

## S.F. No. 1191 – Election Administration (1st Engrossment)

**Author:** Senator Bonnie S. Westlin

**Prepared by:** Alexis C. Stangl, Director (651/296-4397)

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**S.F. 1191** makes a variety of changes relating to election administration and voting.

**Section 1 [Voting by program participant; absentee ballot]** allows the secretary of state to prepare a ballot and mail it to a participant in the Safe at Home address confidentiality program.

**Section 2 [Prior to election day]** allows the secretary of state to provide a feature for online voter registration that allows third parties to connect application programming interfaces that assist in individual’s submitting voter registration applications.

**Section 3 [Election day registration]** amends the definition of “residential facility” to include assisted living facilities, residential treatment program facilities, and adult foster care program facilities. This is for purposes of election day registration.

**Section 4 [Forms]** replaces the word “resided” with “maintained residence.”

**Section 5 [School district assistance]** replaces “resides” with “maintains residence.”

**Section 6 [Corrected list]** requires the secretary of state to have the final master list for county auditors 14 days before each election. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 7 [Presidential primary political party list]** requires the secretary of state to provide to each major political party chair a list of presidential nomination primary voters who selected that party.

**Section 8 [Moved within state]** replaces “resides” with “maintains residence.”

**Section 9 [Entry of registration information]** specifies that when the county auditor sends a notice of incomplete registration to a voter, the auditor must change the voter’s status to

“challenged” (instead of “incomplete”). Makes a conforming change to refer to clearing the challenge.

**Section 10 [Use of change of address system]** replaces “resided” with “maintained residence.”

**Section 11 [Forms]** replaces “resides” with “maintains residence.”

**Section 12 [Challenges]** amends the law on challenging voter eligibility prior to election day.

**Subdivision 1 [Petition; timing]** specifies that a petition must only include the name of one person. Provides a timeline for filing petitions. Specifies information required in the petition. Specifies reasons that do not constitute adequate grounds for a challenge.

**Subdivision 1a [Reasons for dismissal]** requires the county auditor to dismiss challenges if the challenge is incomplete.

**Subdivision 1b [Notice to voter]** requires the county auditor to provide specified information to a voter who is the subject of a challenge.

**Subdivision 1c [Hearing]** requires hearings to be recorded and the recording to be retained.

**Subdivision 2 [Appeal]** requires a voter to notify the county auditor if the voter appeals a challenge that was affirmed. The county auditor must notify the secretary of state.

**Subdivision 3 [Hearing procedures]** makes a technical change.

**Section 13 [Technology requirements]** replaces “resides” with “maintains residence.”

**Section 14 [Eligible voters]** replaces “resides” with “maintains residence.”

**Section 15 [Preference ballot for governor]** specifies that the requirement to distribute a preference ballot for governors at a caucus only applies in years when the governor is on the ballot.

**Section 16 [Utility worker]** defines “utility worker” for purposes of **section 17**.

**Section 17 [Emergency response providers]** allows certain emergency response providers and utility workers who are deployed during the absentee voting period, on election day, or during a state of emergency to vote by absentee ballot.

**Section 18 [Marking and return by voter]** extends the deadline for an agent to return an absentee ballot from 3 p.m. to 8 p.m. on election day.

**Section 19 [Procedures on receipt of ballot]** provides that all absentee ballots received after 8 p.m. on election day must be marked late. Strikes language referencing the 3 p.m. deadline that was stricken in section 18.

**Section 20 [Location; timing]** requires the county auditor to designate absentee voting polling places at least 14 weeks prior to an election. In-person absentee voters at a March town election may cast absentee ballots for the 30 days before the election. This replaces language that is stricken in **section 21**.

**Section 21 [203B.081; Voting booth; electronic ballot marker]** strikes language that is reproduced in **section 20**. Makes formatting changes.

**Section 22 [Alternative procedure]** allows county auditors to provide a ballot box for use during the 14 days before an election. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 23 [Generally]** allows absentee ballots to be delivered to assisted living homes, veterans homes, and shelters for battered women in the same manner as they are delivered to health care facilities.

**Section 24 [Forty-five days before an election]** increases the time period from 20 to 45 days before the election for delivering absentee ballots to voters in the facilities described in **section 23**.

**Section 25 [Agent delivery of ballots]** extends the deadline for agent returns of absentee ballots. Voters who have difficulty getting to the polls may designate an agent before 8 p.m. on election day (instead of 2 p.m. as allowed by current law). The agent must deliver the ballot by 8 p.m. (instead of 3 p.m. allowed by current law).

**Section 26 [Names of persons; rejected absentee ballots]** makes the names of voters who have submitted absentee ballots available to the public. Strikes the requirement that the data be available only after the close of polls on election day.

**Section 27 [Duties of ballot board; absentee ballots]** amends the law on accepting absentee ballot envelopes. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 28 [Record of voting]** amends the law on recording acceptance of an absentee ballot. This change relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 29 [Opening of envelopes]** allows absentee ballot envelopes to be opened and ballots to be processed after the 14<sup>th</sup> day before the election. This is an additional week as compared to current law, which allows the opening of ballot envelopes after the close of business on the 7<sup>th</sup> day before the election.

**Section 30 [Indefinite residence outside United States]** replaces “resided” with “maintained residence.”

**Section 31 [Form of affidavit]** amends the affidavit of candidacy to strike the various exceptions to the prohibition on filing for more than one office. The stricken language was moved to **section 35, clause (1)**.

**Section 32 [Address, electronic mail address, and telephone number]** provides that a candidate does not have to provide an email address on an affidavit of candidacy if the candidate does not have an email address.

**Section 33 [State and local offices]** specifies that on an affidavit of candidacy for a judge, the candidate must state that the candidate will not turn 70 before the term starts. Replaces “resided” with “maintained residence.”

**Section 34 [Multiple affidavits of candidacy]** specifies the situations in which a person may file for more than one office.

**Section 35 [Candidates in state and county general elections]** replaces “resides” with “maintains residence.”

**Section 36 [Write-in candidate]** allows a city and towns to adopt a resolution to determine when write-in votes must be counted. Requires presidential candidates requesting write-in votes to be counted to include the name of the candidate for vice president. Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 37 [Candidates for federal office]** specifies that the vacancy in nomination in partisan offices section of law does not apply to federal offices.

**Section 38 [Separate precincts; combined polling places]** requires the county auditor to notify the secretary of state when polling places are combined or when combined polling places are separated.

**Section 39 [Authority; location]** requires local governments to pass an ordinance or resolution establishing polling places only if there are changes from the previous year. Otherwise, the designations from the previous year continue in effect.

**Section 40 [High school students]** replaces “resides” with “maintains residence.”

**Section 41 [Appointing authority; powers and duties]** replaces “reside” with “maintain residence.”

**Section 42 [Authorization]** allows all towns and cities with fewer than 400 registered voters to use mail balloting.

**Section 43 [Procedure]** Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days. Replaces “resides” with “maintains residence.”

**Section 44 [Mail elections; questions]** allows offices to be voted on in a mail election where school and municipal jurisdictions overlap and one jurisdiction has a question on the ballot. Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 45 [Restrictions on conduct]** provides that challengers in the polling place must not converse with voters. Strikes the allowance for challengers to speak to voters about eligibility to vote.

**Section 46 [Physical assistance in marking ballots]** allows a candidate to assist a voter in marking a ballot. Eliminates the cap on the number of voters a person may assist in filling out ballots.

**Section 47 [Information requirements]** requires summary statements to include the number of election judges that worked in the precinct on election day and the number of voting booths in that precinct.

**Section 48 [County auditor]** states if the sealed envelopes containing ballots are opened pursuant to court order or statute, the auditor must re-seal the envelope and sign them.

**Section 49 [Challenged ballot]** allows a canvassing board to direct a recount official to make images of challenged ballots available to the public.

**Section 50 [Manner of correction]** amends the process for what occurs when a county canvassing board determines there was an obvious error made. The county canvassing board must instruct the county auditor to ask the court for an order determining whether an obvious error was made. Under current law, candidates are notified and they have the option to ask the court for an order.

**Section 51 [State and county nonpartisan primary ballot]** requires city and school district offices to be placed on the state and county nonpartisan primary ballot.

**Section 52 [Special election when legislature will be in session]** amends the timing for a legislative vacancy when the vacancy occurs between the last day of session in an odd-numbered year and the 54th day before the opening day of session in the following even-numbered year. This date is two weeks earlier than current law. The prohibition on special elections four days before or after a holiday is stricken.

**Sections 53 [Notice of special election] and 54 [Time of filing]** make timeline changes to conform to **section 52**.

**Section 55 [Nominating petition; cities of the first class]** replaces “resides” with “maintains residence.”

**Section 56 [Other municipalities]** requires municipal clerks to notify the secretary of state when polling place hours are changed for municipal elections.

**Section 57 [Other school districts]** requires the school district clerk to notify the secretary of state when polling place hours are changed for school district elections.

**Section 58 [School district canvassing board]** replaces “reside” with “maintain residence.”

**Section 59 [Board elections]** replaces “resides” with “maintains residence.”

**Section 60 [Municipalities]** requires municipalities to continue to use electronic voting systems once they have started using them.

**Section 61 [Counties]** requires counties to continue to use electronic voting systems once they have started using them.

**Section 62 [Cast vote records]** specifies that textual data from automatic tabulating equipment is public with some specific exceptions.

**Section 63 [Conducting presidential nomination primary]** specifies that an eligible voter who is enrolled in the Safe at Home address confidentiality program is permitted to vote in the presidential nominating primary.

**Section 64 [Candidates on the ballot]** Makes a change that relates to increasing the period for opening absentee ballot envelopes from 7 to 14 days.

**Section 65 [Notice filed with court]** replaces “resides” with “maintains residence.”

**Section 66 [Permitted activity; political party]** corrects a cross-reference.

**Section 67 [Vacancies]** replaces “resided” with “maintained residence.”

**Section 68 [Candidates; ballots, certifying election]** replaces “resides” with “maintains residence.”