

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 15, 2004

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Major Daniel Sjogren, Divisional Commander, Salvation Army - Northern Division, Roseville, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Hornstein	Lindgren	Ozment	Stang
Abrams	Dorman	Howes	Lindner	Paulsen	Swenson
Adolphson	Dorn	Huntley	Lipman	Paymar	Thao
Anderson, I.	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Atkins	Eken	Jaros	Mahoney	Penas	Tingelstad
Beard	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Bernardy	Entenza	Johnson, S.	Marquart	Powell	Vandever
Biernat	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Blaine	Erickson	Kahn	Meslow	Rhodes	Walker
Borrell	Finstad	Kelliher	Mullery	Rukavina	Walz
Boudreau	Fuller	Klinzing	Murphy	Ruth	Wardlow
Bradley	Gerlach	Knoblach	Nelson, C.	Samuelson	Wasiluk
Brod	Greiling	Koenen	Nelson, M.	Seagren	Westerberg
Buesgens	Gunther	Kohls	Nelson, P.	Seifert	Westrom
Carlson	Haas	Krinkie	Newman	Sertich	Wilkin
Cornish	Hackbarth	Kuisle	Nornes	Severson	Zellers
Cox	Harder	Lanning	Olsen, S.	Sieben	Spk. Sviggum
Davids	Hausman	Larson	Olson, M.	Simpson	
Davnie	Heidgerken	Latz	Opatz	Slawik	
DeLaForest	Hilstrom	Lenczewski	Osterman	Smith	
Demmer	Hilty	Lesch	Otremba	Soderstrom	
Dempsey	Hoppe	Lieder	Otto	Solberg	

A quorum was present.

Anderson, B.; Anderson, J.; Goodwin; Holberg; Strachan and Sykora were excused.

Clark was excused until 12:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Klinzing moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 1373 and H. F. No. 1437, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cornish moved that the rules be so far suspended that S. F. No. 1373 be substituted for H. F. No. 1437 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1716 and H. F. No. 1896, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Solberg moved that the rules be so far suspended that S. F. No. 1716 be substituted for H. F. No. 1896 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1753 and H. F. No. 1830, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Westrom moved that the rules be so far suspended that S. F. No. 1753 be substituted for H. F. No. 1830 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1787 and H. F. No. 1995, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Knoblach moved that the rules be so far suspended that S. F. No. 1787 be substituted for H. F. No. 1995 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1946 and H. F. No. 2035, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sertich moved that S. F. No. 1946 be substituted for H. F. No. 2035 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2141 and H. F. No. 2191, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Seagren moved that the rules be so far suspended that S. F. No. 2141 be substituted for H. F. No. 2191 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2181 and H. F. No. 2199, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wilkin moved that the rules be so far suspended that S. F. No. 2181 be substituted for H. F. No. 2199 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2222 and H. F. No. 2242, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sykora moved that S. F. No. 2222 be substituted for H. F. No. 2242 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 1703, A bill for an act relating to elections; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making technical changes in election administration; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding a subdivision; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivisions 2, 3; 202A.14, subdivision 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.085; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204B.41; 204B.47; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, by adding a subdivision; 206.57, by adding subdivisions; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 414.041, subdivision 1; 447.32, subdivisions 3, 4; Minnesota Statutes 2003 Supplement, sections 126C.17, subdivision 9; 205A.07, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 201; 204C; 204D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

VOTING SYSTEM

Section 1. [VOTING SYSTEMS ACQUISITION.]

Subdivision 1. [APPROPRIATION.] All remaining, previously unappropriated funds in the Help America Vote Act account and any funds received by that account until June 30, 2007, are appropriated to the Office of the Secretary of State for use in purchasing a uniform, statewide voting system, purchasing component items of voting equipment to create such a system, or making grants to counties and local municipalities for purchase of voting systems or components of equipment to create a uniform voting system that: (1) comply with the requirements of the Help America Vote Act, Public Law 107-252; and (2) meet the requirements of this section.

Subd. 2. [SOLICITING VOTING SYSTEMS.] The Office of the Secretary of State may issue requests for proposal or other solicitations for voting systems or the components of voting systems that comply with the requirements of the Help America Vote Act, Public Law 107-252, and also provide every voter an opportunity to verify their votes and to change their votes or correct any error before their ballot is cast and counted, produce a permanent paper record of the ballot cast by the voter, and preserve the paper record as an official record available for use in a recount.

Subd. 3. [UNIFORM VOTING SYSTEM.] After receiving and evaluating responses to the requests for proposal for voting systems, the Office of the Secretary of State may select one or more vendors to provide equipment for a uniform statewide voting system for use in each polling place in Minnesota.

Subd. 4. [VOTING SYSTEMS REQUIREMENT.] Each voting system purchased in Minnesota must:

(1) create a marked optical scan ballot that can be tabulated by (i) a precinct count optical scan machine already certified for use in Minnesota and owned by a jurisdiction, or (ii) a certified precinct count optical scan machine to be purchased under this section; or

(2) accept such a marked optical scan ballot.

Subd. 5. [CERTIFICATION STANDARDS.] A request for proposal under this section must set forth the specifications for ballot-marking equipment to be purchased, which must be compatible with existing precinct count optical scan equipment or future models of such equipment. Responses to the request for proposal must include certification required by Minnesota Statutes, section 206.57, Minnesota Rules, chapters 8220 and 8230, and any other Minnesota statutes and rules to be considered. Precinct count optical scan tabulating machines must meet the current certification standards for such machines.

Subd. 6. [REMAINING FUNDS.] (a) All appropriations to the Office of the Secretary of State under this section remaining after the purchase of voting systems to satisfy the requirements of the Help America Vote Act, Public Law 107-252, as described in subdivisions 1 to 5, may be spent for the replacement of precinct-count optical scan equipment that is not compatible with any system described in subdivision 4, clause (1), and selected under subdivision 3.

(b) In order to most closely achieve a uniform system of voting in this state, the Office of the Secretary of State shall designate one model of precinct-count optical scan equipment to be purchased as the replacement equipment from among the responses to the requests for proposal submitted under subdivision 2.

(c) If the Office of the Secretary of State determines that there are insufficient funds for the replacement of all equipment eligible for replacement under this section, the funds must be used first to replace the oldest equipment, and then to replace progressively newer equipment until the funds are exhausted.

Subd. 7. [MASTER PURCHASING CONTRACT.] The Office of the Secretary of State shall use the responses to requests for proposal submitted under subdivision 2 as the basis for negotiating one or more master contracts from which all purchases authorized or required by this section must be made, whether by state or local governments. After the master contract is negotiated, no purchases of voting systems may be made by state or local governments except from this master contract.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 2

HAVA CONFORMITY

Section 1. Minnesota Statutes 2002, section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.]

A permanent system of voter registration by county is established, with ~~the county systems linked together by a centralized statewide system~~ 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.

Sec. 2. Minnesota Statutes 2002, section 201.022, is amended to read:

201.022 [STATEWIDE REGISTRATION SYSTEM.]

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 registration 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 forms 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;

(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 to add, 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; and

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

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021. The secretary of state shall establish a system of file maintenance that makes reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.

Subd. 2. [RULES.] The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. ~~The rules must at least:~~

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

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

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

~~(4) provide for interaction with the computerized driver's license records of the Department of Public Safety;~~

~~(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;~~

~~(6) allow the offices of all county auditors and the Secretary of State's Office to have access to the statewide registration system for review and search capabilities;~~

~~(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;~~

~~(8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and~~

~~(9) prescribe a procedure for the return of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor.~~

Sec. 3. Minnesota Statutes 2002, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION IN PERSON PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a ~~registration card~~ voter registration application as described in section 201.071, subdivision 1, and submitting it in person ~~or by mail~~ to the county auditor of that county or to the Secretary of State's Office. ~~A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.~~

Sec. 4. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1b. [DUTY TO FORWARD.] A registration that is received no later than 5:00 p.m. on the 21st day preceding any election must be accepted. An improperly addressed or delivered voter registration application must be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the applications are dated by the voter.

Sec. 5. Minnesota Statutes 2002, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [MASTER LIST.] Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration ~~card~~ application received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute. If a copy of the master list is provided to a public official for jury selection or in response to a law enforcement inquiry described in this subdivision, the list may not include the final four digits of the Social Security number of any voter.

Sec. 6. Minnesota Statutes 2002, section 201.091, is amended by adding a subdivision to read:

Subd. 1a. [POLLING PLACE ROSTER.] A polling place roster produced from data maintained in the statewide voter registration file may not include the final four digits of the Social Security number of any voter.

Sec. 7. Minnesota Statutes 2002, section 201.091, subdivision 5, is amended to read:

Subd. 5. [COPY OF LIST TO REGISTERED VOTER.] The county auditors and the secretary of state shall provide ~~paper~~ copies of the public information lists ~~and may provide the lists in some other form~~ in electronic or other media to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. 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. No list made available for public inspection or purchase may include the date of birth of a registered voter.

Sec. 8. Minnesota Statutes 2002, section 201.121, subdivision 1, is amended to read:

Subdivision 1. [ENTRY OF REGISTRATION INFORMATION.] ~~Upon receiving~~ At the time a voter registration ~~card~~ application is properly completed and, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter ~~in the information contained on it into~~ the statewide registration system ~~the information contained on it on an expedited basis, but no later than 42 days after receipt.~~ Voter registration ~~cards~~ applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor.

Upon receiving a completed voter registration ~~card or form~~ application, the secretary of state may electronically transmit the information on the ~~card or form~~ application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the registration ~~card~~ application or form to the county auditor.

Sec. 9. Minnesota Statutes 2002, section 201.155, is amended to read:

201.155 [REPORT ON FELONY CONVICTIONS.]

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report at least monthly to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare forward a list of those registrants ~~for individuals~~ to each county auditor. The county auditor shall determine if any person identified in the report as a resident of the county is registered to vote in the county and change the status of ~~those registrants~~ each registrant in the appropriate manner in the statewide registration system.

Sec. 10. [201.1615] [INFORMATION SHARING; USE OF SOCIAL SECURITY NUMBER.]

The secretary of state shall enter into an agreement with the Department of Public Safety to match information in the statewide voter registration system with information in the Department of Public Safety database to verify the accuracy of the information provided on applications for voter registrations.

The commissioner of public safety shall enter into an agreement with the commissioner of the United States Social Security Administration under section 205(r)(8) of the Social Security Act to allow the use of the last four digits of the Social Security number to be used to verify voter registration information, to ensure the maintenance of the confidentiality of any applicable information disclosed, and to establish procedures to permit the department to use the information for purposes of maintaining its records.

Sec. 11. Minnesota Statutes 2002, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years ~~and~~. The secretary of state shall change perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed

must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. Only voters who are not registered or who are not eligible to vote must be removed from the official list of eligible voters. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 12. Minnesota Statutes 2002, section 201.221, subdivision 2, is amended to read:

Subd. 2. [UNIFORM PROCEDURES FOR COUNTIES.] The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to insure that it conforms to applicable federal and state laws and rules.

Sec. 13. Minnesota Statutes 2002, section 203B.08, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES ON RECEIPT OF BALLOTS.] When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or municipal clerk shall deliver ~~them~~ to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.

Sec. 14. Minnesota Statutes 2002, section 203B.16, is amended by adding a subdivision to read:

Subd. 4. [DESIGNATION OF OFFICE.] The Office of the Secretary of State is responsible for providing information regarding voter registration and absentee balloting procedures to be used by absent uniformed services voters, their spouses and dependents, and voters overseas.

Sec. 15. Minnesota Statutes 2002, section 203B.17, is amended to read:

203B.17 [APPLICATION FOR BALLOT.]

Subdivision 1. [SUBMISSION OF APPLICATION.] (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's Social Security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

(d) An application for absentee ballots ~~for a primary shall also constitute an application for absentee ballots for any ensuing~~ be valid for any primary, special primary, general election, or special election conducted during the same calendar year in which from the time the application is received through the next two regularly scheduled general elections for federal office held after the date on which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Subd. 2. [REQUIRED INFORMATION.] An application shall be accepted if it contains the following information stated under oath:

(a) The voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) A statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) A statement that the voter expects to be absent from the precinct at the time of the election;

(d) The address to which absentee ballots are to be mailed;

(e) The voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) The voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signed statement of an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.

The oath taken must be the standard oath prescribed by section 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act.

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 16. Minnesota Statutes 2002, section 203B.19, is amended to read:

203B.19 [RECORDING APPLICATIONS.]

Upon accepting an application, the county auditor shall record in the statewide registration system the voter's name, address of present or former residence in Minnesota, mailing address, school district number, and ~~the category under section 203B.16, to which the voter belongs~~ whether the voter is in the military or the spouse or dependent of an individual serving in the military, is a voter temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law. The

county auditor shall retain the record for ~~four~~ six years. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27. Persons from whom applications are not accepted must be notified by the county auditor and provided with the reasons for the rejection.

No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots transmitted to absent voters described in section 203B.16. No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots returned and cast by absent voters described in section 203B.16. The secretary of state may require the information be reported by category under section 203B.16 or by precinct.

No later than 90 days after the general election, the secretary of state shall report to the federal Election Assistance Commission the number of absentee ballots transmitted to voters under section 203B.16.

Sec. 17. Minnesota Statutes 2002, section 203B.26, is amended to read:

203B.26 [SEPARATE RECORD.]

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 ~~shall~~ must be kept in each precinct. The content of the record must be in a form prescribed by the secretary of state.

Sec. 18. Minnesota Statutes 2002, section 204B.47, is amended to read:

204B.47 [~~ALTERNATE~~ ALTERNATIVE ELECTION PROCEDURES; DUTIES OF SECRETARY OF STATE.]

When a provision of the Minnesota Election Law cannot be implemented as a result of an order of a state or federal court, the secretary of state shall adopt ~~alternate~~ alternative election procedures to permit the administration of any election affected by the order. The procedures may include the voting and handling of ballots cast after 8:00 p.m. as a result of a state or federal court order or any other order extending the time established by law for closing the polls. The alternate alternative election procedures remain in effect until the first day of July following the next succeeding final adjournment of the legislature, unless otherwise provided by law or by court order.

Sec. 19. [204C.50] [POSTELECTION SECURITY AND CERTIFICATION REVIEW.]

Subdivision 1. [SELECTION FOR REVIEW; NOTICE.] (a) The Office of the Secretary of State shall, within three days after each state general election beginning in 2006, randomly select 80 precincts for postelection review as defined in this section. The precincts must be selected so that an equal number of precincts are selected in each congressional district of the state. Of the precincts in each congressional district, at least five must have had more than 500 votes cast, and at least two must have had fewer than 500 votes cast. The secretary of state must promptly provide notices of which precincts are chosen to the election administration officials who are responsible for the conduct of elections in those precincts.

(b) One week before the state general election beginning in 2006, the secretary of state must post on the office Web site the date, time, and location at which precincts will be randomly chosen for review under this section. The chair of each major political party may appoint a designee to observe the random selection process.

Subd. 2. [SCOPE AND CONDUCT OF THE REVIEW.] Each review must consist of at least the following:

(a) The election officials immediately responsible for a precinct chosen for review must conduct the following review and submit the results in writing to the state canvassing board before it meets to canvass the election:

(1) a hand tally of the paper ballots, of whatever kind used in that precinct, for each contested election;

(2) a recount using the actual machine and software used on election day, if a precinct-count or central-count automated voting system was used; and

(3) a comparison of the hand tally with the reported results for the precinct in the county canvassing board report, as well as the actual tape of any automated tabulation produced by any precinct-count or central-count optical scan equipment that may have been used to tabulate votes cast in that precinct.

(b) The staff of the Office of the Secretary of State shall conduct or directly supervise a review of the procedures used by the election officials at all levels for a precinct chosen for review, including an inspection of the materials retained for the official 22-month retention period, such as the rosters, the incident log, and the ballots themselves. The staff must submit a written report to the secretary of state before the next regularly scheduled meeting of the State Canvassing Board.

Subd. 3. [STANDARD OF ACCEPTABLE PERFORMANCE BY TABULATING EQUIPMENT.] Each comparison of the precinct-count or central-count tabulating equipment system with the review described in subdivision 2, paragraph (a), must be accurate to within one-half of one percent variation for each contested election. If any review conducted under subdivision 2, paragraph (a), reveals a discrepancy greater than one-half of one percent, the Office of the Secretary of State shall as soon as practicable conduct an additional review of at least ten percent of the tabulating equipment used in the jurisdiction of the election for which the discrepancy was discovered. If this review results in a discrepancy greater than the one-half percent standard, the Office of the Secretary of State must conduct a complete audit of the election for which the discrepancy was discovered. If a complete audit must be conducted, the results of the audit must be used by the canvassing board in making its report and determinations of persons elected and propositions rejected or approved. If a voting system is found to have failed to record votes in a manner that indicates electronic operational failure, the canvassing board must use the voter-verifiable audit records to determine the votes cast on the system, unless the audit records were also impaired by the operational failure of the voting machine. Notwithstanding section 204C.33, subdivision 3, the result of any election subject to this audit must not be declared until the audit is completed.

Subd. 4. [STANDARD OF ACCEPTABLE PERFORMANCE BY ELECTION JUDGES AND ADMINISTRATORS.] Each comparison of materials and documents generated in the course of the election in the selected precinct is expected to reveal no substantive errors and a minimum of technical issues by election judges and administrators.

Subd. 5. [FAILURE TO MEET STANDARDS.] (a) If a voting system fails to meet the standard set forth in subdivision 3, the manufacturer of the model of machine in question must obtain recertification pursuant to section 206.57 and rules adopted under that section, and is liable for penalties under section 206.66.

(b) If election judges or administrators fail to meet the standard in subdivision 4, the judges and administrators for the county where the precinct is located must attend training designed to eliminate the errors causing the failure. The Office of the Secretary of State must consider whether those errors or issues warrant inclusion in the statewide training programs conducted by the Office of the Secretary of State.

Subd. 6. [COSTS OF REVIEW.] The costs of conducting the review required by this section must be allocated as follows:

(a) The county or municipality responsible for each precinct selected for review must bear costs incurred under subdivision 2, paragraph (a).

(b) The secretary of state must bear the costs incurred under subdivision 2, paragraph (b), and subdivision 3, including travel, expenses, and staff time of the Office of the Secretary of State.

Sec. 20. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 5. [VOTING SYSTEM FOR DISABLED VOTERS.] After December 31, 2005, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 21. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 6. [REQUIRED CERTIFICATION.] In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority approved by the secretary of state and conform to current standards for voting equipment issued by the Federal Election Commission or its successor, the Election Assistance Commission.

Sec. 22. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may ~~license~~ approve an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must ~~license~~ approve one or more ~~touch-sensitive~~ direct recording electronic voting systems for experimental use at an election before their approval for general use and may impose restrictions on their use. At least one voting system ~~licensed~~ approved under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 23. [AGREEMENTS.]

Subdivision 1. [COMMISSIONER OF HEALTH.] The secretary of state and the commissioner of health shall determine by mutual agreement the means to electronically transfer death records between agency systems.

Subd. 2. [STATE COURT ADMINISTRATOR.] The secretary of state and the state court administrator shall determine by mutual agreement the means to electronically transfer guardianship and incompetency records and felony conviction records between agency systems.

Subd. 3. [COMMISSIONER OF PUBLIC SAFETY.] The commissioner of public safety and the secretary of state shall determine by mutual agreement the means to electronically transfer driver's license records between agency systems.

Sec. 24. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 3

ELECTIONS ADMINISTRATION TECHNICAL CHANGES

Section 1. Minnesota Statutes 2002, section 5.08, is amended to read:

5.08 [LEGISLATIVE MANUAL.]

Subdivision 1. [PREPARATION.] The secretary of state shall prepare, compile, edit, and distribute for use at each regular legislative session, a convenient manual, properly indexed, and containing: The federal and state constitutions; the acts of Congress relating to the organization of the territory and state; the rules of order and joint rules of the two houses, and lists of their members, committees and employees; the names of all state officials, whether elected or appointed, and of all persons holding office from this state under the national government; ~~including postmasters appointed by the president;~~ the places where the said several officials reside, and the annual compensation of each; and statistical and other information of the kind heretofore published in the legislative manuals.

Subd. 2. [DISTRIBUTION.] ~~15,000~~ 10,000 copies of the legislative manual shall be printed and distributed as follows:

- (1) up to ~~25~~ 20 copies shall be available to each member of the legislature on request;
- (2) 50 copies to the State Historical Society;
- (3) 25 copies to the state university;
- (4) 60 copies to the state library;
- (5) two copies each to the Library of Congress, the Minnesota veterans ~~home~~ homes, the ~~state~~ universities, the ~~state~~ high schools, ~~the public~~ academies, seminaries, and colleges of the state, and the ~~free~~ public libraries of the state;
- (6) one copy each to other state institutions, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the Supreme Court, the judges of the Court of Appeals and the district court, the senators and representatives in Congress from this state, and the county auditors, recorders, and county attorneys;
- (7) one copy to each ~~public~~ school, to be distributed through the superintendent of each school district; and
- (8) the remainder may be disposed of as the secretary of state deems best.

Sec. 2. Minnesota Statutes 2002, section 15.0597, subdivision 2, is amended to read:

Subd. 2. [COLLECTION OF DATA.] The chair of an existing agency or the chair's designee, or the appointing authority for the members of a newly created agency, shall provide the secretary, ~~on forms~~ in an electronic format prepared and distributed by the secretary, with the following data pertaining to that agency:

- (1) the name of the agency, its mailing address, and telephone number;
- (2) the legal authority for the creation of the agency and the name of the person appointing agency members;

- (3) the powers and duties of the agency;
- (4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;
- (5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;
- (6) the compensation of members, and appropriations or other funds available to the agency;
- (7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;
- (8) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers; and
- (9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack of party preference, race, and national origin of the members.

The secretary may ~~provide for~~ require the submission of data in accordance with this subdivision by electronic means. The publication requirement under clause (8) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, if provided, or any other information that would enable the public to communicate with the member.

Sec. 3. Minnesota Statutes 2002, section 15.0597, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication ~~in the State Register on the Web site of the secretary of state~~ of the compiled data from all agencies on or about October 15 of each year. ~~Copies of~~ The compilation must be electronically delivered to the governor and the legislature. Paper copies of the compilation must be made available by the secretary to any interested person at cost, and copies must be available for viewing by interested persons. The chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, is not eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Sec. 4. Minnesota Statutes 2002, section 15.0597, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF VACANCIES.] The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall ~~give written~~ electronic notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall ~~give written~~ electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may ~~provide for~~ require the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly ~~in the State Register on the Web site of the secretary of state~~ a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the

notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published ~~in the State Register~~ on the Web site of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 5. Minnesota Statutes 2002, section 15.0597, subdivision 5, is amended to read:

Subd. 5. [NOMINATIONS FOR VACANCIES.] Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents ~~in writing~~ on the application form to the nomination. The application form shall specify the nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, a statement whether the applicant has ever been convicted of a felony, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy ~~in the State Register~~ on the Web site of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 6. Minnesota Statutes 2002, section 15.0597, subdivision 6, is amended to read:

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary ~~in writing~~ by electronic means of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

Sec. 7. Minnesota Statutes 2002, section 15.0597, subdivision 7, is amended to read:

Subd. 7. [REPORT.] Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report in an electronic format containing the following information:

- (1) the number of vacancies occurring in the preceding year;

(2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;

(3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, status with regard to disability, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and

(4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

Sec. 8. Minnesota Statutes 2002, section 15.0599, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION; INFORMATION REQUIRED.] (a) The appointing authority of a newly established agency or the authority's designee shall provide the secretary with the following information:

- (1) the name, mailing address, electronic mail address, and telephone number of the agency;
- (2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;
- (3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);
- (4) the number of authorized members, together with any prescribed restrictions on eligibility;
- (5) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers;
- (6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);
- (7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, status with regard to disability, race, and national origin of those members;
- (8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;
- (9) the compensation of members and appropriations or other money available to the agency;
- (10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;
- (11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and
- (12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

The publication requirement under clause (5) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, or any other information that would enable the public to communicate with the member.

(b) The chair of an existing agency or the chair's designee shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair or designee shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide electronic forms for the reporting of information required by this subdivision and may ~~provide for~~ require reporting by electronic means.

Sec. 9. Minnesota Statutes 2003 Supplement, section 126C.17, subdivision 9, is amended to read:

Subd. 9. [REFERENDUM REVENUE.] (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board or shall be called by the board upon written petition of qualified voters of the district. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per resident marginal cost pupil unit, the estimated referendum tax rate as a percentage of referendum market value in the first year it is to be levied, and that the revenue must be used to finance school operations. The ballot may state a schedule, determined by the board, of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized. If the ballot contains a schedule showing different amounts, it must also indicate the estimated referendum tax rate as a percent of referendum market value for the amount specified for the first year and for the maximum amount specified in the schedule. The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies. The notice required under section 275.60 may be modified to read, in cases of renewing existing levies:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY BE VOTING FOR A PROPERTY TAX INCREASE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of , School District No. , be approved?"

If approved, an amount equal to the approved revenue per resident marginal cost pupil unit times the resident marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision,

owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. The notice is not an official ballot.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum may result in an increase in your property taxes."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board and shall be called by the board upon the written petition of qualified voters of the district. A referendum to revoke or reduce the revenue amount must state the amount per resident marginal cost pupil unit by which the authority is to be reduced. Revenue authority approved by the voters of the district pursuant to paragraph (a) must be available to the school district at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) A petition authorized by paragraph (a) or (c) is effective if signed by a number of qualified voters in excess of 15 percent of the registered voters of the district on the day the petition is filed with the board. A referendum invoked by petition must be held on the date specified in paragraph (a).

(e) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(f) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

Sec. 10. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 [DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.]

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards applications. The forms must contain spaces for ~~the all information required in section 201.071, subdivision 1, and applicable rules of collected by voter registration applications prescribed by~~ the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 11. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

Subdivision 1. [FORMS.] All postsecondary institutions that enroll students accepting state or federal financial aid shall provide voter registration forms to each student as early as possible in the fall quarter. All school districts shall make available voter registration applications each May and September to all students registered as students of the school district who will be eligible to vote at the next election after those months. A school district has no obligation to provide voter registration applications to students who participate in a postsecondary education option program or who otherwise reside in the district but do not attend a school operated by the district. A school district fulfills its obligation to a student under this section if it provides a voter registration application to the student one time. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and school districts may request these forms from the secretary of state. Institutions shall consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students under section 201.061, subdivision 3. School districts must advise students that completion of the voter registration applications is not a school district requirement.

Sec. 12. Minnesota Statutes 2002, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 13. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. ~~The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.~~ In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election.

Sec. 14. Minnesota Statutes 2002, section 202A.14, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus, and shall deliver the same information to the municipal clerk and county auditor at least 20 days before the precinct caucus. The county auditor shall make this information available at least ten days before the date of the caucuses to persons who request it.

Sec. 15. Minnesota Statutes 2002, section 203B.085, is amended to read:

203B.085 [COUNTY AUDITOR'S ~~OFFICE~~ AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on ~~Monday~~ the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 16. Minnesota Statutes 2002, section 203B.125, is amended to read:

203B.125 [SECRETARY OF STATE TO MAKE RULES.]

Subdivision 1. [AUTHORIZED RULEMAKING.] The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 203B.12.

Subd. 2. [EMERGENCY PROCEDURES.] The secretary of state may designate alternate methods for handling absentee ballots during periods of declared national or state emergency as described by section 12.31. This authority is exempt from the requirements of chapter 14.

Sec. 17. Minnesota Statutes 2002, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. [FORM OF AFFIDAVIT.] (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington County, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) ~~This subdivision does not apply to a candidate~~ Candidates for president or vice-president of the United States are not required to file an affidavit of candidacy for office and this subdivision does not apply to those candidates.

Sec. 18. Minnesota Statutes 2002, section 204B.07, subdivision 2, is amended to read:

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other presidential electors are nominated by petition pursuant to this section. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. ~~This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.~~

Sec. 19. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 20. Minnesota Statutes 2002, section 204B.09, subdivision 3, is amended to read:

Subd. 3. [WRITE-IN CANDIDATES.] (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the fifth day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 21. Minnesota Statutes 2002, section 204B.16, subdivision 3, is amended to read:

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election, including school district

elections or referenda, and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Sec. 22. Minnesota Statutes 2002, section 204B.19, subdivision 1, is amended to read:

Subdivision 1. [INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.] Except as provided in subdivision 6, any individual who is eligible to vote in ~~an election precinct~~ this state is qualified to be appointed as an election judge ~~for that precinct subject to this section. If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality, or for school district elections, in the same school district, whether or not the precinct where they reside is in the same county as the precinct where they will serve. If there are not sufficient voters within the municipality or school district who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.~~

Sec. 23. Minnesota Statutes 2002, section 204B.19, subdivision 6, is amended to read:

Subd. 6. [HIGH SCHOOL STUDENTS.] Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a homeschool in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a without party affiliation trainee election judge in the county in which the student resides. The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance ~~and the requirement that the student must have completed or be enrolled in a course of study in government~~ at the time of service as a trainee election judge.

Sec. 24. Minnesota Statutes 2002, section 204B.22, is amended by adding a subdivision to read:

Subd. 4. [ELECTION JUDGE TRAINEES NOT COUNTED TOWARD MINIMUM NUMBER OF ELECTION JUDGES.] The presence or participation of election judge trainees must not be counted toward satisfying any of the required numbers of election judges in this chapter.

Sec. 25. Minnesota Statutes 2002, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the Supreme Court:

"Chief justice ~~—Supreme Court~~";

"Associate justice (number) ~~—Supreme Court~~"

(b) In the case of the Court of Appeals:

"Judge (number) ~~Court of Appeals~~"; or

(c) In the case of the district court:

"Judge (number) ~~(number) district court~~."

Sec. 26. Minnesota Statutes 2002, section 204B.41, is amended to read:

204B.41 [VACANCY IN NOMINATION; CHANGING BALLOTS.]

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the ~~three~~ six calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. ~~Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.~~ Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.

Sec. 27. Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR NEWS MEDIA.] The county auditor or municipal or school district clerk, or their designee, may, by written authorization, permit news media representatives to enter polling places for up to 15 minutes during voting hours to observe the voting process. A media representative must obtain prior authorization and present photo identification to the head election judge upon arrival at the polling place and must not otherwise:

- (1) approach within six feet of an election judge or voter;
- (2) converse with a voter while in the polling place;
- (3) make a list of persons voting or not voting; or
- (4) interview a voter within the polling place.

Sec. 28. Minnesota Statutes 2002, section 204C.20, subdivision 2, is amended to read:

Subd. 2. [EXCESS BALLOTS.] If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but

not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted and must not be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 29. Minnesota Statutes 2002, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office on or before the seventh day 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. 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, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;
- (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 state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 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.

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 one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 30. Minnesota Statutes 2002, section 204C.35, is amended by adding a subdivision to read:

Subd. 3. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 31. Minnesota Statutes 2002, section 204C.36, subdivision 1, is amended to read:

Subdivision 1. ~~[REQUIRED AUTOMATIC RECOUNTS.] (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.~~

~~(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district. (a) If the difference between the votes cast for the candidates for nomination to a county, municipal, or school district office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that nomination; or~~

~~(2) is ten votes or less and the total number of votes cast for that nomination is 400 votes or less,~~

~~and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office must recount the vote. The scope of the recount is solely to recount the votes counted on election day.~~

~~(b) In a general election, if the difference between the votes of a candidate who would otherwise be declared elected to a county, municipal, or school district office and the votes of any other candidate for that office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that office; or~~

~~(2) is ten votes or less if the total number of votes cast for that office is 400 votes or less,~~

~~the canvassing board must recount the votes. The scope of the recount is solely to recount the votes counted on election day.~~

~~(c) In the case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

(d) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(e) Time for notice of a contest for an office which is recounted under this section begins to run on certification of the results of the recount by the canvassing board.

(f) A losing candidate may waive a recount required under this section by filing a written notice of waiver with the canvassing board.

(g) The county auditor must recount the votes for a county office at the expense of the county, the governing body of the municipality must recount the votes for a municipal office at the expense of the municipality, and the school board of the school district must recount the votes for a school district office at the expense of the school district.

Sec. 32. Minnesota Statutes 2002, section 204C.36, subdivision 3, is amended to read:

Subd. 3. ~~[DISCRETIONARY BALLOT QUESTION RECOUNTS.]~~ (a) A recount may must be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. The expenses for the recount must be paid for by the political subdivision placing the question on the ballot.

(b) In other cases, a recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. ~~If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1,~~ The person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 33. Minnesota Statutes 2002, section 204C.36, is amended by adding a subdivision to read:

Subd. 6. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 34. Minnesota Statutes 2002, section 204C.361, is amended to read:

204C.361 [RULES FOR RECOUNTS.]

(a) The secretary of state shall adopt rules according to the Administrative Procedure Act establishing uniform recount procedures. All recounts provided for by sections 204C.35, 204C.36, and 206.88, shall be conducted in accordance with these rules.

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

Sec. 35. Minnesota Statutes 2002, section 204D.14, is amended by adding a subdivision to read:

Subd. 3. [UNCONTESTED JUDICIAL OFFICES.] Judicial offices for which there is only one candidate filed must appear after all judicial offices on the canary ballot.

Sec. 36. [204D.169] [EXAMPLE SUPPLEMENTAL BALLOT.]

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.

Sec. 37. Minnesota Statutes 2002, section 204D.27, subdivision 11, is amended to read:

Subd. 11. [CERTIFICATE OF LEGISLATIVE ELECTION.] A certificate of election in a special election for state senator or state representative shall be issued by ~~the county auditor or~~ the secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the appropriate canvassing board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 38. Minnesota Statutes 2002, section 205.02, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA ELECTION LAW.] Except as expressly provided in this chapter by law, the provisions of the Minnesota Election Law apply to municipal elections, ~~so far as practicable~~.

Sec. 39. Minnesota Statutes 2002, section 205.075, is amended by adding a subdivision to read:

Subd. 3. [MORE THAN ONE SEAT TO BE FILLED AT ANY ELECTION.] A candidate filing for town supervisor when more than one seat is to be filled at an election held under subdivision 2 must designate when filing the specific seat which the candidate is seeking.

Sec. 40. Minnesota Statutes 2002, section 205.16, subdivision 4, is amended to read:

Subd. 4. [NOTICE TO AUDITOR.] At least ~~49~~ 53 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.

Sec. 41. Minnesota Statutes 2002, section 205.16, is amended by adding a subdivision to read:

Subd. 5. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 42. Minnesota Statutes 2002, section 205.185, subdivision 2, is amended to read:

Subd. 2. [ELECTION, CONDUCT.] A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, ~~so far as practicable~~ except as expressly provided by law.

Sec. 43. Minnesota Statutes 2002, section 205.185, subdivision 3, is amended to read:

Subd. 3. [CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.] (a) Within seven days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the ~~governing body~~ canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 44. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as provided ~~in this chapter~~ by law, the Minnesota Election Law applies to school district elections, ~~as far as practicable~~. Elections in common school districts shall be governed by section 123B.94.

Sec. 45. Minnesota Statutes 2003 Supplement, section 205A.07, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO AUDITOR.] At least ~~49~~ 53 days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of education and prior to actual initiation of the election.

Sec. 46. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

Subd. 3b. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 47. Minnesota Statutes 2002, section 206.90, subdivision 6, is amended to read:

Subd. 6. [BALLOTS.] In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots.

Sec. 48. Minnesota Statutes 2002, section 211A.02, is amended by adding a subdivision to read:

Subd. 5. [ELECTRONIC REPORTING.] The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Sec. 49. Minnesota Statutes 2002, section 351.01, subdivision 4, is amended to read:

Subd. 4. [WITHDRAWAL OF RESIGNATION.] A prospective resignation permitted by subdivision 3 may only be withdrawn by a written statement signed by the officer and submitted in the same manner as the resignation, and may only be withdrawn before it has been accepted by resolution of the body or board or before a written acceptance of the resignation by an officer authorized to receive it.

Sec. 50. Minnesota Statutes 2002, section 365.51, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; OTHER BUSINESS.] An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected and to consider ballot questions, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Sec. 51. Minnesota Statutes 2002, section 367.12, is amended to read:

367.12 [DEPUTY CLERK.]

Each town clerk may appoint a deputy, for whose acts the clerk shall be responsible, and who, in the clerk's absence or disability, shall perform the clerk's duties. If a town clerk has not appointed a deputy, the town treasurer shall perform the duties of the clerk relating to receiving candidate filings when the clerk is absent.

Sec. 52. Minnesota Statutes 2002, section 414.041, subdivision 1, is amended to read:

Subdivision 1. [INITIATING THE PROCEEDING.] (a) Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities.

(b) The proceeding shall be initiated in one of the following ways:

(1) submitting to the director a resolution of the city council of each affected municipality;

(2) submitting to the director a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(3) by the director.

(c) The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09.

(d) The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Sec. 53. Minnesota Statutes 2002, section 447.32, subdivision 3, is amended to read:

Subd. 3. [ELECTION NOTICES.] At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least 53 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least 46 days before a hospital district election for which a notice is provided to the county auditor under this subdivision, the county auditor shall provide a notice to the secretary of state in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ten days before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 54. Minnesota Statutes 2002, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the Tuesday after the second Monday in September of the year in which the general election is held. The city or town clerk must forward the affidavits of

candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 55. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 4

UNIFORM STATE AND LOCAL ELECTION DATES

Section 1. [204D.035] [PERIODIC UNIFORM ELECTION DAY.]

Subdivision 1. [SHORT TITLE.] This section may be referred to as the "Periodic Uniform Election Day Act of 2004."

Subd. 2. [ELECTIONS COVERED.] This section applies to all state, county, municipal, school district, and any other political subdivision elections held in the state of Minnesota, and elections on ballot questions, except for (i) elections held to fill a vacancy in office and required by statute to be held sooner than the next day designated in subdivision 3, or (ii) elections conducted by mail.

Subd. 3. [ELECTIONS ON DESIGNATED DAYS.] (a) Notwithstanding other law to the contrary, elections covered in subdivision 2 may be held only on the following days:

- (1) the second Tuesday in March;
- (2) the third Tuesday in May;
- (3) the first Tuesday after the second Monday in September; and
- (4) the first Tuesday after the first Monday in November.

(b) The time period in which a special election must be conducted under any other law or charter provision must be extended to conform to the requirements of this subdivision.

Subd. 4. [PRIMARY DATE IF NOT SPECIFIED.] If other law provides for a primary to take place for a particular office but does not specify the date of the primary, the primary may be held on one of the days specified in subdivision 3, clauses (1) to (3). The general election for the office must be held on the date listed in subdivision 3 that immediately follows the date chosen for the primary.

Subd. 5. [ELECTION TIMES AND POLLING PLACES.] An election held in a jurisdiction on one of the days specified in subdivision 3 must be held during the hours determined under section 204C.05.

Subd. 6. [APPLICABLE LAWS.] Except as otherwise provided by this section, Minnesota election law remains applicable to elections held on any of the days listed in subdivision 3.

Sec. 2. Minnesota Statutes 2003 Supplement, section 123B.63, subdivision 3, is amended to read:

Subd. 3. [CAPITAL PROJECT LEVY REFERENDUM.] A district may levy the local tax rate approved by a majority of the electors voting on the question to provide funds for an approved project. The election must take place no more than five years before the estimated date of commencement of the project. The referendum must be held on a date ~~set by the board~~ specified under section 204D.035, subdivision 3. A referendum for a project not receiving a positive review and comment by the commissioner under section 123B.71 must be approved by at least 60 percent of the voters at the election. The referendum may be called by the school board and may be held:

(1) separately, before an election for the issuance of obligations for the project under chapter 475; or

(2) in conjunction with an election for the issuance of obligations for the project under chapter 475; or

(3) notwithstanding section 475.59, as a conjunctive question authorizing both the capital project levy and the issuance of obligations for the project under chapter 475. Any obligations authorized for a project may be issued within five years of the date of the election.

The ballot must provide a general description of the proposed project, state the estimated total cost of the project, state whether the project has received a positive or negative review and comment from the commissioner, state the maximum amount of the capital project levy as a percentage of net tax capacity, state the amount that will be raised by that local tax rate in the first year it is to be levied, and state the maximum number of years that the levy authorization will apply.

The ballot must contain a textual portion with the information required in this section and a question stating substantially the following:

"Shall the capital project levy proposed by the board of School District No. be approved?"

If approved, the amount provided by the approved local tax rate applied to the net tax capacity for the year preceding the year the levy is certified may be certified for the number of years approved.

In the event a conjunctive question proposes to authorize both the capital project levy and the issuance of obligations for the project, appropriate language authorizing the issuance of obligations must also be included in the question.

The district must notify the commissioner of the results of the referendum.

Sec. 3. Minnesota Statutes 2002, section 126C.17, subdivision 11, is amended to read:

Subd. 11. [REFERENDUM DATE.] (a) Except for a referendum held under paragraph (b), any referendum under this section held on a day other than the first Tuesday after the first Monday in November must be conducted by mail in accordance with section 204B.46. Notwithstanding subdivision 9, paragraph (b), to the contrary, in the case of a referendum conducted by mail under this paragraph, the notice required by subdivision 9, paragraph (b), must be prepared and delivered by first-class mail at least 20 days before the referendum.

(b) In addition to the referenda allowed in subdivision 9, clause (a), the commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt. A referendum must be held on a date specified under section 204D.035, subdivision 3.

(c) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

Sec. 4. Minnesota Statutes 2002, section 204C.05, is amended by adding a subdivision to read:

Subd. 1c. [ELECTIONS; MUNICIPALITIES AND SCHOOL DISTRICTS.] The governing body of a municipality or school district may, by resolution, designate the time during which the polling places will remain open for voting at the next succeeding and all later municipal or school district elections that are not held at the same time as the state primary or state general election. All polling places must be open at least between the hours of 10:00 a.m. and 8:00 p.m. The resolution remains in effect until revoked by the governing board or a petition from voters is filed under this subdivision. If a petition requesting longer voting hours for any election is signed by a number of voters equal to 20 percent of the votes cast in the last municipal or school district general election, whichever applies, and filed with the appropriate municipal or school district clerk no later than 30 days before an election, then the polling places for that election must open at 7:00 a.m. and close at 8:00 p.m. The municipal or school district clerk must give ten days published and posted notice of the change in hours and notify the appropriate county auditors of the change.

Sec. 5. Minnesota Statutes 2002, section 205.10, subdivision 3, is amended to read:

Subd. 3. [PROHIBITION.] ~~No~~ A special election authorized under subdivision 1 may be held within 40 days after the state general election only on one of the dates specified in section 204D.035, subdivision 3.

Sec. 6. [205.176] [VOTING HOURS.]

In all municipal elections the hours for voting must be determined as provided by section 204C.05.

Sec. 7. Minnesota Statutes 2002, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. [QUESTIONS.] Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. ~~A special election may not be held during the 30 days before and the 30 days after the state primary,~~

~~during the 30 days before and the 40 days after the state general election. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. A special election under this subdivision must be held only on one of the dates specified in section 204D.035, subdivision 3.~~ Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 8. [205A.095] [HOURS FOR VOTING.]

The hours for voting in school district elections must be determined as provided by section 204C.05.

Sec. 9. Minnesota Statutes 2002, section 373.40, subdivision 2, is amended to read:

Subd. 2. [APPLICATION OF ELECTION REQUIREMENT.] (a) Bonds issued by a county to finance capital improvements under an approved capital improvement plan are not subject to the election requirements of section 375.18 or 475.58. The bonds must be approved by vote of at least three-fifths of the members of the county board. In the case of a metropolitan county, the bonds must be approved by vote of at least two-thirds of the members of the county board.

(b) Before issuance of bonds qualifying under this section, the county must publish a notice of its intention to issue the bonds and the date and time of a hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the county or in a newspaper of general circulation in the county. The notice must be published at least 14, but not more than 28, days before the date of the hearing.

(c) A county may issue the bonds only upon obtaining the approval of a majority of the voters voting on the question of issuing the obligations, if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the county in the last general election and is filed with the county auditor within 30 days after the public hearing. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election. The election may be held only on one of the dates specified in section 204D.035, subdivision 3.

Sec. 10. Minnesota Statutes 2002, section 375.20, is amended to read:

375.20 [BALLOT QUESTIONS.]

If the county board may do an act, incur a debt, appropriate money for a purpose, or exercise any other power or authority, only if authorized by a vote of the people, the question may be submitted at a special or general election, by a resolution specifying the matter or question to be voted upon. If the question is to authorize the appropriation of money, creation of a debt, or levy of a tax, it shall state the amount. Notice of the election shall be given as in the case of special elections. If the question submitted is adopted, the board shall pass an appropriate resolution to carry it into effect. In the election the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No.....," with a square opposite each of the words "yes" and "no," in one of which the voter shall mark an "X" to indicate a choice. The county board may call a special county election upon a question to be held ~~within 60 days~~ on any date specified by section 204D.035, subdivision 3, after a resolution to that effect is adopted by the county board. Upon the adoption of the resolution the county auditor shall post and publish notices of the election, as required by section 204D.22, subdivisions 2 and 3. The election shall be conducted and the returns canvassed in the manner prescribed by sections 204D.20 to 204D.27, so far as practicable.

Sec. 11. Minnesota Statutes 2002, section 458.40, is amended to read:

458.40 [MUST VOTE TO ISSUE BONDS IF CHARTER SAYS SO.]

If a charter adopted under the Minnesota Constitution, article IV, section 36, article XI, section 4, or article XII, section 5, has a provision that requires the question of the issuance of bonds to be submitted to the electors, the provision prevails over sections 458.36 to 458.40. The question must be submitted to the voters on one of the dates specified in section 204D.035, subdivision 3, notwithstanding any contrary provision in the charter regarding the date of submission.

Sec. 12. Minnesota Statutes 2003 Supplement, section 465.82, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF PLAN.] The plan must state:

- (1) the specific cooperative activities the units will engage in during the first two years of the venture;
- (2) the steps to be taken to effect the merger of the governmental units, with completion no later than four years after the process begins;
- (3) the steps by which a single governing body will be created or, when the entire territory of a unit will be apportioned between or among two or more units contiguous to the unit that is to be apportioned, the steps to be taken by the governing bodies of the remaining units to provide for representation of the residents of the apportioned unit;
- (4) changes in services provided, facilities used, and administrative operations and staffing required to effect the preliminary cooperative activities and the final merger, and a two-, five-, and ten-year projection of expenditures for each unit if it combined and if it remained separate;
- (5) treatment of employees of the merging governmental units, specifically including provisions for reassigning employees, dealing with exclusive representatives, and providing financial incentives to encourage early retirements;
- (6) financial arrangements for the merger, specifically including responsibility for debt service on outstanding obligations of the merging units;
- (7) one- and two-year impact analyses, prepared by the granting state agency at the request of the local government unit, of major state aid revenues received for each unit if it combined and if it remained separate, including an impact analysis, prepared by the Department of Revenue, of any property tax revenue implications associated with tax increment financing districts and fiscal disparities under chapter 276A or 473F resulting from the merger;
- (8) procedures for a referendum to be held on a date specified in section 204D.035, subdivision 3, before the proposed combination to approve combining the local government units, specifically stating whether a majority of those voting in each district proposed for combination or a majority of those voting on the question in the entire area proposed for combination is needed to pass the referendum; and
- (9) a time schedule for implementation.

Notwithstanding clause (3) or any other law to the contrary, all current members of the governing bodies of the local government units that propose to combine under sections 465.81 to 465.86 may serve on the initial governing body of the combined unit until a gradual reduction in membership is achieved by foregoing election of new members when terms expire until the number permitted by other law is reached.

Sec. 13. Minnesota Statutes 2003 Supplement, section 465.84, is amended to read:

465.84 [REFERENDUM.]

During the first or second year of cooperation, a referendum on the question of combination must be conducted. The referendum must be on a date specified by section 204D.035, subdivision 3, and called by the governing bodies of the units that propose to combine. The referendum must be conducted according to the Minnesota Election Law, as defined in section 200.01. If the referendum fails, the same question or a modified question may be submitted the following year. If the referendum fails again, the same question may not be submitted. Referendums shall be conducted on the same date in all local government units.

Sec. 14. Minnesota Statutes 2002, section 469.053, subdivision 5, is amended to read:

Subd. 5. [REVERSE REFERENDUM.] A city may increase its levy for port authority purposes under subdivision 4 only as provided in this subdivision. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or, if none exists, in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or, if none exists, in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed by voters equaling five percent of the votes cast in the city in the last general election. The resolution is effective if approved by a majority of those voting on the question. The commissioner of revenue shall prepare a suggested form of referendum question. The referendum must be held at a special or general election ~~before October 1~~ on a date specified in section 204D.035, subdivision 3, of the year for which the levy increase is proposed.

Sec. 15. Minnesota Statutes 2002, section 469.0724, is amended to read:

469.0724 [GENERAL OBLIGATION BONDS.]

The port authority of Cannon Falls or Redwood Falls must not proceed with the sale of general obligation tax supported bonds until the city council by resolution approves the proposed issuance. The resolution must be published in the official newspaper. If, within 30 days after the publication, a petition signed by voters equal in number to ten percent of the number of voters at the last regular city election is filed with the city clerk, the city and port authority must not issue the general obligation tax supported bonds until the proposition has been approved by a majority of the votes cast on the question at a regular or special election held on one of the dates specified in section 204D.035, subdivision 3.

Sec. 16. Minnesota Statutes 2002, section 469.190, subdivision 5, is amended to read:

Subd. 5. [REVERSE REFERENDUM.] If the county board passes a resolution under subdivision 4 to impose the tax, the resolution must be published for two successive weeks in a newspaper of general circulation within the unorganized territory, together with a notice fixing a date for a public hearing on the proposed tax.

The hearing must be held not less than two weeks nor more than four weeks after the first publication of the notice. After the public hearing, the county board may determine to take no further action, or may adopt a resolution authorizing the tax as originally proposed or approving a lesser rate of tax. The resolution must be published in a newspaper of general circulation within the unorganized territory. The voters of the unorganized territory may request a referendum on the proposed tax by filing a petition with the county auditor within 30 days after the resolution is published. The petition must be signed by voters who reside in the unorganized territory. The number of signatures must equal at least five percent of the number of persons voting in the unorganized territory in the last general election. If such a petition is timely filed, the resolution is not effective until it has been submitted to the voters residing in the unorganized territory at a general or special election held on one of the dates specified in section 204D.035, subdivision 3, and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the referendum.

Sec. 17. Minnesota Statutes 2003 Supplement, section 475.521, subdivision 2, is amended to read:

Subd. 2. [ELECTION REQUIREMENT.] (a) Bonds issued by a city to finance capital improvements under an approved capital improvements plan are not subject to the election requirements of section 475.58. The bonds are subject to the net debt limits under section 475.53. The bonds must be approved by an affirmative vote of three-fifths of the members of a five-member city council. In the case of a city council having more than five members, the bonds must be approved by a vote of at least two-thirds of the city council.

(b) Before the issuance of bonds qualifying under this section, the city must publish a notice of its intention to issue the bonds and the date and time of the hearing to obtain public comment on the matter. The notice must be published in the official newspaper of the city or in a newspaper of general circulation in the city. Additionally, the notice may be posted on the official Web site, if any, of the city. The notice must be published at least 14 but not more than 28 days before the date of the hearing.

(c) A city may issue the bonds only after obtaining the approval of a majority of the voters voting on the question of issuing the obligations, if a petition requesting a vote on the issuance is signed by voters equal to five percent of the votes cast in the city in the last general election and is filed with the city clerk within 30 days after the public hearing. The commissioner of revenue shall prepare a suggested form of the question to be presented at the election. The election must be held on one of the dates specified by section 204D.035, subdivision 3.

Sec. 18. Minnesota Statutes 2002, section 475.58, subdivision 1, is amended to read:

Subdivision 1. [APPROVAL BY ELECTORS; EXCEPTIONS.] Obligations authorized by law or charter may be issued by any municipality upon obtaining the approval of a majority of the electors voting at a special or general election held on one of the dates specified in section 204D.035, subdivision 3, on the question of issuing the obligations, but an election shall not be required to authorize obligations issued:

(1) to pay any unpaid judgment against the municipality;

(2) for refunding obligations;

(3) for an improvement or improvement program, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement or by an improvement within the improvement program, or of taxes levied upon the increased value of property within a district for the development of which the improvement is undertaken, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of such special assessments or taxes and not less than 20 percent of the cost of the improvement or the improvement program is to be assessed against benefited property or is to be paid from the proceeds of federal grant funds or a combination thereof, or is estimated to be received from such taxes within the district;

- (4) payable wholly from the income of revenue producing conveniences;
- (5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election;
- (6) under the provisions of a law which permits the issuance of obligations of a municipality without an election;
- (7) to fund pension or retirement fund liabilities pursuant to section 475.52, subdivision 6;
- (8) under a capital improvement plan under section 373.40; and
- (9) under sections 469.1813 to 469.1815 (property tax abatement authority bonds), if the proceeds of the bonds are not used for a purpose prohibited under section 469.176, subdivision 4g, paragraph (b).

Sec. 19. Minnesota Statutes 2002, section 475.58, subdivision 1a, is amended to read:

Subd. 1a. [RESUBMISSION LIMITATION.] If the electors do not approve the issuing of obligations at an election required by subdivision 1, the question of authorizing the obligations for the same purpose and in the same amount may not be submitted to the electors ~~within a period of~~ until a special or general election held on a date specified in section 204D.035, subdivision 3, and not sooner than 180 days from the date the election was held. If the question of authorizing the obligations for the same purpose and in the same amount is not approved a second time it may not be submitted to the electors within a period of one year after the second election.

Sec. 20. Minnesota Statutes 2002, section 475.59, is amended to read:

475.59 [MANNER OF SUBMISSION; NOTICE.]

When the governing body of a municipality resolves to issue bonds for any purpose requiring the approval of the electors, it shall provide for submission of the proposition of their issuance at a general or special election held on a date specified by section 204D.035, subdivision 3, or at a town or school district meeting. Notice of such election or meeting shall be given in the manner required by law and shall state the maximum amount and the purpose of the proposed issue. In any school district, the school board or board of education may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance for any one or more of the following, stated conjunctively or in the alternative: acquisition or enlargement of sites, acquisition, betterment, erection, furnishing, equipping of one or more new schoolhouses, remodeling, repairing, improving, adding to, betterment, furnishing, equipping of one or more existing schoolhouses. In any city, town, or county, the governing body may, according to its judgment and discretion, submit as a single ballot question or as two or more separate questions in the notice of election and ballots the proposition of their issuance, stated conjunctively or in the alternative, for the acquisition, construction, or improvement of any facilities at one or more locations.

Sec. 21. [REPEALER.]

Minnesota Statutes 2002, sections 204C.05, subdivisions 1a and 1b; 205.175; and 205A.09, are repealed.

Sec. 22. [EFFECTIVE DATE.]

This article is effective January 1, 2005.

ARTICLE 5

ELECTION ADMINISTRATION

Section 1. [MAINTENANCE OF EFFORT.]

The state or a unit of local government receiving federal funds or equipment purchased with federal funds pursuant to the Help America Vote Act (P.L. 107-252) must maintain the expenditures of the state or the local unit of government for activities funded by the federal funds or for equipment expenditures at a level that is not less than the level of expenditures maintained by the state or the local unit of government for the fiscal year ending immediately preceding November 2000.

Sec. 2. Minnesota Statutes 2002, section 200.02, subdivision 20, is amended to read:

Subd. 20. [STATEWIDE REGISTRATION SYSTEM.] "Statewide registration system" means the single, interactive, computerized central statewide voter registration system and database developed and maintained by the secretary of state pursuant to section 201.022.

Sec. 3. Minnesota Statutes 2002, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION IN PERSON PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a ~~registration card~~ voter registration application as described in section 201.071, subdivision 1, and submitting it in person ~~or by mail~~ to the county auditor of that county or to the Secretary of State's Office. ~~A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.~~

Sec. 4. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision:

Subd. 1a. [REGISTRATION BY MAIL PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it by mail to the county auditor of that county or to the secretary of state's office. If the voter has not previously voted in this state for federal office, the voter must also present, as described in clauses (1) to (4), identification as set forth in subdivision 3, clauses (1) to (4) and (7) to (9). If the county auditor determines that a voter has submitted a voter registration application by mail, has not previously voted in this state for a federal office, and has also not presented identification as set forth in subdivision 3, clauses (1) to (4) and (7) to (9), then the county auditor must notify the voter that their registration is incomplete under subdivision 2, and that the voter must complete registration by using one of the following methods:

(1) present to the auditor more than 20 days before the election identification as set forth in subdivision 3, clauses (1) to (4) and (7) to (9);

(2) before voting in person on election day, present to the election judges in the precinct election identification as set forth in subdivision 3, clauses (1) to (4) and (7) to (9);

(3) register in person prior to or on election day;

(4) if voting by mail or absentee ballot, following election day registration procedures for absentee voters as described in section 203B.04, subdivision 4.

For purposes of this subdivision, mail registration is defined as a voter registration application that is not delivered in person to the secretary of state, county auditor, or municipal clerk by the individual making the application.

Sec. 5. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision:

Subd. 1b. [DUTY TO FORWARD.] A registration that is received no later than 5:00 p.m. on the 21st day preceding any election must be accepted. An improperly addressed or delivered voter registration application must be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the applications are dated by the voter.

Sec. 6. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 2. [INCOMPLETE IDENTIFICATION OR RESIDENCE INFORMATION.] The voter registration application for a voter required by subdivision 1a, to present identification as set forth in subdivision 3, clauses (1) to (4) and (7) to (9), must be considered incomplete until remedied by the voter in the manner described in subdivision 1a, and must be filed with the list of registered voters with a notation on the record that the voter may not vote until the application is complete. The auditor or secretary of state must note on the permanent voter record when the required identification has been presented.

Sec. 7. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a voter registration ~~card~~ application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing a valid Minnesota driver's license or ~~Minnesota identification card issued pursuant to section 171.07 learner's permit, or a receipt for either that contains the voter's valid address in the precinct;~~

(2) showing ~~any document approved by the secretary of state as proper identification~~ a valid Minnesota identification card issued by the Department of Public Safety or a receipt for the identification card that contains the voter's valid address in the precinct;

(3) showing one of the following:

(i) ~~a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or~~

(ii) ~~a current student fee statement that contains the student's valid address in the precinct together with a picture identification card;~~

(4) photo identification cards listed below in item A and one of the additional proofs of residence listed in item B.

A. The following documents are acceptable photo identification cards if they contain the voter's name and photograph:

(i) a Minnesota driver's license or identification card;

(ii) a United States passport;

(iii) a United States military identification card; or

(iv) a student identification card issued by a Minnesota postsecondary educational institution.

B. An original bill for gas, electric, telephone, cable television, solid waste, water, or sewer services is acceptable as an additional proof of residence if:

(i) the bill shows the voter's name and current address in the precinct; and

(ii) the due date on the bill is within 30 days before or after election day.

If the photo identification presented by the voter establishes the voter's identity and the additional proof of residence presented by the voter establishes the voter's current address in the precinct, the voter shall have proven residence.

The secretary of state shall provide samples of utility bills acceptable as additional proof of residence under item B to local election officials for use in election judge training and in the polling place on election day;

(4) having a valid registration in the same precinct under a different address;

(5) presenting a notice of late registration mailed by the county auditor or municipal clerk;

(6) having a voter who is registered to vote in the precinct sign ~~an~~ the proof of residence oath in Minnesota Rules, part 8200.9939 in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; ~~or~~. The oath must be attached to the voter registration card until the address of the applicant is verified by the county auditor. The county auditor shall file the oaths and maintain them for one year;

(~~5~~) (7) for tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section;

(8) showing one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor;

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card;

(iii) a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if available), and address within the precinct appear on a current list of persons residing in the institution's housing certified to the county auditor by the educational institution; or

(iv) a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct.

This additional proof of residence for students must not be allowed unless the educational institution submits to the county auditor no later than 60 days prior to the election a written agreement that the educational institution will certify for use at the election accurate updated lists of persons residing in housing owned, operated, leased, or otherwise controlled by the institution. A written agreement is effective for the election and all subsequent elections held in that calendar year.

The additional proof of residence for students must be allowed on an equal basis for voters resident in housing of any postsecondary educational institution within the county, if lists certified by the institution meet the requirements of this clause.

An updated list must be certified to the county auditor no earlier than 20 days prior to each election. The certification must be dated and signed by the chief officer or designee of the institution and must state that the list is current and accurate and includes only the names of persons residing as of the date of the certification in housing controlled by the institution.

The auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall supply a list to the election judges with the election supplies for the precinct.

The auditor shall notify all postsecondary educational institutions in the county of the provisions of this clause;

(9) showing any document approved by the secretary of state as proper identification.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Sec. 8. Minnesota Statutes 2002, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] (a) A registration ~~card~~ application must be of suitable size and weight for mailing and contain spaces for the following required information: whether the voter is a United States citizen; whether the voter will be 18 years old on or before election day; the voter's first name, middle name, and last name; the voter's previous name, if any; the voter's current address; the voter's previous address, if any; the voter's date of birth; the voter's municipality and county of residence; the voter's telephone number, if provided by the voter; the date of registration; the voter's current and valid Minnesota driver's license number or Minnesota state identification number or, if the voter has no current Minnesota driver's license or state identification number, the last four digits of the voter's Social Security number; the voter's e-mail address, if provided by the voter; the voter's interest in serving as an election judge, if indicated by the voter; and the voter's signature. The ~~card~~ application must also contain ~~a~~ the following certification of voter eligibility:

"I certify that I

(1) will be at least 18 years old on election day;

(2) am a citizen of the United States;

(3) will have resided in Minnesota for 20 days immediately preceding election day;

(4) maintain residence at the address given on the registration form;

(5) am not under a guardianship in which I have not retained the right to vote;

(6) have not been found by a court to be legally incompetent to vote;

(7) have not been convicted of a felony without having my civil rights restored; and

(8) have read and understand this statement, that giving false information is a felony punishable by not more than five years' imprisonment or a fine of not more than \$10,000, or both."

(b) The form of the voter registration card and the certification of voter eligibility application must be as provided in the rules of the secretary of state.:

(1) be consistent in layout with the data entry screens used by the statewide registration system;

(2) take into consideration readability and ease of understanding;

(3) provide space for including a mailing address for returning the completed registration;

(4) have printed on or with it a set of instructions for completing the registration; and

(5) have printed on or with it a statement that assistance for registration and voting is available for elderly and disabled individuals and residents of health care facilities.

(c) The voter registration application must contain a box marked "election day official use only" which contains "W ...," "P ...," and "SD." These abbreviations stand for "ward," "precinct," and "school district." Other information may also be included. Election judges shall record the type of election day voter registration proof and its number, if any, in the "election day official use only" box.

(d) The voter registration application may include a mark identifying where the voter obtained the application or how the application was delivered to the county auditor or secretary of state.

(e) Voter registration forms authorized by the National Voter Registration Act may must also be accepted as valid. The Federal Post Card Application (FPCA) form for requesting registration, an absentee ballot, or both must also be accepted for voter registration purposes if it is not deficient and if the voter is eligible to register in Minnesota. Voters who are permanently overseas are not eligible to be registered.

(f) An individual may use a voter registration application to apply to register to vote in Minnesota or to change information on an existing registration.

(g) The secretary of state shall provide examples of the voter registration application to all county auditors.

Sec. 9. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] Except as provided in section 201.061, subdivision 2, no voter registration is deficient if it contains the voter's name, address, date of birth, current and valid driver's license number or Minnesota state identification number or, if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration card application if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card application is deficient, incomplete pursuant to section 201.061, subdivision 2, or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality must not request the date of birth from currently registered voters by any communication other than the prescribed form. The form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. A registration application is not deficient for lack of a telephone number.

Sec. 10. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 9. [PROPERLY COMPLETED REGISTRATIONS.] If a county auditor determines that a registration application has been properly completed under this chapter, the auditor shall file the application and enter the registration on the state registration system. The county auditor shall maintain the file in an orderly manner. The county auditor shall have a card notice mailed to each newly registered voter and to each voter who changed name or address information on the voter's existing voting record indicating the voter's name, address, precinct, and polling place. The card must require that it be returned if not deliverable as addressed.

Sec. 11. Minnesota Statutes 2002, section 201.081, is amended to read:

201.081 [REGISTRATION FILES.]

The statewide registration system is the official record of registered voters. The voter registration ~~cards~~ applications and the terminal providing access to the statewide registration system must be under the control of the secretary of state or the county auditor or the public official to whom the secretary of state or the county auditor has delegated the responsibility for maintaining voter registration records. The voter registration cards applications and terminals providing access to the statewide registration system must not be removed from the control of the secretary of state or the county auditor except as provided in this subdivision. The secretary of state or the county auditor may make photographic copies of voter registration cards applications in the manner provided by section 138.17.

A properly completed voter registration ~~card~~ application that has been submitted to the secretary of state or a county auditor must be maintained by the secretary of state or the county auditor for at least 22 months after the date that the information on the ~~card~~ application is entered into the database of the statewide registration system. The secretary of state or the county auditor may dispose of the ~~cards~~ applications after retention for 22 months in the manner provided by section 138.17.

The registration record of a voter whose registration has been made inactive must be maintained in and be accessible from the statewide registration system for 22 months.

Sec. 12. Minnesota Statutes 2002, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] The county auditor shall make available for inspection a public information list in electronic or other media which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The public information list must not include any portion of any person's Social Security number, driver's license number, or Minnesota identification number. The county auditor may adopt reasonable rules governing access to the list. A copy of the public information list must be available for public inspection for authorized purposes at all times in the county auditor's office. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute. The secretary of state may make public information lists available for public purchase.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a written request and a copy of the court order, the secretary of state ~~may~~ must withhold from the public information list the name of any registered voter placed under court-ordered protection.

Sec. 13. Minnesota Statutes 2002, section 201.096, is amended to read:

201.096 [SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.]

The county auditor shall allow independent or special school districts to use the necessary portions of the statewide registration system for school district elections. The secretary of state or the county auditor may impose reasonable requirements to preserve the security and integrity of the system. The secretary of state or the county auditor and the school district shall provide by agreement for the details of the use of the system by the school district. The school board may designate a member of the board or an employee as registration officer. The provisions of this chapter and chapter 203B relating to registration of voters apply to all school district elections ~~in which the statewide registration system is used.~~

Sec. 14. Minnesota Statutes 2002, section 201.11, is amended to read:

201.11 [PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.]

When the boundaries of a precinct are changed, the county auditor shall immediately notify the secretary of state. The secretary of state, or the county auditor if delegated by the secretary of state, shall update the voter records for that precinct in the statewide registration system to accurately reflect those changes.

Sec. 15. Minnesota Statutes 2002, section 201.121, is amended by adding a subdivision to read:

Subd. 4. [AUDITOR'S RANDOM NOTIFICATION.] Following each election in which voters register on election day, the county auditor shall send a mailed notice of registration to a random sample of five percent of the election day registrants within ten days of the election. This section does not relieve the county auditor of the responsibility to send a mailed notice to all registrants.

Sec. 16. Minnesota Statutes 2002, section 201.13, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state may electronically change the status of those registrants to "deceased" in the statewide registration system, when a single exact match can be found in the system. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system.

Sec. 17. Minnesota Statutes 2002, section 201.14, is amended to read:

201.14 [STATE COURT ADMINISTRATOR OF DISTRICT COURT, REPORT CHANGES OF NAMES.]

The state court administrator of district court in each county shall report monthly to the county auditor secretary of state the name and address of each individual, 18 years of age or over, who maintains residence in that county and whose name was changed during the month preceding the date of the report, by marriage, divorce or any order or decree of the court. The report may be made by electronic means. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report. If the report is made by electronic means, the secretary of state shall determine if any of the persons in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Upon receipt of the report list, the county auditor shall notify by mail each registered voter whose name was changed that it will be necessary to reregister change the registration under the changed name in order to vote.

Sec. 18. Minnesota Statutes 2002, section 201.15, as amended by Laws 2003, chapter 12, article 2, section 3, is amended to read:

201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.]

Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly to the secretary of state the name, address, and date of birth of each individual 18 years of age or over, who during the month preceding the date of the report:

(a) was placed under a guardianship of the person in which the court order provides that the ward does not retain the right to vote; or

(b) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a) or (b). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The

secretary of state or the county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to ~~reregister~~ register or vote, unless the voter is restored to capacity.

Subd. 2. [RESTORATION TO CAPACITY.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly to the secretary of state the name, address, and date of birth of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The secretary of state or the county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 19. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 [DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.]

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration cards applications. The forms must contain spaces for the information required in section 201.071, subdivision 1, ~~and applicable rules of the secretary of state~~. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 20. Minnesota Statutes 2002, section 201.211, is amended to read:

201.211 [COSTS.]

The office required to perform the functions and duties of this chapter shall bear the costs incurred. If these functions and duties are delegated to another office, that office shall bear the costs. The secretary of state shall pay the costs of operating and maintaining the statewide registration system. The secretary of state shall also pay the costs of preparing polling place rosters and master lists printed by the secretary of state from the money appropriated for this purpose.

Sec. 21. [201.1215] [VERIFICATION; DISCREPANCIES.]

All applications for new voter registrations in the state shall be verified pursuant to section 201.1615. A registration record shall also be verified when a registered voter changes or adds a Minnesota driver's license number, Minnesota state identification number, or the last four digits of the Social Security number on the voter's registration record, or when the voter changes name, address, or date of birth information.

If, after matching the information in the statewide voter registration system with the information contained in the Department of Public Safety database, the accuracy of the information on the voter registration application cannot be verified, the county auditor shall investigate and attempt to resolve the discrepancy. If the discrepancy cannot be resolved, the county auditor must challenge the voter in the statewide voter registration system and may refer the matter to the county attorney.

If during the verification process the Department of Public Safety provides information that indicates that the voter is not a citizen of the United States, the county auditor shall challenge the voter in the statewide voter registration system and refer the matter to the county attorney.

Sec. 22. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 3a. [NOTIFICATION OF DEFICIENT REGISTRATION.] If a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain the needed information by mail, electronic mail, or telephone. If the auditor cannot obtain the needed information, the registration is deficient and the registration application must not be filed and must be maintained separately for 22 months. The applicant shall be allowed to vote only after correctly completing a registration application.

If the auditor notifies a person of an incorrectly completed registration, the auditor shall also notify the applicant of the dates on which registrations cannot be accepted for an election and of the procedures for election day registration. In the notice to the applicant, the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant registered to vote on the day after the upcoming election.

If an auditor receives a faulty or deficient registration during the period when registrations cannot be accepted for an election, the auditor shall notify the applicant that the applicant must register at the polling place of the precinct in which the applicant resides on election day to vote at the election. In the notice to the applicant, the auditor shall explain that a correctly completed registration received by the auditor during the period when registrations cannot be accepted for the upcoming election will make the applicant registered to vote on the day after the upcoming election.

Sec. 23. [201.157] [NOTICE OF CHALLENGE REMOVAL.]

The county auditor shall mail a notice indicating the individual's name, address, precinct, and polling place to any registered voter whose civil rights have been restored after a felony conviction; who has been removed from under a guardianship under which the person did not retain the right to vote; or who has been restored to capacity by the court after being ineligible to vote. The notice must require that it be returned if not deliverable.

Sec. 24. [201.075] [CHANGE OF RESIDENCE.]

An individual who has previously registered to vote in Minnesota who changes residence must be permitted to vote only after updating the registration by completing a registration application stating the individual's new residence.

Sec. 25. [201.076] [PROCESSING OF NATIONAL VOTER REGISTRATION ACT APPLICATIONS.]

All county auditors shall accept voter registration applications on forms prescribed by the Federal Election Commission as provided by the National Voter Registration Act if the application is from a person eligible to vote in Minnesota, and includes whether the voter is a United States citizen and will be 18 years old on or before election day, the registrant's name, address in Minnesota, previous address, if any, date of birth, current and valid Minnesota driver's license or Minnesota state identification card, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification card, the last four digits of the voter's Social Security number, registrant's signature, and the date of registration. The application must be processed and stored by the county auditor in the same manner as a Minnesota voter registration application.

Sec. 26. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, ~~and~~ space for the voter's signature, and any other information prescribed by the secretary of state necessary to permit election judges to perform duties required by law. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election. If a voter's registration has been challenged pursuant to section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any. If a voter's registration is incomplete under section 201.061, subdivision 2, an indicator must be printed on the line provided for the voter's signature to indicate the voter is required to show identification pursuant to section 201.061, subdivision 1a.

If a voter's name is withheld from public information lists pursuant to section 201.091, subdivision 4, the secretary of state may withhold the address of the voter from the line provided for the voter's signature. In this case, the auditor shall verify the voter's address following the election using the procedures in section 201.12.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I maintain residence at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person, have not been found by a court to be legally incompetent to vote, and have not been convicted of a felony without having my civil rights restored; and that I am registered and will be voting only in this precinct. I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant must fill in the registrant's name, address, and date of birth and sign the roster on the line provided.

Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered, beginning with the number 1 on each page.

The secretary of state shall identify and develop methods of producing polling place rosters. The secretary of state shall provide polling place rosters for each election in the state. The roster may be provided to the county auditor on paper, computer tape, or another electronic medium.

Sec. 27. Minnesota Statutes 2002, section 203B.02, is amended by adding a subdivision to read:

Subd. 4. [PRESIDENTIAL BALLOT.] A person who is qualified under United States Code, title 42, section 1973aa-1, to vote for the offices of president and vice-president or for electors for president and vice-president may vote by absentee ballot or in person at the auditor's office in the county where the person formerly resided.

The following persons are qualified: a voter who will be at least 18 years old on election day, is a citizen of the United States, and is not under court-ordered guardianship of the person without retaining the right to vote, has not been found by a court to be legally incompetent to vote, has not been convicted of a felony without having civil rights restored, and has previously lived in Minnesota and has moved from Minnesota to another state within 30 days of a presidential election and is not eligible to vote in the state in which the voter now resides, may apply for an absentee ballot that contains only the offices of president and vice-president in accordance with the requirements of United States Code, title 42, section 1973aa-1.

Sec. 28. Minnesota Statutes 2002, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided ~~in the rules of~~ by the secretary of state and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make example forms available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) the county auditor of the county where the applicant maintains residence; or

(b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

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

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

If an application cannot be approved because it is missing information, the auditor or clerk must attempt to obtain the information by mail, electronic mail, or telephone. If the missing information cannot be obtained, or if for any other reason the application cannot be approved, the auditor or clerk must notify the voter in writing of the reason for the rejection and must make a reasonable attempt to send a new application.

Sec. 29. Minnesota Statutes 2002, section 203B.04, subdivision 4, is amended to read:

Subd. 4. [~~ALTERNATE FORM OF REGISTRATION AT TIME OF APPLICATION.~~] An eligible voter who is not registered to vote but ~~who~~ is otherwise eligible to vote by absentee ballot may register by including a completed voter registration ~~and~~ application with the absentee ballot. The individual shall present proof of residence as required by section 201.061, subdivision 3, to the individual who witnesses the marking of the absentee ballots.

Sec. 30. Minnesota Statutes 2002, section 203B.04, subdivision 5, is amended to read:

Subd. 5. [PERMANENT ILLNESS OR DISABILITY.] (a) An eligible voter who reasonably expects to be permanently unable to go to the polling place on election day because of illness or disability may apply to a county auditor or municipal clerk under this section to automatically receive an absentee ballot application before each election, other than an election by mail conducted under section 204B.45, and to have the status as a permanent absentee voter indicated on the voter's registration record. Voters covered by this subdivision are exempt from mail-in requirements in section 201.061, subdivision 1a.

(b) The secretary of state shall adopt rules governing procedures under this subdivision.

Sec. 31. Minnesota Statutes 2002, section 203B.04, is amended by adding a subdivision to read:

Subd. 6. [PERMANENT APPLICATION.] An eligible voter who meets the requirements in subdivision 5 may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in subdivision 9 for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall immediately forward it to the county auditor. The voter's permanent application status must be indicated and permanently maintained on the voter's registration record on the statewide voter registration system.

The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

Sec. 32. [203B.041] [APPLICATION FORM; INSTRUCTIONS.]

Subdivision 1. [ALTERNATIVE REQUIREMENTS.] (a) Absentee ballot applications prepared under sections 203B.06, subdivision 1, and 203B.17, subdivision 2, must be in the form prescribed by the secretary of state. The secretary of state shall make the forms available by January 1 of even-numbered years by electronic means.

(b) An absentee ballot application prepared under section 203B.06, subdivision 1, must include spaces for the following information: the elections for which the absentee ballot is requested; the reason under section 203B.02, subdivision 1, for requesting the ballot; the voter's name, date of birth, Minnesota driver's license number or Minnesota state identification number, resident address in the county, telephone number, electronic mail address, and address to which the ballots are to be mailed; the date of the request; the voter's signature; and instructions to the voter on completing the form and returning the application as soon as possible.

(c) An absentee ballot application prepared under section 203B.17, subdivision 2, must include spaces for the following information: the voter's name, date of birth, and address of present or former residence in Minnesota; a statement and boxes a voter must check to indicate that the voter is a member of the armed forces, a spouse or dependent of a member of the armed forces, temporarily outside the United States, or permanently living outside the United States; a statement that the voter expects to be absent from the voter's precinct at the time of the election; the address to which the absentee ballot is to be mailed; the voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; the voter's telephone number, electronic mail address, and military number or passport number; and a signature line and title for the authorized witness under section 203B.17, subdivision 2, paragraph (f). The form must include instructions to the voter on completing the form and on who may complete the form on the voter's behalf. The form must include instructions that the application may be dropped off, mailed, sent by facsimile, or submitted by electronic image. The form must include instructions to return the application as soon as possible.

(d) An absentee ballot application prepared under section 203B.02, subdivision 4, must include a statement of eligibility in which the voter affirms that the voter will be at least 18 years old on election day, is a citizen of the United States, and is not under court-ordered guardianship of the person without retaining the right to vote, has not been found by a court to be legally incompetent to vote, and has not been convicted of a felony without having civil rights restored, and has previously lived in Minnesota and has moved from Minnesota to another state within 30 days of a presidential election and is not eligible to vote in the state in which the voter now resides. The form must include spaces for the voter's name, date of birth, former address in Minnesota, including city or town and county, electronic mail address, telephone number, the address to which the ballot should be mailed, the applicant's signature, and a statement that the information provided on the application is true and correct.

Subd. 2. [ABSENTEE BALLOT INSTRUCTIONS.] The following instructions must be sent with an absentee ballot application prepared pursuant to section 203B.06, subdivision 1:

"INSTRUCTIONS

1. To vote by absentee ballot

* you must be an eligible voter, and

* you must reside at the legal residence address you give on this application on election day.

It is a felony to make a false statement in an application for an absentee ballot, to apply for an absentee ballot more than once in an election with the intent to cast an illegal ballot, to show a ballot marked by a person to another person, or to violate an absentee ballot provision for the purpose of casting an illegal vote or to help anyone to cast an illegal vote.

2. Check the appropriate box indicating why you cannot go to your polling place on election day; these are the only reasons that entitle you to vote by absentee ballot.

3. Give your correct legal residence address as completely as possible, since this is used to verify your precinct number.

4. Sign the application.

5. Return the completed application as soon as possible to the election official from whom you received it.

Remember:

- You must indicate whether you are requesting ballots for the primary or general election, or both.

- Do not submit more than one application for each election.

- Your absentee ballots will be mailed or delivered to you as soon as they are available.

- Ballots received by election officials after election day will not be counted."

Subd. 3. [POSTCARD APPLICATION.] The absentee ballot application may be printed as a postcard application or in any other manner considered appropriate by the secretary of state. If the application is printed as a postcard application, it must conform to United States Postal Service requirements.

Subd. 4. [PERMANENT APPLICATION FORM.] The permanent application form must be in the form prescribed by the secretary of state. The secretary of state shall make the forms available by January 1 of even-numbered years by electronic means. The form must include space for the following information: the voter's name, residence address, address to which the ballot should be mailed, telephone number, electronic mail address, date of birth, and Minnesota driver's license number or Minnesota state identification number; and a certification of the voter that the voter reasonably expects to be permanently unable to vote in person at the polling place for the voter's precinct due to illness or disability. The form must also include a statement that the voter requests an application for absentee ballots to be sent to the voter before each election in which the voter is eligible to vote.

Subd. 5. [AGENT DELIVERY APPLICATION.] An application for agent delivery may be combined in one document with an absentee ballot application.

Sec. 33. [203B.042] [APPLICATIONS FROM CHALLENGED VOTERS.]

(a) A voter registration application must be sent with the ballot to any challenged voter who applies for an absentee ballot. The absentee ballot process must be administered as if the voter was not registered to vote.

(b) The following notice must accompany nonregistered absentee ballot materials:

"IMPORTANT NOTICE TO CHALLENGED VOTERS BEFORE VOTING:

Pursuant to Minnesota Statutes, chapter 201, the county auditor is required to "challenge" your voter registration, either because of a notification from the post office that you no longer live at the address listed on your voter registration or because of another question about your eligibility to vote.

To remove the challenge so that your ballot can be counted, you must complete the enclosed Minnesota voter registration application. Read the statement at the bottom of the registration application and sign the application only if all parts apply to you. To complete the return envelope, follow the instructions provided."

Sec. 34. Minnesota Statutes 2002, section 203B.06, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION CHECK.] Upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to section 203B.11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk, or election judge shall include a voter registration ~~and~~ application among the election materials provided to the applicant. If the county auditor, municipal clerk, or election judge determines that the voter's registration is incomplete under section 201.061, subdivision 2, the voter must be notified that the voter registration application is incomplete and a voter registration application must be included with the nonregistration absentee ballot materials. The voter may register using nonregistration absentee procedures.

Sec. 35. Minnesota Statutes 2002, section 203B.06, subdivision 7, is amended to read:

Subd. 7. [SPECIAL POSTAL SERVICES.] If the federal government or any of its branches, departments, agencies or other instrumentalities makes any special service available for the mailing of absentee voting materials, any county auditor or municipal clerk may use the service. A county auditor may use envelopes prepaid by applicants for express or similar delivery service.

Sec. 36. Minnesota Statutes 2002, section 203B.07, is amended to read:

203B.07 [RETURN AND BALLOT ENVELOPES; DIRECTIONS TO VOTERS.]

Subdivision 1. [DELIVERY OF ENVELOPES, DIRECTIONS.] The county auditor or the municipal clerk shall prepare, print, and transmit a return envelope, a ballot envelope, and a copy of the directions for casting an absentee ballot to each applicant whose application for absentee ballots is accepted pursuant to section 203B.04. The directions for casting an absentee ballot shall be printed in at least 14-point bold type with heavy leading and may be printed on the ballot envelope. When a person requests the directions in Braille or on cassette tape, the county auditor or municipal clerk shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available on request.

When a voter registration ~~card~~ application is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration ~~card~~ application must include instructions for registering to vote. County auditors and other persons administering the absentee process in jurisdictions whose boundaries include any part of an Indian reservation must, when responding to a request that is made from an address within the Indian reservation, also include information on the use of tribal information valid for proving residence within that jurisdiction for voting purposes.

Subd. 2. [DESIGN OF ENVELOPES.] The return envelope ~~shall~~ must be of sufficient size to conveniently enclose and contain the ballot envelope and a voter registration ~~card~~ application folded along its perforations. The return envelope shall be designed to open on the left hand end. A certificate of eligibility to vote by absentee ballot shall be printed on ~~the right hand three fourths of~~ the back of the envelope. The certificate shall contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements established by law for voting by absentee ballot. The certificate shall also contain a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:

- (~~a~~) (1) the ballots were displayed to that individual unmarked;
- (~~b~~) (2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and
- (~~c~~) (3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.

The county auditor or municipal clerk shall affix first class postage to the return envelopes.

Sec. 37. [203B.071] [INSTRUCTIONS TO ABSENTEE VOTER.]

Subdivision 1. [REQUIRED INSTRUCTIONS.] Instructions to the absentee voter must be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions must be in the form provided in subdivision 2, 3, or 6. The instructions may include a telephone number or electronic mail address that voters can call or write to for help in absentee voting. In election jurisdictions using electronic voting systems, the instructions must explain how to correctly mark and fold the electronic voting system ballots. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error.

Subd. 2. [UNREGISTERED VOTERS AND VOTERS WITH DEFICIENT REGISTRATIONS.] The following instructions must be sent to unregistered absentee voters and to voters whose registrations are incomplete under section 201.061, subdivision 2:

"INSTRUCTIONS TO ABSENTEE VOTERS
WHO ARE CURRENTLY NOT REGISTERED IN MINNESOTA,
WHOSE REGISTRATIONS HAVE BEEN DULY
CHALLENGED, OR WHO REGISTERED BY MAIL OR
WHO HAVE NOT COMPLETED REGISTRATION REQUIREMENTS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Fill out the voter registration application. Remember to sign your name at the bottom of the application.

Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:

a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address;

b. one document from the list in (i) and one document from the list in (ii):

(i) an original bill in your name for gas, electric, telephone, cable television, solid waste, water, or sewer services showing your current address and due up to 30 days before or after election day; and

(ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, or Minnesota postsecondary student identification card with your photograph;

c. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;

d. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

e. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

FOR PRIMARY VOTERS ONLY: Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 6. Fold each ballot. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot envelope and seal the envelope. Do not write on the ballot envelope.

Step 8. Place the tan secrecy envelope and your completed voter registration application into the white ballot return envelope and seal the envelope.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 10. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call

Subd. 3. [INSTRUCTIONS FOR REGISTERED VOTERS.] The following instructions must be sent to registered absentee voters:

"INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;

- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

FOR PRIMARY VOTERS ONLY: Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 4. Fold each ballot. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the ballot envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

Note: Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call"

Subd. 4. [PRESIDENTIAL BALLOT RETURN ENVELOPE.] The secretary of state must provide the form of the presidential ballot return envelope by January 1 of every even-numbered year to the county auditor through electronic means. The form of the affidavit on the back of the envelope must include spaces for the following information: the voter's name, former address in Minnesota, including city or town and county, a statement of eligibility, the voter's signature, and the date. The statement of eligibility must be an affirmation that the voter will be at least 18 years old on election day, is a citizen of the United States, and is not under court-ordered guardianship of the person without retaining the right to vote, has not been found by a court to be legally incompetent to vote, and has not been convicted of a felony without having civil rights restored, and has previously lived in Minnesota and has moved from Minnesota to another state within 30 days of a presidential election and is not eligible to vote in the state in which the voter now resides.

Sec. 38. [203B.072] [STATEMENT OF ABSENTEE VOTER.]

Subdivision 1. [FORM.] Except as provided in subdivision 4, the statement of absentee voter for persons voting under sections 203B.04 to 203B.15 must be as follows:

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting;

* marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;

* enclosed and sealed the ballots in the secrecy envelope;

* registered to vote by filling out and enclosing a voter registration application in the ballot envelope; and

* provided proof of residence as indicated below.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

PROOF OF RESIDENCE USED BY VOTER

Witness - please check one:

() MN Driver's License/Permit/ID Card or receipt with current address.

Number: _____

Utility bill plus a MN Driver's License/ID Card, U.S. passport, U.S. military ID card with picture, or student ID card with picture.

Number: _____

Previous registration in the same precinct.

Student ID Number: _____

Notice of Late Registration from county auditor or municipal clerk.

Registered voter in the precinct who vouched for absentee voter's residence in the precinct.

(Please complete the next three lines.)

VOUCHER'S NAME (PLEASE PRINT)

VOUCHER'S ADDRESS (PLEASE PRINT)

VOUCHER'S SIGNATURE

_____ "

Subd. 2. [FIRST TWO LINES.] The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter form before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subd. 3. [PRINTING SPECIFICATIONS.] The statement must be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "TO BE COMPLETED BY VOTER" must be printed in no smaller than 12-point type in capital letters. The remainder of the statement must be printed in no smaller than 8-point medium type.

Subd. 4. [ALTERNATIVE STATEMENT.] As an alternative, a county auditor may print two different versions of the statement. One version must be provided to absentee voters not previously registered to vote and must be printed as prescribed in subdivision 1. An alternate version may be printed in the form shown in subdivision 5 and must be provided only to absentee voters who are registered to vote at the time of application. The statement must be printed according to the specifications in subdivision 3.

Subd. 5. [ALTERNATIVE STATEMENT OF ABSENTEE VOTER FORM.] The alternative statement of absentee voter form must be as follows:

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting;

* marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;

* enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

_____ "

Sec. 39. [203B.211] [MILITARY AND OVERSEAS VOTERS.]

The following instructions must be sent to military and overseas absentee voters voting under sections 203B.16 to 203B.27:

"INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully:

Step 1. Mark the ballots in secrecy. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

FOR PRIMARY VOTERS ONLY: Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot, you may erase any errors and remark your ballot or you may request a new ballot from the county auditor from whom you received your ballot. If you are outside the United States and have not received your replacement ballot within a reasonable time so that you can mark your replacement ballot and return it by election day, use the federal write-in absentee ballot.

If you are disabled or otherwise unable to mark the ballots, you may have someone assist you. Do not permit any other individual to observe the marking of the ballot.

Step 2. Fold each ballot. Do not put any identifying marks on the ballot.

Step 3. Place all completed ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the tan ballot secrecy envelope. Do not permit other individuals to see your ballot before sealing the ballot envelope.

Step 4. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 5. Write your military identification number or passport number on the back of the white ballot return envelope. If you cannot provide your military identification number or passport number on the return ballot envelope, you must have the signature and certification of a commissioned officer of the armed forces or any official authorized to administer oaths under federal law or the law of the state of Minnesota or other place where the oath is administered.

Step 6. Print your name and your present or last address in Minnesota. Date and sign your name on the back of the white ballot return envelope.

Step 7. Return your ballot to the address on the white ballot return envelope by mail or expedited delivery service so it will be delivered by no later than election day.

Note: Follow these instructions carefully. An improperly completed ballot or ballot envelope may invalidate your votes. If you have any questions, please call"

Sec. 40. [203B.073] [ABSENTEE BALLOT ENVELOPE.]

Subdivision 1. [FORM.] The absentee ballot return envelope for persons casting an absentee ballot under sections 203B.04 to 203B.15 must be printed according to the following specifications:

(a) The envelope must be no smaller than 10-3/8 inches by 4-1/2 inches.

(b) The words and numbers printed on the left-hand side of the envelope must be in no smaller than 12-point bold type.

(c) The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

(d) The envelope must be white in color with black ink.

(e) The flap on one end of the back side of the envelope may be printed as follows:

"FOR OFFICE USE ONLY"

() ACCEPTED

() REJECTED Reason:

Subd. 2. [MAILING ADDRESS.] (a) County auditors and municipal clerks must print a mailing address on each return envelope mailed or delivered to an absent voter. The address block must be located in the lower right one-fourth of the envelope. A return envelope may be addressed to the county auditor, municipal clerk, or election judges of the precinct in which the absent voter is eligible to vote.

(b) If an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

Subd. 3. [WARD AND PRECINCT NUMBER.] The person mailing or delivering absentee ballots to an absent voter must, before doing so, fill in the absent voter's ward and precinct number in the spaces provided on the left-hand side of the return envelope, unless this information is contained on a label that has been affixed to the envelope.

Subd. 4. [RETURN ADDRESS.] A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the return envelope.

Subd. 5. [MARKS OR LOGO APPROVED BY UNITED STATES POSTAL SERVICE.] Marks or a logo approved by the United States Postal Service to identify ballot materials as official election mail may be printed on the absentee ballot return envelope.

Subd. 6. [SAMPLE ENVELOPE LAYOUT.] The secretary of state shall provide samples of the layout of the front and back of the envelope.

Sec. 41. [203B.212] [MILITARY AND OVERSEAS VOTERS; ENVELOPE.]

The absentee ballot return envelope for military and overseas voters must be printed according to paragraphs (a) to (i).

(a) The envelope may not be more than 11-1/2 inches in length nor less than 5-1/2 inches in length.

(b) The envelope may not be more than 6-1/8 inches in width nor less than 3-1/2 inches in width.

(c) In the upper right-hand corner, a postage symbol and box must be imprinted:

"U.S. Postage Paid
39 USC 3406"

(d) The words "PAR AVION" must be printed in 12-point bold type in capital letters one-half inch below the postage box.

(e) The words "OFFICIAL ABSENTEE BALLOTING MATERIAL -- FIRST CLASS MAIL No Postage Necessary In The U.S. Mail - DMM E080" must be printed in 18-point bold type and inside a box.

(f) The envelope must be white in color with black ink used for all printing.

(g) County auditors or municipal clerks must address the return envelope as provided in section 203B.08.

(h) Facing identification marks must be positioned as specified in United States Postal Service instructions for facing identification marks.

(i) Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot envelopes.

(j) The envelope must be signed by the voter and must be dated.

Sec. 42. Minnesota Statutes 2002, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Each full-time municipal or school district clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor ~~may~~ shall also designate election judges to perform the duties in

this section if the municipal clerk is not designated to perform absentee ballot duties. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in section 204C.15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 43. Minnesota Statutes 2002, section 203B.12, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

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

(2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(3) the voter is registered and eligible to vote in the precinct or has included a properly completed registration card in the return envelope; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

If more than one return envelope is received and accepted from a voter, the ballots in the return envelope bearing the latest date must be counted and all other return envelopes received from that voter must be returned with the rejected ballots.

Sec. 44. Minnesota Statutes 2002, section 203B.20, is amended to read:

203B.20 [CHALLENGES.]

Except as provided in this section, the eligibility or residence of a voter whose application for absentee ballots is recorded under section 203B.19 may be challenged in the manner set forth by section 201.195. The county auditor or municipal clerk shall not be required to serve a copy of the petition and notice of hearing on the challenged voter.

If the absentee ballot application was submitted on behalf of the voter by an individual authorized under section 203B.17, subdivision 1, paragraph (a), the county auditor must attempt to notify the individual who submitted the application that the voter's eligibility has been challenged. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in section 201.195.

Sec. 45. Minnesota Statutes 2002, section 203B.21, subdivision 3, is amended to read:

Subd. 3. [BACK OF RETURN ENVELOPE.] On the back of the return envelope an affidavit form shall appear with space for:

- ~~(a)~~ (1) the voter's address of present or former residence in Minnesota;
- ~~(b)~~ A statement indicating the category described in section 203B.16 to which the voter belongs;
- ~~(c)~~ (2) a statement that the voter has not cast and will not cast another absentee ballot in the same election or elections;
- ~~(d)~~ (3) a statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; ~~and~~

~~(e)~~ (4) the voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signature and certification of ~~an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent. armed forces or any official authorized to administer oaths under federal law or state law or the law of the place where the oath is administered;~~

(5) the federal oath. The federal oath prescribed by the federal Help America Vote Act is as follows:

"I swear or affirm, under penalty of perjury, that:

I am a member of the uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member; a United States citizen temporarily residing outside the United States; or other United States citizen residing outside the United States; and

I am a United States citizen, at least 18 years of age (or will be by the date of the election,) and I am eligible to vote in the requested jurisdiction;

I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.";
and

(6) the signature of the voter and the date the affidavit was signed.

Sec. 46. Minnesota Statutes 2002, section 203B.22, is amended to read:

203B.22 [MAILING BALLOTS.]

The county auditor shall mail the appropriate ballots, as promptly as possible, to an absent voter whose application has been recorded under section 203B.19. If the county auditor determines that a voter is not eligible to vote at the primary but will be eligible to vote at the general election, only general election ballots shall be mailed. Only one set of ballots shall be mailed to any applicant for any election unless a set of ballots is spoiled or lost in transit. Ballots to be sent outside the United States shall be given priority in mailing. A county auditor may make use of any special service provided by the United States government for the mailing of voting materials under sections 203B.16 to 203B.27. A county auditor may use envelopes prepaid by applicants for express or similar delivery service.

Sec. 47. Minnesota Statutes 2002, section 203B.24, is amended to read:

203B.24 [DUTIES OF ELECTION JUDGES.]

Subdivision 1. [CHECK OF VOTER ELIGIBILITY; PROPER EXECUTION OF AFFIDAVIT.] Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names appearing on their copy of the application records compiled under section 203B.19 to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. ~~Any discrepancy or disqualifying fact shall be noted on the envelope by the election judges. If a voter whose name is not on the list submits a ballot, the ballot must be rejected and the judge must write the reason for the rejection on the envelope.~~ Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the affidavit on the return envelope is does not properly executed. contain the following information: the voter's name, signature, current or former address in the precinct, military identification number or passport number or signature and certification of a commissioned officer of the armed forces or any official authorized to administer oaths under federal law or state law or other place where the oath is administered. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply.

Subd. 2. [VOTING MORE THAN ONCE.] The election judges shall compare the voter's name with the names appearing on their copy of the list of persons prepared under section 203B.26 who have submitted an application ~~records~~ to insure that the voter has not already returned a ballot in the election. The election judges must indicate on the record whether an absentee ballot was accepted for each applicant whose name appears on the record. If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date shall be counted and the uncounted ballots shall be returned by the election judges with the rejected ballots. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day materials.

Sec. 48. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than June 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality ~~that if either of them has fewer than 100 registered voters or if they~~ have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 473.121, subdivision 2, ~~that are contained in the same county.~~

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct except that if a single electronic precinct tabulator is used to count ballots in the polling place for multiple precincts, the ballots for all precincts may be deposited into the single ballot box of the precinct tabulator. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 49. Minnesota Statutes 2002, section 204B.16, subdivision 5, is amended to read:

Subd. 5. [ACCESS BY ELDERLY AND HANDICAPPED.] Each polling place shall be accessible to and usable by elderly and physically handicapped individuals. A polling place is deemed to be accessible and usable if it complies with the standards in paragraphs (a) to (f).

(a) At least one set of doors must have a minimum width of ~~34~~ 32 inches if the doors must be used to enter or leave the polling place.

(b) Any curb adjacent to the main entrance to a polling place must have curb cuts or temporary ramps. Where the main entrance is not the accessible entrance, any curb adjacent to the accessible entrance must also have curb cuts or temporary ramps.

(c) Where the main entrance is not the accessible entrance, a sign shall be posted at the main entrance giving directions to the accessible entrance.

(d) At least one set of stairs must have a temporary handrail and ramp if stairs must be used to enter or leave the polling place.

(e) No barrier in the polling place may impede the path of the physically handicapped to the voting booth.

(f) At least one handicapped parking space, which may be temporarily so designated by the municipality for the day of the election, must be available near the accessible entrance.

The doorway, handrails, ramps, and handicapped parking provided pursuant to this subdivision must conform to the standards specified in the State Building Code for accessibility by handicapped persons.

A governing body shall designate as polling places only those places which meet the standards prescribed in this subdivision unless no available place within a precinct is accessible or can be made accessible.

Sec. 50. Minnesota Statutes 2002, section 204B.18, is amended to read:

204B.18 [POLLING PLACES; EQUIPMENT.]

Subdivision 1. [BOOTHES.] Each polling place must contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. ~~The booth shall be provided with a door or curtains.~~ Each accessible polling place must have at least one accessible voting booth or other accessible voting station. All booths or stations must be constructed so that a voter is free from observation while marking ballots. In all other polling places ~~every effort must be made to provide~~ at least one accessible voting booth or other accessible voting station must be provided. During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. ~~If needed,~~ A chair must be provided for elderly and handicapped voters to use while voting or waiting to vote. A writing surface must be available for voters to use while filling out forms. All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

Subd. 2. [BALLOT BOXES FOR PAPER BALLOTS.] Each polling place shall be provided with one ballot box for each kind of paper ballot to be cast at the election. The boxes shall be substantially the same color as the ballots to be deposited in them. Each box shall be of sufficient size and shall have a sufficient opening to receive and contain all the ballots likely to be deposited in it. When buff or goldenrod ballot boxes are required, a separate box must be provided for each school district for which ballots are to be cast at that polling place. The number and name of the school district must appear conspicuously on the top of each buff or goldenrod ballot box.

Sec. 51. Minnesota Statutes 2002, section 204B.25, subdivision 3, is amended to read:

Subd. 3. [TRAINED ELECTION JUDGES; NUMBER REQUIRED.] Each election precinct in which less than 100 individuals voted at the last state general election shall have at least two election judges who are members of different major political parties who have received training as required in this section. An election judge who has not been trained under subdivision 1 must be trained by the head election judge. In every other election precinct, no individual may serve as an election judge who has not received training as required by subdivision 1.

Sec. 52. Minnesota Statutes 2002, section 204B.27, subdivision 3, is amended to read:

Subd. 3. [INSTRUCTION POSTERS.] At least 25 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county ~~in which paper ballots are used,~~ voter instruction posters printed in large type ~~upon cards or on~~ heavy paper. The instruction posters must contain the information needed to enable the voters to cast their ~~paper~~ ballots quickly and correctly and indicate the types of assistance available for

elderly and handicapped voters. Two instruction posters ~~shall~~ must be furnished for each precinct ~~in which paper ballots are used.~~ The secretary of state shall also provide posters informing voters of eligibility requirements to vote and of identification and proofs accepted for election day registration. Posters furnished by the secretary of state must also include all information required to be posted by the Help America Vote Act, including: instructions on how to vote, including how to cast a vote, instructions for mail-in registrants and first-time voters, general information on voting rights under applicable federal and state laws and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Sec. 53. Minnesota Statutes 2002, section 204B.45, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. A voter who has been challenged or whose registration is incomplete pursuant to section 201.061, subdivision 2, must be sent a voter registration application along with the ballot materials and a notice that the voter must reregister in order to vote. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 54. [204B.461] [MAIL BALLOTING.]

Subdivision 1. [SCOPE.] This section applies to mail balloting conducted under sections 204B.45 and 204B.46. Except as otherwise provided in this section, sections 203B.001 to 203B.15 also apply to mail balloting. In unorganized territory, the county auditor shall perform the duties specified for the municipal clerk.

Subd. 2. [AUTHORIZATION.] The municipal governing body, school board, or county board may authorize mail balloting by resolution adopted no later than 45 days prior to the first election at which mail balloting will be used. If mail balloting is adopted pursuant to section 204B.45, the resolution remains in effect for all subsequent state and county elections until revoked. Revocation of the resolution may occur no later than 45 days before the next affected election. Authorization to conduct a special election pursuant to section 204B.46 expires after completion of the election.

Subd. 3. [NOTICE.] The municipal clerk or school district clerk shall notify the county auditor of the adoption or discontinuance of mail balloting no later than two weeks after adoption or revocation of the resolution. The county auditor shall send a similar notice to the secretary of state for elections authorized pursuant to section 204B.45. The county auditor, municipal clerk, or school district clerk shall post notice of mail ballot procedures at least six weeks before each election. Notice of mail ballot procedures must include:

- (1) the name or description of the municipality or unorganized territory;
- (2) the date of the election and the dates that ballots will be mailed;
- (3) a statement that each voter registered by the 21st day before the election will be mailed a ballot;
- (4) the times, places, and manner in which voted ballots can be returned;

(5) an explanation of how an eligible voter who is not registered may apply for a ballot and how a registered voter who will be absent from the precinct may apply to receive the ballot at a temporary address;

(6) the place and time for counting of ballots; and

(7) the name and address or telephone number of the official or office where additional information can be obtained.

Before the first election at which mail balloting will be used or discontinued, notice must also be given by one or more of the following means: publication in a newspaper of general circulation, posting of notice at public locations within each precinct, dissemination of information through the media or at public meetings, or mailed notice to registered voters.

Subd. 4. [MAILING BALLOTS.] The county auditor, municipal clerk, or school district clerk shall mail ballots to the voters registered in the municipality or unorganized territory. A ballot mailing must be sent to each registered voter no earlier than 20 or later than 14 days prior to the election. A challenged voter must be sent nonregistered materials.

Ballots must be sent by nonforwardable mail. Ballots for eligible voters who reside in health care facilities may be delivered as provided in section 203B.11. The ballot mailing must be addressed to the voter at the voter's residence address as shown on the registration file unless the voter completes an absentee ballot request as provided in section 203B.04 or 203B.16.

A return envelope, a ballot secrecy envelope, and instructions for marking and returning mail ballots must be included with the ballots. The instructions may include a telephone number or electronic mail address which voters can call or write for help in mail voting. At the request of the secretary of state, a survey card that the voter can return to the secretary of state must also be included. The ballot return envelope must be printed with the mail voter's certificate. The ballot return envelope must be addressed for return to the county auditor, municipal clerk, or school district clerk that is conducting the election. First class postage must be affixed to the return envelope.

Subd. 5. [FORM OF INSTRUCTIONS TO MAIL VOTERS.] Mail ballots must include the following instructions:

"INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully.

Before you vote you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

FOR PRIMARY VOTERS ONLY: Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 4. Fold each ballot. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan colored Ballot Secrecy Envelope and seal the envelope. Do not write on this envelope.

Step 6. Place the tan colored ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope by mail so it will be delivered by election day or in person or through your designated agent no later than 8:00 p.m. on election day.

If you have questions, please call (...) ...-... -"

Subd. 6. [FORM OF MAIL VOTER'S CERTIFICATE.] The mail voter's certificate must be as follows:

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

I certify that on election day I will meet all the legal requirements to vote.

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting;

* marked the ballots in secrecy or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and

* enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

_____ "

Subd. 7. [NONREGISTERED ELIGIBLE VOTERS.] An eligible voter who was not registered on the 21st day prior to the election may apply for and receive an absentee ballot. Absentee voting in precincts using mail balloting must be conducted under chapter 203B, except that the time for applying for, receiving, and returning absentee ballots is extended until 8:00 p.m. on the day of the election. The instructions to absentee voters must be those specified in section 203B.21. The statement of absentee voter must be that specified in section 203B.072. The absentee ballot return envelope must be as specified in section 203B.073.

Subd. 8. [REPLACEMENT BALLOTS.] A voter who has spoiled a ballot may request a replacement ballot from the official conducting the election by completing a replacement mail ballot affidavit. The spoiled ballot must be returned to the official who issued the ballot, either by mail or in person, before a replacement ballot can be issued. The election official must put the returned ballot in a spoiled ballot envelope. A replacement ballot may also be issued to a voter who signs an affidavit stating that the voter did not receive or lost the ballot mailed to the voter. The election official shall stamp or mark on all replacement ballot return envelopes the words "REPLACEMENT BALLOT" and shall maintain a record of all replacement ballots issued.

Subd. 9. [FORM OF REPLACEMENT MAIL BALLOT AFFIDAVIT.] The replacement mail ballot affidavit must be as follows:

"REPLACEMENT MAIL BALLOT AFFIDAVIT OF

(print or type legal name of voter)

(print or type legal address)

I certify that

- I am a resident and eligible voter in

(name of township or territory)

- I am requesting a replacement ballot because I spoiled, lost, or did not receive the ballot mailed to me;

- if I spoiled the ballot, I have returned the spoiled ballot to the official who issued the ballot or it is enclosed with this affidavit;

- if I receive both ballots or find the first ballot, I will destroy the unused ballot and will vote only once; and

- I understand that voting twice is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both.

(date)

(legal signature of voter)"

Subd. 10. [UNDELIVERABLE BALLOTS.] Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in section 201.12, and the voter's registration must be challenged. The official conducting the election shall maintain a record of all undeliverable ballots.

If the ballot is returned by the post office with notification of the voter's new address within the county, municipality, school district, or unorganized territory holding the mail election, the auditor or clerk shall resend a ballot to the voter along with a voter registration application, an absentee ballot return envelope as provided in section 203.073, subdivision 1, and a notice explaining the need and the procedure to register at the voter's new address. The auditor or clerk shall keep a list of individuals who are sent the second mailing and will provide a copy of that list to the election judges for use in processing the returned ballots. The list of voters sent the second mailing will take the place of the absentee ballot request form specified in section 203B.041.

Subd. 11. [RETURNING BALLOTS.] Mail ballots may be returned to the official conducting the election by mail, in person, or by designated agent. The official conducting the election must accept ballots returned in person, or by designated agent, until 8:00 p.m. on the day of the election. An individual may not be the designated agent of more than three voters in one election.

Subd. 12. [POLLING PLACE AND ELECTION JUDGES.] The only polling place required for mail balloting is the office of the election official conducting the election. The number of voting stations set up in the office of the official conducting the election must be sufficient to accommodate the number of voters expected to vote in person on election day. On election day, the official conducting the election shall provide one or more secure drop boxes where voters can deposit return envelopes containing ballots. The governing body of the jurisdiction conducting the election shall designate a suitable location where the election judges can meet on election day to receive and count ballots. The location must be open for public observation of the counting of ballots. The governing body of the jurisdiction conducting the election shall appoint election judges as provided in sections 204B.19 to 204B.21. For state elections, the county auditor shall appoint election judges for mail ballot precincts and shall apportion the cost of the election judges among the precincts voting by mail in that election. The county auditor may delegate the authority to appoint election judges for precincts voting by mail in state elections to the municipal clerk. During the day of the election at least two election judges must be present at the office of the official conducting the election to accept mail ballots delivered in person and to process persons registering on election day. Additional judges may be appointed as needed. If the ballots are to be counted by hand and there are more than two questions or one office to be voted on, at least one judge must be appointed for the counting of ballots for every 500 persons from whom ballots are expected to be returned.

Subd. 13. [RECEIVING AND COUNTING BALLOTS.] On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots, applications for absentee ballots, affidavits for replacement ballots, and the list of voters sent a second mailing of the ballot. The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to

8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges.

Prior to 8:00 p.m. on election day, the election judges may examine the return envelopes, mark them "accepted" or "rejected" and remove the ballot envelopes from the "accepted" return envelopes. The election judges may check any list of registered voters provided by the county auditor or contact the county auditor to determine whether a witness who did not provide an address is a registered voter and therefore an eligible voter. The ballot envelopes must be placed unopened in a locked ballot box or other sealed container. At 8:00 p.m. on election day, the election judges shall open the ballot box, remove the ballots from the ballot envelopes, and count the ballots.

Subd. 14. [CHALLENGES.] Challengers appointed under section 204C.07 may be present while the election judges are examining and accepting or rejecting the return envelopes. Challenges must be made and determined as provided in section 204C.13, subdivision 6.

Subd. 15. [COSTS.] The governing body authorizing mail balloting shall pay the costs of the mailing. Costs of mailing include postage costs and the costs of printing required envelopes, instructions, affidavits, and mailing labels. Other expenses must be paid as provided in section 204B.32.

Subd. 16. [ALTERNATE FORMS.] The secretary of state may authorize the alternate use of envelopes and other forms related to mail elections.

Sec. 55. Minnesota Statutes 2002, section 204C.06, subdivision 2, is amended to read:

Subd. 2. [INDIVIDUALS ALLOWED IN POLLING PLACE.] (a) Representatives of the secretary of state's office, the county auditor's office, and the municipal or school district clerk's office may be present at the polling place to observe election procedures. Except for these representatives, election judges, sergeants-at-arms, and challengers, an individual may remain inside the polling place during voting hours only while voting or registering to vote, completing a form pursuant to section 200.04, providing proof of residence for an individual who is registering to vote, or assisting a handicapped voter or a voter who is unable to read English. During voting hours no one except individuals receiving, marking, or depositing ballots shall approach within six feet of a voting booth, unless lawfully authorized to do so by an election judge.

(b) Teachers and elementary or secondary school students participating in an educational activity authorized by section 204B.27, subdivision 7, may be present at the polling place during voting hours.

Sec. 56. Minnesota Statutes 2002, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies maintains residence at the address shown, is not under a guardianship of the person in which the individual has not retained the right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 57. Minnesota Statutes 2002, section 204C.12, subdivision 4, is amended to read:

Subd. 4. [REFUSAL TO ANSWER QUESTIONS OR SIGN A POLLING PLACE ROSTER; CONSEQUENCES OF SUCCESSFUL CHALLENGE.] A challenged individual who is found to be ineligible to vote in that precinct or who refuses to answer questions or sign a polling place roster as required by this section must not be allowed to vote and the county auditor must reclassify as inactive the record of the challenged individual within 14 days following the challenge. ~~A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster must not be allowed to vote.~~

Sec. 58. Minnesota Statutes 2002, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION REQUIREMENTS.] Precinct summary statements ~~shall~~ must be submitted by the election judges in every precinct. ~~For state elections, the election judges shall complete three or more copies of the summary statements, and~~ In a central counting center, the election official in charge shall prepare the summary statements. The summary statement must state the name of the county; the name of the municipality, school district, or special district; the precinct name and code; offices; names of candidates; number of persons registered at 7:00 a.m. on election day; number of ballots counted; vote totals; and any other data required by the secretary of state. Each ~~copy shall~~ summary statement must contain the following information for each kind of ballot:

(a) the number of votes each candidate received, including write-in candidates for state or federal office who have requested under section 204B.09 that votes for those candidates be tallied, or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially defective ballots with respect to each office or question;

(b) the number of totally blank ballots, the number of totally defective ballots, ~~the number of spoiled ballots, and the number of unused ballots;~~

(c) the number of individuals who voted at the election in the precinct;

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

(e) the number of regular absentee ballots;

(f) the number of military and overseas absentee ballots;

(g) the number of registered voters in the precinct as of 7:00 a.m. on election day;

(h) the number of ballots on hand as of 7:00 a.m., the number of spoiled ballots, the number of unused ballots, the number of ballots in the envelope marked "ballots for which duplicates were made," and the number of ballots that were printed at or delivered to the precinct during election day; and

(i) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question. The summary statement may be a computer printout, a tape produced by a vote tabulator, or a form designated by the secretary of state. The summary statement must include the tally of write-in votes counted under section 204B.09.

For state elections, the election judges shall complete three or more copies of the summary statement. At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections. The summary statements must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

Authorized personnel in each county must enter data contained on the summary statements into the election reporting system for the purpose of state reporting of the election results.

Sec. 59. [204C.275] [INSPECTION OF POLLING PLACE ROSTERS.]

An individual who asks to inspect a polling place roster used on election day must provide the county auditor with identification and a written request stating the information required by section 201.091, subdivision 4. Before fulfilling the request for inspection, the auditor must conceal the month and day of birth of each person on the roster. Before fulfilling the request for inspection, the auditor must conceal the address of any voter whose registration is under court-ordered protection pursuant to section 201.091.

Sec. 60. [204C.255] [PROCEDURES FOLLOWING CLOSE OF POLLS.]

Subdivision 1. [BALLOTS NOT ISSUED, SECURED.] All ballots that are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

Subd. 2. [TOTAL NUMBER OF VOTERS.] The total number of voters, determined pursuant to section 204C.20, subdivision 1, must be entered on the summary statement.

Sec. 61. [204C.245] [CERTIFICATE OF ELECTION JUDGES.]

The election judges shall sign a "certificate of election judges." The certificate must state:

(1) the number of persons voting as shown on the summary statement;

(2) that the order of the offices and questions to be voted on and the candidates' names on the ballots were the same as on the sample ballot and zero tape, if applicable;

(3) the number of ballots being submitted for tabulation or the number of ballots in the transfer case;

(4) that the ballots have been counted and agree with the number of names as shown on the summary statement or that any discrepancy has been noted on the incident report;

(5) the number of excess ballots, if any;

(6) that all ballots requiring duplication are in the proper envelope;

(7) that all write-in votes counted on election night have been properly recorded;

(8) that all ballots used in the election and all ballots that have been or need to be duplicated have been placed in the transfer case or envelope, and that the case was securely sealed in such a manner as to render it impossible to open the case without breaking the seal;

(9) the numbers of any seals used to seal the transfer case or cases, boxes, or envelopes containing ballots;

(10) that the national flag of the United States was displayed on a suitable staff during voting hours; and

(11) if the ballots were counted by hand, that all of the ballots cast were properly filed, checked, and counted.

The certification must provide space for signatures of all the election judges attesting to the information on the certification.

Sec. 62. [204C.125] [EMERGENCY VOTING CARD.]

If a voter who has registered prior to an election day is challenged because the voter's name does not appear on the polling place roster of the precinct in which the voter desires to vote, the voter may register on that election day by following the election day registration procedures in section 201.061. Or, if it appears upon examination that the voter's name was erroneously omitted from the roster, the voter must be permitted to vote in the precinct after completing the required name and address information and signing the oath on the polling place roster. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

Sec. 63. Minnesota Statutes 2002, section 204C.28, subdivision 1, is amended to read:

Subdivision 1. [COUNTY AUDITOR.] Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every county auditor shall keep a book in which, in the presence of the municipal clerk or the election judges who deliver the returns, the auditor shall make a record of all materials delivered, the time of delivery, and the names of the municipal clerk or election judges who made delivery. The county auditor shall file the book and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the book and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections, or, if a contest is filed, until the contest has been finally determined. Thereafter, the book shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.

The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Sec. 64. Minnesota Statutes 2002, section 204D.06, is amended to read:

204D.06 [CERTIFICATION OF NAMES BY SECRETARY OF STATE.]

At least 42 days before a state primary, the secretary of state shall certify to the county auditors the names of all candidates who have properly filed affidavits of candidacy with the secretary of state and who will be voted for in their respective counties at that primary. The secretary of state may comply with this requirement electronically.

Sec. 65. Minnesota Statutes 2002, section 204D.23, subdivision 4, is amended to read:

Subd. 4. [FILING WITH THE SECRETARY OF STATE; CERTIFICATION.] Within 24 hours after the filings have closed, the secretary of state shall certify to the county auditors the names of the candidates who have filed with the secretary of state and who will be voted for in those counties at the special primary. The secretary of state may comply with this requirement electronically.

Sec. 66. [205.135] [ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled municipal elections held in an even-numbered year, the municipal clerk must provide the offices and questions to be voted on in the municipality and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election. The county auditor may delegate at the request of the municipality the duty to enter the information into the system to the municipal clerk.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the offices and questions to be voted on in the municipality and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 67. [205.187] [ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.]

For regularly scheduled municipal elections held in November of an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the municipal election into the election results reporting system provided by the secretary of state.

For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the municipality into the election results reporting system provided by the secretary of state if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 68. [205A.075] [ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled school district elections held in an even-numbered year, the school district clerk must provide the offices and questions to be voted on in the school district and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the offices and questions to be voted on in the school district and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election if the county auditor or school district has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 69. [205A.075] [ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.]

For regularly scheduled school district elections held in an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the school district election into the election results reporting system provided by the secretary of state.

For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the school district into the election results reporting system if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 70. Minnesota Statutes 2002, section 204C.13, is amended by adding a subdivision to read:

Subd. 8. [SPOILED BALLOTS.] If a voter spoils a ballot by inadvertently defacing it or requests a new ballot, the voter shall hand the ballot to the election judge. The election judge may only look at the portion of the ballot containing precinct information in order to determine what style of replacement ballot to give the voter. The election judge shall place the ballot in the spoiled ballot envelope and give the voter another ballot.

Sec. 71. Minnesota Statutes 2002, section 206.56, subdivision 7, is amended to read:

Subd. 7. [COUNTING CENTER.] "Counting center" means a place selected by the governing body of a municipality the area in a polling place where an electronic voting system is used for the automatic processing and counting of ballots cast in that polling place. For ballots cast pursuant to section 204B.45 or 204B.46, "counting center" means a place selected by the governing body of a municipality where an electronic voting system is used for the automatic processing and counting of ballots.

Sec. 72. Minnesota Statutes 2002, section 206.64, subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROVISIONS FOR ELECTRONIC SYSTEM VOTING.] Each electronic voting system booth must be placed and protected so that it is accessible to only one voter at a time and is in full view of all the election judges and challengers at the polling place. The election judges shall admit one individual at a time to each booth after determining that the individual is eligible to vote. Voting by electronic voting system must be secret, except for voters who need assistance. A voter may remain inside the voting booth for ~~three minutes~~ a reasonable time. A voter who refuses to leave the voting booth after ~~three minutes~~ a reasonable time must be removed by the election judges. In no case may the time limit be construed to be less than three minutes. No time limit applies to a voter using assistive voting technology.

Sec. 73. Minnesota Statutes 2002, section 375.101, is amended by adding a subdivision to read:

Subd. 1a. [APPOINTMENTS TO FILL VACANCIES.] In addition to the events set forth in subdivision 3, a vacancy in the office of county commissioner occurring as a result of the death of the commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next county general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election.

Sec. 74. [REPEALER.]

(a) Minnesota Statutes 2002, section 203B.02, subdivision 1a, is repealed.

(b) Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.2150; 8230.3950; and 8230.4050; 8230.4390, are repealed.

Sec. 75. [EFFECTIVE DATE.]

Sections 1 to 70 and sections 72 and 74 are effective the day following final enactment.

Section 71 is effective July 1, 2006."

Delete the title and insert:

"A bill for an act relating to elections; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; providing for the administration of elections, including uniform election dates, registration of voters, and absentee ballots; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 11; 200.02, subdivision 20; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.081; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.096; 201.11; 201.121, subdivision 1, by adding a subdivision; 201.13, subdivision 1; 201.14; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.211; 201.221, subdivisions 2, 3; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 203B.04, subdivisions 1, 4, 5, by adding a subdivision; 203B.06, subdivisions 4, 7; 203B.07; 203B.08, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.20; 203B.21, subdivision 3; 203B.22; 203B.24; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivisions 3, 5; 204B.18; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.25, subdivision 3; 204B.27, subdivision 3; 204B.36, subdivision 4; 204B.41; 204B.45, subdivision 2; 204B.47; 204C.05, by adding a subdivision; 204C.06, subdivision 2, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.13, by adding a subdivision; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.06; 204D.14, by adding a subdivision; 204D.23, subdivision 4; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.10, subdivision 3; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 206.56, subdivision 7; 206.57, by adding subdivisions; 206.64, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 373.40, subdivision 2; 375.101, by adding a subdivision; 375.20; 414.041, subdivision 1; 447.32, subdivisions 3, 4; 458.40; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 475.58, subdivisions 1, 1a; 475.59; Minnesota Statutes 2003 Supplement, sections 123B.63, subdivision 3; 126C.17, subdivision 9; 205A.07, subdivision 3; 465.82, subdivision 2; 465.84; 475.521, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 201; 203B; 204B; 204C; 204D; 205; 205A; repealing Minnesota Statutes 2002, sections 203B.02, subdivision 1a; 204C.05, subdivisions 1a, 1b; 205.175; 205A.09; Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.2150; 8230.3950; 8230.4050; 8230.4390."

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2044, A bill for an act relating to state government; transferring tourism functions from Department of Employment and Economic Development to Explore Minnesota Tourism; appropriating money; amending Minnesota Statutes 2002, sections 116J.01, subdivision 5; 160.276, subdivision 5; Minnesota Statutes 2003

Supplement, sections 15.057; 15.75, subdivision 5; 116J.011; 116J.60; 161.20, subdivision 3; 270B.14, subdivision 13; proposing coding for new law as Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2002, sections 116J.01, subdivision 4; 116J.036; 116J.615; 116J.616; 116J.63, subdivision 4.

Reported the same back with the following amendments:

Pages 3 and 4, delete section 4

Page 9, delete lines 34 and 35 and insert "Duties of the director or the office may not be transferred to a nonprofit corporation or charitable foundation."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "116J.011;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2101, A bill for an act relating to state government; providing for local government impact notes; providing that certain rules take effect only upon legislative approval; amending Minnesota Statutes 2002, section 14.19; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Page 1, lines 16 and 18, delete "ten" and insert "20"

Page 2, after line 17, insert:

"Subd. 3. [EXCLUSION.] This section does not apply to a rule proposed by the Public Utilities Commission."

Page 2, line 21, after "for" insert "": (1)"

Page 2, line 22, before the period, insert "": or (2) any one statutory or home rule city that has less than 50 full-time employees"

Page 3, after line 14, insert:

"(d) This section does not apply to a rule adopted by the Public Utilities Commission.

"(e) Subdivision 3 does not apply if the governor determines not to delay the implementation of a rule pending legislative approval. The governor may make this determination at any time, either before or after the rule would take effect but for the requirement of legislative approval. As soon as possible after making a determination under this paragraph, the governor must send notice of the determination to the speaker of the house of representatives and the president of the senate, and must publish notice of this determination in the State Register."

Page 4, after line 8, insert:

"Sec. 4. [APPROPRIATION.]

\$45,000 is appropriated in fiscal year 2005 from the general fund to the commissioner of finance for purposes of implementing this act."

Page 4, line 9, delete "4" and insert "5"

Page 4, line 10, delete everything before "These" and insert "Section 1 is effective August 1, 2004. Sections 2 and 3 are effective July 1, 2005."

Page 4, line 12, delete "that date" and insert "the effective date of the applicable section"

Amend the title as follows:

Page 1, line 4, before "amending" insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2442, A bill for an act relating to farm products; regulating liens and financing statements; establishing filing requirements; setting fees; appropriating money; amending Minnesota Statutes 2002, sections 336A.01; 336A.02; 336A.03; 336A.04; 336A.05; 336A.06; 336A.07; 336A.08; 336A.09; 336A.10; 336A.11, subdivisions 1, 2; 336A.12; 336A.13; proposing coding for new law in Minnesota Statutes, chapter 336A; repealing Minnesota Rules, parts 8265.0100; 8265.0200; 8265.0300; 8265.0400; 8265.0500; 8265.0600.

Reported the same back with the following amendments:

Page 24, line 1, delete everything after the period

Page 24, delete lines 2 to 4

Page 24, after line 5, insert:

"Sec. 17. [APPROPRIATION.]

\$62,000 is appropriated in fiscal year 2005 from the general fund to the secretary of state for purposes of implementing this act. This is a onetime appropriation."

Page 24, line 9, delete "18" and insert "19"

Page 24, line 20, delete "17" and insert "18"

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2640, A bill for an act relating to insurance; creating a law enforcement agency to deal with insurance fraud; prescribing its powers and duties; establishing insurance assessments to fund the insurance fraud prevention account; transferring duties; amending Minnesota Statutes 2002, sections 45.0135, subdivision 6, by adding subdivisions; 299A.75, subdivision 1; 626.84, subdivision 1; repealing Minnesota Statutes 2002, section 45.0135, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 3, line 26, strike "It consists of" and delete "money" and insert "Money received from assessments under subdivision 7 is deposited in the account"

Page 3, line 27, delete the new language

Page 4, after line 17, insert:

"Sec. 9. Minnesota Statutes 2003 Supplement, section 268.19, subdivision 1, is amended to read:

Subdivision 1. [USE OF DATA.] (a) Except as otherwise provided by this section, data gathered from any employer or individual pursuant to the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a court order or section 13.05. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of Minnesota or any other state; or any federal agency charged with the administration of an employment security law or the maintenance of a system of public employment offices;
- (3) human rights agencies within Minnesota that have enforcement powers;
- (4) the Department of Revenue must have access to department private data on individuals and nonpublic data not on individuals only to the extent necessary for enforcement of Minnesota tax laws;
- (5) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (6) the Department of Labor and Industry and the Department of Commerce on an interchangeable basis with the department subject to the following limitations and regardless of any law to the contrary:
 - (i) the department must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of its duties under the Minnesota Unemployment Insurance Law; and

(ii) the Department of Labor and Industry and the Department of Commerce must have access to private data on individuals and nonpublic data not on individuals for uses consistent with the administration of ~~its~~ their duties under Minnesota law;

(7) the Department of Employment and Economic Development may have access to private data on individual employers and nonpublic data not on individual employers for its internal use only; when received by the Department of Employment and Economic Development, the data remain private data on individuals or nonpublic data;

(8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(9) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of the data subject, provided the data subject is the subject of a criminal investigation;

(10) the federal Immigration and Naturalization Service shall have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; and

(11) the Department of Health may have access to private data on individuals and nonpublic data not on individuals solely for the purposes of epidemiologic investigations.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Tape recordings and transcripts of recordings of proceedings conducted in accordance with section 268.105 and exhibits received into evidence at those proceedings are private data on individuals and nonpublic data not on individuals and must be disclosed only pursuant to the administration of section 268.105, or pursuant to a court order.

(d) The department may disseminate an employer's name, address, industry code, occupations employed, and the number of employees by ranges of not less than 100 for the purpose of assisting individuals using the Minnesota Workforce Center system in obtaining employment.

(e) The general aptitude test battery and the nonverbal aptitude test battery as administered by the department are private data on individuals or nonpublic data.

(f) Data gathered by the department pursuant to the administration of the Minnesota unemployment insurance program and the job service must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "transferring" insert "auto theft prevention" and after the semicolon, insert "providing for disclosure of certain data to the Department of Commerce;"

Page 1, line 9, after the semicolon, insert "Minnesota Statutes 2003 Supplement, section 268.19, subdivision 1;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2800, A bill for an act relating to government data practices; providing for compliance with law by information management systems; providing for classification of, and access to, CriMNet data; providing public defender access to criminal justice data; requiring a report; amending Minnesota Statutes 2002, sections 13.02, subdivision 18, by adding subdivisions; 13.03, subdivision 4; 13.82, subdivision 24; 299C.10, subdivisions 1, 2, by adding a subdivision; 299C.14; 299C.65, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 611.272; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 13.02, is amended by adding a subdivision to read:

Subd. 7b. [INFORMATION MANAGEMENT SYSTEM.] "Information management system" means an electronic system used or maintained by a government entity for the management of government data.

Sec. 2. Minnesota Statutes 2002, section 13.02, is amended by adding a subdivision to read:

Subd. 7c. [INFORMATION POLICY STATUTES.] (a) "Information policy statutes" means this chapter, section 15.17, and sections 138.163 to 138.225.

(b) "Compliance with information policy statutes" means that a government entity must do the following:

(1) appoint a responsible authority and prepare a public document identifying the responsible authority's name, title, and work address and the private and confidential data maintained by the entity;

(2) appoint a compliance official;

(3) train designees and other staff in information policy statutes compliance;

(4) establish procedures;

(i) to ensure that officials respond promptly to requests for public government data;

- (ii) to provide required notices to individuals concerning data collection;
 - (iii) to provide individuals with access to and notice of data maintained about them;
 - (iv) to provide individuals with the ability to challenge data about them;
 - (v) to ensure that data on individuals are accurate, complete, and current;
 - (vi) to ensure security safeguards for data on individuals; and
 - (vii) to provide for parents to access data about their minor children;
- (5) prepare a public document describing how the rights of a data subject under section 13.04 may be exercised in the entity and the procedures necessary to verify the subject's identity;
- (6) publish procedures to prevent unauthorized access to private and confidential data;
- (7) share not public data with another entity only as required or authorized by state statute or federal law;
- (8) make and preserve all records necessary to a full and accurate knowledge of the entity's official activities;
- (9) dispose of records or transfer them to archives in accordance with statutory procedures and approved records retention schedules;
- (10) when preparing a contract by which a private sector contractor performs government functions or obtains data on individuals from a government entity, include provisions that require the private contractor to comply with this chapter; and
- (11) in the case of CrimNet, maintain and ensure data subject access to audit trail data, and provide subscription service only as authorized by law.

Sec. 3. Minnesota Statutes 2002, section 13.02, subdivision 18, is amended to read:

Subd. 18. [STATEWIDE SYSTEM.] "Statewide system" includes any record-keeping system, including an information management system, in which government data is collected, stored, disseminated and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies ~~and~~ political subdivisions, and nongovernmental entities to the extent, as specified in section 13.05, subdivision 11, that the nongovernmental entity is performing functions normally performed by the government entity.

Sec. 4. Minnesota Statutes 2002, section 13.03, subdivision 4, is amended to read:

Subd. 4. [CHANGE IN CLASSIFICATION OF DATA; EFFECT OF DISSEMINATION AMONG AGENCIES.] (a) The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the hands of the agency receiving it as it had in the hands of the entity providing it.

(d) If a state agency, statewide system, or political subdivision disseminates data to another state agency, statewide system, or political subdivision, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

(e) To the extent that judicial branch data is disseminated to government entities by the judicial branch, the data disseminated shall have the same level of accessibility in the hands of the entity receiving it as it had in the hands of the judicial branch entity providing it.

Sec. 5. [13.055] [INFORMATION MANAGEMENT SYSTEMS; COMPLIANCE WITH LAW.]

(a) A person who believes an information management system is not in compliance with information policy statutes may seek an advisory opinion under section 13.072. A government entity operating an information management system must comply with any request for information from the commissioner for purposes of the advisory opinion.

(b) In an action to compel compliance pursuant to section 13.08 against a government entity operating an information management system, if the court finds that the information management system is not in compliance, the court may fashion any appropriate remedy. Upon a finding that the entity is not making satisfactory progress to cure compliance deficits, the court may order the entity to cease operation until satisfactory progress is made.

(c) No state agency may assume or share operational responsibility for any information management system that is not in compliance with information policy statutes. Before a state agency assumes or shares operational responsibility for an information management system created by a political subdivision, statewide system, or a nongovernmental entity, the responsible authority for that state agency shall ensure that the information management system is in compliance with information policy statutes and federal law. A state agency must not assume costs associated with enhancements of an information management system described in this paragraph unless approved by the legislature or required by federal law.

Sec. 6. [13.074] [INFORMATION MANAGEMENT SYSTEM REVIEW.]

(a) The commissioner must review information management systems that are to be added to CrimNet after the effective date of this section in order to determine that the systems are in compliance with information policy statutes. Each responsible authority for a system under review must promptly provide information to the commissioner to enable the determination to be made. The commissioner shall determine what reports or other information must be made available by the responsible authority for the proposed information management system in order to establish compliance.

(b) No later than January 15, 2005, the commissioner must provide the legislature with a proposed schedule to review information management systems and the design for any new information management systems that are operated by a state agency or a statewide system that has at least one state agency as a participant. As part of the report, the commissioner must provide the legislature with an estimate of the costs to conduct the reviews. An information management system described in this paragraph must not proceed beyond the design phase until the commissioner's determination is received.

(c) The legislative auditor should, as resources permit, include continuing compliance as part of each periodic audit.

(d) If the legislative auditor finds that an information management system described in this section is not in compliance with information policy statutes, the responsible authority for the government entity must, within 30 days, present a plan to the commissioner to bring the system into compliance. The commissioner must monitor the information management system's progress toward compliance. If the commissioner finds a failure to make satisfactory progress, the commissioner may require the government entity to cease operating the information management system until progress is satisfactory. If an information management system is found out of compliance under this paragraph, the government entity operating the system must report the amount spent to develop and implement the information management system and the amount spent on compliance to the committees in the house of representatives and the senate with fiscal authority over that government entity.

Sec. 7. Minnesota Statutes 2002, section 13.82, subdivision 24, is amended to read:

Subd. 24. [EXCHANGES OF INFORMATION.] (a) Except as otherwise provided by law, nothing in this chapter prohibits the exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation, except not public personnel data.

(b) When a law enforcement agency requests or disseminates private or confidential data on individuals by electronic means for a purpose authorized by this subdivision, it must document the purpose of the request or dissemination, including the case number, if available. Data under this paragraph must be retained for ten years. When an investigation becomes inactive under subdivision 7, the data under this paragraph are private data on the subject of the investigation.

Sec. 8. [13.8703] [CRIMNET DATA.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "CriMNet" is a statewide system as defined in section 13.02, subdivision 18, that integrates or interconnects data from multiple criminal justice information systems.

(c) "CriMNet data" are criminal justice agency data created, collected, used, or maintained in the prevention, investigation, or prosecution of crime and any resulting criminal justice system response that are held or accessed by CriMNet.

(d) "Audit trail data" are data created, used, or maintained by CriMNet for the purposes of ensuring and verifying that CriMNet was only accessed by authorized persons for authorized purposes.

Subd. 2. [DATA CLASSIFICATION; DISSEMINATION.] (a) Data accessed or maintained by CriMNet are subject to the provisions of section 13.03, subdivision 4, paragraphs (c) and (e). The fact that data held by government entities are accessed by CriMNet does not change the classification of the data in those government entities. Except for the exercise of rights by individuals under this section and section 13.04, access to CriMNet data is available only as provided by state or federal law to criminal justice agencies as defined in section 299C.46, subdivision 2; public defenders as provided in section 611.272; federal criminal justice agencies as defined in Code of Federal Regulations, title 28, section 20.3(g); and criminal justice agencies of other states.

(b) CriMNet data must be released only for the following purposes:

(1) investigating a crime or act of delinquency;

(2) seeking to apprehend an individual who is fleeing to avoid prosecution or custody;

(3) enforcing a warrant;

(4) enforcing terms of pretrial release;

(5) seeking an individual who is violating a condition of probation, conditional release, or supervised release;

(6) determining that an individual may be engaged in illegal activities;

(7) prosecuting, defending, trying, or sentencing an individual;

(8) seeking an individual who is likely to have information necessary to an action described under clauses (1) to (7); and

(9) auditing of data quality, data protection, and system development and maintenance.

(c) CrimNet data must be released only with the informed consent of the subject of the data as provided by section 13.05, subdivision 4. In the case of data on a juvenile, notwithstanding section 299C.095, subdivision 1, a minor may not consent to release of the data, but (i) the minor's parent or guardian may consent to release, and (ii) an adult may consent to release of data on the adult that was created when the adult was a minor.

Subd. 3. [REQUESTS BY DATA SUBJECT.] If an individual makes a request for CrimNet data about that individual under section 13.04, subdivision 3, a local or state law enforcement agency with access to CrimNet must:

(1) give the individual a list of any state agencies, political subdivisions, statewide systems, or other entities that provided data to CrimNet; and

(2) allow the individual to obtain a copy of any public or private CrimNet data, subject to standards established by the CrimNet responsible authority, and inform the individual of the availability of audit trail data from the CrimNet responsible authority. The individual must pay a fee of \$10 for a copy of the CrimNet data. Of this fee, \$5 remains with the law enforcement agency that received the request and \$5 must be forwarded to CrimNet.

Subd. 4. [AUDIT TRAIL DATA.] (a) Audit trail data must indicate the purpose for which CrimNet data on an individual was accessed and the case file number, if available. Audit trail data must be retained for ten years.

(b) Audit trail data created during the course of an investigation are confidential data or protected nonpublic data while the investigation is active. When an investigation is no longer active, as defined by section 13.82, subdivision 7, or if audit trail data are created as the result of access unrelated to an active investigation:

(1) audit trail data that identify an entity that requested or provided CrimNet data about a data subject are nonpublic data but are accessible to the individual data subject; and

(2) the responsible authority for CrimNet shall, after consultation with an entity that requested CrimNet data about an individual data subject, give the data subject audit trail data that identifies the agent of the entity who made the request if the responsible authority determines that the data subject's need to know outweighs the risk of harm disclosure would create for the agent of the entity or for public safety.

(c) The data subject or the agent of the entity who requested CrimNet data about a data subject may request a hearing challenging the responsible authority's determination under paragraph (b), clause (2). The data subject or the agent of the entity who requested CrimNet data about a data subject may intervene as a party in a hearing requested by another person. If a hearing is requested, the responsible authority must not provide the identifying data to the data subject until the hearing and any appeal of the decision is complete. The hearing must be conducted

as a contested case in accordance with sections 14.57 to 14.62. The decision of the administrative law judge is the final decision of the responsible authority, subject to appeal under sections 14.63 to 14.69. CriMNet must pay the Office of Administrative Hearings for the costs of the hearing under this subdivision. If the administrative law judge upholds the decision of the responsible authority, the person challenging the decision must reimburse CriMNet.

(d) Between the effective date of this subdivision and June 30, 2010, the requirements of this subdivision only apply to (1) CriMNet; (2) the operation of any new information management system added to CriMNet; (3) any change or enhancement to an information management system that is part of CriMNet and that involves the collection and use of data on individuals; and (4) any change or enhancement to an information management system, including changes in hardware or software, that is part of CriMNet and costs more than \$25,000 to implement.

Beginning July 1, 2010, this subdivision applies to CriMNet and to all information management systems that are a part of CriMNet.

Subd. 5. [SUBSCRIPTION SERVICE.] (a) For purposes of this subdivision, "subscription service" means a process by which criminal justice agency personnel may obtain ongoing, automatic electronic notice of any contacts an individual has with any criminal justice agency.

(b) Except as otherwise provided by this subdivision, CriMNet data may be released by a subscription service:

(1) to the subject of the data upon payment of a fee of \$30 per year by the subject;

(2) with the informed consent of the subject of the data. In the case of data on a juvenile, notwithstanding section 299C.095, subdivision 1, a minor may not consent to release of the data, but (i) the minor's parent or guardian may consent to release, and (ii) an adult may consent to release of data on the adult that was created when the adult was a minor; or

(3) as an element of sentencing, probation, conditional release, or supervised release of which the data subject is notified before the subscription service is implemented.

(c) CriMNet data on an individual may be released by subscription service without the request or consent of the data subject or notice to the data subject to criminal justice agency personnel for purposes of:

(1) investigating a crime or act of delinquency;

(2) seeking to apprehend an individual who is fleeing to avoid prosecution or custody;

(3) enforcing a warrant;

(4) enforcing terms of pretrial release;

(5) seeking an individual who is violating a condition of probation, conditional release, or supervised release;

(6) prosecuting, defending, trying, or sentencing an individual;

(7) determining that an individual may be engaged in illegal activities; or

(8) seeking an individual who is likely to have information necessary to criminal justice agency personnel acting under clauses (1) to (7).

Subscription service under this paragraph may continue for up to 30 days.

(d) A criminal justice agency may seek to release or receive data described in paragraph (c) by subscription service for a period longer than 30 days by seeking a court order in the same manner as seeking a search warrant. To grant the order, the court must find that one of the purposes listed in paragraph (c) continues to exist. The court must specify how long the subscription service may continue, which must not exceed 18 months without a showing of imminent threat to public safety or health.

Subd. 6. [PENALTIES.] A person who violates this section is subject to the penalties provided by section 13.09.

Subd. 7. [LEGISLATIVE REVIEW OF ACCESS MODIFICATIONS.] Notwithstanding any contrary provisions in section 13.82, any CriMNet feature that would provide access to data on individuals by an entity that is not subject to this chapter, other than the judiciary as defined in section 13.90, must be submitted to the legislature for review before implementation and must be implemented by a statute, contract, or interstate compact that addresses data practices issues and complies with this section.

Sec. 9. [13.8704] [CRIMINAL JUSTICE SYSTEM IMPLEMENTATION REPORT.]

Not less than 45 days prior to implementation of an information management system to be created or maintained by a state criminal justice agency, the agency must report to the chairs of the House Committee on Judiciary Policy and Finance, the House Committee on Civil Law, the Senate Committee on Judiciary, and the Senate Committee on Finance, State Government Budget Division the following information: the entities participating in creating or maintaining the system, the responsible authority for the system, the costs of development and implementation, state statutory or federal law authorization for the system, information to be shared, and time frame for implementation.

Sec. 10. Minnesota Statutes 2002, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED FINGERPRINTING.] (a) ~~Sheriffs, peace officers, and community corrections agencies operating secure juvenile detention facilities~~ The initial law enforcement jurisdiction responsible for a person's arrest or appearance in court shall take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, information on any known aliases or street names, and other identification data requested or required by the superintendent of the bureau, of the following:

(1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross misdemeanor, or targeted misdemeanor;

(2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for, or alleged to have committed felonies or gross misdemeanors as distinguished from those committed by adult offenders;

(3) persons reasonably believed by the arresting officer to be fugitives from justice;

(4) persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes; and

(5) juveniles referred by a law enforcement agency to a diversion program for a felony or gross misdemeanor offense.

(b) If the initial law enforcement agency fails to obtain the required identification data described in paragraph (a), the sheriff may obtain the required identification data and assess the cost to the initiating agency.

(c) Unless the superintendent of the bureau requires a shorter period, within 24 hours the fingerprint records and other identification data specified under paragraph (a) must be forwarded to the bureau on such forms and in such manner as may be prescribed by the superintendent.

(d) Prosecutors, courts, and probation officers and their agents, employees, and subordinates shall attempt to ensure that the required identification data is taken on a person described in paragraph (a). When it is determined that a person has not provided the required identification data described in paragraph (a), the court shall order the sheriff to obtain that data and the sheriff may assess the cost to the initiating agency.

(e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224 (fifth degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy), 609.748 (harassment or restraining order violation), or 617.23 (indecent exposure).

(f) The criminal justice agencies described in paragraph (a) shall take or cause to be taken fingerprints of persons currently involved in the criminal justice process, on probation, on parole, or in custody for the offenses in suspense whom the superintendent of the bureau identifies as being the subject of a court disposition record and:

(1) who cannot be linked to an arrest record;

(2) whose fingerprints are necessary in order to maintain and ensure the accuracy of the bureau's criminal history files, to reduce the number of suspense files; or

(3) to comply with the mandates of section 299C.111, relating to the reduction of the number of suspense files. This duty to obtain fingerprints for the offenses in suspense at the request of the bureau shall include the requirement that fingerprints be taken in postarrest interviews, while making court appearances, while in custody, or while on any form of probation, diversion, or supervised release.

Sec. 11. Minnesota Statutes 2002, section 299C.10, is amended by adding a subdivision to read:

Subd. 1a. [COURT DISPOSITION RECORD IN SUSPENSE; FINGERPRINTING.] The superintendent of the bureau shall inform a prosecuting authority that a person prosecuted by that authority is the subject of a court disposition record in suspense which requires fingerprinting under this section. Upon being notified by the superintendent or otherwise learning of the suspense status of a court disposition record, any prosecuting authority may bring a motion in district court to compel the taking of the person's fingerprints upon a showing to the court that the person is the subject of the court disposition record in suspense.

Sec. 12. Minnesota Statutes 2002, section 299C.10, subdivision 2, is amended to read:

Subd. 2. [LAW ENFORCEMENT EDUCATION.] The sheriffs and police officers and their agents, employees, and subordinates who take finger and thumb prints must obtain training in the proper methods of taking and transmitting finger prints under this section consistent with bureau requirements.

Sec. 13. Minnesota Statutes 2002, section 299C.14, is amended to read:

299C.14 [INFORMATION ON RELEASED PRISONER.]

It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, photographs, distinctive physical mark identification data, other identification data, modus operandi reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service

and the time, terms, and conditions of their discharge. This duty to furnish information includes, but is not limited to, requests for fingerprints as the superintendent of the bureau deems necessary to maintain and ensure the accuracy of the bureau's criminal history files, to reduce the number of suspense files, or to comply with the mandates of section 299C.111 relating to the reduction of the number of suspense files where a disposition record is received that cannot be linked to an arrest record.

Sec. 14. Minnesota Statutes 2002, section 299C.65, is amended by adding a subdivision to read:

Subd. 1a. [DATA CLASSIFICATION.] Data held by and accessible through CriMNet is classified under section 13.8703.

Sec. 15. Minnesota Statutes 2003 Supplement, section 611.272, is amended to read:

611.272 [ACCESS TO GOVERNMENT DATA.]

The district public defender, the state public defender, or an attorney working for a public defense corporation under section 611.216 has access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data ~~regarding the public defender's own client~~ as necessary to prepare criminal cases in which the public defender has been appointed, including as follows:

(1) access to data about witnesses in a criminal case shall be limited to records of criminal convictions; and

(2) access to data regarding the public defender's own client which includes, but is not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5.

The public defender has access to data under this section whether accessed via CriMNet or other methods. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 7; data protected under section 13.82, subdivision 17; or confidential arrest warrant indices data under section 13.82, subdivision 19, or to data systems maintained by a prosecuting attorney. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87, subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the contrary, there shall be no charge to public defenders for Internet access to the criminal justice data communications network.

Sec. 16. [REPORTS REQUIRED.]

(a) The Juvenile and Criminal Information Task Force established under Minnesota Statutes, section 299C.65, shall study and prepare recommendations for policy group consideration of the following:

(1) advisability of providing Web-based access to CriMNet data by data subjects;

(2) advisability of use of CriMNet data for noncriminal justice background checks without the consent of the data subject;

(3) advisability of providing public access;

(4) standards for dissemination of CriMNet data to entities that are not subject to Minnesota Statutes, chapter 13;

(5) retention schedules for CriMNet data;

(6) effect of federal requirements on the rights of individuals under Minnesota Statutes, chapter 13; and

(7) implementing the Minnesota Government Data Practices Act and court rules of access requirements regarding disclosure of disputed data held by CriMNet.

(b) The report must be submitted pursuant to Minnesota Statutes, section 299C.65, subdivision 3, and is due no later than December 1, 2004.

(c) The commissioner of administration must study and prepare recommendations on possibilities for the state to maximize its return on investments in information management systems. The report must be submitted to the chair of the House Committee on State Government Finance and the chair of the Senate Committee on Finance, State Government Budget Division by January 15, 2005.

Sec. 17. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to government data practices; providing for compliance with law by information management systems; providing for classification of, and access to, CriMNet data; providing public defender access to criminal justice data; requiring a report; amending Minnesota Statutes 2002, sections 13.02, subdivision 18, by adding subdivisions; 13.03, subdivision 4; 13.82, subdivision 24; 299C.10, subdivisions 1, 2, by adding a subdivision; 299C.14; 299C.65, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 611.272; proposing coding for new law in Minnesota Statutes, chapter 13."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2905, A bill for an act relating to state government; authorizing the cooperative purchase of goods; amending Minnesota Statutes 2002, section 16C.03, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1703, 2044, 2101 and 2442 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1373, 1716, 1753, 1787, 1946, 2141, 2181 and 2222 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Nelson, C., introduced:

H. F. No. 3174, A bill for an act relating to sales and use tax; providing for a sales tax exemption for the Rochester wastewater treatment plant; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Kelliher; Mariani; Pelowski; Mahoney; Hornstein; Thao; Johnson, S.; Walker; Ellison; Clark; Cox and McNamara introduced:

H. F. No. 3175, A bill for an act relating to higher education; allowing undocumented noncitizens to qualify as residents of Minnesota for state higher education purposes; amending Minnesota Statutes 2002, sections 135A.031, subdivision 2; 136A.101, subdivision 8.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Abrams introduced:

H. F. No. 3176, A bill for an act relating to taxation; insurance premiums; defining direct business; amending Minnesota Statutes 2002, section 297I.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams introduced:

H. F. No. 3177, A bill for an act relating to taxation; imposing a franchise fee on card clubs operated by pari-mutuel licensees; amending Minnesota Statutes 2002, section 240.30, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Hornstein, Rukavina, Ellison, Clark, Hilty and Pugh introduced:

H. F. No. 3178, A bill for an act relating to taxation; corporate franchise; modifying the taxation of foreign source income; repealing foreign operating corporation provisions; amending Minnesota Statutes 2002, sections 290.17, subdivision 4; 290.191, subdivision 5; Minnesota Statutes 2003 Supplement, section 290.01, subdivisions 19c, 19d; repealing Minnesota Statutes 2002, section 290.01, subdivision 6b.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams introduced:

H. F. No. 3179, A bill for an act relating to taxation; providing for withholding for construction specialty trades; providing for a tax compliance initiative; appropriating money; amending Minnesota Statutes 2002, section 290.92, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, April 19, 2004:

H. F. Nos. 2368, 2005 and 2151; S. F. No. 2609; H. F. Nos. 2446, 2103 and 2040; S. F. No. 2299; and H. F. No. 2724.

CALENDAR FOR THE DAY

H. F. No. 1838 was reported to the House.

Fuller, Cornish and Kuisle moved to amend H. F. No. 1838, the first engrossment, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 169.01, subdivision 78, is amended to read:

Subd. 78. [RECREATIONAL VEHICLE COMBINATION.] "Recreational vehicle combination" means a combination of vehicles consisting of a pickup truck as defined in section 168.011, subdivision 29, attached by means of a fifth-wheel coupling to a ~~camper-semitrailer~~ recreational semitrailer which has hitched to it a trailer carrying a watercraft as defined in section 86B.005, subdivision 18; off-highway motorcycle as defined in section 84.787, subdivision 7; motorcycle; motorized bicycle; snowmobile as defined in section 84.81, subdivision 3; ~~or~~ all-terrain vehicle as defined in section 84.92, subdivision 8; or equestrian equipment and supplies. For purposes of this subdivision:

(a) A "fifth-wheel coupling" is a coupling between a ~~camper semitrailer~~ recreational semitrailer and a towing pickup truck in which a portion of the weight of the ~~camper semitrailer~~ recreational semitrailer is carried over or forward of the rear axle of the towing pickup.

(b) A "~~camper semitrailer~~" is a trailer, other than a manufactured home as defined in section 327B.01, subdivision 13, ~~designed for human habitation and used for vacation or recreational purposes for limited periods.~~

Sec. 2. Minnesota Statutes 2002, section 169.81, subdivision 3c, is amended to read:

Subd. 3c. [RECREATIONAL VEHICLE COMBINATION.] Notwithstanding subdivision 3, a recreational vehicle combination may be operated without a permit if:

(1) the combination does not consist of more than three vehicles, and the towing rating of the pickup truck is equal to or greater than the total weight of all vehicles being towed;

(2) the combination does not exceed 60 feet in length;

(3) the ~~camper semitrailer~~ recreational semitrailer in the combination does not exceed 28 feet in length;

(4) the operator of the combination is at least 18 years of age;

(5) the trailer carrying a watercraft, motorcycle, motorized bicycle, off-highway motorcycle, snowmobile, ~~or~~ all-terrain vehicle, or equestrian equipment and supplies meets all requirements of law;

(6) the trailers in the combination are connected to the pickup truck and each other in conformity with section 169.82; and

(7) the combination is not operated within the seven-county metropolitan area, as defined in section 473.121, subdivision 2, during the hours of 6:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:00 p.m. on Mondays through Fridays."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1838, A bill for an act relating to traffic regulations; regulating uses of recreational vehicle combinations; authorizing motor carrier of passengers to operate articulated bus up to 61 feet in length without a permit; amending Minnesota Statutes 2002, sections 169.01, subdivision 78; 169.81, subdivision 3c, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilty	Lieder	Otto	Soderstrom
Abrams	Dill	Hoppe	Lindgren	Ozment	Solberg
Adolphson	Dorman	Hornstein	Lindner	Paulsen	Stang
Anderson, I.	Dorn	Howes	Lipman	Paymar	Swenson
Atkins	Eastlund	Huntley	Magnus	Pelowski	Thao
Beard	Eken	Jacobson	Mahoney	Penas	Thissen
Bernardy	Ellison	Jaros	Mariani	Peterson	Tingelstad
Biernat	Entenza	Johnson, S.	Marquart	Powell	Urdahl
Blaine	Erhardt	Juhnke	McNamara	Pugh	Vandever
Borrell	Erickson	Kahn	Meslow	Rhodes	Walker
Boudreau	Finstad	Kelliher	Murphy	Rukavina	Walz
Bradley	Fuller	Klinzing	Nelson, C.	Ruth	Wardlow
Brod	Gerlach	Knobloch	Nelson, M.	Samuelson	Wasiluk
Buesgens	Greiling	Koenen	Nelson, P.	Seagren	Westerberg
Carlson	Gunther	Kohls	Newman	Seifert	Westrom
Cornish	Haas	Kuisle	Nornes	Sertich	Wilkin
Cox	Hackbarth	Lanning	Olsen, S.	Severson	Zellers
Davids	Harder	Larson	Olson, M.	Sieben	Spk. Sviggum
Davnie	Hausman	Latz	Opatz	Simpson	
DeLaForest	Heidgerken	Lenczewski	Osterman	Slawik	
Demmer	Hilstrom	Lesch	Otremba	Smith	

Those who voted in the negative were:

Johnson, J.	Krinkie	Mullery	Wagenius
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The bill was passed, as amended, and its title agreed to.

The Speaker called Abrams to the Chair.

H. F. No. 979 was reported to the House.

Beard moved that H. F. No. 979 be returned to the General Register. The motion prevailed.

H. F. No. 2391, A bill for an act relating to health; modifying authority to dispense controlled substances; amending Minnesota Statutes 2002, section 152.11, subdivision 1; Minnesota Statutes 2003 Supplement, section 152.11, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hornstein	Lindgren	Ozment	Stang
Abrams	Dorman	Howes	Lindner	Paulsen	Swenson
Adolphson	Dorn	Huntley	Lipman	Paymar	Thao
Anderson, I.	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Atkins	Eken	Jaros	Mahoney	Penas	Tingelstad
Beard	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Bernardy	Entenza	Johnson, S.	Marquart	Powell	Vanderveer
Biernat	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Blaine	Erickson	Kahn	Meslow	Rhodes	Walker
Borrell	Finstad	Kelliher	Mullery	Rukavina	Walz
Boudreau	Fuller	Klinzing	Murphy	Ruth	Wardlow
Bradley	Gerlach	Knoblach	Nelson, C.	Samuelson	Wasiluk
Brod	Greiling	Koenen	Nelson, M.	Seagren	Westerber
Buesgens	Gunther	Kohls	Nelson, P.	Seifert	Westrom
Carlson	Haas	Krinkie	Newman	Sertich	Wilkin
Cornish	Hackbarth	Kuisle	Nornes	Severson	Zellers
Cox	Harder	Lanning	Olsen, S.	Sieben	Spk. Sviggum
Davids	Hausman	Larson	Olson, M.	Simpson	
Davnie	Heidgerken	Latz	Opatz	Slawik	
DeLaForest	Hilstrom	Lenczewski	Osterman	Smith	
Demmer	Hilty	Lesch	Otremba	Soderstrom	
Dempsey	Hoppe	Lieder	Otto	Solberg	

The bill was passed and its title agreed to.

H. F. No. 1897 was reported to the House.

Wagenius moved to amend H. F. No. 1897 as follows:

Page 1, line 9, before "Golden" insert "Minneapolis and, in"

Page 1, line 13, delete the second "the" and insert "each"

A roll call was requested and properly seconded.

The question was taken on the Wagenius amendment and the roll was called. There were 53 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Davnie	Entenza	Hornstein	Kahn	Latz
Atkins	Dill	Greiling	Huntley	Kelliher	Lenczewski
Bernardy	Dorn	Hausman	Jaros	Koenen	Lesch
Biernat	Eken	Hilstrom	Johnson, S.	Krinkie	Lieder
Carlson	Ellison	Hilty	Juhnke	Larson	Mahoney

Mariani	Nelson, M.	Otremba	Pugh	Slawik	Wagenius
Marquart	Nelson, P.	Paymar	Rukavina	Solberg	Walker
Mullery	Opatz	Pelowski	Sertich	Thao	Wasiluk
Murphy	Osterman	Peterson	Sieben	Thissen	

Those who voted in the negative were:

Abeler	DeLaForest	Harder	Lipman	Powell	Urdahl
Abrams	Demmer	Heidgerken	Magnus	Rhodes	Vandevveer
Adolphson	Dempsey	Hoppe	McNamara	Ruth	Walz
Beard	Dorman	Howes	Meslow	Samuelson	Wardlow
Blaine	Eastlund	Jacobson	Nelson, C.	Seagren	Westerberg
Borrell	Erhardt	Johnson, J.	Newman	Seifert	Westrom
Boudreau	Erickson	Klinzing	Nornes	Severson	Wilkin
Bradley	Finstad	Knoblach	Olsen, S.	Simpson	Zellers
Brod	Fuller	Kohls	Olson, M.	Smith	Spk. Sviggum
Buesgens	Gerlach	Kuisle	Otto	Soderstrom	
Cornish	Gunther	Lanning	Ozment	Stang	
Cox	Haas	Lindgren	Paulsen	Swenson	
Davids	Hackbarth	Lindner	Penas	Tingelstad	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1897, A bill for an act relating to water; providing for the consumptive use of groundwater.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilty	Lindner	Ozment	Smith
Abrams	Dorman	Howes	Lipman	Paulsen	Soderstrom
Adolphson	Dorn	Huntley	Magnus	Paymar	Solberg
Anderson, I.	Eastlund	Jacobson	Mahoney	Pelowski	Stang
Atkins	Eken	Johnson, J.	Mariani	Penas	Swenson
Beard	Entenza	Johnson, S.	Marquart	Peterson	Thao
Bernardy	Erhardt	Juhnke	McNamara	Powell	Tingelstad
Blaine	Erickson	Klinzing	Meslow	Pugh	Urdahl
Borrell	Finstad	Knoblach	Murphy	Rhodes	Vandevveer
Boudreau	Fuller	Koenen	Nelson, C.	Rukavina	Walz
Bradley	Gerlach	Kohls	Nelson, M.	Ruth	Wardlow
Brod	Greiling	Kuisle	Nelson, P.	Samuelson	Wasiluk
Buesgens	Gunther	Lanning	Newman	Seagren	Westerberg
Carlson	Haas	Larson	Olsen, S.	Seifert	Westrom
Cornish	Hackbarth	Latz	Olson, M.	Sertich	Wilkin
Cox	Harder	Lenczewski	Opatz	Severson	Zellers
Davids	Hausman	Lesch	Osterman	Sieben	Spk. Sviggum
Demmer	Heidgerken	Lieder	Otremba	Simpson	
Dempsey	Hilstrom	Lindgren	Otto	Slawik	

Those who voted in the negative were:

Biernat	Ellison	Jaros	Krinkie	Thissen
Davnie	Hoppe	Kahn	Mullery	Wagenius
DeLaForest	Hornstein	Kelliher	Nornes	Walker

The bill was passed and its title agreed to.

H. F. No. 2050, A bill for an act relating to health occupations; authorizing a physician application fee; requiring certain foreign medical school graduates to use a credentials verification service; amending Minnesota Statutes 2002, sections 147.01, by adding a subdivision; 147.037, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilty	Lesch	Osterman	Slawik
Abrams	Dill	Hoppe	Lieder	Otremba	Smith
Adolphson	Dorman	Hornstein	Lindgren	Otto	Soderstrom
Anderson, I.	Dorn	Howes	Lindner	Ozment	Solberg
Atkins	Eastlund	Huntley	Lipman	Paulsen	Stang
Beard	Eken	Jacobson	Magnus	Paymar	Swenson
Bernardy	Ellison	Johnson, J.	Mahoney	Pelowski	Thao
Biernat	Entenza	Johnson, S.	Mariani	Penas	Thissen
Blaine	Erhardt	Juhnke	Marquart	Peterson	Tingelstad
Borrell	Erickson	Kahn	McNamara	Powell	Urdahl
Boudreau	Finstad	Kelliher	Meslow	Pugh	Vandevor
Bradley	Fuller	Klinzing	Mullery	Rhodes	Wagenius
Brod	Gerlach	Knoblach	Murphy	Rukavina	Walker
Buesgens	Greiling	Koenen	Nelson, C.	Ruth	Walz
Carlson	Gunther	Kohls	Nelson, M.	Samuelson	Wardlow
Cornish	Haas	Krinkie	Nelson, P.	Seagren	Wasiluk
Cox	Hackbarth	Kuisle	Newman	Seifert	Westerberg
Davids	Harder	Lanning	Nornes	Sertich	Westrom
Davnie	Hausman	Larson	Olsen, S.	Severson	Wilkin
DeLaForest	Heidgerken	Latz	Olson, M.	Sieben	Zellers
Demmer	Hilstrom	Lenczewski	Opatz	Simpson	Spk. Sviggum

Those who voted in the negative were:

Jaros

The bill was passed and its title agreed to.

S. F. No. 2626, A bill for an act relating to veterans homes; extending certain leasing authority.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hornstein	Lindgren	Ozment	Stang
Abrams	Dorman	Howes	Lindner	Paulsen	Swenson
Adolphson	Dorn	Huntley	Lipman	Paymar	Thao
Anderson, I.	Eastlund	Jacobson	Magnus	Pelowski	Thissen
Atkins	Eken	Jaros	Mahoney	Penas	Tingelstad
Beard	Ellison	Johnson, J.	Mariani	Peterson	Urdahl
Bernardy	Entenza	Johnson, S.	Marquart	Powell	Vandevor
Biernat	Erhardt	Juhnke	McNamara	Pugh	Wagenius
Blaine	Erickson	Kahn	Meslow	Rhodes	Walker
Borrell	Finstad	Kelliher	Mullery	Rukavina	Walz
Boudreau	Fuller	Klinzing	Murphy	Ruth	Wardlow
Bradley	Gerlach	Knoblach	Nelson, C.	Samuelson	Wasiluk
Brod	Greiling	Koenen	Nelson, M.	Seagren	Westerberg
Buesgens	Gunther	Kohls	Nelson, P.	Seifert	Westrom
Carlson	Haas	Krinkie	Newman	Sertich	Wilkin
Cornish	Hackbarth	Kuise	Nornes	Severson	Zellers
Cox	Harder	Lanning	Olsen, S.	Sieben	Spk. Sviggum
Davids	Hausman	Larson	Olson, M.	Simpson	
Davnie	Heidgerken	Latz	Opatz	Slawik	
DeLaForest	Hilstrom	Lenczewski	Osterman	Smith	
Demmer	Hilty	Lesch	Otremba	Soderstrom	
Dempsey	Hoppe	Lieder	Otto	Solberg	

The bill was passed and its title agreed to.

S. F. No. 2903, A bill for an act relating to local government; increasing the threshold amount for towns required to have annual audits; amending Minnesota Statutes 2002, section 471.697, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Davids	Eastlund	Gerlach	Hilstrom
Abrams	Borrell	Davnie	Eken	Greiling	Hilty
Adolphson	Boudreau	DeLaForest	Ellison	Gunther	Hoppe
Anderson, I.	Bradley	Demmer	Entenza	Haas	Hornstein
Atkins	Brod	Dempsey	Erhardt	Hackbarth	Howes
Beard	Carlson	Dill	Erickson	Harder	Huntley
Bernardy	Cornish	Dorman	Finstad	Hausman	Jacobson
Biernat	Cox	Dorn	Fuller	Heidgerken	Jaros

Johnson, J.	Lieder	Nelson, M.	Pelowski	Sieben	Walz
Johnson, S.	Lindgren	Nelson, P.	Penas	Simpson	Wardlow
Juhnke	Lindner	Newman	Peterson	Slawik	Wasiluk
Kelliher	Lipman	Nornes	Powell	Soderstrom	Westerberg
Klinzing	Magnus	Olsen, S.	Pugh	Solberg	Westrom
Knoblach	Mahoney	Olson, M.	Rhodes	Stang	Wilkin
Koenen	Mariani	Opatz	Rukavina	Swenson	Zellers
Kohls	Marquart	Osterman	Ruth	Thao	Spk. Sviggum
Kuisle	McNamara	Otremba	Samuelson	Thissen	
Lanning	Meslow	Otto	Seagren	Tingelstad	
Latz	Mullery	Ozment	Seifert	Urdahl	
Lenczewski	Murphy	Paulsen	Sertich	Wagenius	
Lesch	Nelson, C.	Paymar	Severson	Walker	

Those who voted in the negative were:

Buesgens	Kahn	Krinkie	Larson	Smith	Vandever
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The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 2213, A bill for an act relating to natural resources; modifying requirements for certain equipment used by the department; exempting certain patrol vehicles from the security barrier requirement; providing for designation of certain enforcement personnel by commissioner's order; amending Minnesota Statutes 2002, section 84.025, subdivision 10; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 85.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Gerlach	Johnson, S.	Lindgren	Olsen, S.
Abrams	DeLaForest	Greiling	Juhnke	Lindner	Olson, M.
Adolphson	Demmer	Gunther	Kahn	Lipman	Opatz
Anderson, I.	Dempsey	Haas	Kelliher	Magnus	Osterman
Atkins	Dill	Hackbarth	Klinzing	Mariani	Otremba
Beard	Dorman	Harder	Knoblach	Marquart	Otto
Bernardy	Dorn	Heidgerken	Koenen	McNamara	Ozment
Blaine	Eastlund	Hilstrom	Kohls	Meslow	Paulsen
Boudreau	Eken	Hilty	Kuisle	Mullery	Paymar
Bradley	Ellison	Hoppe	Lanning	Murphy	Pelowski
Brod	Entenza	Hornstein	Larson	Nelson, C.	Penas
Carlson	Erhardt	Howes	Latz	Nelson, M.	Peterson
Cornish	Erickson	Huntley	Lenczewski	Nelson, P.	Powell
Cox	Finstad	Jaros	Lesch	Newman	Pugh
Davids	Fuller	Johnson, J.	Lieder	Nornes	Rhodes

Rukavina	Sertich	Smith	Thissen	Walz	Wilkin
Ruth	Severson	Soderstrom	Tingelstad	Wardlow	Zellers
Samuelson	Sieben	Stang	Urdahl	Wasiluk	Spk. Sviggum
Seagren	Simpson	Swenson	Wagenius	Westerberg	
Seifert	Slawik	Thao	Walker	Westrom	

Those who voted in the negative were:

Biernat	Buesgens	Krinkie	Solberg
Borrell	Jacobson	Mahoney	Vandever

The bill was passed and its title agreed to.

H. F. No. 2139, A bill for an act relating to title insurance; providing for required premium reserves; defining a term; amending Minnesota Statutes 2002, sections 68A.02; 68A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 68A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hornstein	Lindgren	Ozment	Stang
Abrams	Dill	Howes	Lindner	Paulsen	Swenson
Adolphson	Dorman	Huntley	Lipman	Paymar	Thao
Anderson, I.	Dorn	Jacobson	Magnus	Pelowski	Thissen
Atkins	Eastlund	Jaros	Mahoney	Penas	Tingelstad
Beard	Eken	Johnson, J.	Mariani	Peterson	Urdahl
Bernardy	Ellison	Johnson, S.	Marquart	Powell	Vandever
Biernat	Entenza	Juhnke	McNamara	Pugh	Wagenius
Blaine	Erhardt	Kahn	Meslow	Rhodes	Walker
Borrell	Erickson	Kelliher	Mullery	Rukavina	Walz
Boudreau	Finstad	Klinzing	Murphy	Ruth	Wardlow
Bradley	Fuller	Knoblach	Nelson, C.	Samuelson	Wasiluk
Brod	Gerlach	Koenen	Nelson, M.	Seagren	Westerberg
Buesgens	Greiling	Kohls	Nelson, P.	Seifert	Westrom
Carlson	Gunther	Krinkie	Newman	Sertich	Wilkin
Clark	Haas	Kuisle	Nornes	Severson	Zellers
Cornish	Hackbarth	Lanning	Olsen, S.	Sieben	Spk. Sviggum
Cox	Harder	Larson	Olson, M.	Simpson	
Davids	Hausman	Latz	Opatz	Slawik	
Davnie	Hilstrom	Lenczewski	Osterman	Smith	
DeLaForest	Hilty	Lesch	Otremba	Soderstrom	
Demmer	Hoppe	Lieder	Otto	Solberg	

Those who voted in the negative were:

Heidgerken

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Hilstrom moved that her name be stricken as an author on H. F. No. 1000. The motion prevailed.

Davnie moved that the name of Hornstein be added as an author on H. F. No. 1382. The motion prevailed.

Carlson moved that the name of Latz be added as an author on H. F. No. 1516. The motion prevailed.

Abrams moved that H. F. No. 2623 be recalled from the Committee on Transportation Finance and be re-referred to the Committee on Taxes. The motion prevailed.

Clark, Sviggum, Davids, Hausman and Buesgens introduced:

House Resolution No. 22, A House resolution remembering Molly Cade.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, April 19, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, April 19, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

