically.

4.10 (c) The use of multiple ballot formats of electronic voting systems in a jurisdiction is  
4.11 not a violation of a voter's right to vote in secret, provided that a record of the ballot formats  
4.12 of electronic voting system used by a voter is not recorded by the election judges or any  
4.13 other elections official in any form.

4.14 Sec. 6. Minnesota Statutes 2022, section 206.86, is amended by adding a subdivision to  
4.15 read:

4.16 Subd. 5a. **Ballots in precincts with multiple styles of voting system.** In the event the  
4.17 results of a precinct are subject to a recount under section 204C.35 or 204C.36, or are subject  
4.18 to a postelection review under section 206.89, and a ballot format as provided in section  
4.19 206.80, paragraph (b), clause (2), was used by ten or fewer voters in the precinct, the election  
4.20 judges from that precinct are not eligible to participate in conducting a recount or postelection  
4.21 review in that precinct.

4.22 Sec. 7. Minnesota Statutes 2022, section 206.90, subdivision 10, is amended to read:

4.23 Subd. 10. **Counting write-in votes.** Notwithstanding section 204C.22, subdivision 4,  
4.24 in precincts using optical scan voting systems, the ballot must be marked in the oval or other  
4.25 target shape opposite the blank when a voter writes an individual's name on the line provided  
4.26 for write-in votes in order to be counted. The judges shall count the write-in votes and enter  
4.27 the number of those votes on forms provided for the purpose. When the write-in votes are  
4.28 recorded on a medium that cannot be examined for write-in votes by the automatic tabulating  
4.29 equipment or the automatic tabulating equipment does not reject, with respect to write-in  
4.30 votes, all votes for an office or question when the number of votes cast on it exceeds the  
4.31 number which the voter is entitled to count, all ballot envelopes or other medium on which  
4.32 write-in votes have been recorded must be serially numbered, starting with the number one  
4.33 and the same number must be placed on the ballot card of the voter. The judges shall compare

5.1 the write-in votes with the votes cast on the ballot card. If the total number of votes for any  
5.2 office exceeds the number allowed by law, a notation to that effect must be entered on the  
5.3 back of the ballot card and the card must be returned to the counting center in an envelope  
5.4 marked "defective ballots"; however, valid votes on ballot cards containing invalid votes  
5.5 must be counted as provided in section 206.86, subdivision 5.

5.6 When the write-in votes are recorded on ballot cards that can be examined for write-in  
5.7 votes by the automatic tabulating equipment and the automatic tabulating equipment rejects  
5.8 all votes for an office or question when the number of votes cast on it exceeds the number  
5.9 which the voter is entitled to cast, the judges shall examine the ballot cards with write-in  
5.10 votes and count the valid write-in votes."

5.11 Amend the title accordingly