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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5269

04/04/2024 Authored by Freiberg, Howard, Coulter, Hollins, Feist and others
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; prohibiting the open or concealed carry of firearms within
1.3 100 feet of designated polling places; proposing coding for new law in Minnesota
1.4 Statutes, chapter 204C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [204C.065] POLLING PLACES; PROHIBITED CONDUCT.

1.7 Subdivision 1. Definitions. (a) As used in this section, the following terms have the
1.8 meanings given.

1.9 (b) "Ballot drop box" has the meaning given to "drop box" in section 203B.082,
1.10 subdivision 1.

1.11 (c) "Counting center" has the meaning given in section 206.56, subdivision 7.

1.12 (d) "Firearm" has the meaning given in section 97A.015, subdivision 19.

1.13 (e) "Polling place" has the meaning given in section 200.02, subdivision 12.

1.14 (f) "Replica firearm" has the meaning given in section 325F.81, subdivision 1.

1.15 Subd. 2. Prohibited conduct. Except as provided in subdivision 3, a person shall not:

1.16 (1) possess a firearm or a replica firearm in a polling place or within 100 feet of any
1.17 entrance to a building in which a polling place is located as publicly posted by the designated
1.18 election official, on the day of any election or during the time when voting is permitted for
1.19 any election. This prohibition begins two hours before the polls are open and continues for
1.20 two hours after the polls close;

2.1 (2) possess a firearm at a ballot drop box location or within 100 feet of a ballot drop box
2.2 location at any time during the period for voting; or

2.3 (3) possess a firearm within 100 feet of any counting center at all times that the location
2.4 is being used as a counting center for the processing, tabulation, or canvassing related to
2.5 an active election.

2.6 Subd. 3. **Exceptions.** (a) Subdivision 1 does not apply to:

2.7 (1) a law enforcement officer who is employed by a federal, state, or local law
2.8 enforcement agency and carrying out official duties;

2.9 (2) the otherwise lawful possession of a firearm in a residence, in a business, or on
2.10 private property that is located within 100 feet of an entrance to a polling place, ballot drop
2.11 box, or counting center; or

2.12 (3) the otherwise lawful possession of a firearm in an occupied vehicle that is located
2.13 within 100 feet of a polling place, ballot drop box, office of the county auditor, or counting
2.14 center so long as the person does not brandish the firearm or remove the firearm from the
2.15 vehicle.

2.16 (b) It is an affirmative defense that a person was legally in possession of a firearm and
2.17 was only traveling within 100 feet of a ballot drop box to reach private property located
2.18 therein or to leave private property therein to reach a location beyond 100 feet of a ballot
2.19 drop box. This defense is not available to any person who committed any of the following
2.20 acts or conspired to commit any of the following acts:

2.21 (1) intimidation of voters;

2.22 (2) interference with the election; or

2.23 (3) traveling within 100 feet of a ballot drop box with a firearm for any purpose other
2.24 than reaching a permitted destination.

2.25 Subd. 4. **Penalty.** (a) A person who knowingly violates this section is guilty of a
2.26 misdemeanor.

2.27 (b) A person who violates this section a second time is guilty of a gross misdemeanor.

2.28 Subd. 5. **Multiple sentences.** Notwithstanding sections 609.035 and 609.04, a prosecution
2.29 for or conviction under this section is not a bar to conviction of or punishment for any other
2.30 crime committed by the defendant as part of the same conduct, including under section
2.31 624.72, subdivision 5.

- 3.1 Subd. 6. **Federal regulations.** Nothing contained in this section shall be construed to
- 3.2 abrogate any federal laws or regulations to any applicable area in which designated polling
- 3.3 or canvassing property is located.