

OSS Summary of H.F. 1830

[Laws 2023 – Chapter 62](#)

Changes to the laws in this legislation are effective on July 1, 2023, unless otherwise noted

Administration & Funding

Voting Operations, Technology, and Election Resources Account

\$1.25 million will be allocated per year for expenses directly related to elections. By July 20 each year, OSS distributes funds to all 87 counties:

- 20 percent allocated equally to all 87 counties
- 80 percent allocated based on proportion of registered voters

Counties and cities/townships can devise their own agreement/formula for distributing the funds. Counties must distribute funds to cities and townships by December 31 of each year. If no separate agreement is reached, the funds are distributed using this formula:

- 50 percent to county
- 25 percent to all municipalities/townships
- 25 percent to county/city/township responsible for administering AB, in proportion to share of registered voters in the county

Funds can be spent on the following eligible expenses:

- (1) equipment; (2) hardware or software; (3) cybersecurity; (4) security-related infrastructure; (5) capital improvements to improve access to polling places for individuals with disabilities; (6) staff costs for election administrators, election judges, and other election officials; (7) printing and publication; (8) postage; (9) programming; (10) local match for state or federal funds; and (11) any other purpose directly related to election administration.

By December 15 of each year, municipalities must report to the counties how their money was spent. By December 31 of each year, the county will report to OSS how they and their underlying municipalities spent the funds. Funds remain in the county and/or city/township account until they are expended.

Accessibility Grants

\$500,000 is allocated to the OSS to administer accessibility grants. Grant funding will be made available to counties and municipalities for polling place accessibility improvements. OSS will review and determine the requirements, priorities, funding distribution, and timelines for the administration of the grant and will be reaching out to counties as soon as we have more information.

HAVA Funding

\$461,000 in state matching funds are appropriated to the HAVA account. HAVA funding will now be directly appropriated to the OSS - no longer requiring legislative approval before it can be spent.

This section is effective on the day following final enactment.

Mail Balloting

Metro area restrictions no longer apply for mail balloting. A town of any size or a city with fewer than 400 registered voters, anywhere in the state, may be authorized to administer mail balloting.

Returned mail ballots can be opened starting after the close of business on the 19th day before the election.

Minnesota Statutes 204B.45 is amended so that counties with mail ballot precincts may offer an in-person voting option where voters in a mail ballot precinct can insert their ballot into a tabulator on election day.

Electronic Voting Systems

The electronic voting system definition in Minnesota Statutes 206.80 is amended to allow for multiple ballot formats/sizes within a precinct. Minnesota Statutes 204B.35 is also amended to permit the use of blank paper ballots when using an electronic voting system that displays required information on a touch screen or other electronic device. Precincts using alternative ballot styles must still provide voters with the option of voting with a regularly printed optical scan ballot. In precincts where multiple ballot formats are used and ten or fewer voters use the alternate ballot format, any election judges participating in a recount or postelection review cannot be the same election judges that worked in that precinct.

Separately, once a county/municipality has adopted the use of an electronic voting system, the county/municipality must continue to use an electronic voting system for all state elections in those precincts.

Intimidation and Interference

Defines several prohibited activities related to the performance of duties by an election official, including intimidation, interference, obstruction, tampering, and unauthorized access to SVRS. Civil and criminal penalties apply for violations.

These changes are effective June 15, 2023, and apply to violations occurring on or after that date.

Related, an electronic image of the hard drive of any vote recording or tabulating system or any other component of an electronic voting system may not be created or disclosed, except as authorized in writing by the OSS or for conducting official duties as expressly authorized by law.

This change is effective the day following final enactment.

Presidential Nomination Primary

Major political party chairs will now only receive political party lists of voters who selected that party (previously all lists were provided to each major political party chair).

Major Political Party Status

- By December 1 of each odd year, each major party must submit a certification that they complied with the modified requirements in MN Statutes 202A.12 and 202A.13.
- Beginning after the 2024 election, a party must also receive at least 8% statewide in order to retain major party status.

- Major parties must hold conventions in every congressional district and at least 45 counties or legislative districts. They must also have executive committees in the same number of jurisdictions.
- Section 28 clarifies that a governor's preference ballot is only required in a year that the governor will appear on the ballot.
- The three current major political parties (Democratic-Farmer-Labor Party, Legal Marijuana Now Party, and the Republican Party of Minnesota) all retain their major party status through the 2024 election.

Felon Voting Rights Restoration

Clarifies that an individual serving a felony sentence that is out in the community on state work release (MN Statutes 241.26 or 244.065) or local release (MN Statutes 631.425) is not considered to be incarcerated for the purpose of voting.

Reporting requirements from the Courts and Corrections are updated to provide only the required information on those currently incarcerated for a felony offense.

These changes are effective June 1, 2023.

Legislative District Map Modifications

Minor changes were made to the boundaries in each of the districts listed below. These changes will go into effect for the statewide primary in August 2024. Impacted municipalities and counties will need to adjust precinct and commissioner boundaries after the PNP and before the August 2024 election.

- [Senate Districts 9 & 12](#)
- [Senate District 17](#)
- [Senate District 44](#)

Vacancy in Nomination

Vacancy in nomination requirements for partisan offices under 204B.13 no longer apply to federal offices.

Voting Issues Study

Funding is allocated to the OSS to conduct a study of issues related to voter engagement, education, and improvements to the election system, including assessing ranked choice voting. The study must include consultations with election administrators and community organizations and will review existing elections systems and procedures and their compatibility with the topics of the study. An interim report must be submitted no later than February 1, 2025, and a final report is required by June 30, 2025.

Terminology cleanup

The bill makes several administrative updates/corrections for clarity and consistency. This includes references to *maintaining residence* and corrections from *return envelope* to *signature envelope*.

A majority of these technical corrections are effective June 1, 2023.

Pre-Election

Polling Places

An annual ordinance/resolution designating polling places is no longer required by December 31 if there have been no changes to the designated polling places. *Note that MN Statutes 205A.11 requires an annual resolution by December 31 for combined polling places for school district standalone elections. This remains unchanged.*

A city or town that establishes or withdraws from participation in a combined polling place under MN Statutes 204B.14 must provide notice to the OSS.

Candidate Filing

Candidates must provide a non-government issued email address on the affidavit of candidacy or attest that they do not have an email address.

Candidates can now request that their residence be classified as private data if the candidate has a reasonable fear in regard to the safety of the candidate or the candidate's family. The candidate must provide their residential address to the filing officer to be kept privately. For any offices where the residency requirement must be satisfied by the close of the filing period and where the candidate has requested that their address be classified as private data, the filing officer must, within one day, determine whether the address provided is within the boundaries of the district represented by the office.

*The OSS will update the affidavit of candidacy form and circulate to counties electronically as soon as it is available. **Old affidavit of candidacy forms can no longer be used.***

Multiple affidavits of candidacy are now permitted if running for the offices of school board member and town board supervisor, as long as the town is not "exercising the powers of a statutory city under section 368.01 or an applicable special law."

Judges are prohibited from filing if they will reach the age of 70 prior to the date they would take office.

Petitions

A petition cannot be rejected only for the reason that it is printed on paper smaller than 8.5 x 14 inches. This change is effective the day following final enactment.

Published Notice to Voters (Replacing Sample Ballot for Publication)

Counties and municipalities are no longer required to publish a sample ballot. The new law requires the creation of a notice to voters. The OSS will work with stakeholders to design the format and content of the notice. This notice must include: (1) a statement that the voter's official ballot will have the names of all candidates for the voter's precinct; (2) the web address where a voter may view the voter's sample ballot based on the voter's address; (3) the county's website where a list of sample ballots for each county precinct may be viewed; (4) how a voter may obtain a free copy of a sample ballot specific to the voter's address; and (5) contact information for the appropriate local election official, including a phone number and email address.

The notice may include information about contests on the ballot; names, offices, and party affiliation, if any, of candidates; polling place locations; poll hours; and absentee voting information.

The notice to voters must also be published as a full page in at least one newspaper of general circulation in the county.

For the state primary election, the county auditor must publish this notice at least one week before the election. For the state general election, the county auditor must publish this notice no earlier than 20 days and no later than 10 days before the state general election. For municipal elections, the municipal clerk must publish this notice at least two weeks before the election.

This change is effective December 1, 2023 (or earlier if a notice is approved by the OSS sooner than that date).

Translated Example Ballots

Session Laws 2023, Chapter 34, article 2, section 1 required that the OSS provide *sample ballots* to county auditors in the three most commonly spoken languages. This is now amended to change that requirement to translate *example ballots* into the three most commonly spoken languages. The intent with this amendment is that the OSS will prepare the translated example ballots, which counties can then provide to translators to assist in preparing sample ballots for any precincts where translation is required.

Rotation of candidate names

Candidates in partisan contests will now be rotated according to the same “Minnesota rotation formula” as non-partisan contests. The order will no longer be based on party vote share in the previous election. The only exception is the office of president and vice-president, which will be ordered based on party vote share for major political parties, followed by candidates who filed by petition to be ordered by lot.

All Nonpartisan Offices on Back of Primary Ballots

The law has been updated to clarify that all nonpartisan offices must appear on the back side of the ballot for the state primary election.

Preliminary and Public Accuracy Testing

All equipment must now be tested at least three days prior to when the equipment is used. For direct balloting, which now starts 18 days before the election, testing for those pieces of equipment must be completed at least 21 days prior to election day. The same will apply to any equipment being used by ballot boards to pre-tabulate absentee ballots prior to election day.

Challenges Prior to Election Day

Creates a notice, hearing, and appeals process for a registered voter to challenge another voter’s eligibility prior to election day. The challenge petition must provide facts supporting the challenge and a challenge can only contain the name of a single person. Lists with multiple names will not be acceptable. Challenges must be filed at least 45 days prior to election day, with limited exceptions.

Voter Registration

Permits the OSS to develop Application Programming Interface (APIs) to link with third party groups to facilitate an individual’s submission of voter registration application while on the third party’s website.

Post Secondary Voter Education Requirements

There are now additional requirements for postsecondary institutions to provide a voter registration form in both the spring and fall. In a state election year, it must be provided 15 days in advance of the deadline for registering. If it is sent electronically, the communication must be exclusively devoted to voter registration.

Annually, by November 30, each institution must report to OSS how and when the forms were distributed and the voter engagement plan. By February 1 of each year, the OSS must compile this information in a report to the legislature.

All institutions must maintain a webpage to share resources to help students determine voter eligibility, local resources on voting, information on absentee voting, deadlines for voting activities, the institution's voter engagement plan, and contact information for the campus vote coordinator.

Absentee & Early Voting

Early Voting

**The laws related to early voting will not take effect until after the OSS certifies that SVRS has been tested and shown to properly allow for tracking of the information required to conduct early voting and can handle the expected volume of use. This is not anticipated until after the 2024 election cycle.*

Early voting will have similarities to the direct balloting process, where the voter will be able to insert the ballot directly into a tabulator. Unlike direct balloting, the voter will not need to complete an absentee ballot application and the front-end process will more closely resemble a roster check-in at the polling place. Specific details for how this will work in practice are still being developed.

Once early voting is certified, it must be made available to voters for all county, state, and federal elections at all counties and any municipalities designated to administer absentee voting under Minnesota Statutes 203B.05. The early voting period starts 18 days before election day.

Election law that applies to absentee voting also applies to early voting.

Direct Balloting

Direct balloting can still be offered until early voting is certified as ready by the OSS and in future elections where early voting is not required. Direct balloting remains *optional*.

Effective June 1, 2023, if direct balloting is used, it must start 18 days before election day and be offered for the entirety of the remaining period for absentee voting.

Additional Required Hours for Voting Before Election Day

Day	Hours Required for State General	Hours Required for All Other Elections*
2 nd Saturday before the election	9:00 A.M. – 3:00 P.M.	N/A
Tuesday (one week before the election)	Until 7:00 P.M.	N/A
Saturday before the election	9:00 A.M. – 3:00 P.M.	9:00 A.M. – 3:00 P.M.
Sunday before the election	9:00 A.M. – 3:00 P.M.	N/A
Monday before the election	Until 5:00 P.M.	Until 5:00 P.M.

Changes for these additional days/hours are effective June 1, 2023.

**For the March township elections, town clerks (and county auditors, if administering AB on behalf of the town) must be open from 10:00 A.M. – 12:00 P.M.*

Absentee/Mail Ballot Return Deadline

The deadline for all absentee/mail ballots to be returned is now 8:00 P.M. on election day.

Agent delivery ballots can be issued and accepted until 8:00 P.M. on election day.

Additional Temporary Absentee Voting Locations Authorized

Counties or authorized municipal clerks are now permitted to designate additional temporary locations for voting before election day. These temporary locations can include different dates and hours than those required by MN Statutes 203B.085. Additional temporary locations must be designated at least 47 days before the election, and notice must be provided to OSS to include the dates, times, and locations.

This change is effective June 1, 2023.

Temporary Tribal Voting Location

If a county receives a request from a federally recognized Indian Tribe, it must provide an absentee/early voting location on the Indian reservation for at least one day. The location must be a mutually agreeable site that accessible by public road.

This change is effective June 1, 2023.

Opening of Mail/Absentee Ballot Envelopes

Accepted mail/absentee ballot envelopes can now be opened starting after close of business on the 19th day before the election. A voter can no longer “claw back” their accepted mail/absentee ballot after the close of business on the 19th day before the election.

These changes are effective June 1, 2023.

Notice and Requirements for Absentee/Early Voting Locations

Locations for voting before election day (absentee/early voting) need to be designated by the county auditor at least 14 weeks before the election. Notice of these designations to include the days, times, and locations for voting must be provided to the OSS at the time that the designations are made.

Notice of the days, times, and locations for absentee/early voting must also be posted at least 14 days before the first day of the absentee voting period on the OSS website, the county website, and the website for any municipality where an absentee/early voting location is located. This notice is not required to be published in the official newspaper unless the jurisdiction does not have a website.

These changes are effective June 1, 2023.

Electronic Transmission of Absentee Ballots

Emergency response providers and utility works deployed in response to a state of emergency may request to receive their ballot electronically.

Voters with print disabilities may request to receive their absentee ballot electronically in an accessible format. The county auditor must also mail the return and ballot envelopes and required materials under MN Statutes 203B.07.

In both instances, voters receiving an electronic ballot must print and return the ballot and eligibility certificate to the county auditor in a sealed envelope. Electronic return is not permitted.

Absentee/Early Voting Reports

A report detailing the names of voters with rejected absentee ballots must be made available in the same manner as the public information lists, including during the period of voting before election day. Previously this report was only made available after the close of voting on election day.

This reporting change is effective June 1, 2024.

The report listing the names of voters with accepted absentee ballots must now be separated by the method of ballot delivery for elections where the use of SVRS is required.

A report listing the names of voters who have cast a ballot using early voting must also be made available for all elections held after early voting is certified for use by the OSS.

Healthcare Facility Voting

Healthcare facility voting may now be administered starting 35 days before election day (previously was 20 days before the election).

Election judges must now also administer health care facility voting at veterans homes. The county auditor, municipal clerk, or school district clerk may also administer health care facility voting for voters living in assisted living facilities (Minnesota Statutes Chapter 144G) and/or at battered women shelters (Minnesota Statutes 611A.37, subd. 4).

Safe-at-Home

Permits the OSS to print a ballot from a computer file rather than obtaining a physical copy from the county. This is expected to be used primarily for replacement ballots and last-minute requests closer to election day.

Right to be Absent from Work to Vote

The right to be absent from work in order to vote is now extended to include absentee/early voting, in addition to voting on election day.

Prohibition of Incentive Based Compensation for Collecting Absentee Ballot Applications

Individuals may not be compensated for collecting absentee ballot applications using a variable payment rate or based on the number of applications solicited, collected, or accepted. Compensation cannot be withheld for failure to solicit, collect, or accept a set minimum number of applications.

This change is effective the day following final enactment.

Election Day

These changes include many provisions that also extend to voting before election day

Trainee Election Judges

16- or 17-year-old election judges who have graduated high school before they turn 18 now remain eligible to serve as trainee election judges.

Election Judge Misconduct

Election judges can now be removed at any time by the county auditor or municipal clerk for malfeasance, neglect, or misconduct.

This change is effective the day following final enactment.

Challengers Prohibited from Certain Actions

Challengers must only submit a challenge *in writing* to an election judge. The election judge must be the one to administer the challenge questions to the voter. The challenger must not converse with the voter. This is largely in conformance with existing guidance.

Vouching

This list of who may vouch for another resident on election day is expanded to include assisted living staff members. Employees of residential facilities have previously been able to serve as a voucher, and now the definition of a residential facility is expanded to include adult foster and residential treatment programs.

Residential Housing List & Student IDs for Election Day Registration

Every postsecondary institution that accepts state financial aid must prepare a list of students enrolled in the institution and residing in the institution's housing and in the city or cities in which the campus is situated. The list must be provided to the county auditor no sooner than 20 days prior to the election.

The county auditor must provide the list and instructions to election judges in the precinct. The county auditor shall notify all postsecondary educational institutions in the county of this requirement.

Prohibition on Campaigning Near Polling Places

The law has been updated to comply with the 2018 U.S. Supreme Court case that ruled the prior prohibition on political paraphernalia to be overly broad. The new law prohibits wearing, exhibiting, or distributing any item that displays:

- the name, likeness, logo, or slogan of a candidate who appears on the ballot
- the number, title, subject, slogan, or logo of a ballot question that appears on the ballot
- the name, logo, or slogan of a political party represented by a candidate on the ballot

The law clarifies that these prohibitions apply only during voting hours. They also apply during the absentee/early voting periods, to include the polling place and "within 100 feet of the room in which a polling place is situated, to the extent practicable."

These changes are effective June 15, 2023.

Electronic Rosters (Poll Books)

Voters are now allowed to sign electronically when electronic rosters are used. EDRs and voter signature certificates with the electronic signature must be printed at the time of the transaction.

Additionally, for mail balloting and absentee/early voting, electronic rosters containing voter data from multiple precincts may be loaded onto a single electronic roster.

Providing Assistance to Voters

The law has been updated to reflect guidance on providing assistance to voters in the wake of an April 2020 consent decree in *Thao v. Simon*. The three-person limit on the number of voters that any person can assist in an election has been removed, along with the prohibition on candidates providing assistance.

Summary Statements

Summary statements must include the number of election judges and the number of voting booths used in that precinct on election day. In addition, if an alternate ballot format is used, the number of voted ballots using that format must also be reported.

Post-Election

Write-in Vote Counting

Cities can now adopt a resolution requiring that either:

- Write-in candidates submit a request in order to have their individual votes tallied; or
- Write-in candidates will only have their individual votes tallied if the total number of write-in votes for the contest is greater than or equal to the fewest number of votes cast for a non-write candidate

A township, school district, or other election district may also adopt a resolution requiring that write-in candidates will only have their individual votes tallied if the total number of write-in votes for the contest is greater than or equal to the fewest number of votes cast for a non-write candidate.

Additionally, for precincts using optical scan ballots, write-in votes must be marked in the oval or other target shape opposite the blank when a voter writes an individual's name on the line provided in order for the write-in vote to be counted.

County Canvassing Board Corrections

A county canvassing board may now directly instruct the county auditor to apply to the district court to correct an obvious error in counting or recording votes for an office. Previously this request needed to come from a candidate.

Language was also updated to note that the county auditor (not the county canvassing board) is authorized to open envelopes containing ballots if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots.

State Canvassing Board

The statute for county canvassing boards has required that those canvassing boards declare the candidates duly elected who received the highest number of votes. Similar language was not included for the state canvassing board. The new law now requires the same for the state canvassing board for all federal offices and state offices voted on in more than one county.

Ballot Images in Recounts

Canvassing boards are now authorized to require that a recount official publish images of ballots that are challenged during a recount.

Cast Vote Records

Counties are not required by state law to produce a cast vote record. However, if a cast vote record is produced, the textual data from the file is considered to be public information, with the following exceptions, which are protected nonpublic data under section 13.02:

1. data that indicate the date, time, or order in which a voter cast a ballot
2. data that indicate the method with which a voter cast a ballot
3. data files that do not include all ballots cast in a precinct
4. data files that provide data in the order it was generated
5. data from precincts in which fewer than ten votes were cast

Data stored as images are protected nonpublic data under section 13.02.

[National Popular Vote Compact](#)

Membership in this compact stipulates that Minnesota would appoint its presidential electors based on the outcome of the national popular vote, rather than the popular vote within the state. The agreement would not take effect until enough states – representing a majority of electoral votes – have signed onto the agreement.