

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 358 - Minneapolis School Board Election Districts

Author: Senator Wes Skoglund

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) 

Date: March 13, 2006

S.F. No. 358, as amended by the Committee on Education, changes the Minneapolis School Board from one of seven members elected at large to one with six members elected from districts and three members elected at large.

The three members elected in 2004 would serve until 2008. The four members elected in 2006 would serve until 2010. So, from 2008 to 2010, the board would consist of 13 members: four members elected at large in 2006, three members elected at large in 2008, and six members elected from districts in 2008. The board would revert to nine members after the 2010 election.

The election districts for 2008 would consist of the Minneapolis Park Board election districts. After the 2010 census, the board could use either the Park Board districts or other districts drawn by the School Board, provided they were of equal population and composed of compact, contiguous territory.

The act requires the local approval of the Minneapolis School Board, but if the board has not approved it by the opening of filings for the 2008 election, the board must place on the ballot the question of whether to approve it.

PSW:ph

cc: Carolyn LaViolette

1.1 A bill for an act
1.2 relating to school board elections; Special School District No. 1; providing for
1.3 six members to be elected by district and three to be elected at-large.

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

1.5 Section 1. **MINNEAPOLIS SCHOOL BOARD ELECTION DISTRICTS AND**
1.6 **AT-LARGE MEMBERS.**

1.7 Subdivision 1. Size and type of membership. Notwithstanding contrary provisions
1.8 in Minnesota Statutes, section 205A.12, or other law, the board of Special School District
1.9 No. 1 shall consist of six members elected by district and three members elected at-large,
1.10 beginning with the 2008 school district general election.

1.11 Subd. 2. Election district boundaries. The school board shall designate each
1.12 election district by number. For the 2008 election, the territory in each school election
1.13 district shall consist of the territory included in a corresponding Minneapolis Park Board
1.14 election district. Beginning with the 2010 federal census, the board may provide for
1.15 election districts that correspond to the Minneapolis Park Board election districts or may
1.16 designate different district boundaries for the school election districts, except that each
1.17 school election district must be as equal in population as practicable and be composed
1.18 of compact, contiguous territory.

1.19 Subd. 3. Board elections. A candidate for school board at the election in 2008 and
1.20 thereafter must file an affidavit of candidacy to be elected as a school board member for the
1.21 election district where the candidate resides or for one of the at-large seats. A candidate
1.22 must indicate on the affidavit the number of the district from which the candidate seeks
1.23 election, or if applicable, that the candidate seeks one of the offices elected at-large.

2.1 Subd. 4. **Transition.** A board member elected at the 2006 election shall complete
2.2 the term to which the member was elected.

2.3 **Sec. 2. LOCAL APPROVAL.**

2.4 Section 1 is effective the day after the school board of Special School District No. 1
2.5 and its clerk file their compliance with Minnesota Statutes, section 645.021, subdivisions
2.6 2 and 3. If this compliance is not filed by the opening date of candidate filing for the
2.7 2008 school district elections, the board must place on the ballot the question whether to
2.8 approve section 1.

1.1 Senator moves to amend S.F. No. 358 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 " Section 1. MINNEAPOLIS SCHOOL BOARD ELECTION DISTRICTS
1.4 AND AT-LARGE MEMBERS.

1.5 Subdivision 1. Size and type of membership. Notwithstanding contrary provisions
1.6 in Minnesota Statutes, section 205A.12, or other law, the board of Special School District
1.7 No. 1 shall consist of six members elected by district and three members elected at-large.

1.8 Subd. 2. Election district boundaries. The school board shall designate each
1.9 election district by number. Three districts must have odd numbers and three districts must
1.10 have even numbers. The board may provide for election districts that correspond to the
1.11 Minneapolis Park Board election districts or may designate different district boundaries
1.12 for the school election districts, except that each school election district must be as equal
1.13 in population as practicable and composed of compact, contiguous territory. When
1.14 districts are redrawn following a census, members continue to serve until the expiration of
1.15 the term to which they were elected.

1.16 Subd. 3. Board elections. A candidate for school board must file an affidavit of
1.17 candidacy to be elected as a school board member for the election district where the
1.18 candidate resides or for one of the at-large seats. A candidate must indicate on the affidavit
1.19 the number of the district from which the candidate seeks election. *for at large*

1.20 Subd. 4. Transition. (a) A board member elected at the 2006 election shall
1.21 complete the term to which the member was elected. At the 2008 election, districts with
1.22 odd numbers must elect members of the board and districts with even numbers must not
1.23 elect a member. Two at-large members must be elected, bringing the board to a total of
1.24 nine members. At the 2010 election, districts with even numbers must elect members of
1.25 the board and one at-large member must be elected.

2.1 (b) Notwithstanding subdivision 2, for the 2008 and 2010 elections, the territory
2.2 in each school election district shall consist of the territory included in a corresponding
2.3 Minneapolis Park Board election district.

2.4 Sec. 2. **LOCAL APPROVAL.**

2.5 Section 1 is effective the day after the school board of Special School District No. 1
2.6 and its clerk file their compliance with Minnesota Statutes, section 645.021, subdivisions
2.7 2 and 3. If this compliance is not filed by the opening date of candidate filing for the
2.8 2008 school district elections, the board must place on the ballot the question whether to
2.9 approve section 1 and the transition schedule in section 1, subdivision 4, paragraph (a),
2.10 is delayed by two years."

1.1 **Senator Wiger from the Committee on Elections, to which was re-referred**

1.2 **S.F. No. 358:** A bill for an act relating to school board elections; Special School
1.3 District No. 1; providing for six members to be elected by district and three to be elected
1.4 at-large.

1.5 Reports the same back with the recommendation that the bill be amended as follows:

1.6 Delete everything after the enacting clause and insert:

1.7 "Section 1. MINNEAPOLIS SCHOOL BOARD ELECTION DISTRICTS
1.8 AND AT-LARGE MEMBERS.

1.9 Subdivision 1. Size and type of membership. Notwithstanding contrary provisions
1.10 in Minnesota Statutes, section 205A.12, or other law, the board of Special School District
1.11 No. 1 shall consist of six members elected by district and three members elected at-large.

1.12 Subd. 2. Election district boundaries. The school board shall designate each
1.13 election district by number. Three districts must have odd numbers and three districts must
1.14 have even numbers. The board may provide for election districts that correspond to the
1.15 Minneapolis Park Board election districts or may designate different district boundaries
1.16 for the school election districts, except that each school election district must be as equal
1.17 in population as practicable and composed of compact, contiguous territory. When
1.18 districts are redrawn following a census, members continue to serve until the expiration of
1.19 the term to which they were elected.

1.20 Subd. 3. Board elections. A candidate for school board must file an affidavit of
1.21 candidacy to be elected as a school board member for the election district where the
1.22 candidate resides or for one of the at-large seats. A candidate must indicate on the affidavit
1.23 the number of the district from which the candidate seeks election, or if applicable, that
1.24 the candidate seeks one of the offices elected at-large.

1.25 Subd. 4. Transition. (a) A board member elected at the 2006 election shall
1.26 complete the term to which the member was elected. At the 2008 election, districts with
1.27 odd numbers must elect members of the board and districts with even numbers must not
1.28 elect a member. Two at-large members must be elected, bringing the board to a total of
1.29 nine members. At the 2010 election, districts with even numbers must elect members of
1.30 the board and one at-large member must be elected.

1.31 (b) Notwithstanding subdivision 2, for the 2008 and 2010 elections, the territory
1.32 in each school election district shall consist of the territory included in a corresponding
1.33 Minneapolis Park Board election district.

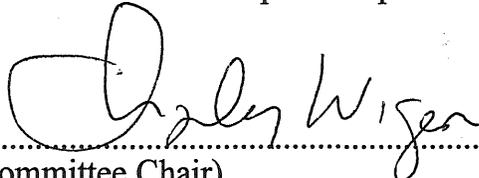
1.34 **Sec. 2. LOCAL APPROVAL.**

1.35 Section 1 is effective the day after the school board of Special School District No. 1
1.36 and its clerk file their compliance with Minnesota Statutes, section 645.021, subdivisions
1.37 2 and 3. If this compliance is not filed by the opening date of candidate filing for the

2.1 2008 school district elections, the board must place on the ballot the question whether to
 2.2 approve section 1 and the transition schedule in section 1, subdivision 4, paragraph (a),
 2.3 is delayed by two years."

Amend the title accordingly

2.5 And when so amended the bill do pass. Amendments adopted. Report adopted.

2.6 
 2.7
 (Committee Chair)

2.8 March 13, 2006
 2.9 (Date of Committee recommendation)

1.1 A bill for an act
1.2 relating to Independent School District No. 482, Little Falls; providing for an
1.3 alley system or at-large election of school board members.

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

1.5 Section 1. ALLEY SYSTEM.

1.6 Subdivision 1. Establishment. The school board of Independent School District
1.7 No. 482, Little Falls, may by resolution establish an alley system for the at-large election
1.8 of board members. Position numbers shall be assigned to each board position. The
1.9 positions that expire on the first Monday in January 2007 and each four years thereafter
1.10 shall be designated as position nos. 1, 2, and 3. The positions that expire on the first
1.11 Monday in January 2009 and each four years thereafter shall be designated as position
1.12 nos. 4, 5, and 6. Incumbents whose terms expire in the years specified shall be assigned
1.13 by lot to the numbered positions for that year.

1.14 Subd. 2. Notice. If the board establishes an alley system, the notice of filing dates
1.15 must include substantially the following language, adjusted for the proper year:

1.16 "Position no. 1, position no. 2, and position no. 3 are to be filled by election.

1.17 Candidates may not file for more than one position."

1.18 Subd. 3. Affidavits of candidacy. If the board establishes an alley system, each
1.19 affidavit of candidacy for school board shall specify the numbered position for which the
1.20 candidate is filing.

1.21 Subd. 4. Ballots. If the board establishes an alley system, the ballot heading shall
1.22 read as follows:

1.23 "SCHOOL BOARD MEMBER

1.24 POSITION NO. ..

2.1 VOTE FOR ONE"

2.2 Subd. 5. Discontinuance. The board may at any time by resolution discontinue the
2.3 alley system.

2.4 Subd. 6. Incumbents. If the board establishes or discontinues an alley system,
2.5 incumbents shall serve the entire terms to which they were elected under the prior system.
2.6 Elections to fill a vacancy in a term shall be under the new system.

2.7 Sec. 2. APPLICABILITY.

2.8 Section 1 applies to Independent School District No. 482, Little Falls.

2.9 Sec. 3. EFFECTIVE DATE.

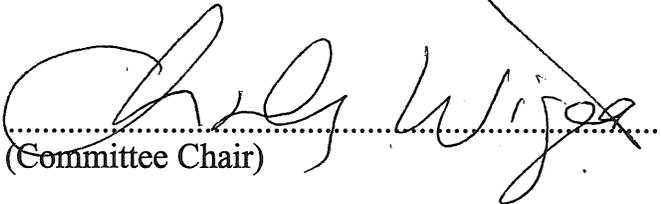
2.10 Section 1 is effective after local approval by the school board of Independent School
2.11 District No. 482, Little Falls, the day after compliance with Minnesota Statutes, section
2.12 645.021, subdivision 3, and applies to school board elections held in Independent School
2.13 District No. 482, Little Falls, in 2006 and thereafter.

1.1 Senator Wiger from the Committee on Elections, to which was referred the
1.2 following appointment:

1.3 CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

1.4 Scott B. Heintzeman

1.5 Reports the same back with the recommendation that the appointment be confirmed.

1.6 
1.7 (Committee Chair)

1.8 March 13, 2006
1.9 (Date of Committee recommendation)

1.10 Senator Johnson, D.E. moved that the foregoing committee report be laid on the
1.11 table. The motion prevailed.

**Senators Hottinger, Higgins and Nienow introduced—
S.F. No. 2880: Referred to the Committee on Elections.**

1.1 A bill for an act
1 relating to elections; authorizing gifts of food or a beverage to public officials
1.3 under certain conditions; amending Minnesota Statutes 2005 Supplement,
1.4 section 10A.071, subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2005 Supplement, section 10A.071, subdivision 3,
1.7 is amended to read:

1.8 Subd. 3. **Exceptions.** (a) The prohibitions in this section do not apply if the gift is:

1.9 (1) a contribution as defined in section 10A.01, subdivision 11;

1.10 (2) services to assist an official in the performance of official duties, including
1.11 but not limited to providing advice, consultation, information, and communication in
1.12 connection with legislation, and services to constituents;

1.13 (3) services of insignificant monetary value;

1.14 (4) a plaque or similar memento recognizing individual services in a field of
1.15 specialty or to a charitable cause;

1.16 (5) a trinket or memento costing \$5 or less;

1.17 (6) informational material of unexceptional value; ~~or~~

1.18 (7) food or a beverage given at a reception, meal, or meeting away from the
1.19 recipient's place of work by an organization before whom the recipient appears to make a
1.20 speech or answer questions as part of a program;

1.21 (8) food or a beverage given at a reception held within the seven-county metropolitan
1.22 area and to which all members of the legislature have been invited and the cost does not
exceed \$15 for each legislator; or

2.1 (9) food or a beverage, not to exceed \$15 for each legislator, that is consumed at a
2.2 formal meeting or briefing scheduled during the interim that has a specific agenda and that
2.3 is convened or attended by constituents to discuss issues coming before the legislature
2.4 with legislators who represent those constituents.

2.5 (b) The prohibitions in this section do not apply if the gift is given:

2.6 (1) because of the recipient's membership in a group, a majority of whose members
2.7 are not officials, and an equivalent gift is given to the other members of the group; or

2.8 (2) by a lobbyist or principal who is a member of the family of the recipient, unless
2.9 the gift is given on behalf of someone who is not a member of that family.

2.10 Sec. 2. **EFFECTIVE DATE.**

2.11 This act is effective the day following final enactment.

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State of Minnesota

**S.F. No. 386 - Elections Miscellany
A-2 Amendment**

Author: Senator John Marty

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *P.S.*

Date: March 13, 2006

S.F. No. 386, as amended by the **SCS0386A-2** amendment, makes a variety of changes to election law.

Section 1 eliminates the prohibition on a city redrawing its ward boundaries before the Legislature has been redistricted in a year ending in one or two and requires cities to redraw those boundaries, if necessary, no later than 60 days after the Legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.

Section 2 strikes a reference to the former policy that prohibited cities from redrawing their precinct boundaries before the adoption of a legislative redistricting plan and changes the target date for completing legislative redistricting from the middle of March to January 31 in the year ending in two.

Section 3 shortens the decennial freeze on changes in precinct boundaries so that instead of ending when the Legislature has been redistricted in a year ending in one or two, it ends on April 1 in the year ending in one.

Section 4 eliminates the requirement that election judges who are appointed after the party lists have been exhausted be affiliated with a major political party.

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Section 5 adds to the Voter's Bill of Rights a statement that "If you are unable to enter the polling place, you have the right to request assistance and to vote at the polling place without leaving your vehicle."

Section 6 strikes a cross-reference to Minnesota Statutes, section 204D.10, subdivision 2, which is repealed by **section 11**.

Section 7 requires city council redistricting to take effect no later than the year ending in three and requires all members of the city council to be elected at that election.

Section 8 lowers the threshold for candidates for local government elective office to begin to report their contributions from when they have received total contributions in a year of \$750 to down to a total of \$100, the same as for candidates for state office.

Section 9 requires campaign finance reports filed by local government candidates to include the amount and date of each expenditure. It lowers the threshold for reporting the name of individual contributors from those who contribute \$500 or more to those who contribute \$100 or more. It also requires additional information about those contributions, including the address and employer of the contributor and the amount and date of each contribution.

Section 10 requires that all county commissioners run at the next election following redistricting even if the change in their boundaries is less than five percent of the population.

Section 11 repeals the requirement that at least one candidate of a major party receive at least ten percent of the average of the votes cast at the last state general election for state offices of that major political party within the district for which the office is voted in order for any of the candidates of that major political party to be nominated at the state primary. The repealed subdivision was declared unconstitutional by the Minnesota Supreme Court in the case of *In re Candidacy of Independence Party Candidates Moore v. Kiffmeyer*, No. A04-1775 (Order, Sept. 27, 2004; Opinion, Nov. 10, 2004) 688 N.W. 2d.854.

Section 12 delays until January 1, 2007, the effective date of **sections 1 to 3**, which relate to city council redistricting; **section 7**, which relates to city council redistricting; **sections 8 and 9**, which relate to local government campaign finance reporting; and **section 10**, which relates to county redistricting.

PSW:ph

cc: Carolyn LaViolette

1 subdivision 3, is amended to read:

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

9 (1) presenting a driver's license or Minnesota
10 identification card issued pursuant to section 171.07;

11 (2) presenting any document approved by the secretary of
12 state as proper identification;

13 (3) presenting one of the following:

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

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

22 (4) having a voter who is registered to vote in the
23 precinct sign an oath in the presence of the election judge
24 vouching that the voter personally knows that the individual is
25 a resident of the precinct. A voter who has been vouched for on
26 election day may not sign a proof of residence oath vouching for
27 any other individual on that election day.

28 For tribal band members ~~living-on-an-Indian-reservation~~, an
29 individual may prove residence for purposes of registering by
30 presenting an identification card issued by the tribal
31 government of a tribe recognized by the Bureau of Indian
32 Affairs, United States Department of the Interior, that contains
33 the name, street address, signature, and picture of the
34 individual. The county auditor of each county having territory
35 within the reservation shall maintain a record of the number of
36 election day registrations accepted under this section.

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

4 Sec. 3. Minnesota Statutes 2004, section 201.071,
5 subdivision 1, is amended to read:

6 Subdivision 1. [FORM.] A voter registration application
7 must be of suitable size and weight for mailing and contain
8 spaces for the following required information: voter's first
9 name, middle name, and last name; voter's previous name, if any;
10 voter's current address; voter's previous address, if any;
11 voter's date of birth; voter's municipality and county of
12 residence; voter's telephone number, if provided by the voter;
13 date of registration; current and valid Minnesota driver's
14 license number or Minnesota state identification number, or if
15 the voter has no current and valid Minnesota driver's license or
16 Minnesota state identification, the last four digits of the
17 voter's Social Security number; and voter's signature. The
18 registration application may include the voter's e-mail address,
19 if provided by the voter, and the voter's interest in serving as
20 an election judge, if indicated by the voter. The application
21 must also contain the following certification of voter
22 eligibility:

23 "I certify that I:

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

25 (2) am a citizen of the United States;

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

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

30 (5) am not under court-ordered guardianship of-the-person
31 ~~where-I-have-not-retained-the~~ in which the court order revokes
32 my right to vote;

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

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

1 (8) have read and understand the following statement: that
2 giving false information is a felony punishable by not more than
3 five years imprisonment or a fine of not more than \$10,000, or
4 both."

5 The certification must include boxes for the voter to
6 respond to the following questions:

7 "(1) Are you a citizen of the United States?" and

8 "(2) Will you be 18 years old on or before election day?"

9 And the instruction:

10 "If you checked 'no' to either of these questions, do not
11 complete this form."

12 The form of the voter registration application and the
13 certification of voter eligibility must be as provided in this
14 subdivision and approved by the secretary of state. Voter
15 registration forms authorized by the National Voter Registration
16 Act may also be accepted as valid.

17 An individual may use a voter registration application to
18 apply to register to vote in Minnesota or to change information
19 on an existing registration.

20 Sec. 4. Minnesota Statutes 2004, section 201.15, is
21 amended to read:

22 201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND
23 COMMITMENTS.]

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

30 (a) was placed under a guardianship ~~of-the-person~~ in which
31 the court order ~~provides-that-the-ward-does-not-retain~~ revokes
32 the ward's right to vote; or

33 (b) was adjudged legally incompetent.

34 The court administrator shall also report the same
35 information for each individual transferred to the jurisdiction
36 of the court who meets a condition specified in clause (a) or

1 (b). The secretary of state shall determine if any of the
2 persons in the report is registered to vote and shall prepare a
3 list of those registrants for the county auditor. The county
4 auditor shall change the status on the record in the statewide
5 registration system of any individual named in the report to
6 indicate that the individual is not eligible to reregister or
7 vote.

8 Subd. 2. [~~RESTORATION-TO-CAPACITY~~ GUARDIANSHIP TERMINATION
9 OR MODIFICATION.] Pursuant to the Help America Vote Act of 2002,
10 Public Law 107-252, the state court administrator shall report
11 monthly by electronic means to the secretary of state the name,
12 address, and date of birth of each individual ~~transferred from~~
13 whose guardianship to conservatorship or who is restored to
14 capacity by the court was modified to restore the ward's right
15 to vote or whose guardianship was terminated by order of the
16 court under section 524.5-317 after being ineligible to vote for
17 any of the reasons specified in subdivision 1. The secretary of
18 state shall determine if any of the persons in the report is
19 registered to vote and shall prepare a list of those registrants
20 for the county auditor. The county auditor shall change the
21 status on the voter's record in the statewide registration
22 system to "active."

23 Sec. 5. Minnesota Statutes 2004, section 204B.10,
24 subdivision 6, is amended to read:

25 Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified
26 copy of a final judgment or order of a court of competent
27 jurisdiction that a person who has filed an affidavit of
28 candidacy or who has been nominated by petition:

29 (1) has been convicted of treason or a felony and the
30 person's civil rights have not been restored;

31 (2) is under guardianship ~~of the person~~ in which the court
32 order revokes the ward's right to vote; or

33 (3) has been found by a court of law to be legally
34 incompetent;

35 the filing officer shall notify the person by certified mail at
36 the address shown on the affidavit or petition, and shall not

1 certify the person's name to be placed on the ballot. The
2 actions of a filing officer under this subdivision are subject
3 to judicial review under section 204B.44.

4 Sec. 6. Minnesota Statutes 2004, section 204B.135,
5 subdivision 1, is amended to read:

6 Subdivision 1. [CITIES WITH WARDS.] A city that elects its
7 council members by wards ~~may not redistrict those wards before~~
8 ~~the legislature has been redistricted in a year ending in one or~~
9 ~~two. The wards must be redistricted within~~ must redraw the ward
10 boundaries, if necessary, no later than 60 days after the
11 legislature has been redistricted or at least 19 weeks before
12 the state primary election in the year ending in two, whichever
13 is first.

14 Sec. 7. Minnesota Statutes 2004, section 204B.14,
15 subdivision 1a, is amended to read:

16 Subd. 1a. [LEGISLATIVE POLICY.] It is the intention of the
17 legislature to complete congressional and legislative
18 redistricting activities ~~in time to permit counties and~~
19 ~~municipalities to begin the process of reestablishing precinct~~
20 ~~boundaries as soon as possible after the adoption of the~~
21 ~~congressional and legislative redistricting plans but in no case~~
22 ~~later than 25 weeks before the state primary election~~ January 31
23 in the year ending in two.

24 Sec. 8. Minnesota Statutes 2004, section 204B.14,
25 subdivision 3, is amended to read:

26 Subd. 3. [BOUNDARY CHANGES; PROHIBITIONS; EXCEPTION.]
27 Notwithstanding other law or charter provisions to the contrary,
28 during the period from January 1 in any year ending in zero to
29 ~~the time when the legislature has been redistricted~~ April 1 in a
30 the next year ending in one or two, no changes may be made in
31 the boundaries of any election precinct except as provided in
32 this subdivision.

33 (a) If a city annexes an unincorporated area located in the
34 same county as the city and adjacent to the corporate boundary,
35 the annexed area may be included in an election precinct
36 immediately adjacent to it.

1 (b) A municipality or county may establish new election
2 precincts lying entirely within the boundaries of any existing
3 precinct and shall assign names to the new precincts which
4 include the name of the former precinct.

5 (c) Precinct boundaries must be reestablished within 60
6 days ~~of-the-time-when~~ after the legislature has been
7 redistricted, or at least 19 weeks before the state primary
8 election in a year ending in two, whichever comes first. The
9 adoption of reestablished precinct boundaries becomes effective
10 on the date of the state primary election in the year ending in
11 two.

12 Precincts must be arranged so that no precinct lies in more
13 than one legislative or congressional district.

14 Sec. 9. Minnesota Statutes 2004, section 204B.21,
15 subdivision 2, is amended to read:

16 Subd. 2. [APPOINTING AUTHORITY; POWERS AND DUTIES.]
17 Election judges for precincts in a municipality shall be
18 appointed by the governing body of the municipality. Election
19 judges for precincts in unorganized territory and for performing
20 election-related duties assigned by the county auditor shall be
21 appointed by the county board. Election judges for a precinct
22 composed of two or more municipalities must be appointed by the
23 governing body of the municipality or municipalities responsible
24 for appointing election judges as provided in the agreement to
25 combine for election purposes. Appointments shall be made from
26 lists furnished pursuant to subdivision 1 subject to the
27 eligibility requirements and other qualifications established or
28 authorized under section 204B.19. If no lists have been
29 furnished or if additional election judges are required after
30 all listed names have been exhausted, the appointing authority
31 may appoint any other individual, whether or not affiliated with
32 a major political party, to serve as an election judge subject
33 to the same requirements and qualifications. The appointments
34 shall be made at least 25 days before the election at which the
35 election judges will serve.

36 Sec. 10. Minnesota Statutes 2004, section 204C.08,

1 subdivision 1a, is amended to read:

2 Subd. 1a. [VOTER'S BILL OF RIGHTS.] The county auditor
3 shall prepare and provide to each polling place sufficient
4 copies of a poster setting forth the Voter's Bill of Rights as
5 set forth in this section. Before the hours of voting are
6 scheduled to begin, the election judges shall post it in a
7 conspicuous location or locations in the polling place. The
8 Voter's Bill of Rights is as follows:

9 "VOTER'S BILL OF RIGHTS

10 For all persons residing in this state who meet federal
11 voting eligibility requirements:

12 (1) You have the right to be absent from work for the
13 purpose of voting during the morning of election day.

14 (2) If you are in line at your polling place any time
15 between 7:00 a.m. and 8:00 p.m., you have the right to vote.

16 (3) If you can provide the required proof of residence, you
17 have the right to register to vote and to vote on election day.

18 (4) If you are unable to sign your name, you have the right
19 to orally confirm your identity with an election judge and to
20 direct another person to sign your name for you.

21 (5) You have the right to request special assistance when
22 voting.

23 (6) If you are unable to enter the polling place, you have
24 the right to request assistance and to vote at the polling place
25 without leaving your vehicle.

26 (7) If you need assistance, you may be accompanied into the
27 voting booth by a person of your choice, except by an agent of
28 your employer or union or a candidate.

29 ~~(7)~~ (8) You have the right to bring your minor children
30 into the polling place and into the voting booth with you.

31 ~~(8)~~ (9) If you have been convicted of a felony but your
32 civil rights have been restored, you have the right to vote.

33 ~~(9)~~ (10) If you are under a guardianship, you have the
34 right to vote, unless the court order revokes your right to vote.

35 (11) You have the right to vote without anyone in the
36 polling place trying to influence your vote.

1 ~~(10)~~ (12) If you make a mistake or spoil your ballot before
2 it is submitted, you have the right to receive a replacement
3 ballot and vote.

4 ~~(11)~~ (13) You have the right to file a written complaint at
5 your polling place if you are dissatisfied with the way an
6 election is being run.

7 ~~(12)~~ (14) You have the right to take a sample ballot into
8 the voting booth with you.

9 ~~(13)~~ (15) You have the right to take a copy of this Voter's
10 Bill of Rights into the voting booth with you."

11 Sec. 11. Minnesota Statutes 2004, section 204C.10, is
12 amended to read:

13 204C.10 [PERMANENT REGISTRATION; VERIFICATION OF
14 REGISTRATION.]

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

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

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

1 Sec. 12. Minnesota Statutes 2004, section 204D.10,
2 subdivision 1, is amended to read:

3 Subdivision 1. [PARTISAN OFFICES; NOMINEES.] The candidate
4 for nomination of a major political party for a partisan office
5 on the state partisan primary ballot who receives the highest
6 number of votes shall be the nominee of that political party for
7 that office~~7-except-as-otherwise-provided-in-subdivision-2.~~

8 Sec. 13. Minnesota Statutes 2004, section 205.84,
9 subdivision 2, is amended to read:

10 Subd. 2. [EFFECTIVE DATE.] After the official
11 certification of the federal decennial or special census, the
12 governing body of the city shall either confirm the existing
13 ward boundaries as conforming to the standards of subdivision 1
14 or redefine ward boundaries to conform to those standards as
15 provided in section 204B.135, subdivision 1. If the governing
16 body of the city fails to take either action within the time
17 required, no further compensation shall be paid to the mayor or
18 council member until the wards of the city are either
19 reconfirmed or redefined as required by this section. An
20 ordinance establishing new ward boundaries pursuant to section
21 204B.135, subdivision 1, becomes effective ~~on-the-date-of-the~~
22 state-primary-election-in-the-year-ending-in-two for the first
23 municipal general election after it has been adopted, but no
24 later than the year ending in three, and all members of the
25 council must be elected at that election. In a city where
26 council members are elected by ward to serve for staggered terms
27 of four years, the council shall provide by ordinance for the
28 manner in which some members will be elected initially to terms
29 of four years and some to terms of two years.

30 Sec. 14. Minnesota Statutes 2004, section 211A.02,
31 subdivision 1, is amended to read:

32 Subdivision 1. [WHEN AND WHERE FILED BY COMMITTEES.] (a) A
33 committee or a candidate who receives contributions or makes
34 disbursements of more than \$750 \$100 in a calendar year shall
35 submit an initial report to the filing officer within 14 days
36 after the candidate or committee receives or makes disbursements

1 of more than ~~\$750~~ \$100 and shall continue to make the reports
2 listed in paragraph (b) until a final report is filed.

3 (b) The committee or candidate must file a report by
4 January 31 of each year following the year when the initial
5 report was filed and in a year when the candidate's name or a
6 ballot question appears on the ballot, the candidate or
7 committee shall file a report:

8 (1) ten days before the primary or special primary;

9 (2) ten days before the general election or special
10 election; and

11 (3) 30 days after a general or special election.

12 Sec. 15. Minnesota Statutes 2004, section 211A.02,
13 subdivision 2, is amended to read:

14 Subd. 2. [INFORMATION REQUIRED.] The report to be filed by
15 a candidate or committee must include:

16 (1) the name of the candidate or ballot question;

17 (2) the name and address of the person responsible for
18 filing the report;

19 (3) the total amount of receipts and expenditures for the
20 period from the last previous report to five days before the
21 current report is due;

22 (4) the amount, date, and purpose for each expenditure; and

23 (5) the name, address, and employer, or occupation if
24 self-employed, of any individual or committee that during the
25 year has made one or more contributions that in the aggregate
26 are equal to or greater than ~~\$500~~ \$100, and the amount and date
27 of each contribution.

28 Sec. 16. Minnesota Statutes 2004, section 375.025,
29 subdivision 4, is amended to read:

30 Subd. 4. [REDISTRICTING PLAN; ELECTION FOLLOWING
31 REDISTRICTING.] A redistricting plan whether prepared by the
32 county board or the redistricting commission shall be filed in
33 the office of the county auditor. A redistricting plan shall be
34 effective on the 31st day after filing unless a later effective
35 date is specified but no plan shall be effective for the next
36 election of county commissioners unless the plan is filed with

1 the county auditor not less than 30 days before the first date
2 candidates may file for the office of county commissioner. One
3 commissioner shall be elected in each district who, at the time
4 of the election, is a resident of the district. A person
5 elected may hold the office only while remaining a resident of
6 the commissioner district or, after June 15 during a year ending
7 in "2", while remaining a resident of the county. The county
8 board or the redistricting commission shall determine the number
9 of members of the county board who shall be elected for two-year
10 terms and for four-year terms to provide staggered terms on the
11 county board. Thereafter, all commissioners shall be elected
12 for four years. When a county is redistricted, there shall be a
13 new election of commissioners in all the districts at the next
14 general election ~~except that if the change made in the~~
15 ~~boundaries of a district is less than five percent of the~~
16 ~~average of all districts of the county, the commissioner in~~
17 ~~office at the time of the redistricting shall serve for the full~~
18 ~~period for which elected.~~

19 Sec. 17. Minnesota Statutes 2004, section 524.5-310, is
20 amended to read:

21 524.5-310 [FINDINGS; ORDER OF APPOINTMENT.]

22 (a) The court may appoint a limited or unlimited guardian
23 for a respondent only if it finds by clear and convincing
24 evidence that:

25 (1) the respondent is an incapacitated person; and
26 (2) the respondent's identified needs cannot be met by less
27 restrictive means, including use of appropriate technological
28 assistance.

29 (b) Alternatively, the court, with appropriate findings,
30 may treat the petition as one for a protective order under
31 section 524.5-401, enter any other appropriate order, or dismiss
32 the proceeding.

33 (c) The court shall grant to a guardian only those powers
34 necessitated by the ward's limitations and demonstrated needs
35 and, whenever feasible, make appointive and other orders that
36 will encourage the development of the ward's maximum

1 self-reliance and independence. Any power not specifically
2 granted to the guardian, following a written finding by the
3 court of a demonstrated need for that power, is retained by the
4 ward.

5 (d) Within 14 days after an appointment, a guardian shall
6 send or deliver to the ward, and counsel if represented at the
7 hearing, a copy of the order of appointment accompanied by a
8 notice which advises the ward of the right to appeal the
9 guardianship appointment in the time and manner provided by the
10 Rules of Appellate Procedure.

11 (e) Each year, within 30 days after the anniversary date of
12 an appointment, a guardian shall send or deliver to the ward a
13 notice of the right to request termination or modification of
14 the guardianship and notice of the status of the ward's right to
15 vote.

16 Sec. 18. [REPEALER.]

17 Minnesota Statutes 2004, section 204D.10, subdivision 2, is
18 repealed.

19 Sec. 19. [EFFECTIVE DATE.]

20 Sections 6 to 8, 13, and 14 to 16 are effective January 1,
21 2006.

APPENDIX
Repealed Minnesota Statutes for S0386-1

204D.10 PRIMARY RESULTS; NOMINEES.

Subd. 2. Party primary; ten percent requirement. If at the state primary any individual seeking a major political party's nomination for an office receives a number of votes equal to ten percent of the average of the votes cast at the last state general election for state officers of that major political party within the district for which the office is voted, then all candidates of that major political party who receive the highest vote for an office are the nominees of that major political party. If none of the candidates of a major political party receive the required ten percent, then no candidates are nominated, and all the candidates of that major political party may be nominated by nominating petition as provided in sections 204B.07 to 204B.09. For the purposes of this subdivision, "state officers" mean the governor, lieutenant governor, secretary of state, state auditor, and attorney general.

1.1 Senator moves to amend S.F. No. 386 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 204B.135, subdivision 1, is amended
1.4 to read:

1.5 Subdivision 1. **Cities with wards.** A city that elects its council members by wards
1.6 ~~may not redistrict those wards before the legislature has been redistricted in a year ending~~
1.7 ~~in one or two. The wards must be redistricted within~~ must redraw the ward boundaries, if
1.8 necessary, no later than 60 days after the legislature has been redistricted or at least 19
1.9 weeks before the state primary election in the year ending in two, whichever is first.

1.10 Sec. 2. Minnesota Statutes 2004, section 204B.14, subdivision 1a, is amended to read:

1.11 Subd. 1a. **Legislative policy.** It is the intention of the legislature to complete
1.12 congressional and legislative redistricting activities ~~in time to permit counties and~~
1.13 ~~municipalities to begin the process of reestablishing precinct boundaries as soon as~~
1.14 ~~possible after the adoption of the congressional and legislative redistricting plans but~~
1.15 ~~in no case later than 25 weeks before the state primary election~~ January 31 in the year
1.16 ending in two.

1.17 Sec. 3. Minnesota Statutes 2004, section 204B.14, subdivision 3, is amended to read:

1.18 Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other law
1.19 or charter provisions to the contrary, during the period from January 1 in any year ending
1.20 in zero to ~~the time when the legislature has been redistricted~~ April 1 in a the next year
1.21 ending in ~~one or two~~, no changes may be made in the boundaries of any election precinct
1.22 except as provided in this subdivision.

1.23 (a) If a city annexes an unincorporated area located in the same county as the city
1.24 and adjacent to the corporate boundary, the annexed area may be included in an election
1.25 precinct immediately adjacent to it.

2.1 (b) A municipality or county may establish new election precincts lying entirely
2.2 within the boundaries of any existing precinct and shall assign names to the new precincts
2.3 which include the name of the former precinct.

2.4 (c) Precinct boundaries must be reestablished within 60 days ~~of the time when~~
2.5 after the legislature has been redistricted, or at least 19 weeks before the state primary
2.6 election in a year ending in two, whichever comes first. The adoption of reestablished
2.7 precinct boundaries becomes effective on the date of the state primary election in the
2.8 year ending in two.

2.9 Precincts must be arranged so that no precinct lies in more than one legislative
2.10 or congressional district.

2.11 Sec. 4. Minnesota Statutes 2004, section 204B.21, subdivision 2, is amended to read:

2.12 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts
2.13 in a municipality shall be appointed by the governing body of the municipality. Election
2.14 judges for precincts in unorganized territory and for performing election-related duties
2.15 assigned by the county auditor shall be appointed by the county board. Election judges for
2.16 a precinct composed of two or more municipalities must be appointed by the governing
2.17 body of the municipality or municipalities responsible for appointing election judges as
2.18 provided in the agreement to combine for election purposes. Appointments shall be made
2.19 from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and
2.20 other qualifications established or authorized under section 204B.19. If no lists have been
2.21 furnished or if additional election judges are required after all listed names have been
2.22 exhausted, the appointing authority may appoint any other individual, whether or not
2.23 affiliated with a major political party, to serve as an election judge subject to the same
2.24 requirements and qualifications. The appointments shall be made at least 25 days before
2.25 the election at which the election judges will serve.

2.26 Sec. 5. Minnesota Statutes 2005 Supplement, section 204C.08, subdivision 1a, is
2.27 amended to read:

2.28 Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
2.29 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
2.30 forth in this section. Before the hours of voting are scheduled to begin, the election judges
2.31 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
2.32 of Rights is as follows:

2.33 "VOTER'S BILL OF RIGHTS

2.34 For all persons residing in this state who meet federal voting eligibility requirements:

2.35 (1) You have the right to be absent from work for the purpose of voting during the
2.36 morning of election day.

3.1 (2) If you are in line at your polling place any time between 7:00 a.m. and 8:00
3.2 p.m., you have the right to vote.

3.3 (3) If you can provide the required proof of residence, you have the right to register
3.4 to vote and to vote on election day.

3.5 (4) If you are unable to sign your name, you have the right to orally confirm your
3.6 identity with an election judge and to direct another person to sign your name for you.

3.7 (5) You have the right to request special assistance when voting.

3.8 (6) If you are unable to enter the polling place, you have the right to request
3.9 assistance and to vote at the polling place without leaving your vehicle.

3.10 (7) If you need assistance, you may be accompanied into the voting booth by a
3.11 person of your choice, except by an agent of your employer or union or a candidate.

3.12 ~~(7)~~ (8) You have the right to bring your minor children into the polling place and
3.13 into the voting booth with you.

3.14 ~~(8)~~ (9) If you have been convicted of a felony but your felony sentence has expired
3.15 (been completed) or you have been discharged from your sentence, you have the right to
3.16 vote.

3.17 ~~(9)~~ (10) If you are under a guardianship, you have the right to vote, unless the court
3.18 order revokes your right to vote.

3.19 ~~(10)~~ (11) You have the right to vote without anyone in the polling place trying to
3.20 influence your vote.

3.21 ~~(11)~~ (12) If you make a mistake or spoil your ballot before it is submitted, you have
3.22 the right to receive a replacement ballot and vote.

3.23 ~~(12)~~ (13) You have the right to file a written complaint at your polling place if you
are dissatisfied with the way an election is being run.

3.25 ~~(13)~~ (14) You have the right to take a sample ballot into the voting booth with you.

3.26 ~~(14)~~ (15) You have the right to take a copy of this Voter's Bill of Rights into the
3.27 voting booth with you."

3.28 Sec. 6. Minnesota Statutes 2004, section 204D.10, subdivision 1, is amended to read:

3.29 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a
3.30 major political party for a partisan office on the state partisan primary ballot who receives
3.31 the highest number of votes shall be the nominee of that political party for that office ;
3.32 ~~except as otherwise provided in subdivision 2.~~

3.33 Sec. 7. Minnesota Statutes 2004, section 205.84, subdivision 2, is amended to read:

3.34 Subd. 2. **Effective date.** After the official certification of the federal decennial
3.35 or special census, the governing body of the city shall either confirm the existing ward
3.36 boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries

4.1 to conform to those standards as provided in section 204B.135, subdivision 1. If the
 4.2 governing body of the city fails to take either action within the time required, no further
 4.3 compensation shall be paid to the mayor or council member until the wards of the city
 4.4 are either reconfirmed or redefined as required by this section. An ordinance establishing
 4.5 new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective
 4.6 ~~on the date of the state primary election in the year ending in two~~ for the first municipal
 4.7 general election after it has been adopted, but no later than the year ending in three, and all
 4.8 members of the council must be elected at that election. In a city where council members
 4.9 are elected by ward to serve for staggered terms of four years, the council shall provide
 4.10 by ordinance for the manner in which some members will be elected initially to terms of
 4.11 four years and some to terms of two years.

4.12 Sec. 8. Minnesota Statutes 2004, section 211A.02, subdivision 1, is amended to read:

4.13 Subdivision 1. **When and where filed by committees.** (a) A committee or a
 4.14 candidate who receives contributions or makes disbursements of more than ~~\$750~~ \$100
 4.15 in a calendar year shall submit an initial report to the filing officer within 14 days after
 4.16 the candidate or committee receives or makes disbursements of more than ~~\$750~~ \$100 and
 4.17 shall continue to make the reports listed in paragraph (b) until a final report is filed.

4.18 (b) The committee or candidate must file a report by January 31 of each year
 4.19 following the year when the initial report was filed and in a year when the candidate's name
 4.20 or a ballot question appears on the ballot, the candidate or committee shall file a report:

- 4.21 (1) ten days before the primary or special primary;
 4.22 (2) ten days before the general election or special election; and
 4.23 (3) 30 days after a general or special election.

4.24 Sec. 9. Minnesota Statutes 2004, section 211A.02, subdivision 2, is amended to read:

4.25 Subd. 2. **Information required.** The report to be filed by a candidate or committee
 4.26 must include:

- 4.27 (1) the name of the candidate or ballot question;
 4.28 (2) the name and address of the person responsible for filing the report;
 4.29 (3) the total amount of receipts and expenditures for the period from the last previous
 4.30 report to five days before the current report is due;
 4.31 (4) the amount, date, and purpose for each expenditure; and
 4.32 (5) the name, address, and employer, or occupation if self-employed, of any
 4.33 individual or committee that during the year has made one or more contributions that in
 4.34 the aggregate are equal to or greater than ~~\$500~~ \$100, and the amount and date of each
 4.35 contribution.

5.1 Sec. 10. Minnesota Statutes 2004, section 375.025, subdivision 4, is amended to read:

5.2 Subd. 4. **Redistricting plan; election following redistricting.** A redistricting plan
5.3 whether prepared by the county board or the redistricting commission shall be filed in the
5.4 office of the county auditor. A redistricting plan shall be effective on the 31st day after
5.5 filing unless a later effective date is specified but no plan shall be effective for the next
5.6 election of county commissioners unless the plan is filed with the county auditor not less
5.7 than 30 days before the first date candidates may file for the office of county commissioner.
5.8 One commissioner shall be elected in each district who, at the time of the election, is a
5.9 resident of the district. A person elected may hold the office only while remaining a
5.10 resident of the commissioner district or, after June 15 during a year ending in "2", while
5.11 remaining a resident of the county. The county board or the redistricting commission shall
5.12 determine the number of members of the county board who shall be elected for two-year
5.13 terms and for four-year terms to provide staggered terms on the county board. Thereafter,
5.14 all commissioners shall be elected for four years. When a county is redistricted, there
5.15 shall be a new election of commissioners in all the districts at the next general election
5.16 ~~except that if the change made in the boundaries of a district is less than five percent of~~
5.17 ~~the average of all districts of the county, the commissioner in office at the time of the~~
5.18 ~~redistricting shall serve for the full period for which elected.~~

5.19 Sec. 11. **REPEALER.**

5.20 Minnesota Statutes 2004, section 204D.10, subdivision 2, is repealed.

5.21 Sec. 12. **EFFECTIVE DATE.**

5.22 Sections 1 to 3, and 7 to 10 are effective January 1, 2007. "

5.23 Renumber the sections in sequence and correct the internal references

5.24 Amend the title accordingly

1.1 **Senator Wiger from the Committee on Elections, to which was re-referred**

1.2 **S.F. No. 386:** A bill for an act relating to elections; clarifying the voting rights of
 1.3 persons under guardianship and persons with disabilities; permitting local governments to
 1.4 redraw election districts before the legislature has been redistricted; requiring new election
 1.5 for all members of a city council or county board following redistricting; permitting
 1.6 appointment of election judges not affiliated with a major political party; eliminating a
 1.7 requirement concerning major political party primary results; increasing disclosure of
 1.8 contributions and expenditures for local political campaigns; amending Minnesota Statutes
 1.9 2004, sections 201.014, subdivision 2; 201.061, subdivision 3; 201.071, subdivision 1;
 1.10 201.15; 204B.10, subdivision 6; 204B.135, subdivision 1; 204B.14, subdivisions 1a, 3;
 1.11 204B.21, subdivision 2; 204C.08, subdivision 1a; 204C.10; 204D.10, subdivision 1;
 1.12 205.84, subdivision 2; 211A.02, subdivisions 1, 2; 375.025, subdivision 4; 524.5-310;
 1.13 repealing Minnesota Statutes 2004, section 204D.10, subdivision 2.

1.14 Reports the same back with the recommendation that the bill be amended as follows:

1.15 Delete everything after the enacting clause and insert:

1.16 "Section 1. Minnesota Statutes 2004, section 204B.135, subdivision 1, is amended
 1.17 to read:

1.18 **Subdivision 1. Cities with wards.** A city that elects its council members by wards
 1.19 ~~may not redistrict those wards before the legislature has been redistricted in a year ending~~
 1.20 ~~in one or two. The wards must be redistricted within~~ must redraw the ward boundaries, if
 1.21 necessary, no later than 60 days after the legislature has been redistricted or at least 19
 1.22 weeks before the state primary election in the year ending in two, whichever is first.

1.23 **Sec. 2.** Minnesota Statutes 2004, section 204B.14, subdivision 1a, is amended to read:

1.24 **Subd. 1a. Legislative policy.** It is the intention of the legislature to complete
 1.25 congressional and legislative redistricting activities ~~in time to permit counties and~~
 1.26 ~~municipalities to begin the process of reestablishing precinct boundaries as soon as~~
 1.27 ~~possible after the adoption of the congressional and legislative redistricting plans but~~
 1.28 ~~in no case later than 25 weeks before the state primary election~~ January 31 in the year
 1.29 ending in two.

1.30 **Sec. 3.** Minnesota Statutes 2004, section 204B.14, subdivision 3, is amended to read:

1.31 **Subd. 3. Boundary changes; prohibitions; exception.** Notwithstanding other law
 1.32 or charter provisions to the contrary, during the period from January 1 in any year ending
 1.33 in zero to ~~the time when the legislature has been redistricted~~ April 1 in a the next year
 1.34 ending in one or two, no changes may be made in the boundaries of any election precinct
 1.35 except as provided in this subdivision.

1.36 (a) If a city annexes an unincorporated area located in the same county as the city
 1.37 and adjacent to the corporate boundary, the annexed area may be included in an election
 8 precinct immediately adjacent to it.

1.39 (b) A municipality or county may establish new election precincts lying entirely
1.40 within the boundaries of any existing precinct and shall assign names to the new precincts
1.41 which include the name of the former precinct.

2.1 (c) Precinct boundaries must be reestablished within 60 days ~~of the time when~~
2.2 after the legislature has been redistricted, or at least 19 weeks before the state primary
2.3 election in a year ending in two, whichever comes first. The adoption of reestablished
2.4 precinct boundaries becomes effective on the date of the state primary election in the
2.5 year ending in two.

2.6 Precincts must be arranged so that no precinct lies in more than one legislative
2.7 or congressional district.

2.8 Sec. 4. Minnesota Statutes 2004, section 204B.21, subdivision 2, is amended to read:

2.9 Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts
0 in a municipality shall be appointed by the governing body of the municipality. Election
2.11 judges for precincts in unorganized territory and for performing election-related duties
2.12 assigned by the county auditor shall be appointed by the county board. Election judges for
2.13 a precinct composed of two or more municipalities must be appointed by the governing
2.14 body of the municipality or municipalities responsible for appointing election judges as
2.15 provided in the agreement to combine for election purposes. Appointments shall be made
2.16 from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and
2.17 other qualifications established or authorized under section 204B.19. If no lists have been
2.18 furnished or if additional election judges are required after all listed names have been
2.19 exhausted, the appointing authority may appoint any other individual, whether or not
2.20 affiliated with a major political party, to serve as an election judge subject to the same
2.21 requirements and qualifications. The appointments shall be made at least 25 days before
2.22 the election at which the election judges will serve.

2.23 Sec. 5. Minnesota Statutes 2005 Supplement, section 204C.08, subdivision 1a, is
2.24 amended to read:

2.25 Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to
2.26 each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set
2.27 forth in this section. Before the hours of voting are scheduled to begin, the election judges
2.28 shall post it in a conspicuous location or locations in the polling place. The Voter's Bill
2.29 of Rights is as follows:

30 "VOTER'S BILL OF RIGHTS

2.31 For all persons residing in this state who meet federal voting eligibility requirements:

- 2.32 (1) You have the right to be absent from work for the purpose of voting during the
2.33 morning of election day.
- 2.34 (2) If you are in line at your polling place any time between 7:00 a.m. and 8:00
2.35 p.m., you have the right to vote.
- 3.1 (3) If you can provide the required proof of residence, you have the right to register
3.2 to vote and to vote on election day.
- 3.3 (4) If you are unable to sign your name, you have the right to orally confirm your
3.4 identity with an election judge and to direct another person to sign your name for you.
- 3.5 (5) You have the right to request special assistance when voting.
- 3.6 (6) If you are unable to enter the polling place, you have the right to request
3.7 assistance and to vote at the polling place without leaving your vehicle.
- 3.8 (7) If you need assistance, you may be accompanied into the voting booth by a
3.9 person of your choice, except by an agent of your employer or union or a candidate.
- 3.10 ~~(7)~~ (8) You have the right to bring your minor children into the polling place and
3.11 into the voting booth with you.
- 3.12 ~~(8)~~ (9) If you have been convicted of a felony but your felony sentence has expired
3.13 (been completed) or you have been discharged from your sentence, you have the right to
3.14 vote.
- 3.15 ~~(9)~~ (10) If you are under a guardianship, you have the right to vote, unless the court
3.16 order revokes your right to vote.
- 3.17 ~~(10)~~ (11) You have the right to vote without anyone in the polling place trying to
3.18 influence your vote.
- 3.19 ~~(11)~~ (12) If you make a mistake or spoil your ballot before it is submitted, you have
3.20 the right to receive a replacement ballot and vote.
- 3.21 ~~(12)~~ (13) You have the right to file a written complaint at your polling place if you
3.22 are dissatisfied with the way an election is being run.
- 3.23 ~~(13)~~ (14) You have the right to take a sample ballot into the voting booth with you.
- 3.24 ~~(14)~~ (15) You have the right to take a copy of this Voter's Bill of Rights into the
3.25 voting booth with you."

3.26 Sec. 6. Minnesota Statutes 2004, section 204D.10, subdivision 1, is amended to read:

3.27 Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a
3.28 major political party for a partisan office on the state partisan primary ballot who receives
3.29 the highest number of votes shall be the nominee of that political party for that office ;
3.30 ~~except as otherwise provided in subdivision 2.~~

3.31 Sec. 7. Minnesota Statutes 2004, section 205.84, subdivision 2, is amended to read:

3.32 Subd. 2. **Effective date.** After the official certification of the federal decennial
3.33 or special census, the governing body of the city shall either confirm the existing ward
3.34 boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries
3.35 to conform to those standards as provided in section 204B.135, subdivision 1. If the
4.1 governing body of the city fails to take either action within the time required, no further
4.2 compensation shall be paid to the mayor or council member until the wards of the city
4.3 are either reconfirmed or redefined as required by this section. An ordinance establishing
4.4 new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective
4.5 ~~on the date of the state primary election in the year ending in two~~ for the first municipal
4.6 general election after it has been adopted, but no later than the year ending in three, and all
4.7 members of the council must be elected at that election. In a city where council members
4.8 are elected by ward to serve for staggered terms of four years, the council shall provide
4.9 by ordinance for the manner in which some members will be elected initially to terms of
4.10 four years and some to terms of two years.

4.11 Sec. 8. Minnesota Statutes 2004, section 211A.02, subdivision 1, is amended to read:

4.12 Subdivision 1. **When and where filed by committees.** (a) A committee or a
4.13 candidate who receives contributions or makes disbursements of more than ~~\$750~~ \$100
4.14 in a calendar year shall submit an initial report to the filing officer within 14 days after
4.15 the candidate or committee receives or makes disbursements of more than ~~\$750~~ \$100 and
4.16 shall continue to make the reports listed in paragraph (b) until a final report is filed.

4.17 (b) The committee or candidate must file a report by January 31 of each year
4.18 following the year when the initial report was filed and in a year when the candidate's name
4.19 or a ballot question appears on the ballot, the candidate or committee shall file a report:

- 4.20 (1) ten days before the primary or special primary;
4.21 (2) ten days before the general election or special election; and
4.22 (3) 30 days after a general or special election.

4.23 Sec. 9. Minnesota Statutes 2004, section 211A.02, subdivision 2, is amended to read:

4.24 Subd. 2. **Information required.** The report to be filed by a candidate or committee
4.25 must include:

- 4.26 (1) the name of the candidate or ballot question;
4.27 (2) the name and address of the person responsible for filing the report;
4.28 (3) the total amount of receipts and expenditures for the period from the last previous
4.29 report to five days before the current report is due;
4.30 (4) the amount, date, and purpose for each expenditure; and

4.31 (5) the name, address, and employer, or occupation if self-employed, of any
 4.32 individual or committee that during the year has made one or more contributions that in
 4.33 the aggregate are equal to or greater than ~~\$500~~ \$100, and the amount and date of each
 4.34 contribution.

4.35 Sec. 10. Minnesota Statutes 2004, section 375.025, subdivision 4, is amended to read:

5.1 Subd. 4. **Redistricting plan; election following redistricting.** A redistricting plan
 5.2 whether prepared by the county board or the redistricting commission shall be filed in the
 5.3 office of the county auditor. A redistricting plan shall be effective on the 31st day after
 5.4 filing unless a later effective date is specified but no plan shall be effective for the next
 5.5 election of county commissioners unless the plan is filed with the county auditor not less
 5.6 than 30 days before the first date candidates may file for the office of county commissioner.
 5.7 One commissioner shall be elected in each district who, at the time of the election, is a
 5.8 resident of the district. A person elected may hold the office only while remaining a
 5.9 resident of the commissioner district or, after June 15 during a year ending in "2", while
 5.10 remaining a resident of the county. The county board or the redistricting commission shall
 5.11 determine the number of members of the county board who shall be elected for two-year
 5.12 terms and for four-year terms to provide staggered terms on the county board. Thereafter,
 5.13 all commissioners shall be elected for four years. When a county is redistricted, there
 5.14 shall be a new election of commissioners in all the districts at the next general election
 5.15 ~~except that if the change made in the boundaries of a district is less than five percent of~~
 5.16 ~~the average of all districts of the county, the commissioner in office at the time of the~~
 5.17 ~~redistricting shall serve for the full period for which elected.~~

Sec. 11. **REPEALER.**

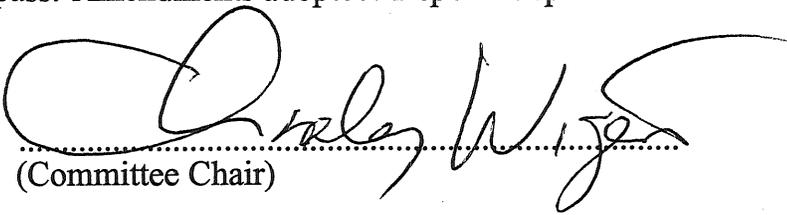
5.19 Minnesota Statutes 2004, section 204D.10, subdivision 2, is repealed.

5.20 Sec. 12. **EFFECTIVE DATE.**

5.21 Sections 1 to 3 and 7 to 10 are effective January 1, 2007. "

5.22 Amend the title accordingly

5.23 And when so amended the bill do pass. Amendments adopted. Report adopted.

5.24 
 5.25 (Committee Chair)

5.26 March 13, 2006
 5.27 (Date of Committee recommendation)

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Senate
State of Minnesota

S.F. No. 489 - Political Party Spending Limits

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Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *PWC*

Date: March 13, 2006

S.F. No. 489, as amended in 2005 by the Committee on Elections, has three main purposes:

1. It prohibits independent expenditures by political parties as a condition of receiving a public subsidy in the form of income tax checkoff money and political contribution refunds. A similar bill, S.F. No. 2458, was defeated in committee in 2000. Another similar bill, S.F. No. 11, was defeated in committee in 2004.
2. It limits soft money expenditures by political parties by excluding some of the spending that now qualifies as multicandidate expenditures.
3. It limits multicandidate expenditures by political parties.

On September 17, 1999, U.S. District Judge Ann D. Montgomery struck down the language of Minnesota Statutes, chapter 10A, that "An expenditure by a political party or a political party unit in a race where the political party has a candidate on the ballot is not an independent expenditure." *Republican Party of Minnesota v. Pauly*, 63 F. Supp. 2d 1008 (D. Minn. 1999). This bill replaces the old language with a new voluntary agreement by political parties not to make independent expenditures in return for participating in the income tax checkoff and political contribution refund programs.

Section 1 expands the definition of "campaign expenditure" to include costs incurred to disseminate communications that might formerly have been classified as "issue ads" rather than as campaign ads. The additional communications covered are those that do not use the "magic words" set forth in the U.S. Supreme Court's decision in *Buckley v. Valeo*, 424 U.S. 1 (1976) (per curiam), but that, in context, can have no reasonable meaning other than to advocate support for or opposition to the nomination or election of a candidate. It also creates a rebuttable presumption that a communication

that names or depicts a candidate, is disseminated close to an election, and costs more than a threshold amount is a campaign expenditure.

Section 2 strikes the sentence found unconstitutional in *Republican Party of Minnesota v. Pauley*. It also creates a rebuttable presumption that various subtle methods of coordinating expenditures are not independent.

Section 3 provides that the prohibition on independent expenditures by political parties applies only to a political party that has signed an agreement to be bound by it as a condition of receiving a public subsidy for the party's activities.

Section 4 prohibits a political party that receives a public subsidy from making an independent expenditure. It also provides that, if another political party does not agree to the prohibition and makes an independent expenditure during that election cycle, the prohibition no longer applies to the parties that have signed an agreement and they remain eligible to receive a public subsidy.

Section 5 excludes certain kinds of spending by political parties from the spending that may qualify as multicandidate expenditures and thus not be allocated to any individual candidate's spending limit. It requires a telephone conversation mentioning the names of three or more candidates to mention them with "roughly equal emphasis" in order to qualify as a multicandidate expenditure and excludes expenditures for a political party fund-raising effort.

Section 6 makes the chair of a party caucus subject to the same civil penalties for violating an expenditure limit as now apply to a candidate: a civil fine of up to four times the amount by which the expenditures exceeded the limit.

Section 7, subdivision 1, advances from September 1 to August 1 the deadline for a candidate to file a spending limit agreement with the Board. It also clarifies that the Board need not notify the Commissioner of Revenue of a spending limit agreement until it has been filed with the Board. It incorporates the provisions of subdivision 2 into subdivision 1 in order to facilitate the creation of a new subdivision relating to agreements by political parties not to make independent expenditures.

Subdivision 2, paragraph (a), requires the chair of the state committee of a political party to sign and file with the Board an agreement not to make independent expenditures in order for the party and any of its party units to be eligible to receive a public subsidy.

Subdivision 2, paragraph (b), requires the agreement to be filed with the Board by February 1 in order for the state committee to be allocated money designated to the party account on tax returns for the preceding and current taxable years.

Subdivision 2, paragraph (c), provides that the agreement remains in effect until the end of the first general election cycle completed after the agreement was filed or the dissolution of the political party, whichever occurs first.

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March 13, 2006
Page 3

Subdivision 4 requires that the political contribution receipt form given out by political parties or party units include a statement that the political party has signed a spending limit agreement.

Section 8 makes the act effective January 1, 2006, for contributions received and expenditures and checkoff money distributions made on and after that date.

PSW:ph

cc: Carolyn LaViolette



SENATE
STATE OF MINNESOTA
EIGHTY-FOURTH LEGISLATURE

S.F. No. 489

(SENATE AUTHORS: MARTY and Hottinger; Companion to H.F. No. 828.)

DATE	D-PG	OFFICIAL STATUS
01/24/2005	177	Introduction and first reading
01/24/2005		Referred to Elections
03/03/2005		Committee report: To pass as amended
03/03/2005		Second reading

1 A bill for an act

2 relating to elections; prohibiting political parties
3 that receive a public subsidy from making independent
4 expenditures; expanding the definitions of campaign
5 expenditures and independent expenditures; limiting
6 multicandidate expenditures by political parties;
7 amending Minnesota Statutes 2004, sections 10A.01,
8 subdivisions 9, 18; 10A.25, subdivision 1, by adding a
9 subdivision; 10A.275, subdivision 1; 10A.28,
10 subdivision 1; 10A.322.

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

12 Section 1. Minnesota Statutes 2004, section 10A.01,
13 subdivision 9, is amended to read:

14 Subd. 9. [CAMPAIGN EXPENDITURE.] (a) "Campaign
15 expenditure" or "expenditure" means a purchase or payment of
16 money or anything of value, or an advance of credit, made or
17 incurred for the purpose of influencing the nomination or
18 election of a candidate or for the purpose of promoting or
19 defeating a ballot question.

20 (b) "Expenditure" includes a cost incurred to design,
21 produce, or disseminate a communication if the communication
22 contains words such as "vote for," "reelect," "(name of
23 candidate) for (office)," "vote against," "defeat," or another
24 phrase or campaign slogan that in context can have no reasonable
25 meaning other than to advocate support for or opposition to the
26 nomination or election of one or more clearly identified
27 candidates.

28 (c) "Expenditure" is presumed to include a cost incurred to

1 design, produce, or disseminate a communication if the
2 communication names or depicts one or more clearly identified
3 candidates; is disseminated during the 45 days before a primary
4 election, during the 60 days before a general election, or
5 during a special election cycle until election day; and the cost
6 exceeds the following amounts for a communication naming or
7 depicting a candidate for the following offices:

8 (1) \$500 for a candidate for governor, lieutenant governor,
9 attorney general, secretary of state, or state auditor; or

10 (2) \$100 for a candidate for state senator or
11 representative.

12 An individual or association presumed under this paragraph
13 to have made an expenditure may rebut the presumption by an
14 affidavit signed by the spender and filed with the board stating
15 that the cost was not incurred with intent to influence the
16 nomination, election, or defeat of any candidate, supported by
17 any additional evidence the spender chooses to submit. The
18 board may consider any additional evidence it deems relevant and
19 material and must determine by a preponderance of the evidence
20 whether the cost was incurred with intent to influence the
21 nomination, election, or defeat of a candidate.

22 (d) An expenditure is considered to be made in the year in
23 which the candidate made the purchase of goods or services or
24 incurred an obligation to pay for goods or services.

25 (e) An expenditure made for the purpose of defeating a
26 candidate is considered made for the purpose of influencing the
27 nomination or election of that candidate or any opponent of that
28 candidate.

29 (f) Except as provided in clause (1), "expenditure"
30 includes the dollar value of a donation in kind.

31 "Expenditure" does not include:

32 (1) noncampaign disbursements as defined in subdivision 26;

33 (2) services provided without compensation by an individual
34 volunteering personal time on behalf of a candidate, ballot
35 question, political committee, political fund, principal
36 campaign committee, or party unit; or

1 (3) the publishing or broadcasting of news items or
2 editorial comments by the news media, if the news medium is not
3 owned by or affiliated with any candidate or principal campaign
4 committee; or

5 (4) a cost incurred by an association for a communication
6 targeted to inform solely its own dues-paying members of the
7 association's position on a candidate.

8 Sec. 2. Minnesota Statutes 2004, section 10A.01,
9 subdivision 18, is amended to read:

10 Subd. 18. [INDEPENDENT EXPENDITURE.] (a) "Independent
11 expenditure" means an expenditure ~~expressly-advocating-the~~
12 ~~election-or-defeat-of-a-clearly-identified-candidate,-if-the~~
13 ~~expenditure~~ that is made without the express or implied consent,
14 authorization, or cooperation of, and not in concert with or at
15 the request or suggestion of, any candidate or any candidate's
16 principal campaign committee or agent. An independent
17 expenditure is not a contribution to that candidate. An
18 ~~expenditure-by-a-political-party-or-political-party-unit-in-a~~
19 ~~race-where-the-political-party-has-a-candidate-on-the-ballot-is~~
20 ~~not-an-independent-expenditure-~~

21 (b) An expenditure is presumed to be not independent if,
22 for example:

23 (1) in the same election cycle in which the expenditure
24 occurs, the spender or the spender's agent retains the
25 professional services of an individual or entity that, in a
26 nonministerial capacity, provides or has provided
27 campaign-related service, including polling or other campaign
28 research, media consulting or production, direct mail, or
29 fundraising, to a candidate supported by the spender for
30 nomination or election to the same office as any candidate whose
31 nomination or election the expenditure is intended to influence
32 or to a political party working in coordination with the
33 supported candidate;

34 (2) the expenditure pays for a communication that
35 disseminates, in whole or in substantial part, a broadcast or
36 written, graphic, or other form of campaign material designed,

1 produced, or distributed by the candidate or the candidate's
2 principal campaign committee or their agents;

3 (3) the expenditure is based on information about the
4 candidate's electoral campaign plans, projects, or needs that is
5 provided by the candidate or the candidate's principal campaign
6 committee or their agents directly or indirectly to the spender
7 or the spender's agent, with an express or tacit understanding
8 that the spender is considering making the expenditure;

9 (4) before the election, the spender or the spender's agent
10 informs a candidate or the principal campaign committee or agent
11 of a candidate for the same office as a candidate clearly
12 identified in a communication paid for by the expenditure about
13 the communication's contents; timing, location, mode, or
14 frequency of dissemination; or intended audience; or

15 (5) in the same election cycle in which the expenditure
16 occurs, the spender or the spender's agent is serving or has
17 served in an executive, policymaking, fundraising, or advisory
18 position with the candidate's campaign or has participated in
19 strategic or policymaking discussions with the candidate's
20 campaign relating to the candidate's pursuit of nomination or
21 election to office and the candidate is pursuing the same office
22 as a candidate whose nomination or election the expenditure is
23 intended to influence.

24 An individual or association presumed under this paragraph
25 to have made an expenditure that was not independent may rebut
26 the presumption by an affidavit signed by the spender and filed
27 with the board stating that the expenditure was made without the
28 express or implied consent, authorization, or cooperation of,
29 and not in concert with or at the request or suggestion of, any
30 candidate or candidate's principal campaign committee or agent,
31 supported by additional evidence the spender chooses to submit.
32 The board may consider any additional evidence it deems relevant
33 and material and must determine by a preponderance of the
34 evidence whether the expenditure was independent.

35 (c) An expenditure by anyone other than a principal
36 campaign committee that does not qualify as an independent

1 expenditure under this subdivision is deemed to be an approved
2 expenditure under subdivision 4.

3 Sec. 3. Minnesota Statutes 2004, section 10A.25,
4 subdivision 1, is amended to read:

5 Subdivision 1. [LIMITS ARE VOLUNTARY.] The expenditure
6 limits imposed by this section on a candidate apply only to a
7 candidate who has signed and filed an agreement under section
8 10A.322 to be bound by them as a condition of receiving a public
9 subsidy for the candidate's campaign. The prohibition on
10 independent expenditures imposed by subdivision 14 applies only
11 to a political party that has signed an agreement under section
12 10A.322 to be bound by it as a condition of receiving a public
13 subsidy for the party's activities.

14 Sec. 4. Minnesota Statutes 2004, section 10A.25, is
15 amended by adding a subdivision to read:

16 Subd. 14. [INDEPENDENT EXPENDITURES BY POLITICAL PARTIES.]

17 (a) A political party that receives a public subsidy must not
18 make an independent expenditure.

19 (b) A political party that has agreed not to make
20 independent expenditures as a condition of receiving a public
21 subsidy is released from the prohibition but remains eligible to
22 receive a public subsidy if a political party that has not
23 agreed to the prohibition makes an independent expenditure
24 during that election cycle.

25 (c) A political party that has not agreed to the
26 prohibition in this subdivision must file written notice with
27 the board and serve written notice on every other political
28 party within 24 hours after making an independent expenditure.
29 The notice must state only that the political party has made an
30 independent expenditure. Upon receipt of the notice, the
31 political party that agreed to the prohibition is no longer
32 subject to the prohibition but remains eligible to receive a
33 public subsidy.

34 Sec. 5. Minnesota Statutes 2004, section 10A.275,
35 subdivision 1, is amended to read:

36 Subdivision 1. [EXCEPTIONS.] Notwithstanding other

1 provisions of this chapter, the following expenditures by a
2 party unit, or two or more party units acting together, with at
3 least one party unit being either: the state committee or the
4 party organization within a congressional district, county, or
5 legislative district, are not considered contributions to or
6 expenditures on behalf of a candidate for the purposes of
7 section 10A.25 or 10A.27 and must not be allocated to candidates
8 under section 10A.20, subdivision 3, paragraph (g):

9 (1) expenditures on behalf of candidates of that party
10 generally without referring to any of them specifically in a
11 published, posted, or broadcast advertisement;

12 (2) expenditures for the preparation, display, mailing, or
13 other distribution of an official party sample ballot listing
14 the names of three or more individuals whose names are to appear
15 on the ballot;

16 (3) expenditures for a telephone conversation including
17 mentioning with roughly equal emphasis the names of three or
18 more individuals whose names are to appear on the ballot; or

19 ~~(4) expenditures-for-a-political-party-fund-raising-effort~~
20 ~~on-behalf-of-three-or-more-candidates,-or~~

21 ~~(5) expenditures for party committee staff services that~~
22 ~~benefit three or more candidates.~~

23 Sec. 6. Minnesota Statutes 2004, section 10A.28,
24 subdivision 1, is amended to read:

25 Subdivision 1. [EXCEEDING EXPENDITURE LIMITS.] (a) A
26 candidate subject to the expenditure limits in section 10A.25
27 who permits the candidate's principal campaign committee to make
28 expenditures or permits approved expenditures to be made on the
29 candidate's behalf in excess of the limits imposed by section
30 10A.25, as adjusted by section 10A.255, is subject to a civil
31 penalty of up to four times the amount by which the expenditures
32 exceeded the limit.

33 (b) The chair of a political party or party unit subject to
34 the prohibition on independent expenditures in section 10A.25,
35 subdivision 14, who permits the political party or party unit to
36 make expenditures in violation of those prohibitions is subject

1 to a civil penalty of up to four times the amount of the
2 expenditures.

3 Sec. 7. Minnesota Statutes 2004, section 10A.322, is
4 amended to read:

5 10A.322 [SPENDING LIMIT AGREEMENTS.]

6 Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a
7 condition of receiving a public subsidy, a candidate must sign
8 and file with the board a written agreement in which the
9 candidate agrees that the candidate will comply with sections
10 10A.25; 10A.27, subdivision 10; 10A.31, subdivision 7, paragraph
11 (c); and 10A.324.

12 (b) Before the first day of filing for office, the board
13 must forward agreement forms to all filing officers. The board
14 must also provide agreement forms to candidates on request at
15 any time. The candidate must file the agreement with the board
16 by ~~September~~ August 1 preceding the candidate's general election
17 or a special election held at the general election. An
18 agreement may not be filed after that date. An agreement once
19 filed may not be rescinded.

20 (c) The board must notify the commissioner of revenue of
21 any agreement ~~signed~~ filed under this subdivision.

22 (d) Notwithstanding paragraph (b), if a vacancy occurs that
23 will be filled by means of a special election and the filing
24 period does not coincide with the filing period for the general
25 election, a candidate may sign and ~~submit~~ file a spending limit
26 agreement not later than the day after the candidate files the
27 affidavit of candidacy or nominating petition for the office.

28 ~~Subd.--2.--{HOW-LONG-AGREEMENT-IS-EFFECTIVE-}~~ (e) The
29 agreement, insofar as it relates to the expenditure limits in
30 section 10A.25, as adjusted by section 10A.255, and the
31 contribution limit in section 10A.27, subdivision 10, remains
32 effective for candidates until the dissolution of the principal
33 campaign committee of the candidate or the end of the first
34 election cycle completed after the agreement was filed,
35 whichever occurs first.

36 Subd. 2. [AGREEMENT BY POLITICAL PARTY OR PARTY UNIT.] (a)

1 As a condition of receiving a public subsidy, the chair of the
2 state committee of a political party must sign and file with the
3 board a written agreement in which the state committee agrees
4 that the political party and all its party units will comply
5 with section 10A.25, subdivision 14. An agreement once filed
6 may not be rescinded.

7 (b) The board must provide agreement forms to political
8 parties and party units on request at any time. The state chair
9 must file the agreement with the board by February 1 of any year
10 during an election cycle in order to be allocated money
11 designated to the party account on tax returns for the preceding
12 and current taxable years.

13 (c) The agreement remains in effect until the end of the
14 first general election cycle completed after the agreement was
15 filed or the dissolution of the political party, whichever
16 occurs first.

17 (d) The board must notify the commissioner of revenue of
18 any agreement filed under this subdivision.

19 Subd. 4. [REFUND RECEIPT FORMS; PENALTY.] (a) The board
20 must make available to a political party on-request-and-to-any
21 or candidate for whom an agreement under this section is
22 effective, a supply of official refund receipt forms that state
23 in boldface type that (1) a contributor who is given a receipt
24 form is eligible to claim a refund as provided in section
25 290.06, subdivision 23, and (2) if-the-contribution-is-to-a
26 candidate, that the candidate or political party has signed an
27 agreement to limit campaign expenditures as provided in this
28 section. The forms must provide duplicate copies of the receipt
29 to be attached to the contributor's claim.

30 (b) If a candidate who does not sign an agreement under
31 this section and who the candidate or the treasurer of the
32 candidate's principal campaign committee willfully issues an
33 official refund receipt form or a facsimile of one to any of the
34 candidate's contributors, the issuer of the receipt is guilty of
35 a misdemeanor.

36 Sec. 8. [EFFECTIVE DATE.]

- 1 This act is effective January 1, 2006, and applies to
2 contributions received, expenditures made, and checkoff money
3 distributed on and after that date.

1.1 Senator moves to amend S.F. No. 489 as follows:

1.2 Page 6, line 36, delete "those prohibitions" and insert "that prohibition"

1.3 Page 8, line 22, strike the comma

1.4 Page 8, line 35, after the period, insert "If the state chair of a political party has not
1.5 signed an agreement not to make independent expenditures and the chair or treasurer of
1.6 a party unit willfully issues an official refund receipt or a facsimile of one to any of the
1.7 party's contributors, the issuer of the receipt is guilty of a misdemeanor."

1.8 Page 9, delete lines 1 to 3 and insert:

1.9 "This act is effective July 1, 2006, and applies to contributions received and
1.10 expenditures made on and after that date."

1.1 **Senator Wiger from the Committee on Elections, to which was re-referred**

1.2 **S.F. No. 489:** A bill for an act relating to elections; prohibiting political parties that
1.3 receive a public subsidy from making independent expenditures; expanding the definitions
1.4 of campaign expenditures and independent expenditures; limiting multicandidate
1.5 expenditures by political parties; amending Minnesota Statutes 2004, sections 10A.01,
1.6 subdivisions 9, 18; 10A.25, subdivision 1, by adding a subdivision; 10A.275, subdivision
1.7 1; 10A.28, subdivision 1; 10A.322.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Page 6, line 36, delete "those prohibitions" and insert "that prohibition"

1.10 Page 8, line 22, strike the comma

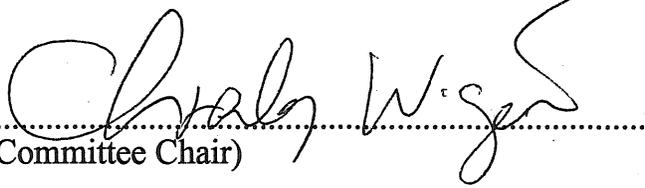
1.11 Page 8, line 34, delete "issuer of the receipt" and insert "candidate"

1.12 Page 8, line 35, after the period, insert "If the state chair of a political party has not
1.13 signed an agreement not to make independent expenditures and the chair or treasurer of
1.14 a party unit willfully issues an official refund receipt or a facsimile of one to any of the
1.15 party's contributors, the chair is guilty of a misdemeanor."

5 Page 9, delete lines 1 to 3 and insert:

1.17 "This act is effective January 1, 2007, and applies to contributions received and
1.18 expenditures made on and after that date."

1.19 And when so amended the bill do pass. Amendments adopted. Report adopted.

1.20 
1.21 (Committee Chair)

1.22 March 13, 2006
1.23 (Date of Committee recommendation)

Senator Marty introduced-

S.F. No. 2476: Referred to the Committee on Elections.

A bill for an act

relating to lobbying; increasing the public's right to know how lobbyists are influencing the legislative process; requiring certain conference committee communications to be open to the public; requiring disclosure of economic interests of independent contractors and consultants; changing certain definitions; prohibiting former legislators, constitutional officers, agency heads, and certain legislative employees from lobbying for legislative or administrative action for two years after leaving office; requiring disclosure of the costs of lobbying; requiring certain reports of lobbying activity; prohibiting contributions from lobbyists to candidates who have signed a spending limit agreement; amending Minnesota Statutes 2004, sections 3.055, subdivision 1; 10A.04, subdivision 4; 10A.27, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 10A.01, subdivision 5; 10A.04, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

Section 1. Minnesota Statutes 2004, section 3.055, subdivision 1, is amended to read:

Subdivision 1. **Meetings to be open.** (a) Meetings of the legislature shall be open to the public, including sessions of the senate, sessions of the house of representatives, joint sessions of the senate and the house of representatives, and meetings of a standing committee, committee division, subcommittee, conference committee, or legislative commission, but not including a caucus of the members of any of those bodies from the same house and political party nor a delegation of legislators representing a geographic area or political subdivision. For purposes of this ~~section~~ paragraph, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.

(b) In addition to the openness requirements imposed on conference committees by paragraph (a), from the time a conference committee is appointed until it is disbanded, any communication between senate and house members of the conference committee or senate

2.1 and house staff members assigned to the conference committee that includes discussions
2.2 relating to the conference committee or the bill referred to the conference committee must
2.3 be open to the public. This paragraph does not apply, however, to:

2.4 (1) communication limited to the sole purpose of arranging conference committee
2.5 meeting times and schedules; or

2.6 (2) communication between or a meeting of legislative staff members to prepare or
2.7 revise bill drafts or to answer questions or provide clarification on a proposal that has been
2.8 put forward in an open meeting so long as the staff communication or meeting does not
2.9 involve making a new offer from one house to the other.

2.10 (c) Each house shall provide by rule for posting notices of meetings, recording
2.11 proceedings, and making the recordings and votes available to the public.

2.12 Sec. 2. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 5, is
2.13 amended to read:

2.14 Subd. 5. **Associated business.** (a) "Associated business" means an association,
2.15 corporation, partnership, limited liability company, limited liability partnership, or other
2.16 organized legal entity from which the individual receives compensation in excess of
2.17 ~~\$50~~ \$500 in a year, except for actual and reasonable expenses, ~~in any month~~ as a director,
2.18 officer, owner, member, partner, employer or employee, or whose securities the individual
2.19 holds worth \$2,500 or more at fair market value.

2.20 "Associated business" also means a lobbyist, principal, or interested person by
2.21 whom the individual is compensated in excess of \$500 in a year, except for actual and
2.22 reasonable expenses, for providing services to the lobbyist, principal, or interested
2.23 person as an independent contractor or consultant. If an individual is compensated by
2.24 an association for providing services to a lobbyist, principal, or interested person as an
2.25 independent contractor or consultant, "associated business" includes both the association
2.26 that pays the compensation and the lobbyist, principal, or interested person to whom
2.27 the services are provided.

2.28 (b) "Interested person" means a person or a representative of a person or association
2.29 that has a direct financial interest in a decision that the individual receiving the
2.30 compensation is authorized to make as a public or local official or will be authorized to
2.31 make upon becoming a public or local official. To be direct, the financial interest of
2.32 the person or association paying the compensation to the individual must be of greater
2.33 consequence to the payer than the general interest of other residents or taxpayers of the
2.34 individual's governmental unit.

3.1 Sec. 3. [10A.035] LOBBYING RESTRICTION.

3.2 An individual may not act as a lobbyist who attempts to influence legislative or
 3.3 administrative action for two years after leaving one of the following offices or positions:

3.4 (1) member of the legislature;

3.5 (2) constitutional officer; or

3.6 (3) commissioner, deputy commissioner, or head of any state department or agency.

3.7 Sec. 4. Minnesota Statutes 2004, section 10A.04, subdivision 4, is amended to read:

3.8 Subd. 4. **Content.** (a) A report under this section must include information the
 3.9 board requires from the registration form and the information required by this subdivision
 3.10 for the reporting period.

3.11 (b) A lobbyist must report a general description of the subject or subjects on which
 3.12 the lobbyist lobbied on behalf of each principal.

3.13 (c) A lobbyist must report the unitemized total amount of all income from the
 3.14 principal for lobbying activities on behalf of the principal. The total must include amounts
 3.15 paid to cover the lobbyist's salary and administrative expenses. The report must include
 3.16 any payments to the lobbyist by any other person for lobbying activities on behalf of
 3.17 the principal.

3.18 (d) A lobbyist must report the lobbyist's total disbursements on lobbying, separately
 3.19 listing lobbying to influence legislative action, lobbying to influence administrative action,
 3.20 and lobbying to influence the official actions of a metropolitan governmental unit, and a
 3.21 breakdown of disbursements for each of those kinds of lobbying into categories specified
 3.22 by the board, including but not limited to the cost of publication and distribution of each
 3.23 publication used in lobbying; other printing; media, including the cost of production;
 3.24 postage; travel; fees, including allowances; entertainment; telephone and telegraph; and
 3.25 other expenses.

3.26 ~~(e)~~ (e) A lobbyist must report the amount and nature of each gift, item, or benefit;
 3.27 ~~excluding contributions to a candidate,~~ equal in value to \$5 or more, and each contribution
 3.28 to a candidate, given or paid to any official, as defined in section 10A.071, subdivision
 3.29 1, by the lobbyist or ~~an employer or employee~~ at the direction of the lobbyist. The list
 3.30 must include the name and address of each official to whom the gift, item, ~~or benefit, or~~
 3.31 contribution was given or paid and the date it was given or paid.

3.32 ~~(d)~~ (f) A lobbyist must report each original source of money in excess of \$500 in
 3.33 any year used for the purpose of lobbying to influence legislative action, administrative
 3.34 action, or the official action of a metropolitan governmental unit. The list must include the

4.1 name, address, and employer, or, if self-employed, the occupation and principal place of
 4.2 business, of each payer of money in excess of \$500.

4.3 ~~(e) On the report due June 15, the lobbyist must provide a general description of the~~
 4.4 ~~subjects lobbied in the previous 12 months.~~

4.5 (g) A lobbyist must report the amount and date of each contribution given by the
 4.6 lobbyist to a party organization within a house of the legislature.

4.7 Sec. 5. Minnesota Statutes 2005 Supplement, section 10A.04, subdivision 6, is
 4.8 amended to read:

4.9 Subd. 6. **Principal reports.** (a) A principal must report to the board as required in
 4.10 this subdivision by March 15 for the preceding calendar year.

4.11 (b) The principal must report the total amount, ~~rounded to the nearest \$20,000,~~
 4.12 spent by the principal during the preceding calendar year to influence legislative action,
 4.13 the total amount spent by the principal during the preceding calendar year to influence
 4.14 administrative action, and the total amount spent by the principal during the preceding
 4.15 calendar year to influence the official action of metropolitan governmental units.

4.16 (c) The principal must report under this subdivision a total amount that includes:

4.17 (1) all direct payments by the principal to lobbyists in this state;

4.18 (2) all expenditures for advertising, mailing, research, analysis, compilation and
 4.19 dissemination of information, and public relations campaigns related to legislative action,
 4.20 administrative action, or the official action of metropolitan governmental units in this
 4.21 state; and

4.22 (3) all salaries and administrative expenses attributable to activities of the principal
 4.23 or a lobbyist engaged by the principal relating to efforts on behalf of the principal to
 4.24 influence legislative action, administrative action, or the official action of metropolitan
 4.25 governmental units in this state.

4.26 Sec. 6. Minnesota Statutes 2004, section 10A.27, is amended by adding a subdivision
 4.27 to read:

4.28 Subd. 1a. **Limit on candidates who agree to spending limit.** A candidate who has
 4.29 signed a spending limit agreement under section 10A.322 must not permit the candidate's
 4.30 principal campaign committee to accept a contribution made or delivered by a lobbyist.

4.31 Sec. 7. **EFFECTIVE DATE.**

4.32 Sections 1 to 6 are effective the day following final enactment.

Bill Summary**Senate**

Senate Counsel & Research

State of Minnesota

S. F. No. 2476 - Public Right to Know

Author: Senator John Marty
Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812)
Date: March 1, 2006

S. F. No. 2476 requires most communications relating to a bill that is in conference committee to be open to the public. It requires public officials to disclose on their economic interest statements the interests they have as independent contractors or consultants. It prohibits certain public officials from lobbying to influence legislative or administrative action for two years after they leave office. It requires increased disclosure of amounts spent by lobbyists and lobbyist principals for their lobbying activities. Finally, it prohibits a candidate who has signed a spending limit agreement from accepting a contribution from a lobbyist.

Section 1 requires most communications and discussions relating to a bill that has been referred to conference committee to be open to the public.

Section 2 changes the threshold compensation for becoming an "associated business" (which public officials are required to disclose on the statements of economic interest they file with the Board of Campaign Finance and Public Disclosure) from \$50 a month to \$500 a year. It adds to the definition of "associated business" a lobbyist, principal, or interested person by whom the public official is compensated in excess of \$500 a year. An independent contractor or consultant who is employed by a firm to provide services to the firm's clients would be required to list both the firm and the clients of the firm who are lobbyists, principals, or interested persons to whom the public official provides services. An "interested person" is someone who has direct financial interest in a decision that the public official who is paid by the interested person is authorized to make.

Section 3 prohibits a member of the legislature, a constitutional officer, or the head of a state agency from lobbying to influence legislative or administrative action for two years after they leave office.

Section 4 requires lobbyists to report each year a general description of the subjects upon which they lobbied and the amount received from the lobbyist's principal. It eliminates the requirement that a lobbyist report on gifts made to officials by the lobbyist's employer or employee, and substitutes a requirement that the lobbyist report on gifts made to officials at the direction of the lobbyist. It also requires lobbyists to report the contributions they have made to candidates.

Section 5 changes the reporting required of lobbyist principals each year so that instead of reporting the amount spent by the principal during the preceding calendar year rounded to the nearest \$20,000, the principal is required to report the total amount spent. The report must list separately the amount spent to influence legislative action, the amount spent to influence administrative action, and the amount spent to influence the official action of metropolitan governmental units. This total amount must include salaries and administrative expenses of the lobbyists engaged by the principal.

Section 6 prohibits a candidate who has signed a spending limit agreement from accepting a contribution from a lobbyist.

Section 7 makes the act effective the day following final enactment.

PSW:

cc: Carolyn LaViolette

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