

# Assisting a Voter & Polling Place Accessibility

Minn. Stat. §§ 204B.16; 204C.08; 204C.15; 206.57, subd. 5

HOUSE RESEARCH

State law permits a voter to request the assistance of another individual in filling out a ballot, reading a ballot, or accessing the polling place if the voter has a disability. Assistance can be provided by election judges or by another individual of the voter's choosing.

## **What types of assistance can be provided to a voter by an election judge?**

### *Marking Ballots*

A voter who cannot physically mark a ballot or is unable to read English is permitted to request the assistance of election judges in marking the voter's ballot. When assisting a voter in this manner, two election judges of different major political parties must participate. The assistance and marking of the ballot must be provided in as secret a manner as possible.

A voter who is deaf or cannot speak or understand spoken English may be assisted in marking the ballot by two individuals of different major political parties, as selected by the election judges in the precinct.

### *Outside the Polling Place ("Curbside Voting")*

If a voter is physically unable to enter a polling place, the voter may cast his or her ballot outside, without leaving his or her motor vehicle. An individual who is not registered to vote may also register from his or her motor vehicle. Two election judges of different major political parties must assist in registering or checking in the voter, and in providing blank ballots and inserting the completed ballots into the voting machine at the voter's direction.

### *Navigating Voter Lines*

Two election judges must assist a disabled voter in entering the polling places and processing through necessary registration and voting lines.

## **Can other individuals provide assistance to a voter?**

Yes. Instead of requesting the assistance of the election judges in completing a ballot, a voter may request the assistance of any other individual in completing a ballot. The voter may bring another person with them to the polling place for this purpose.

## **Are there restrictions on the individuals who may provide assistance to a voter?**

The following individuals are prohibiting from assisting a voter in the polling place:

- (1) The voter's employer
- (2) An agent of the voter's employer
- (3) An officer or agent of the voter's union
- (4) A candidate for election

Any one individual may only provide assistance to a maximum of three voters at an election. The voter has the right to request that an election judge review a ballot that has been marked by another individual to ensure it has been marked properly.

An individual who assists a voter and later reveals how the ballot was marked is subject a gross misdemeanor penalty.

**What if a voter is unable to sign the polling place roster because of a physical disability?**

For all purposes in Minnesota law, including voting, an individual is not required to fully complete a signature in his or her own handwriting for a legally valid signature to be constituted. If a voter is unable to write his or her full name independently, he or she may make a personal mark that is the same mark used for all other legal signature purposes, or a stamp of the voter's mark or signature.

If the voter makes a mark on the polling place roster, the election judge should handwrite the voter's name next to the mark for verification purposes.

A voter may also direct another individual to sign the voter's name on the roster, in the presence of the voter.

**May a voter bring materials with them into a voting booth?**

A voter is permitted to bring a sample ballot into the voting booth, along with a copy of the Minnesota Voter's Bill of Rights.

A voter may not bring or wear campaign materials inside the polling place.

**What is the AutoMARK machine?**

Each polling place is required to be equipped with at least one voting system that is accessible for persons with disabilities.<sup>1</sup> This is a requirement of state law as well as the federal Help America Vote Act. In Minnesota, the certified accessible machine is called the AutoMARK.

The AutoMARK machine permits the voter to insert a standard ballot into the machine's printer and guides the voter by touch screen (or by audio and keypad) through each of the selections on the ballot. When the voter has indicated all preferred choices to the machine, the machine prints the selections in the proper ovals on the ballot and returns the ballot to the voter. The voter then inserts the ballot into the vote-counting machine with the ballots completed by hand by all other voters in the polling place.

Any voter, regardless of whether he or she has a disability, may use the AutoMARK machine.

**Are polling places required to be fully accessible?**

All polling places are required to be accessible for persons with disabilities, consistent with standards provided in the Americans with Disabilities Act. An exception is provided if there is no available place within a precinct that meets or could be made to meet the accessibility requirement.

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<sup>1</sup> This requirement does not apply to township-only elections until after December 31, 2009.