

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

 EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 7, 2004

The House of Representatives convened at 8:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Daniel C. Nordin, Senior Pastor, Shepherd of the Hills Lutheran Church, Hopkins, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Sykora was excused.

Olson, M., was excused until 8:35 a.m. Haas was excused until 9:15 a.m. Abrams was excused until 9:25 a.m. Lipman was excused until 10:05 a.m. Wasiluk was excused until 10:50 a.m. Hoppe was excused until 10:55 a.m.

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

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 2, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2878, relating to state observances; designating Dr. Norman E. Borlaug World Food Prize Day.

H. F. No. 2105, relating to Iron Range Resources and Rehabilitation; providing for the name of the agency.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2004</i>	<i>Date Filed 2004</i>
1903		147	12:57 p.m. April 2	April 2
	2878	148	1:00 p.m. April 2	April 2
40		149	12:50 p.m. April 2	April 2
	2105	150	12:47 p.m. April 2	April 2
2063		151	12:40 p.m. April 2	April 2

Sincerely,

MARY KIFFMEYER
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Sieben introduced:

H. F. No. 3165, A bill for an act relating to motor vehicle sales tax; exempting school buses from the tax; amending Minnesota Statutes 2003 Supplement, section 297B.03.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1836, A bill for an act relating to the environment; clarifying permitting for mineral tailing deposition into mine pits; amending Minnesota Statutes 2002, section 116.0717.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 2651, A bill for an act relating to corrections; amending the Interstate Compact for Adult Offender Supervision by providing procedures for retaking and reincarceration of parolees and probationers; delaying the repeal of the interstate compact for the supervision of parolees and probationers to provide more transition time for adoption of rules under the new compact; amending Minnesota Statutes 2002, section 243.1605; Laws 2002, chapter 268, section 8.

H. F. No. 2455, A bill for an act relating to corrections; authorizing a five-level correctional facility classification system; amending Minnesota Statutes 2003 Supplement, section 243.53, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3005, A bill for an act relating to elections; changing times for voting on changing county seats; amending Minnesota Statutes 2002, section 372.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2903, 2609, 2387, 2342, 2299, 1614, 2453, 2422 and 2449.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2903, A bill for an act relating to local government; increasing the threshold amount for towns required to have annual audits; amending Minnesota Statutes 2002, section 471.697, subdivision 1.

The bill was read for the first time.

Kuisle moved that S. F. No. 2903 and H. F. No. 1843, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2609, A bill for an act relating to education; including a mental health community representative on a community transition team; amending Minnesota Statutes 2002, section 125A.22.

The bill was read for the first time.

Seagren moved that S. F. No. 2609 and H. F. No. 2502, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2387, A bill for an act relating to crimes; treating probation officers the same as correctional employees for purposes of certain assaults; amending Minnesota Statutes 2002, section 609.2231, subdivision 1; Minnesota Statutes 2003 Supplement, section 609.2231, subdivision 3.

The bill was read for the first time.

Johnson, S., moved that S. F. No. 2387 and H. F. No. 2352, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2342, A bill for an act relating to county recorders; providing that the county recorder may accept security deposits to guarantee payment of charges; making conforming changes; amending Minnesota Statutes 2002, section 386.78.

The bill was read for the first time.

Adolphson moved that S. F. No. 2342 and H. F. No. 2431, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2299, A bill for an act relating to the environment; providing for enforcement for certain aboveground petroleum storage tanks; modifying field citations procedures for petroleum storage tanks; amending Minnesota Statutes 2002, section 115.071, subdivision 7; Minnesota Statutes 2003 Supplement, section 116.073, subdivisions 1, 2.

The bill was read for the first time.

Hoppe moved that S. F. No. 2299 and H. F. No. 2365, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1614, A bill for an act relating to animals; criminalizing certain harm caused to a service animal by a dog; requiring restitution; clarifying civil liability; imposing a criminal penalty; amending Minnesota Statutes 2002, section 609.226, subdivision 3, by adding a subdivision.

The bill was read for the first time.

Kohls moved that S. F. No. 1614 and H. F. No. 1817, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2453, A bill for an act relating to motor fuels; regulating oxygenated gasoline; abolishing a fee and certain requirements and powers of Department of Commerce relating to utility measuring equipment; amending Minnesota Statutes 2002, section 239.791, subdivision 12, by adding a subdivision; repealing Minnesota Statutes 2002, sections 239.12; 239.25.

The bill was read for the first time.

Dorman moved that S. F. No. 2453 and H. F. No. 2098, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2422, A bill for an act relating to the environment; modifying regulation of certain PCB wastes; amending Minnesota Statutes 2002, section 116.07, by adding a subdivision.

The bill was read for the first time.

Simpson moved that S. F. No. 2422 and H. F. No. 2500, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2449, A bill for an act relating to townships; clarifying levy and spending authority; defining total revenue; amending Minnesota Statutes 2002, sections 365.43, subdivision 1; 365.431.

The bill was read for the first time and referred to the Committee on Taxes.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 3090.

H. F. No. 3090 was reported to the House.

Pursuant to rule 2.05, the Speaker excused Kelliher from voting on the adoption of any amendments to H. F. No. 3090 that relate to the Minnesota Historical Society.

Sertich, Murphy and Huntley moved to amend H. F. No. 3090, the second engrossment, as follows:

Page 41, after line 30, insert:

"Sec. 57. [181.785] [NONCOMPETE AGREEMENTS; BROADCAST EMPLOYERS.]

Any provision in an employment agreement between a broadcast employer and an employee or prospective employee which prohibits the employee or prospective employee from working in a specific geographic area for a specific period of time after terminating employment with the broadcast employer is void and unenforceable. For purposes of this section, "broadcast employer" means a television station, television network, radio station, or radio network.

[EFFECTIVE DATE; APPLICABILITY.] This section is effective August 1, 2004, and applies to agreements entered, renewed, or extended on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sertich et al amendment and the roll was called. There were 47 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hilty	Lesch	Paymar	Sieben
Atkins	Eken	Hornstein	Lieder	Pelowski	Slawik
Bernardy	Entenza	Huntley	Mahoney	Peterson	Smith
Biernat	Goodwin	Jaros	Mariani	Pugh	Solberg
Clark	Greiling	Johnson, S.	Mullery	Rhodes	Swenson
Davids	Gunther	Juhnke	Murphy	Rukavina	Thao
Davnie	Hausman	Kahn	Nelson, M.	Ruth	Wagenius
Dill	Hilstrom	Koenen	Otremba	Sertich	

Those who voted in the negative were:

Abeler	Cox	Heidgerken	Lenczewski	Osterman	Thissen
Adolphson	DeLaForest	Holberg	Lindgren	Otto	Urdahl
Anderson, B.	Demmer	Jacobson	Lindner	Paulsen	Vandever
Anderson, J.	Dempsey	Johnson, J.	Magnus	Penas	Walz
Beard	Dorman	Kelliher	Marquart	Powell	Wardlow
Blaine	Eastlund	Klinzing	McNamara	Samuelson	Westerberg
Borrell	Erhardt	Knoblach	Meslow	Seagren	Westrom
Boudreau	Erickson	Kohls	Nelson, C.	Seifert	Wilkin
Bradley	Finstad	Krinkie	Nelson, P.	Severson	Zellers
Brod	Fuller	Kuistle	Newman	Simpson	Spk. Sviggum
Buesgens	Gerlach	Lanning	Nornes	Soderstrom	
Carlson	Hackbarth	Larson	Olsen, S.	Stang	
Cornish	Harder	Latz	Opatz	Strachan	

The motion did not prevail and the amendment was not adopted.

H. F. No. 3090, A bill for an act relating to economic development; reducing appropriations for economic development and certain other programs; appropriating money for economic development and other programs; modifying programs and practices; modifying provisions governing barbers and cosmetologists; regulating petroleum testing and fees; creating a revolving fund; modifying tobacco sales penalty provisions; granting extra unemployment benefits for certain military reservists; transferring powers and funds; renumbering sections; amending Minnesota Statutes 2002, sections 60A.14, subdivision 1; 154.01; 154.02; 154.03; 154.04; 154.06; 154.07, as amended; 154.08; 154.11; 154.12; 154.161, subdivisions 2, 4, 5, 7; 154.18; 154.19; 154.21; 154.22; 154.23; 154.24; 154.25; 155A.01; 155A.02; 155A.03, subdivisions 1, 2, 7, by adding subdivisions; 155A.045, subdivision 1; 155A.05; 155A.07, subdivisions 2, 8, by adding a subdivision; 155A.08, subdivisions 1, 2, 3; 155A.09; 155A.095; 155A.10; 155A.135; 155A.14; 155A.15; 155A.16; 177.23, subdivision 7; 182.653, subdivision 9; 214.01, subdivision 3; 239.011, by adding a subdivision; 239.101, subdivision 3; 326.975, subdivision 1; 327C.01, by adding a subdivision; 327C.02, subdivision 2; 327C.04, by adding a subdivision; 461.12, subdivision 2; 461.19; 462A.05, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 116J.70, subdivision 2a; 116J.8731, subdivision 5; 214.04, subdivision 3; 462A.03, subdivision 13; Laws 2003, chapter 128, article 10, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 446A; repealing Minnesota Statutes 2002, sections 155A.03, subdivisions 11, 13; 155A.04; 155A.06; Minnesota Statutes 2003 Supplement, section 239.101, subdivision 7; Minnesota Rules, part 2100.9300, subpart 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Howes	Magnus	Paulsen	Swenson
Abrams	Dempsey	Huntley	Marquart	Penas	Tingelstad
Adolphson	Dorman	Jacobson	McNamara	Peterson	Urdahl
Anderson, B.	Eastlund	Johnson, J.	Meslow	Powell	Vandever
Anderson, J.	Eken	Klinzing	Mullery	Rhodes	Walz
Beard	Erhardt	Knoblach	Murphy	Ruth	Wardlow
Blaine	Erickson	Koenen	Nelson, C.	Samuelson	Westerberg
Borrell	Finstad	Kohls	Nelson, P.	Seagren	Westrom
Boudreau	Fuller	Krinkie	Newman	Seifert	Wilkin
Bradley	Gerlach	Kuisle	Nornes	Severson	Zellers
Brod	Gunther	Lanning	Olsen, S.	Simpson	Spk. Sviggum
Buesgens	Haas	Larson	Olson, M.	Smith	
Cornish	Hackbarth	Lenczewski	Opatz	Soderstrom	
Cox	Harder	Lindgren	Osterman	Solberg	
Davids	Heidgerken	Lindner	Otto	Stang	
DeLaForest	Holberg	Lipman	Ozment	Strachan	

Those who voted in the negative were:

Anderson, I.	Dill	Hilstrom	Kelliher	Otremba	Slawik
Atkins	Dorn	Hilty	Latz	Paymar	Thao
Bernardy	Ellison	Hornstein	Lesch	Pelowski	Thissen
Biernat	Entenza	Jaros	Lieder	Pugh	Wagenius
Carlson	Goodwin	Johnson, S.	Mahoney	Rukavina	Walker
Clark	Greiling	Juhnke	Mariani	Sertich	
Davnie	Hausman	Kahn	Nelson, M.	Sieben	

The bill was passed and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 1867.

H. F. No. 1867 was reported to the House.

Ozment moved to amend H. F. No. 1867, the second engrossment, as follows:

Pages 5 to 9, delete sections 10 to 13

Pages 9 to 11, delete sections 15 to 17

Pages 12 and 13, delete section 19

Pages 13 and 14, delete section 21

Page 16, delete section 25

Pages 31 and 32, delete section 44

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Severson was excused between the hours of 10:45 a.m. and 1:55 p.m.

The Speaker called Boudreau to the Chair.

H. F. No. 1867, A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.125, by adding a subdivision; 84.83, subdivision 3; 84.9257; 84.928, subdivision 2; 84A.51, subdivision 2; 89.035; 97C.605, subdivision 2; 103F.225, subdivision 5; 115.06, subdivision 4; 115.55, subdivision 9; 115A.12; 116.92, subdivision 4; 116P.12, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 84.026; 115.551; 115A.072, subdivision 1; 115B.20, subdivision 2; 473.845, subdivision 1; Laws 2003, chapter 128, article 1, section 10; proposing coding for new law in Minnesota Statutes, chapters 84; 89; 103G; 115; 116; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 81 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Hackbarth	Lindner	Ozment	Swenson
Abrams	DeLaForest	Harder	Lipman	Paulsen	Tingelstad
Adolphson	Demmer	Heidgerken	Magnus	Penas	Urdahl
Anderson, B.	Dempsey	Holberg	Marquart	Powell	Vandever
Anderson, J.	Dill	Howes	McNamara	Rhodes	Walz
Beard	Dorman	Jacobson	Meslow	Ruth	Wardlow
Blaine	Eastlund	Johnson, J.	Nelson, C.	Samuelson	Westerberg
Borrell	Erhardt	Klinzing	Nelson, P.	Seagren	Westrom
Boudreau	Erickson	Knoblach	Newman	Seifert	Wilkin
Bradley	Finstad	Kohls	Nornes	Simpson	Zellers
Brod	Fuller	Krinkie	Olsen, S.	Smith	Spk. Sviggum
Buesgens	Gerlach	Kuisle	Olson, M.	Soderstrom	
Cornish	Gunther	Lanning	Opatz	Stang	
Cox	Haas	Lindgren	Osterman	Strachan	

Those who voted in the negative were:

Anderson, I.	Ellison	Jaros	Lesch	Paymar	Thao
Atkins	Entenza	Johnson, S.	Lieder	Pelowski	Thissen
Bernardy	Goodwin	Juhnke	Mahoney	Peterson	Wagenius
Biernat	Greiling	Kahn	Mariani	Pugh	Walker
Carlson	Hausman	Kelliher	Mullery	Rukavina	Wasiluk
Clark	Hilstrom	Koenen	Murphy	Sertich	
Davnie	Hilty	Larson	Nelson, M.	Sieben	
Dorn	Hornstein	Latz	Otremba	Slawik	
Eken	Huntley	Lenczewski	Otto	Solberg	

The bill was passed, as amended, and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 3141, as amended.

H. F. No. 3141, as amended, was reported to the House.

Vandever, Mariani and Otto moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Pages 5 to 8, delete sections 4 to 10, and insert:

"Sec. 11. [160.95] [TOLL FACILITIES PROHIBITED.]

Neither the commissioner nor a local road authority may impose or authorize the imposition of a toll for the use of a bridge or a highway or highway lane, except a toll may be imposed for a bridge entering or leaving the state. This section does not apply to (1) any toll that was being collected on January 1, 2004, or (2) any toll authorized under section 160.93 that is collected on marked Interstate highway No. 394."

Page 31, after line 13, insert:

"Sec. 38. [REPEALER.]

Minnesota Statutes 2002, sections 160.84, 160.85, 160.86, 160.87, 160.88, 160.89, 160.90, 160.91, and 160.92, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Vandever et al amendment and the roll was called. There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellison	Jacobson	Lesch	Pelowski	Thissen
Atkins	Entenza	Jaros	Lieder	Peterson	Vandever
Bernardy	Goodwin	Johnson, S.	Mahoney	Pugh	Wagenius
Biernat	Greiling	Juhnke	Mariani	Rukavina	Walker
Carlson	Hackbarth	Kahn	Marquart	Seagren	Wasiluk
Clark	Hausman	Kelliher	Mullery	Sertich	
Davnie	Hilstrom	Koenen	Murphy	Sieben	
Dill	Hilty	Larson	Otremba	Slawik	
Dorn	Hornstein	Latz	Otto	Solberg	
Eken	Huntley	Lenczewski	Paymar	Thao	

Those who voted in the negative were:

Abeler	Cox	Haas	Lindgren	Opatz	Stang
Abrams	Davids	Harder	Lindner	Osterman	Strachan
Adolphson	DeLaForest	Heidgerken	Lipman	Ozment	Swenson
Anderson, B.	Demmer	Holberg	Magnus	Paulsen	Tingelstad
Anderson, J.	Dempsey	Hoppe	McNamara	Penas	Urdahl
Beard	Dorman	Howes	Meslow	Powell	Walz
Blaine	Eastlund	Johnson, J.	Nelson, C.	Rhodes	Wardlow
Borrell	Erhardt	Klinzing	Nelson, M.	Ruth	Westerberg
Boudreau	Erickson	Knoblach	Nelson, P.	Samuelson	Westrom
Bradley	Finstad	Kohls	Newman	Seifert	Wilkin
Brod	Fuller	Krinkie	Nornes	Simpson	Zellers
Buesgens	Gerlach	Kuisle	Olsen, S.	Smith	Spk. Sviggum
Cornish	Gunther	Lanning	Olson, M.	Soderstrom	

The motion did not prevail and the amendment was not adopted.

Olson, M.; Holberg; Hackbarth; Pugh; Severson; Gerlach; Opatz; Borrell; Westerberg; Anderson, B.; Jacobson and Abeler moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 2, line 16, after the period, insert "In making this reduction, the department shall attempt to do everything possible to extend the NorthStar commuter coach services for another year, including but not limited to possible fare increases."

Clark moved to amend the Olson, M., et al amendment to H. F. No. 3141, the first engrossment, as amended, as follows:

Page 1, line 5, after "services" insert "and regular route metro transit services"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 42 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Goodwin	Juhnke	Lieder	Osterman	Solberg
Bernardy	Greiling	Kahn	Mahoney	Otto	Thao
Biernat	Hausman	Kelliher	Mariani	Paymar	Thissen
Carlson	Hilstrom	Larson	Meslow	Rhodes	Tingelstad
Clark	Hilty	Latz	Mullery	Samuelson	Wagenius
Davnie	Hornstein	Lenczewski	Nelson, M.	Sieben	Walker
Ellison	Johnson, S.	Lesch	Opatz	Slawik	Wasiluk

Those who voted in the negative were:

Abeler	Cox	Gerlach	Kohls	Olsen, S.	Smith
Abrams	Davids	Gunther	Krinkie	Olson, M.	Soderstrom
Adolphson	DeLaForest	Haas	Kuisle	Otremba	Stang
Anderson, B.	Demmer	Hackbarth	Lanning	Ozment	Strachan
Anderson, J.	Dempsey	Harder	Lindgren	Paulsen	Swenson
Atkins	Dill	Heidgerken	Lindner	Pelowski	Urdahl
Beard	Dorman	Holberg	Lipman	Penas	Vandever
Blaine	Dorn	Hoppe	Magnus	Peterson	Walz
Borrell	Eastlund	Howes	Marquart	Powell	Wardlow
Boudreau	Eken	Huntley	McNamara	Pugh	Westerberg
Bradley	Erhardt	Jacobson	Nelson, C.	Ruth	Westrom
Brod	Erickson	Johnson, J.	Nelson, P.	Seagren	Wilkin
Buesgens	Finstad	Klinzing	Newman	Seifert	Zellers
Cornish	Fuller	Knoblach	Nornes	Simpson	Spk. Sviggum

The motion did not prevail and the amendment to the amendment was not adopted.

Hornstein moved to amend the Olson, M., et al amendment to H. F. No. 3141, the first engrossment, as amended, as follows:

Page 1, line 5, after "services" insert "and opt-out services"

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Olson, M., et al amendment to H. F. No. 3141, the first engrossment, as amended. The motion prevailed and the amendment was adopted.

Erickson moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 20, after line 28, insert:

"Sec. 20. Minnesota Statutes 2002, section 169.87, subdivision 4, is amended to read:

Subd. 4. [VEHICLE TRANSPORTING MILK.] Until June 1, ~~2003~~ 2005, a weight restriction imposed under subdivision 1 by the commissioner of transportation or a local road authority, or imposed by subdivision 2, does not apply to a vehicle transporting milk from the point of production to the point of first processing if, at the time the weight restriction is exceeded, the vehicle is carrying milk loaded at only one point of production. This subdivision does not authorize a vehicle described in this subdivision to exceed a weight restriction of five tons per axle by more than two tons per axle.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Buesgens; Zellers; Borrell; Johnson, J.; Beard; Krinkie; Klinzing; Hoppe; Lindner; Davids; DeLaForest; Gerlach; Jacobson; Wilkin; Lipman and Adolphson moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 38. [TRANSFER OF TRANSIT OPERATIONS.]

The Metropolitan Council is directed to prepare a proposal for the 2005 legislature to provide for the operation of the metropolitan transit system by nongovernmental entities under contract with the Department of Transportation. The proposal must include:

(1) a process by which the Department of Transportation proposes to solicit and select bids for the operation of the transit system by private entities;

(2) a proposal for the orderly transfer of existing contracts and assets of the transit system to the selected transit operators;

(3) additional transit options, such as small vans, shuttles, and express operators;

(4) a proposed timeline for the transfer to begin no later than July 1, 2005, and providing for substantially all operations to be transferred by July 1, 2006; and

(5) a plan to permit the Metropolitan Council to continue to serve as the principal planning agency for transit operations in the seven-county metropolitan area.

The Metropolitan Council will present the proposal to the chair of the house committee on Local Government and Metropolitan Affairs and the senate committee on State and Local Government Operations by December 15, 2004. The Metropolitan Council will cooperate with the Department of Transportation in the preparation of the proposal and will provide all records, data, contracts, and any other information that may be necessary or useful in the preparation of the proposal.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Ellison raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Buesgens et al amendment was not in order. Speaker pro tempore Boudreau ruled the point of order not well taken and the Buesgens et al amendment in order.

Clark, Mullery, Hornstein, Goodwin and Ellison moved to amend the Buesgens et al amendment to H. F. No. 3141, the first engrossment, as amended, as follows:

Page 2, after line 8, insert:

"The Metropolitan Council shall reinstate the labor contract with Metropolitan Transit workers that existed prior to negotiations for the rest of this contract period."

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 58 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Huntley	Lesch	Otremba	Slawik
Anderson, J.	Ellison	Jaros	Lieder	Otto	Solberg
Atkins	Entenza	Johnson, S.	Mahoney	Paymar	Thao
Bernardy	Goodwin	Juhnke	Mariani	Pelowski	Thissen
Biernat	Greiling	Kahn	Marquart	Peterson	Tingelstad
Carlson	Hausman	Kelliher	Mullery	Pugh	Wagenius
Clark	Hilstrom	Koenen	Murphy	Rhodes	Walker
Davnie	Hilty	Larson	Nelson, M.	Rukavina	Wasiluk
Dill	Hornstein	Latz	Opatz	Sertich	
Dorn	Howes	Lenczewski	Osterman	Sieben	

Those who voted in the negative were:

Abeler	Borrell	Cox	Eastlund	Gunther	Hoppe
Abrams	Boudreau	Dauids	Erhardt	Haas	Jacobson
Adolphson	Bradley	DeLaForest	Erickson	Hackbarth	Johnson, J.
Anderson, B.	Brod	Demmer	Finstad	Harder	Klinzing
Beard	Buesgens	Dempsey	Fuller	Heidgerken	Knoblach
Blaine	Cornish	Dorman	Gerlach	Holberg	Kohls

Krinkie	McNamara	Olson, M.	Seifert	Urdahl	Zellers
Kuisle	Meslow	Paulsen	Simpson	Vandever	Spk. Sviggum
Lanning	Nelson, C.	Penas	Smith	Walz	
Lindgren	Nelson, P.	Powell	Soderstrom	Wardlow	
Lindner	Newman	Ruth	Stang	Westerberg	
Lipman	Nornes	Samuelson	Strachan	Westrom	
Magnus	Olsen, S.	Seagren	Swenson	Wilkin	

The motion did not prevail and the amendment to the amendment was not adopted.

The Speaker resumed the Chair.

The question recurred on the Buesgens et al amendment and the roll was called. There were 54 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Adolphson	Dauids	Haas	Krinkie	Olsen, S.	Stang
Anderson, B.	DeLaForest	Heidgerken	Kuisle	Olson, M.	Vandever
Beard	Demmer	Holberg	Lindgren	Paulsen	Walz
Blaine	Dorman	Hoppe	Lindner	Penas	Wardlow
Borrell	Eastlund	Jacobson	Lipman	Powell	Westerberg
Boudreau	Erickson	Johnson, J.	McNamara	Samuelson	Westrom
Bradley	Finstad	Klinzing	Nelson, C.	Seifert	Wilkin
Brod	Fuller	Knoblach	Nelson, P.	Simpson	Zellers
Buesgens	Gerlach	Kohls	Newman	Soderstrom	Spk. Sviggum

Those who voted in the negative were:

Abeler	Dill	Hilty	Lenczewski	Osterman	Sieben
Abrams	Dorn	Hornstein	Lesch	Otremba	Slawik
Anderson, I.	Eken	Howes	Lieder	Otto	Smith
Anderson, J.	Ellison	Huntley	Magnus	Ozment	Solberg
Atkins	Entenza	Jaros	Mahoney	Paymar	Strachan
Bernardy	Erhardt	Johnson, S.	Mariani	Pelowski	Swenson
Biernat	Goodwin	Juhnke	Marquart	Peterson	Thao
Carlson	Greiling	Kahn	Meslow	Pugh	Thissen
Clark	Gunther	Kelliher	Mullery	Rhodes	Tingelstad
Cornish	Hackbarth	Koenen	Murphy	Rukavina	Urdahl
Cox	Harder	Lanning	Nelson, M.	Ruth	Wagenius
Davnie	Hausman	Larson	Nornes	Seagren	Walker
Dempsey	Hilstrom	Latz	Opatz	Sertich	Wasiluk

The motion did not prevail and the amendment was not adopted.

Lenczewski; Seagren; Eken; Larson; Anderson, I.; Erhardt; Rhodes; Koenen; Osterman and Greiling moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 4, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lenczewski et al amendment and the roll was called. There were 56 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellison	Jacobson	Lesch	Paymar	Solberg
Atkins	Entenza	Jaros	Lipman	Pelowski	Thao
Bernardy	Erhardt	Johnson, S.	Mahoney	Peterson	Thissen
Biernat	Goodwin	Juhnke	Mariani	Pugh	Wagenius
Carlson	Greiling	Kahn	Marquart	Rhodes	Walker
Clark	Hausman	Kelliher	Murphy	Rukavina	Wasiluk
Davnie	Hilstrom	Koenen	Nelson, M.	Seagren	
Dill	Hilty	Larson	Osterman	Sertich	
Dorn	Hornstein	Latz	Otremba	Sieben	
Eken	Huntley	Lenczewski	Otto	Slawik	

Those who voted in the negative were:

Abeler	Cox	Hackbarth	Lieder	Paulsen	Urdahl
Abrams	Davids	Harder	Lindgren	Penas	Vandever
Adolphson	DeLaForest	Heidgerken	Lindner	Powell	Walz
Anderson, B.	Demmer	Holberg	Magnus	Ruth	Wardlow
Anderson, J.	Dempsey	Hoppe	McNamara	Samuelson	Westerberg
Beard	Dorman	Howes	Meslow	Seifert	Westrom
Blaine	Eastlund	Johnson, J.	Nelson, C.	Simpson	Wilkin
Borrell	Erickson	Klinzing	Nelson, P.	Smith	Zellers
Boudreau	Finstad	Knoblach	Newman	Soderstrom	Spk. Sviggum
Bradley	Fuller	Kohls	Nornes	Stang	
Brod	Gerlach	Krinkie	Olsen, S.	Strachan	
Buesgens	Gunther	Kuisle	Olson, M.	Swenson	
Cornish	Haas	Lanning	Ozment	Tingelstad	

The motion did not prevail and the amendment was not adopted.

Seifert moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 23, after line 19, insert:

"Sec. 24. Minnesota Statutes 2002, section 171.13, subdivision 1, is amended to read:

Subdivision 1. [SUBJECTS TESTED.] Except as otherwise provided in this section, the commissioner shall examine each applicant for a driver's license by such agency as the commissioner directs. The commissioner may not give the examination in any language other than English. This examination must include a test of applicant's eyesight; ability to read and understand highway signs regulating, warning, and directing traffic; knowledge of

traffic laws; knowledge of the effects of alcohol and drugs on a driver's ability to operate a motor vehicle safely and legally, and of the legal penalties and financial consequences resulting from violations of laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs; knowledge of railroad grade crossing safety; knowledge of slow-moving vehicle safety; knowledge of traffic laws related to bicycles; an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle; and other physical and mental examinations as the commissioner finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways, provided, further however, no driver's license shall be denied an applicant on the exclusive grounds that the applicant's eyesight is deficient in color perception. Provided, however, that war veterans operating motor vehicles especially equipped for handicapped persons, shall, if otherwise entitled to a license, be granted such license. The commissioner shall make provision for giving these examinations either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant."

Page 31, after line 13, insert:

"Sec. 38. [REPEALER.]

Minnesota Rules, part 7410.4740, subpart A, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 49 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Adolphson	Erickson	Hoppe	Magnus	Severson	Westrom
Anderson, B.	Finstad	Howes	Nelson, P.	Smith	Wilkin
Blaine	Fuller	Jacobson	Newman	Soderstrom	Zellers
Borrell	Gerlach	Johnson, J.	Olsen, S.	Stang	Spk. Sviggum
Boudreau	Haas	Kohls	Olson, M.	Strachan	
Brod	Hackbarth	Krinkie	Paulsen	Urdahl	
Buesgens	Harder	Kuisle	Penas	Vandev eer	
Davids	Heidgerken	Lindgren	Powell	Walz	
DeLaForest	Holberg	Lindner	Seifert	Wardlow	

Those who voted in the negative were:

Abeler	Clark	Eken	Hornstein	Larson	Meslow
Abrams	Cornish	Ellison	Huntley	Latz	Mullery
Anderson, I.	Cox	Entenza	Johnson, S.	Lenczewski	Murphy
Anderson, J.	Davnie	Erhardt	Juhnke	Lesch	Nelson, C.
Atkins	Demmer	Goodwin	Kahn	Lieder	Nelson, M.
Beard	Dempsey	Greiling	Kelliher	Lipman	Nornes
Bernardy	Dill	Gunther	Klinzing	Mahoney	Opatz
Biernat	Dorman	Hausman	Knoblach	Mariani	Osterman
Bradley	Dorn	Hilstrom	Koenen	Marquart	Otremba
Carlson	Eastlund	Hilty	Lanning	McNamara	Otto

Ozment	Pugh	Samuelson	Simpson	Thao	Walker
Paymar	Rhodes	Seagren	Slawik	Thissen	Wasiluk
Pelowski	Rukavina	Sertich	Solberg	Tingelstad	Westerberg
Peterson	Ruth	Sieben	Swenson	Wagenius	

The motion did not prevail and the amendment was not adopted.

The Speaker called Boudreau to the Chair.

Hausman moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 2, line 40, delete "In each fiscal year"

Page 2, line 41, strike "2007" and insert "2005"

Page 3, after line 8, insert:

"(c) From July 1, 2005, through June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund under section 16A.88, 0.65 percent must be deposited in the county state-aid highway fund, and 0.17 percent must be deposited in the municipal state-aid street fund. The remaining money must be deposited in the general fund."

Page 3, lines 9 to 16, delete the new language and reinstate the stricken language

A roll call was requested and properly seconded.

The question was taken on the Hausman amendment and the roll was called. There were 55 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellison	Jaros	Lieder	Pelowski	Thissen
Atkins	Entenza	Johnson, S.	Mahoney	Peterson	Tingelstad
Bernardy	Erhardt	Juhnke	Mariani	Pugh	Wagenius
Biernat	Goodwin	Kahn	Meslow	Rhodes	Walker
Carlson	Greiling	Kelliher	Mullery	Rukavina	Wasiluk
Clark	Hausman	Koenen	Murphy	Sertich	
Davnie	Hilstrom	Larson	Nelson, M.	Sieben	
Dill	Hilty	Latz	Osterman	Slawik	
Dorn	Hornstein	Lenczewski	Otremba	Solberg	
Eken	Huntley	Lesch	Paymar	Thao	

Those who voted in the negative were:

Abeler	Anderson, B.	Blaine	Bradley	Cornish	DeLaForest
Abrams	Anderson, J.	Borrell	Brod	Cox	Demmer
Adolphson	Beard	Boudreau	Buesgens	Davids	Dempsey

Dorman	Heidgerken	Kuisle	Newman	Ruth	Swenson
Eastlund	Holberg	Lanning	Nornes	Samuelson	Urdahl
Erickson	Hoppe	Lindgren	Olsen, S.	Seagren	Vandever
Finstad	Howes	Lindner	Olson, M.	Seifert	Walz
Fuller	Jacobson	Lipman	Opatz	Severson	Wardlow
Gerlach	Johnson, J.	Magnus	Otto	Simpson	Westerberg
Gunther	Klinzing	Marquart	Ozment	Smith	Westrom
Haas	Knoblach	McNamara	Paulsen	Soderstrom	Wilkin
Hackbarth	Kohls	Nelson, C.	Penas	Stang	Zellers
Harder	Krinkie	Nelson, P.	Powell	Strachan	Spk. Sviggum

The motion did not prevail and the amendment was not adopted.

Hilty and Solberg moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Pages 26 to 28, delete sections 30 and 31

Pages 29 to 30, delete section 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hilty and Solberg amendment and the roll was called. There were 58 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Abrams	Dill	Hilty	Krinkie	Otto	Smith
Anderson, I.	Dorn	Hornstein	Latz	Paymar	Solberg
Atkins	Eken	Howes	Lesch	Pelowski	Thao
Bernardy	Ellison	Huntley	Lieder	Peterson	Thissen
Biernat	Entenza	Jaros	Mahoney	Pugh	Vandever
Boudreau	Goodwin	Johnson, S.	Mariani	Rhodes	Wagenius
Buesgens	Greiling	Juhnke	Mullery	Rukavina	Walker
Carlson	Hackbarth	Kahn	Murphy	Sertich	Wasiluk
Clark	Hausman	Kelliher	Nelson, M.	Sieben	
Davnie	Hilstrom	Koenen	Otremba	Slawik	

Those who voted in the negative were:

Abeler	Brod	Eastlund	Harder	Kohls	Magnus
Adolphson	Cornish	Erhardt	Heidgerken	Kuisle	Marquart
Anderson, B.	Cox	Erickson	Holberg	Lanning	McNamara
Anderson, J.	Dauids	Finstad	Hoppe	Larson	Meslow
Beard	DeLaForest	Fuller	Jacobson	Lenczewski	Nelson, C.
Blaine	Demmer	Gerlach	Johnson, J.	Lindgren	Nelson, P.
Borrell	Dempsey	Gunther	Klinzing	Lindner	Newman
Bradley	Dorman	Haas	Knoblach	Lipman	Nornes

Olsen, S.	Paulsen	Seagren	Stang	Walz	Zellers
Olson, M.	Penas	Seifert	Strachan	Wardlow	Spk. Sviggum
Opatz	Powell	Severson	Swenson	Westerberg	
Osterman	Ruth	Simpson	Tingelstad	Westrom	
Ozment	Samuelson	Soderstrom	Urdahl	Wilkin	

The motion did not prevail and the amendment was not adopted.

Opatz moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 4, after line 19, insert:

"Sec. 2. [ST. CLOUD AREA TRANSPORTATION PLANNING DISTRICT PLAN.]

(a) The commissioner of transportation shall evaluate the further development of the transportation component of the St. Cloud area transportation planning district plan.

(b) The development of the transportation component shall include, among other things:

(1) a resolution of the conceptual design for the area's roadway and transit systems; and

(2) the feasibility and desirability of developing a beltway around the St. Cloud area."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hornstein moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 38. [TASK FORCE.]

Subdivision 1. [TASK FORCE CREATED.] A task force is created to study the present and future of metropolitan and greater Minnesota transit financing. The task force must study and evaluate alternative methods of providing secure and stable sources of transit financing, including motor vehicle sales tax, state or regional sales taxes, taxes on commercial/industrial property, and other sources.

Subd. 2. [MEMBERSHIP.] The task force consists of nine members, appointed as follows:

(1) the chairs of the house of representatives and senate committees having jurisdiction over transportation finance;

(2) one member of the senate appointed by the senate minority leader;

(3) one member of the house of representatives appointed by the house minority leader;

(4) one member appointed by the chair of the Metropolitan Council;

(5) three members appointed by the governor, one of whom must represent transit stakeholders and one of whom must represent the business community; and

(6) one member appointed by the commissioner of transportation.

Subd. 3. [REPORT.] The task force must report to the governor and legislature by March 1, 2005, on its activities, findings, and recommendations."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hornstein amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Hornstein	Lenczewski	Opatz	Sieben
Atkins	Eken	Huntley	Lesch	Osterman	Slawik
Bernardy	Ellison	Jaros	Lieder	Otremba	Solberg
Biernat	Entenza	Johnson, S.	Mahoney	Otto	Thao
Buesgens	Erhardt	Juhnke	Mariani	Paymar	Thissen
Carlson	Goodwin	Kahn	Marquart	Pelowski	Tingelstad
Clark	Greiling	Kelliher	Mullery	Peterson	Wagenius
Davids	Hausman	Koenen	Murphy	Pugh	Walker
Davnie	Hilstrom	Larson	Nelson, C.	Rhodes	Wasiluk
Dill	Hilty	Latz	Nelson, M.	Rukavina	

Those who voted in the negative were:

Abeler	DeLaForest	Heidgerken	Lindner	Powell	Vandever
Abrams	Demmer	Holberg	Lipman	Ruth	Walz
Adolphson	Dempsey	Hoppe	Magnus	Samuelson	Wardlow
Anderson, B.	Dorman	Howes	McNamara	Seagren	Westerberg
Anderson, J.	Eastlund	Jacobson	Meslow	Seifert	Westrom
Beard	Erickson	Johnson, J.	Nelson, P.	Severson	Wilkin
Blaine	Finstad	Klinzing	Newman	Simpson	Zellers
Borrell	Fuller	Knoblach	Nornes	Smith	Spk. Sviggum
Boudreau	Gerlach	Kohls	Olsen, S.	Soderstrom	
Bradley	Gunther	Krinkie	Olson, M.	Stang	
Brod	Haas	Kuisle	Ozment	Strachan	
Cornish	Hackbarth	Lanning	Paulsen	Swenson	
Cox	Harder	Lindgren	Penas	Urdahl	

The motion did not prevail and the amendment was not adopted.

Mahoney moved to amend H. F. No. 3141, the first engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 38. [REPEALER; EFFECTIVE DATE AND APPLICATION.]

Minnesota Statutes 2002, section 169.94, subdivision 1, is repealed effective the day following final enactment for actions commenced on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Mahoney amendment and the roll was called. There were 39 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Jaros	Mahoney	Pugh	Solberg
Atkins	Entenza	Johnson, S.	Mariani	Rhodes	Thao
Bernardy	Goodwin	Juhnke	Mullery	Rukavina	Wagenius
Brod	Greiling	Kahn	Murphy	Sertich	Walker
Carlson	Hausman	Kelliher	Newman	Sieben	
Davnie	Hilty	Koenen	Otremba	Slawik	
Dill	Hornstein	Lieder	Peterson	Smith	

Those who voted in the negative were:

Abeler	Demmer	Hilstrom	Lesch	Otto	Swenson
Abrams	Dempsey	Holberg	Lindgren	Ozment	Thissen
Adolphson	Dorman	Hoppe	Lindner	Paulsen	Tingelstad
Anderson, B.	Dorn	Howes	Lipman	Paymar	Urdahl
Anderson, J.	Eastlund	Huntley	Magnus	Pelowski	Vandever
Beard	Ellison	Jacobson	Marquart	Penas	Walz
Biernat	Erhardt	Johnson, J.	McNamara	Powell	Wardlow
Blaine	Erickson	Klinzing	Meslow	Ruth	Wasiluk
Borrell	Finstad	Knoblach	Nelson, C.	Samuelson	Westerberg
Boudreau	Fuller	Kohls	Nelson, M.	Seagren	Westrom
Bradley	Gerlach	Krinkie	Nelson, P.	Seifert	Wilkin
Buesgens	Gunther	Kuistle	Nornes	Severson	Zellers
Cornish	Haas	Lanning	Olsen, S.	Simpson	Spk. Sviggum
Cox	Hackbarth	Larson	Olson, M.	Soderstrom	
Davids	Harder	Latz	Opatz	Stang	
DeLaForest	Heidgerken	Lenczewski	Osterman	Strachan	

The motion did not prevail and the amendment was not adopted.

H. F. No. 3141, A bill for an act relating to transportation; reducing certain appropriations to the Department of Transportation, Department of Public Safety, and Metropolitan Council; limiting certain deposits of revenue from the motor vehicle sales tax; temporarily allowing money for certain activities to be spent for bus transit; authorizing matching grant to Duluth Port Authority; requiring commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of second beltway; requiring evaluation of St. Cloud transportation plan; requiring future use of highway centerline rumble strips; providing for premium paratransit project; regulating toll facilities; requiring consideration of presence of bus shoulder lanes when implementing sound abatement measures for highways; modifying vehicle weight provisions; modifying interstate vehicle registration provisions; modifying bond requirements for trailer dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating uses of recreational vehicle combinations; regulating speed limits and driver's records; providing for duty of care by bus driver; regulating operation of articulated buses; regulating day activity center buses; extending duration of driver instruction permits to two years; modifying requirements for commercial vehicle drivers; modifying driver's license fee provisions; requiring background check for applicant for driver's license with hazardous materials endorsement; promoting commuting by bicycle; requiring plan for county ten-ton highway system; modifying provisions relating to public safety radio communications operators; regulating use of traffic citations; requiring preparation of 20-year state aviation plan; including the Division of Driver and Vehicle Services in the definition of appropriate agency for purposes of certain property forfeitures; authorizing rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 161.125, subdivision 3; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.01, subdivision 78; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.81, subdivision 3c, by adding a subdivision; 169.824, subdivision 2; 169.87, subdivision 4; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 174.03, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174; repealing Minnesota Statutes 2002, sections 169.685, subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Haas	Kuisle	Olson, M.	Stang
Abrams	Davids	Hackbarth	Lanning	Opatz	Strachan
Adolphson	DeLaForest	Harder	Lieder	Ozment	Swenson
Anderson, B.	Demmer	Heidgerken	Lindgren	Paulsen	Tingelstad
Anderson, I.	Dempsey	Holberg	Lindner	Penas	Urdahl
Anderson, J.	Dorman	Hoppe	Lipman	Powell	Vandevveer
Beard	Eastlund	Howes	Magnus	Ruth	Walz
Blaine	Eken	Huntley	McNamara	Samuelson	Wardlow
Borrell	Erhardt	Jacobson	Meslow	Seifert	Westerberg
Boudreau	Erickson	Johnson, J.	Nelson, C.	Severson	Westrom
Bradley	Finstad	Klinzing	Nelson, P.	Simpson	Wilkin
Brod	Fuller	Knoblach	Newman	Smith	Zellers
Buesgens	Gerlach	Kohls	Nornes	Soderstrom	Spk. Sviggum
Cornish	Gunther	Krinkie	Olsen, S.	Solberg	

Those who voted in the negative were:

Atkins	Carlson	Dill	Entenza	Hausman	Hornstein
Bernardy	Clark	Dorn	Goodwin	Hilstrom	Jaros
Biernat	Davnie	Ellison	Greiling	Hilty	Johnson, S.

Juhnke	Lenczewski	Murphy	Pelowski	Sertich	Walker
Kahn	Lesch	Nelson, M.	Peterson	Sieben	Wasiluk
Kelliher	Mahoney	Osterman	Pugh	Slawik	
Koenen	Mariani	Otremba	Rhodes	Thao	
Larson	Marquart	Otto	Rukavina	Thissen	
Latz	Mullery	Paymar	Seagren	Wagenius	

The bill was passed, as amended, and its title agreed to.

Seagren was excused for the remainder of today's session.

Biernat was excused between the hours of 3:15 p.m. and 4:15 p.m.

CERTIFICATION PURSUANT TO RULE 4.03
ON FINANCE AND REVENUE BILLS

April 7, 2004

Edward A. Burdick
Chief Clerk of the House of Representatives
The State of Minnesota

Dear Mr. Burdick:

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. No. 2684, the Omnibus State Government Finance bill, reconciles with the budget resolution and targets.

Sincerely,

REPRESENTATIVE JIM KNOBLACH
Chair, House Ways and Means Committee

FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 2684.

H. F. No. 2684 was reported to the House.

Haas moved to amend H. F. No. 2684, the second engrossment, as follows:

Page 20, lines 28 and 29, delete "paragraph (b)."

Page 49, delete lines 12 and 13 and insert:

"Minnesota Statutes 2002, sections 211A.08 and 211B.16, are repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Osterman moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 5, line 33, delete "The following"

Page 5, line 35, delete "is" and insert "are" and after "public" insert ", including"

Page 6, delete lines 9 to 15 and insert:

"However, financial or proprietary data received, prepared, used, or retained by the state board in connection with investments authorized by paragraph (a), clauses (1), (2), or (4), or in which the state board has considered an investment under these clauses, is nonpublic data under section 13.02, subdivision 9. As used in this section, "financial or proprietary information" means information of a financial or proprietary character that has not been publicly disseminated or that is unavailable from other sources, the release of which would likely cause competitive harm to the state board or to the legal entity or to a portfolio company in which the legal entity holds an interest."

Page 6, line 19, delete "venture capital"

The motion prevailed and the amendment was adopted.

Wilkin, Carlson and Haas moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 21, after line 31, insert:

"Sec. 37. Laws 2003, First Special Session, chapter 11, article 3, section 13, subdivision 1, is amended to read:

Subdivision 1. [CONSERVATION IMPROVEMENT PROGRAM; GENERAL EVALUATION.] (a) ~~The commissioner of commerce shall contract with~~ At the direction of the legislative audit commission, the legislative auditor ~~or other independent third party for~~ shall conduct a review of:

(1) the cost-effectiveness of the conservation improvement program, Minnesota Statutes, section 216B.241;

(2) the relevant state statutes, to determine if conservation requirements could be eliminated or modified to ensure that conservation dollars are directed toward the most cost-effective conservation investments;

~~(2)~~ (3) the relevant state rules, to determine if current rules allow or facilitate optimum conservation practices and procedures; and

~~(3)~~ (4) the department of commerce's conservation regulatory processes, to determine if the regulatory review process currently employed results in optimum conservation investments.

(b) ~~The costs of the review under paragraph (a) may be recovered by the department commissioner of commerce shall assess \$100,000 as a general administrative expense under Minnesota Statutes, section 216C.052, subdivision 2, and transfer these funds to the office of the legislative auditor by September 1, 2004. The amount assessed under this paragraph is appropriated to the office of the legislative auditor to conduct the review and to contract for technical assistance needed by the legislative auditor for the review.~~"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Knoblach and Haas moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 22, lines 8 and 29, delete "\$6,075,000" and insert "\$6,210,000"

Page 49, line 4, delete "\$82,500" and insert "\$217,000"

Page 49, line 19, delete "all other matters" and insert "complaints regarding candidates for constitutional office, judicial office, county office, municipal office, school board office, and ballot questions"

Adjust amounts accordingly

The motion prevailed and the amendment was adopted.

Lipman and Haas moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 49, after line 20, insert:

"ARTICLE 4

VOTING SYSTEM

Section 1. [VOTING SYSTEMS ACQUISITION.]

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

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

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

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

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

(2) accept such a marked optical scan ballot.

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

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

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

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

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

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 5

HAVA CONFORMITY

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

201.021 [PERMANENT REGISTRATION SYSTEM.]

A permanent system of voter registration by county is established, with ~~the county systems linked together by a centralized statewide system~~ a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every

legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

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

201.022 [STATEWIDE REGISTRATION SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

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

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

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

(4) provide for electronic transfer of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors to add, and the secretary of state to add or modify, information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed; and

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

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

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

- (1) ~~provide for voters to submit their registration to any county auditor, the secretary of state, or the Department of Public Safety;~~
- (2) ~~provide for the establishment and maintenance of a central database for all voter registration information;~~
- (3) ~~provide procedures for entering data into the statewide registration system;~~
- (4) ~~provide for interaction with the computerized driver's license records of the Department of Public Safety;~~
- (5) ~~allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;~~
- (6) ~~allow the offices of all county auditors and the Secretary of State's Office to have access to the statewide registration system for review and search capabilities;~~
- (7) ~~provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;~~
- (8) ~~provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and~~
- (9) ~~prescribe a procedure for the return of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor.~~

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

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

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

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

Sec. 5. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

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

- (1) showing a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) showing any picture identification document approved by the secretary of state as proper identification;
- (3) showing one of the following:

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

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

(4) showing a picture identification card or document listed in clause (1), (2), or (3), and proving current residence in the precinct by having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; or

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

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

Sec. 6. Minnesota Statutes 2002, section 201.091, subdivision 1, is amended to read:

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

Sec. 7. Minnesota Statutes 2002, section 201.091, is amended by adding a subdivision to read:

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

Sec. 8. Minnesota Statutes 2002, section 201.091, subdivision 5, is amended to read:

Subd. 5. [COPY OF LIST TO REGISTERED VOTER.] The county auditors and the secretary of state shall provide ~~paper~~ copies of the public information lists ~~and may provide the lists in some other form~~ in electronic or other media to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list

available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement. No list made available for public inspection or purchase may include the date of birth of a registered voter.

Sec. 9. Minnesota Statutes 2002, section 201.121, subdivision 1, is amended to read:

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

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

Sec. 10. Minnesota Statutes 2002, section 201.155, is amended to read:

201.155 [REPORT ON FELONY CONVICTIONS.]

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report at least monthly by electronic means to the secretary of state the name, address, final four digits of the voter's Social Security number (or the statement "NONE" if the voter has no Social Security number), date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, final four digits of the voter's Social Security number (or the statement "NONE" if the voter has no Social Security number), and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare forward a list of those registrants for individuals to each county auditor. The county auditor shall determine if any person identified in the report as a resident of the county is registered to vote in the county and change the status of those registrants each registrant in the appropriate manner in the statewide registration system.

Sec. 11. [201.1615] [INFORMATION SHARING; USE OF SOCIAL SECURITY NUMBER.]

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

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

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

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

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

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

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

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

Sec. 13. Minnesota Statutes 2002, section 201.221, subdivision 2, is amended to read:

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

Sec. 14. Minnesota Statutes 2002, section 203B.08, subdivision 3, is amended to read:

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

Sec. 15. Minnesota Statutes 2002, section 203B.16, is amended by adding a subdivision to read:

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

Sec. 16. Minnesota Statutes 2002, section 203B.17, is amended to read:

203B.17 [APPLICATION FOR BALLOT.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. Minnesota Statutes 2002, section 203B.19, is amended to read:

203B.19 [RECORDING APPLICATIONS.]

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

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

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

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

Sec. 18. Minnesota Statutes 2002, section 203B.24, subdivision 2, is amended to read:

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

Sec. 19. Minnesota Statutes 2002, section 203B.26, is amended to read:

203B.26 [SEPARATE RECORD.]

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

Sec. 20. Minnesota Statutes 2002, section 204B.47, is amended to read:

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

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

Sec. 21. [204C.42] [RULES; VOTE COUNTING STANDARDS.]

The secretary of state shall adopt permanent rules to establish uniform and nondiscriminatory standards of what constitutes a vote for each method of voting and each type of voting system approved for use in the state. The rules must provide for an accurate determination of votes based on the requirements of section 204C.22, objective evidence, the form of ballots approved for use in this state, and the manner of counting used for each vote.

Sec. 22. [204C.50] [POSTELECTION SECURITY AND CERTIFICATION REVIEW.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 23. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

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

Sec. 24. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

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

Sec. 25. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

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

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

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

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

Sec. 26. [AGREEMENTS.]

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

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

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

Sec. 27. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 6

ELECTIONS ADMINISTRATION TECHNICAL CHANGES

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

5.08 [LEGISLATIVE MANUAL.]

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

Subd. 2. [DISTRIBUTION.] ~~45,000~~ 10,000 copies of the legislative manual shall be printed and distributed as follows:

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

(7) one copy to each ~~public~~ school, to be distributed through the superintendent of each school district; and

(8) the remainder may be disposed of as the secretary of state deems best.

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

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

(1) the name of the agency, its mailing address, and telephone number;

(2) the legal authority for the creation of the agency and the name of the person appointing agency members;

(3) the powers and duties of the agency;

(4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(6) the compensation of members, and appropriations or other funds available to the agency;

(7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

(8) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers; and

(9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack of party preference, race, and national origin of the members.

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

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

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

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

Subd. 4. [NOTICE OF VACANCIES.] The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall ~~give written~~ electronic notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall ~~give written~~ electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may ~~provide for~~ require the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly ~~in the State Register~~ on the Web site of the secretary of state a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published ~~in the State Register~~ on the Web site of the secretary of state together with the compilation of agency data required to be published pursuant to subdivision 3.

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

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

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

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

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for

vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary ~~in writing~~ by electronic means of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

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

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

- (1) the number of vacancies occurring in the preceding year;
- (2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, status with regard to disability, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

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

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

- (1) the name, mailing address, electronic mail address, and telephone number of the agency;
- (2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;
- (3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);
- (4) the number of authorized members, together with any prescribed restrictions on eligibility;
- (5) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers;
- (6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);
- (7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, status with regard to disability, race, and national origin of those members;
- (8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;

(9) the compensation of members and appropriations or other money available to the agency;

(10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;

(11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and

(12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

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

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

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

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

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

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

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

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

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

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. The notice is not an official ballot.

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

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

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

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

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

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

Sec. 10. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration ~~and~~ application

if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration ~~card~~ application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality must not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.

A registration application is not deficient for lack of a telephone number.

Sec. 11. Minnesota Statutes 2002, section 201.161, is amended to read:

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

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

Sec. 12. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

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

Sec. 13. Minnesota Statutes 2002, section 201.171, is amended to read:

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

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

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

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

Sec. 14. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

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

Sec. 15. Minnesota Statutes 2002, section 202A.14, subdivision 3, is amended to read:

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

Sec. 16. Minnesota Statutes 2002, section 203B.085, is amended to read:

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

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

Sec. 17. Minnesota Statutes 2002, section 203B.125, is amended to read:

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

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

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

Sec. 18. Minnesota Statutes 2002, section 204B.06, subdivision 1, is amended to read:

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

(1) is an eligible voter;

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

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

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

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

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

Sec. 19. Minnesota Statutes 2002, section 204B.07, subdivision 2, is amended to read:

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

Sec. 20. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

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

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

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

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

Sec. 21. Minnesota Statutes 2002, section 204B.09, subdivision 3, is amended to read:

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

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

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

Sec. 22. Minnesota Statutes 2002, section 204B.16, subdivision 3, is amended to read:

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election, including school district elections or referenda, and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Sec. 23. Minnesota Statutes 2002, section 204B.19, subdivision 1, is amended to read:

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

~~whether or not the precinct where they reside is in the same county as the precinct where they will serve. If there are not sufficient voters within the municipality or school district who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.~~

Sec. 24. Minnesota Statutes 2002, section 204B.19, subdivision 6, is amended to read:

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

Sec. 25. Minnesota Statutes 2002, section 204B.22, is amended by adding a subdivision to read:

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

Sec. 26. Minnesota Statutes 2002, section 204B.36, subdivision 4, is amended to read:

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

(a) In the case of the Supreme Court:

"Chief justice ~~—Supreme Court~~";

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

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

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

(c) In the case of the district court:

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

Sec. 27. Minnesota Statutes 2002, section 204B.41, is amended to read:

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

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

Sec. 28. Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

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

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

Sec. 29. Minnesota Statutes 2002, section 204C.20, subdivision 2, is amended to read:

Subd. 2. [EXCESS BALLOTS.] If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted and must not be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 30. Minnesota Statutes 2002, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office on or before the seventh day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

- (a) The number of individuals voting at the election in the county and in each precinct;
- (b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) The names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;
- (d) The number of votes counted for and against a proposed change of county lines or county seat; and
- (e) The number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 31. Minnesota Statutes 2002, section 204C.35, is amended by adding a subdivision to read:

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

Sec. 32. Minnesota Statutes 2002, section 204C.36, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 33. Minnesota Statutes 2002, section 204C.36, subdivision 3, is amended to read:

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

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

Sec. 34. Minnesota Statutes 2002, section 204C.36, is amended by adding a subdivision to read:

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

Sec. 35. Minnesota Statutes 2002, section 204C.361, is amended to read:

204C.361 [RULES FOR RECOUNTS.]

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

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

Sec. 36. Minnesota Statutes 2002, section 204D.14, is amended by adding a subdivision to read:

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

Sec. 37. [204D.169] [EXAMPLE SUPPLEMENTAL BALLOT.]

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

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

Sec. 38. Minnesota Statutes 2002, section 204D.27, subdivision 11, is amended to read:

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

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

Sec. 39. Minnesota Statutes 2002, section 205.02, subdivision 1, is amended to read:

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

Sec. 40. Minnesota Statutes 2002, section 205.075, is amended by adding a subdivision to read:

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

Sec. 41. Minnesota Statutes 2002, section 205.16, subdivision 4, is amended to read:

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

Sec. 42. Minnesota Statutes 2002, section 205.16, is amended by adding a subdivision to read:

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

Sec. 43. Minnesota Statutes 2002, section 205.185, subdivision 2, is amended to read:

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

Sec. 44. Minnesota Statutes 2002, section 205.185, subdivision 3, is amended to read:

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

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

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

Sec. 45. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

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

Sec. 46. Minnesota Statutes 2003 Supplement, section 205A.07, subdivision 3, is amended to read:

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

Sec. 47. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

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

Sec. 48. Minnesota Statutes 2002, section 206.90, subdivision 6, is amended to read:

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

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

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

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

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

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT

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

Sec. 49. Minnesota Statutes 2002, section 211A.02, is amended by adding a subdivision to read:

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

Sec. 50. Minnesota Statutes 2002, section 351.01, subdivision 4, is amended to read:

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

Sec. 51. Minnesota Statutes 2002, section 365.51, subdivision 3, is amended to read:

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

Sec. 52. Minnesota Statutes 2002, section 367.12, is amended to read:

367.12 [DEPUTY CLERK.]

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

Sec. 53. Minnesota Statutes 2002, section 414.041, subdivision 1, is amended to read:

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

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

- (1) submitting to the director a resolution of the city council of each affected municipality;
- (2) submitting to the director a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or
- (3) by the director.

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

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

Sec. 54. Minnesota Statutes 2002, section 447.32, subdivision 3, is amended to read:

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

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

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

Sec. 55. Minnesota Statutes 2002, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the Tuesday after the second Monday in September of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

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

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk

within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy.

Sec. 56. [EFFECTIVE DATE.]

This article is effective the day following final enactment.

ARTICLE 7

UNIFORM STATE AND LOCAL ELECTION DATES

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

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

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

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

(1) the second Tuesday in March;

(2) the third Tuesday in May;

(3) the first Tuesday after the second Monday in September; and

(4) the first Tuesday after the first Monday in November.

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

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

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

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

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

Subd. 3. [CAPITAL PROJECT LEVY REFERENDUM.] A district may levy the local tax rate approved by a majority of the electors voting on the question to provide funds for an approved project. The election must take

place no more than five years before the estimated date of commencement of the project. The referendum must be held on a date ~~set by the board~~ specified under section 204D.035, subdivision 3. A referendum for a project not receiving a positive review and comment by the commissioner under section 123B.71 must be approved by at least 60 percent of the voters at the election. The referendum may be called by the school board and may be held:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 1. [QUESTIONS.] Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding regular school district election, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 30 days before and the 30 days after the state primary, during the 30 days before and the 40 days after the state general election. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. A special election under this subdivision must be held only on one of the dates specified in section 204D.035, subdivision 3. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

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

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

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

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

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

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

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

375.20 [BALLOT QUESTIONS.]

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

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

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

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

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

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

- (1) the specific cooperative activities the units will engage in during the first two years of the venture;
- (2) the steps to be taken to effect the merger of the governmental units, with completion no later than four years after the process begins;
- (3) the steps by which a single governing body will be created or, when the entire territory of a unit will be apportioned between or among two or more units contiguous to the unit that is to be apportioned, the steps to be taken by the governing bodies of the remaining units to provide for representation of the residents of the apportioned unit;

(4) changes in services provided, facilities used, and administrative operations and staffing required to effect the preliminary cooperative activities and the final merger, and a two-, five-, and ten-year projection of expenditures for each unit if it combined and if it remained separate;

(5) treatment of employees of the merging governmental units, specifically including provisions for reassigning employees, dealing with exclusive representatives, and providing financial incentives to encourage early retirements;

(6) financial arrangements for the merger, specifically including responsibility for debt service on outstanding obligations of the merging units;

(7) one- and two-year impact analyses, prepared by the granting state agency at the request of the local government unit, of major state aid revenues received for each unit if it combined and if it remained separate, including an impact analysis, prepared by the Department of Revenue, of any property tax revenue implications associated with tax increment financing districts and fiscal disparities under chapter 276A or 473F resulting from the merger;

(8) procedures for a referendum to be held on a date specified in section 204D.035, subdivision 3, before the proposed combination to approve combining the local government units, specifically stating whether a majority of those voting in each district proposed for combination or a majority of those voting on the question in the entire area proposed for combination is needed to pass the referendum; and

(9) a time schedule for implementation.

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

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

465.84 [REFERENDUM.]

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

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

Subd. 5. [REVERSE REFERENDUM.] A city may increase its levy for port authority purposes under subdivision 4 only as provided in this subdivision. Its city council must first pass a resolution stating the proposed amount of levy increase. The city must then publish the resolution together with a notice of public hearing on the resolution for two successive weeks in its official newspaper or, if none exists, in a newspaper of general circulation in the city. The hearing must be held two to four weeks after the first publication. After the hearing, the city council may decide to take no action or may adopt a resolution authorizing the proposed increase or a lesser increase. A resolution authorizing an increase must be published in the city's official newspaper or, if none exists, in a newspaper of general circulation in the city. The resolution is not effective if a petition requesting a referendum on the resolution is filed with the city clerk within 30 days of publication of the resolution. The petition must be signed

by voters equaling five percent of the votes cast in the city in the last general election. The resolution is effective if approved by a majority of those voting on the question. The commissioner of revenue shall prepare a suggested form of referendum question. The referendum must be held at a special or general election ~~before October 1~~ on a date specified in section 204D.035, subdivision 3, of the year for which the levy increase is proposed.

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

469.0724 [GENERAL OBLIGATION BONDS.]

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

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

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

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

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

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

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

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

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

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

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

(2) for refunding obligations;

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

(4) payable wholly from the income of revenue producing conveniences;

(5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election;

(6) under the provisions of a law which permits the issuance of obligations of a municipality without an election;

(7) to fund pension or retirement fund liabilities pursuant to section 475.52, subdivision 6;

(8) under a capital improvement plan under section 373.40; and

(9) under sections 469.1813 to 469.1815 (property tax abatement authority bonds), if the proceeds of the bonds are not used for a purpose prohibited under section 469.176, subdivision 4g, paragraph (b).

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

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

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

475.59 [MANNER OF SUBMISSION; NOTICE.]

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

Sec. 21. [REPEALER.]

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

Sec. 22. [EFFECTIVE DATE.]

This article is effective January 1, 2005.

ARTICLE 8

ELECTION ADMINISTRATION

Section 1. [MAINTENANCE OF EFFORT.]

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

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

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

Sec. 3. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1a. [REGISTRATION BY MAIL PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it by mail to the county auditor of that county or to the Secretary of State's

Office. If the voter has not previously voted in this state for federal office, the voter must also present, as described in clauses (1) to (4), a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If the county auditor determines that a voter who has submitted a voter registration application by mail and has not previously voted in this state for a federal office has also not presented a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to the auditor, then the county auditor must notify the voter to complete registration by using one of the following methods:

(1) present to the auditor more than 20 days before the election a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

(2) before voting in person on election day, present to the election judges in the precinct a current and valid photo identification or a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

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

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

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

For purposes of this subdivision, a notice of deficient or incomplete registration is not a government document that shows the name and address of the voter that can be used to satisfy the requirements of this subdivision.

Sec. 4. Minnesota Statutes 2002, section 201.071, subdivision 1, is amended to read:

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

"I certify that I

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

(2) am a citizen of the United States;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] Except as provided in subdivision 4a, no registration is deficient if it contains the voter's name, address, date of birth, current and valid driver's license number or Minnesota state identification number or, if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to

be deficient. The election judges shall request an individual to correct a voter registration card application if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration card application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

Sec. 6. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 4a. [INCOMPLETE IDENTIFICATION OR RESIDENCE INFORMATION.] The voter registration for a voter described in section 201.061, subdivision 1a, who has not provided a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to the county auditor must be considered incomplete until remedied by the voter in the manner described in section 201.061, subdivision 1a. The auditor or secretary of state shall record on the permanent voter record when this requirement has been met.

Sec. 7. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

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

Sec. 8. Minnesota Statutes 2002, section 201.081, is amended to read:

201.081 [REGISTRATION FILES.]

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

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

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

Sec. 9. Minnesota Statutes 2002, section 201.091, subdivision 4, is amended to read:

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

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

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

Sec. 10. Minnesota Statutes 2002, section 201.096, is amended to read:

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

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

Sec. 11. Minnesota Statutes 2002, section 201.11, is amended to read:

201.11 [PRECINCT BOUNDARIES CHANGED, CHANGE OF FILES.]

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

Sec. 12. Minnesota Statutes 2002, section 201.121, is amended by adding a subdivision to read:

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

Sec. 13. Minnesota Statutes 2002, section 201.13, subdivision 1, is amended to read:

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

Sec. 14. Minnesota Statutes 2002, section 201.14, is amended to read:

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

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

Sec. 15. Minnesota Statutes 2002, section 201.15, as amended by Laws 2003, chapter 12, article 2, section 3, is amended to read:

201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.]

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

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

(b) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a) or (b). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The secretary of state or the county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to ~~reregister~~ register or vote, unless the voter is restored to capacity.

Subd. 2. [RESTORATION TO CAPACITY.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly to the secretary of state the name, address, and date of birth of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after

being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The secretary of state or the county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 16. Minnesota Statutes 2002, section 201.161, is amended to read:

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

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

Sec. 17. Minnesota Statutes 2002, section 201.211, is amended to read:

201.211 [COSTS.]

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

Sec. 18. [201.1215] [VERIFICATION; DISCREPANCIES.]

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

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

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

Sec. 19. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 3a. [NOTIFICATION OF DEFICIENT REGISTRATION.] If a person attempts to register prior to election day and the county auditor determines that the registration is deficient, the auditor shall notify the person attempting to register that the registration was not correctly completed. The auditor shall attempt to obtain the

needed information by mail, electronic mail, or telephone. Except for registrations that are deficient under section 201.071, subdivision 4a, if the auditor cannot obtain the needed information, the registration is deficient and the registration application must not be filed and must be maintained separately for 22 months. The applicant shall be allowed to vote only after correctly completing a registration application. If an application is deficient under section 201.071, subdivision 4a, the application must be filed with the list of registered voters with a notation on the record that the voter must complete the registration as required by section 201.061 in order to vote.

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

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

Sec. 20. [201.157] [NOTICE OF CHALLENGE REMOVAL.]

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

Sec. 21. [201.075] [CHANGE OF RESIDENCE.]

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

Sec. 22. [201.076] [PROCESSING OF NATIONAL VOTER REGISTRATION ACT APPLICATIONS.]

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

Sec. 23. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, ~~and~~ space for the voter's signature, and any other information prescribed by the secretary of state necessary to permit election judges to perform duties required by law. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the

election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election. If a voter's registration has been challenged pursuant to section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any. If a voter's registration is deficient under section 201.071, subdivision 4a, an indicator must be printed on the line provided for the voter's signature to note the voter's status.

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

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

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

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

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

Sec. 24. Minnesota Statutes 2002, section 203B.02, is amended by adding a subdivision to read:

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

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

Sec. 25. Minnesota Statutes 2002, section 203B.04, subdivision 1, is amended to read:

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

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

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

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

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

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

Sec. 26. Minnesota Statutes 2002, section 203B.04, subdivision 4, is amended to read:

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

Sec. 27. Minnesota Statutes 2002, section 203B.04, subdivision 5, is amended to read:

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

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

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

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

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

Sec. 29. [203B.041] [APPLICATION FORM; INSTRUCTIONS.]

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

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

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

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

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

"INSTRUCTIONS

1. To vote by absentee ballot

* you must be an eligible voter, and

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

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

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

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

4. Sign the application.

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

Remember:

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

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

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

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

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

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

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

Sec. 30. [203B.042] [APPLICATIONS FROM CHALLENGED VOTERS.]

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

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

"IMPORTANT NOTICE TO CHALLENGED VOTERS BEFORE VOTING:

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

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

Sec. 31. Minnesota Statutes 2002, section 203B.06, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION CHECK.] Upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to section 203B.11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk, or election judge shall include a voter registration ~~card~~ application among the election materials provided to the applicant. If the county auditor, municipal clerk, or election judge determines that the voter's registration is deficient under section 201.061, subdivision 1a, the voter must be notified of the deficiency and a voter registration application must be included with the nonregistration absentee ballot materials. The voter may register using nonregistration absentee procedures.

Sec. 32. Minnesota Statutes 2002, section 203B.06, subdivision 7, is amended to read:

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

Sec. 33. Minnesota Statutes 2002, section 203B.07, is amended to read:

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

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

When a voter registration ~~card~~ application is sent to the applicant as provided in section 203B.06, subdivision 4, the directions or registration ~~card~~ shall application must include instructions for registering to vote. County auditors and other persons administering the absentee process in jurisdictions whose boundaries include any part of an Indian

reservation must, when responding to a request that is made from an address within the Indian reservation, also include information on the use of tribal information valid for proving residence within that jurisdiction for voting purposes.

Instances of deficient registrations are covered by section 203B.06, subdivision 4.

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

~~(a)~~ (1) the ballots were displayed to that individual unmarked;

~~(b)~~ (2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

~~(c)~~ (3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.

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

Sec. 34. [203B.071] [INSTRUCTIONS TO ABSENTEE VOTER.]

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

Subd. 2. [UNREGISTERED VOTERS AND VOTERS WITH DEFICIENT REGISTRATIONS.] The following instructions must be sent to unregistered absentee voters and to voters whose registrations are deficient under section 201.071, subdivision 4a:

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

Follow these instructions carefully.

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

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

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

b. a notary public; or

c. any person having authority to administer oaths.

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

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

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

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

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

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

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

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

e. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

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

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

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

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

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

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

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

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

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

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

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

"INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

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

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

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

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

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

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

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

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

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

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

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

a. by mail so it will be delivered by election day;

b. in person no later than 5:00 p.m. on the day before election day; or

c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

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

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

Sec. 35. [203B.072] [STATEMENT OF ABSENTEE VOTER.]

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

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting;

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

* enclosed and sealed the ballots in the secrecy envelope;

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

* provided proof of residence as indicated below.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

PROOF OF RESIDENCE USED BY VOTER

Witness - please check one:

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

Number: _____

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

Number: _____

Previous registration in the same precinct.

Student ID Number: _____

Notice of Late Registration from county auditor or municipal clerk.

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

(Please complete the next three lines.)

VOUCHER'S NAME (PLEASE PRINT)

VOUCHER'S ADDRESS (PLEASE PRINT)

VOUCHER'S SIGNATURE

_____ "

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

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

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

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

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting:

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

* enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

_____ "

Sec. 36. [203B.211] [MILITARY AND OVERSEAS VOTERS.]

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

"INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully:

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

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

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

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

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

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

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

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

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

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

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

Sec. 37. [203B.073] [ABSENTEE BALLOT ENVELOPE.]

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

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

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

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

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

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

"FOR OFFICE USE ONLY"

() ACCEPTED

() REJECTED Reason:

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

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

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

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

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

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

Sec. 38. [203B.212] [MILITARY AND OVERSEAS VOTERS; ENVELOPE.]

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

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

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

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

"U.S. Postage Paid

39 USC 3406"

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

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

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

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

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

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

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

Sec. 39. Minnesota Statutes 2002, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Each full-time municipal or school district clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor ~~may~~ shall also designate election judges to perform the duties in this section if the municipal clerk is not designated to perform absentee ballot duties. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. The ballots shall be delivered by two election

judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in section 204C.15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 40. Minnesota Statutes 2002, section 203B.12, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 41. Minnesota Statutes 2002, section 203B.20, is amended to read:

203B.20 [CHALLENGES.]

Except as provided in this section, the eligibility or residence of a voter whose application for absentee ballots is recorded under section 203B.19 may be challenged in the manner set forth by section 201.195. The county auditor or municipal clerk shall not be required to serve a copy of the petition and notice of hearing on the challenged voter. If the absentee ballot application was submitted on behalf of the voter by an individual authorized under section 203B.17, subdivision 1, paragraph (a), the county auditor must attempt to notify the individual who submitted the application that the voter's eligibility has been challenged. All reasonable doubt shall be resolved in favor of the validity of the application. If the voter's challenge is affirmed, the county auditor shall provide the challenged voter with a copy of the petition and the decision and shall inform the voter of the right to appeal as provided in section 201.195.

Sec. 42. Minnesota Statutes 2002, section 203B.21, subdivision 3, is amended to read:

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

~~(a)~~ (1) the voter's address of present or former residence in Minnesota;

~~(b)~~ A statement indicating the category described in section 203B.16 to which the voter belongs;

~~(c)~~ (2) a statement that the voter has not cast and will not cast another absentee ballot in the same election or elections;

~~(d)~~ (3) a statement that the voter personally marked the ballots without showing them to anyone, or if physically unable to mark them, that the voter directed another individual to mark them; ~~and~~

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

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

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

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

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

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

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

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

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

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

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

Sec. 43. Minnesota Statutes 2002, section 203B.22, is amended to read:

203B.22 [MAILING BALLOTS.]

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

Sec. 44. Minnesota Statutes 2002, section 203B.24, is amended to read:

203B.24 [DUTIES OF ELECTION JUDGES.]

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

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

Sec. 45. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

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

(1) each city ward; and

(2) each town and each statutory city.

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

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

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

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

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

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

Sec. 46. Minnesota Statutes 2002, section 204B.16, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

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

204B.18 [POLLING PLACES; EQUIPMENT.]

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

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

Sec. 48. Minnesota Statutes 2002, section 204B.25, subdivision 3, is amended to read:

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

Sec. 49. Minnesota Statutes 2002, section 204B.27, subdivision 3, is amended to read:

Subd. 3. [INSTRUCTION POSTERS.] At least 25 days before every state election the secretary of state shall prepare and furnish to the county auditor of each county ~~in which paper ballots are used,~~ voter instruction posters printed in large type ~~upon cards or on~~ heavy paper. The instruction posters must contain the information needed to enable the voters to cast their ~~paper~~ ballots quickly and correctly and indicate the types of assistance available for elderly and handicapped voters. Two instruction posters ~~shall~~ must be furnished for each precinct ~~in which paper ballots are used.~~ The secretary of state shall also provide posters informing voters of eligibility requirements to vote and of identification and proofs accepted for election day registration. Posters furnished by the secretary of state must also include all information required to be posted by the Help America Vote Act, including: instructions on how to vote, including how to cast a vote, instructions for mail-in registrants and first-time voters, general information on voting rights under applicable federal and state laws and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, and general information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Sec. 50. Minnesota Statutes 2002, section 204B.45, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. A voter who has been challenged or whose registration is deficient under section 201.071, subdivision 4a, must be sent a voter registration application along with the ballot materials and a notice that the voter must reregister in order to vote. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 51. [204B.461] [MAIL BALLOTING.]

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

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

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

(1) the name or description of the municipality or unorganized territory;

(2) the date of the election and the dates that ballots will be mailed;

(3) a statement that each voter registered by the 21st day before the election will be mailed a ballot;

(4) the times, places, and manner in which voted ballots can be returned;

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

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

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

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

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

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

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

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

"INSTRUCTIONS TO MAIL BALLOT VOTERS

Follow these instructions carefully.

Before you vote you must have a witness.

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

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

b. a notary public; or

c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

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

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

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

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

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

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

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

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

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

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

"TO BE COMPLETED BY VOTER

VOTER'S NAME (PLEASE PRINT)

VOTER'S ADDRESS (PLEASE PRINT)

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

VOTER'S SIGNATURE

DATE

TO BE COMPLETED BY WITNESS

I certify that the voter

* showed me the blank ballots before voting;

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

* enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF WITNESS (PLEASE PRINT)

SIGNATURE OF WITNESS

DATE

TITLE OF WITNESS (IF AN OFFICIAL)

_____ "

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

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

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

"REPLACEMENT MAIL BALLOT AFFIDAVIT OF

(print or type legal name of voter)

(print or type legal address)

I certify that

- I am a resident and eligible voter in

(name of township or territory)

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

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

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

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

(date)

(legal signature of voter)"

Subd. 10. [UNDELIVERABLE BALLOTS.] Ballots returned by the post office as undeliverable to the voter at the address of registration must be securely retained. If the auditor, municipal clerk, or school district clerk is able

to verify the voter's residence at that address, the ballot may be reissued. A ballot undeliverable to the voter at the address of registration must be considered a returned notice of verification as provided in section 201.12, and the voter's registration must be challenged. The official conducting the election shall maintain a record of all undeliverable ballots.

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

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

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

Subd. 13. [RECEIVING AND COUNTING BALLOTS.] On or before election day, the election judges shall receive from the county auditor, municipal clerk, or school district clerk, returned ballots, applications for absentee ballots, affidavits for replacement ballots, and the list of voters sent a second mailing of the ballot. The judges shall arrange to receive from the election official any additional ballots received in the mail or returned by a voter prior to 8:00 p.m. on election day. Ballots must be transported to the location where ballot processing and counting will occur in a sealed transfer case by two or more election judges. During the receiving and counting of ballots, the ballots must at all times remain in the custody of two or more election judges.

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

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

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

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

Sec. 52. Minnesota Statutes 2002, section 204C.06, subdivision 2, is amended to read:

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

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

Sec. 53. Minnesota Statutes 2002, section 204C.10, is amended to read:

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

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

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

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

Sec. 54. Minnesota Statutes 2002, section 204C.12, subdivision 4, is amended to read:

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

Sec. 55. Minnesota Statutes 2002, section 204C.24, subdivision 1, is amended to read:

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

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

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

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

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

(e) the number of regular absentee ballots;

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

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

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

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

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

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

Sec. 56. [204C.275] [INSPECTION OF POLLING PLACE ROSTERS.]

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

Sec. 57. [204C.255] [PROCEDURES FOLLOWING CLOSE OF POLLS.]

Subdivision 1. [BALLOTS NOT ISSUED, SECURED.] All ballots that are not issued to voters must be secured for return to the official in charge of the election for the election jurisdiction.

Subd. 2. [TOTAL NUMBER OF VOTERS.] The total number of voters, determined pursuant to section 204C.20, subdivision 1, must be entered on the summary statement.

Sec. 58. [204C.305] [DISTRIBUTION OF SUMMARY STATEMENTS.]

The summary statements referred to in section 204C.24 must be certified to the official conducting the election. The official conducting the election shall prepare one summary statement for each jurisdiction canvassing the results of the election. For state elections, the county auditor shall forward a summary statement to the secretary of state together with two copies of the county canvassing board report. The official conducting the election may authorize the printing of copies of the summary statement for public information purposes. The official conducting the election shall prepare copies of any additional forms required by the secretary of state.

Sec. 59. [204C.245] [CERTIFICATE OF ELECTION JUDGES.]

The election judges shall sign a "certificate of election judges." The certificate must state:

- (1) the number of persons voting as shown on the summary statement;
- (2) that the order of the offices and questions to be voted on and the candidates' names on the ballots were the same as on the sample ballot;
- (3) the number of ballots being submitted for tabulation;
- (4) that the ballots have been counted and agree with the number of names as shown on the summary statement;
- (5) the number of excess ballots, if any;
- (6) that all ballots requiring duplication are in the proper envelope;
- (7) that all write-in votes have been properly recorded, if this process was done on election night;
- (8) that all ballots used in the election and all ballots that have been or need to be duplicated have been placed in the transfer case and that the case was securely sealed in such a manner as to render it impossible to open the case without breaking the seal; and
- (9) the numbers of any seals used to seal the transfer case or cases, boxes, or envelopes containing ballots.

Sec. 60. [204C.125] [EMERGENCY VOTING CARD.]

If a voter who has registered prior to an election day is challenged because the voter's name does not appear on the polling place roster of the precinct in which the voter desires to vote, the voter may register on that election day by following the election day registration procedures in section 201.061. Or, if it appears upon examination that the voter's name was erroneously omitted from the roster, the voter must be permitted to vote in the precinct after completing the required name and address information and signing the oath on the polling place roster. The judges shall note on the list that the voter was permitted to vote pursuant to instructions from the county auditor and two judges shall initial the entry.

Sec. 61. Minnesota Statutes 2002, section 204C.28, subdivision 1, is amended to read:

Subdivision 1. [COUNTY AUDITOR.] Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every county auditor shall keep a book in which, in the presence of the municipal clerk or the election judges who deliver the returns, the auditor shall make a record of all materials delivered, the time of delivery, and the names of the municipal clerk or election judges who made delivery. The county auditor shall file the book and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the book and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections, or, if a contest is filed, until the contest has been finally determined. Thereafter, the book shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.

The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Sec. 62. Minnesota Statutes 2002, section 204D.06, is amended to read:

204D.06 [CERTIFICATION OF NAMES BY SECRETARY OF STATE.]

At least 42 days before a state primary, the secretary of state shall certify to the county auditors the names of all candidates who have properly filed affidavits of candidacy with the secretary of state and who will be voted for in their respective counties at that primary. The secretary of state may comply with this requirement electronically.

Sec. 63. Minnesota Statutes 2002, section 204D.23, subdivision 4, is amended to read:

Subd. 4. [FILING WITH THE SECRETARY OF STATE; CERTIFICATION.] Within 24 hours after the filings have closed, the secretary of state shall certify to the county auditors the names of the candidates who have filed with the secretary of state and who will be voted for in those counties at the special primary. The secretary of state may comply with this requirement electronically.

Sec. 64. [205.135] [ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled municipal elections held in an even-numbered year, the municipal clerk must provide the offices and questions to be voted on in the municipality and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election. The county auditor may delegate at the request of the municipality the duty to enter the information into the system to the municipal clerk.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the offices and questions to be voted on in the municipality and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 65. [205.187] [ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.]

For regularly scheduled municipal elections held in November of an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the municipal election into the election results reporting system provided by the secretary of state.

For regularly scheduled municipal elections held in an odd-numbered year, the municipal clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the municipality into the election results reporting system provided by the secretary of state if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 66. [205A.075] [ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.]

Subdivision 1. [EVEN-NUMBERED YEAR.] For regularly scheduled school district elections held in an even-numbered year, the school district clerk must provide the offices and questions to be voted on in the school district and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election.

Subd. 2. [ODD-NUMBERED YEAR.] For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the offices and questions to be voted on in the school district and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election if the county auditor or school district has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 67. [205A.076] [ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.]

For regularly scheduled school district elections held in an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the school district election into the election results reporting system provided by the secretary of state.

For regularly scheduled school district elections held in an odd-numbered year, the school district clerk or county auditor must enter the votes in each precinct for the offices and questions voted on in the school district into the election results reporting system if the county auditor or municipal clerk has notified the secretary of state of intent to use the election results reporting system for the election.

Sec. 68. Minnesota Statutes 2002, section 204C.13, is amended by adding a subdivision to read:

Subd. 8. [SPOILED BALLOTS.] If a voter spoils a ballot by inadvertently defacing it or requests a new ballot, the voter shall hand the ballot to the election judge. The election judge may only look at the portion of the ballot containing precinct information in order to determine what style of replacement ballot to give the voter. The election judge shall place the ballot in the spoiled ballot envelope and give the voter another ballot.

Sec. 69. Minnesota Statutes 2002, section 206.56, subdivision 7, is amended to read:

Subd. 7. [COUNTING CENTER.] "Counting center" means ~~a place selected by the governing body of a municipality the area in a polling place~~ where an electronic voting system is used for the automatic processing and counting of ballots ~~cast in that polling place. For ballots cast pursuant to section 204B.45 or 204B.46, "counting center" means a place selected by the governing body of a municipality where an electronic voting system is used for the automatic processing and counting of ballots.~~

Sec. 70. Minnesota Statutes 2002, section 206.64, subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROVISIONS FOR ELECTRONIC SYSTEM VOTING.] Each electronic voting system booth must be placed and protected so that it is accessible to only one voter at a time and is in full view of all the election judges and challengers at the polling place. The election judges shall admit one individual at a time to each booth after determining that the individual is eligible to vote. Voting by electronic voting system must be secret, except for voters who need assistance. A voter may remain inside the voting booth for ~~three minutes a reasonable time~~. A voter who refuses to leave the voting booth after ~~three minutes a reasonable time~~ must be removed by the election judges. In no case may the time limit be construed to be less than three minutes. No time limit applies to a voter using assistive voting technology.

Sec. 71. [REPEALER.]

(a) Minnesota Statutes 2002, section 203B.02, subdivision 1a, is repealed.

(b) Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.3950; and 8230.4050, are repealed.

Sec. 72. [EFFECTIVE DATE.]

Sections 1 to 68 and sections 70 to 71 are effective the day following final enactment.

Section 69 is effective July 1, 2006."

Amend the title as follows:

Page 1, line 7, after the first semicolon, insert "providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making technical changes in election administration;"

Howes and Lipman moved to amend the Lipman and Haas amendment to H. F. No. 2684, the second engrossment, as amended, as follows:

Page 131, after line 18, insert:

"Sec. 71. Minnesota Statutes 2002, section 375.101, is amended by adding a subdivision to read:

Subd. 1a. [APPOINTMENTS TO FILL VACANCIES.] In addition to the events set forth in subdivision 3, a vacancy in the office of county commissioner occurring as a result of the death of the commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the first day to file affidavits of candidacy for the next county

general election and more than two years remain in the unexpired term, a special election shall be held in conjunction with the county general election. The appointed person shall serve until the qualification of the successor elected to fill the unexpired part of the term at that special election. If the vacancy occurs on or after the first day to file affidavits of candidacy for the county general election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve the remainder of the unexpired term and until a successor is elected and qualifies at the county general election."

Page 131, line 29, delete everything before "are" and insert "Sections 1 to 68, 71, and 72"

Page 131, delete lines 32 to 36 and insert:

"Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

The motion prevailed and the amendment to the amendment was adopted.

Kahn moved to amend the Lipman and Haas amendment, as amended, to H. F. No. 2684, the second engrossment, as amended, as follows:

Page 123, line 20, strike everything after the period

Page 123, strike lines 21 and 22

The motion prevailed and the amendment to the amendment, as amended, was adopted.

Ellison, Hilty, Solberg and Lipman moved to amend the Lipman and Haas amendment, as amended, to H. F. No. 2684, the second engrossment, as amended, as follows:

Page 7, lines 8 to 27, delete the new language and reinstate the stricken language

The motion prevailed and the amendment to the amendment, as amended, was adopted.

The Speaker resumed the Chair.

Entenza was excused between the hours of 3:45 p.m. and 5:50 p.m.

The question recurred on the Lipman and Haas amendment, as amended, to H. F. No. 2684, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Vandev eer, Juhnke and Haas moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 49, after line 20, insert:

"ARTICLE 4

ELECTRONIC REAL ESTATE RECORDING TASK FORCE

Section 1. Laws 2000, chapter 391, section 1, subdivision 1, is amended to read:

Subdivision 1. [TASK FORCE; MEMBERSHIP.] (a) The secretary of state shall ~~establish~~ serve as the chair of a task force of 15 members to study and make recommendations for the establishment of a system for the electronic filing and recording of real estate documents. Members who are appointed under this section shall serve for a term of two years commencing on June 30, 2004. Upon expiration of their term, members may be reappointed for an additional year by their appointing authority. Two county board members to be appointed by the Association of Minnesota Counties, including one board member from within the seven-county metropolitan area, as designated under Minnesota Statutes, section 16E.02, shall serve as the vice chairs of the task force. The task force must include:

~~(1) two members of the senate appointed by the subcommittee on committees of the committee on rules and administration and two members of the house appointed by the speaker of the house;~~

~~(2) representatives of county recorders and other~~ three county government officials appointed by the association of county officers, including one county recorder, one county auditor, and one county treasurer;

(2) the commissioner of administration or the designee of the commissioner;

(3) seven members from the private sector appointed by the chair, including representatives of:

(i) real estate attorneys, real estate agents, and public and private land surveyors;

~~(4) representatives of (ii) title companies, mortgage companies, and other real estate lenders; and~~

~~(5) a representative of the Minnesota historical society and other state and local government archivists;~~

~~(6) (iii) technical and industry experts in electronic commerce and electronic records management and preservation; and~~

~~(7) representatives of federal government sponsored enterprises active in the real estate industry;~~

~~(8) the commissioner of revenue; and~~

~~(9) other members appointed by the secretary of state~~

(4) a representative selected by the Minnesota Historical Society.

(b) The task force may refer items to subcommittees. The chair shall appoint the membership of a subcommittee. An individual may be appointed to serve on a subcommittee without serving on the task force.

(c) Any member of the task force representing a jurisdiction or private interest receiving funding from the task force in any way must resign from the task force and be replaced by the member's appointing authority.

Sec. 2. Laws 2000, chapter 391, section 1, subdivision 2, is amended to read:

Subd. 2. [STUDY AND RECOMMENDATIONS.] The task force shall study and make recommendations regarding implementation of a system for electronic filing and recording of real estate documents and shall consider:

- (1) technology and computer needs;
- (2) legal issues such as authenticity, security, timing and priority of recordings, and the relationship between electronic and paper recording systems;
- (3) cost-effectiveness of electronic recording systems;
- (4) timetable and plan for implementing an electronic recording system, considering types of documents and entities using the system and volume of recordings;
- (5) permissive versus mandatory systems; and
- (6) other relevant issues identified by the task force.

The task force shall submit a report to the legislature by January 15, 2001, outlining a proposed work plan and budget for consideration by the legislature. By January 15, 2005, the task force shall provide an updated report to the legislature containing a revised work plan and budget. The task force expires June 30, ~~2003~~ 2007.

Sec. 3. Laws 2001, First Special Session chapter 10, article 2, section 77, the effective date, is amended to read:

[EFFECTIVE DATE.] This section is effective only between August 1, 2001, and June 30, ~~2003~~ 2007.

Sec. 4. Laws 2002, chapter 365, section 9, is amended to read:

Sec. 9. [EFFECTIVE DATES AND APPLICATION.]

The amendments made by sections 3 and 4 are effective until June 30, ~~2004~~ 2007, for documents last acknowledged ten or more days after the date of final enactment of this act; or filed 45 days or more after the date of final enactment. Sections 6 to 8 are effective the day following final enactment.

Sec. 5. Laws 2003, First Special Session chapter 1, article 2, section 123, is amended to read:

Sec. 123. [REAL ESTATE FILING SURCHARGE.]

All funds collected during the fiscal year ending June 30, 2007, the fiscal year ending June 30, 2006, the fiscal year ending June 30, 2005, the fiscal year ending June 30, 2004, and funds collected in the fiscal year ending June 30, 2003, that carry forward into the fiscal year ending June 30, 2004, pursuant to the additional 50-cent surcharges imposed by Laws 2001, First Special Session chapter 10, article 2, section 77, and Laws 2002, chapter 365, as amended by this act, are appropriated to the legislative coordinating commission for the real estate task force established by Laws 2000, chapter 391, for the purposes set forth in Laws 2001, First Special Session chapter 10, article 2, sections 98 to 101. \$25,000 in each fiscal year from those funds are to be retained by the legislative coordinating commission for the services described in Laws 2001, First Special Session chapter 10, article 2, section 99.

Sec. 6. [TASK FORCE TRANSITION.]

The members of the electronic real estate document task force created in Laws 2000, chapter 391, section 1, who are serving on the task force on the effective date of this act shall end their service on that date unless reappointed or designated under section 1.

Sec. 7. [EFFECTIVE DATE.]

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rhodes moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 13, after line 34, insert:

"Sec. 30. Minnesota Statutes 2002, section 349.12, subdivision 34, is amended to read:

Subd. 34. [TIPBOARD.] "Tipboard" means a board, placard or other device containing a seal that conceals the winning number or symbol, and that serves as the game flare for a tipboard game, or a board or placard that is not required to contain a seal, but for which the winning numbers are determined in whole or in part by the outcome of one or more professional sporting events.

Sec. 31. Minnesota Statutes 2002, section 349.151, is amended by adding a subdivision to read:

Subd. 4c. [SPORTS-THEMED TIPBOARD RULES.] The board may adopt rules for the conduct of tipboards for which the winning numbers are determined in whole or in part by the outcome of one or more professional sporting events. The rules must provide for operation procedures, internal control standards, posted information, records, and reports. The rules must provide for the award of prizes, method of payout, wagers, determination of winners, and the specifications of these tipboards. Cash or merchandise prizes may be awarded in these tipboards.

Sec. 32. Minnesota Statutes 2002, section 349.1711, subdivision 2, is amended to read:

Subd. 2. [DETERMINATION OF WINNERS.] When the predesignated numbers or symbols have all been purchased, or all of the tipboard tickets for that game have been sold, the seal must be removed to reveal a number or symbol that determines which of the predesignated numbers or symbols is the winning number or symbol. A tipboard may also contain consolation winners, or winning chances that are determined in whole or in part by the outcome of one or more professional sporting events, that need not be determined by the use of the seal.

Sec. 33. Minnesota Statutes 2002, section 349.211, is amended by adding a subdivision to read:

Subd. 2d. [SPORTS-THEMED TIPBOARDS.] The maximum prize which may be awarded for a tipboard for which the winning numbers are determined in whole or in part by the outcome of one or more professional sporting events is \$500. A chance for such a board may not be sold for more than \$10."

Page 24, line 27, before "Minnesota" insert "(a)"

Page 24, after line 28, insert:

"(b) Minnesota Statutes 2002, section 349.2127, subdivision 9, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Cox, Magnus and Peterson moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 28, line 34, before the period, insert ", including renewable energy programs for school children under section 123B.02, subdivision 21"

Page 33, after line 6, insert:

"Sec. 16. Minnesota Statutes 2002, section 123B.02, is amended by adding a subdivision to read:

Subd. 21. [WIND ENERGY CONVERSION SYSTEM.] The board may acquire, own in whole or in part, operate, or sell energy from a wind energy conservation system, as defined in section 216C.06, subdivision 19. The board's share of proceeds from the sale of any energy from the wind energy conservation system must not exceed the sum of the district's total energy costs for the preceding year, net of any maintenance and repair costs related to the wind energy conservation system. A board owning, operating, or selling energy from a wind energy conservation system must integrate information about wind energy conservation systems, developed in consultation with the Environmental Education Advisory Board, in its educational programming.

[EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dempsey, Jacobson, Howes and Solberg moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 13, line 27, reinstate the stricken "or"

Page 13, line 30, delete ": or"

Page 13, delete lines 31 to 33

Page 13, line 34, delete everything before the period

A roll call was requested and properly seconded.

The question was taken on the Dempsey et al amendment and the roll was called. There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellison	Howes	Krinkie	Nelson, M.	Sertich
Atkins	Erhardt	Huntley	Latz	Nornes	Sieben
Bernardy	Fuller	Jacobson	Lesch	Osterman	Slawik
Biernat	Goodwin	Jaros	Lieder	Otremba	Solberg
Carlson	Greiling	Johnson, S.	Lindner	Peterson	Swenson
Clark	Hausman	Juhnke	Mahoney	Pugh	Thao
Davnie	Hilstrom	Kahn	Mariani	Rhodes	Wagenius
Dempsey	Hilty	Kelliher	Mullery	Rukavina	Walker
Dill	Hornstein	Koenen	Murphy	Seifert	Wasiluk

Those who voted in the negative were:

Abeler	Cox	Hackbarth	Lindgren	Ozment	Thissen
Abrams	Dauids	Harder	Lipman	Paulsen	Tingelstad
Adolphson	DeLaForest	Heidgerken	Magnus	Pelowski	Urdahl
Anderson, B.	Demmer	Holberg	Marquart	Penas	Vandevveer
Anderson, J.	Dorman	Hoppe	McNamara	Powell	Walz
Beard	Dorn	Johnson, J.	Meslow	Ruth	Wardlow
Blaine	Eastlund	Klinzing	Nelson, C.	Samuelson	Westerberg
Borrell	Eken	Knoblach	Nelson, P.	Severson	Westrom
Boudreau	Erickson	Kohls	Newman	Simpson	Wilkin
Bradley	Finstad	Kuisle	Olsen, S.	Smith	Zellers
Brod	Gerlach	Lanning	Olson, M.	Soderstrom	Spk. Sviggum
Buesgens	Gunther	Larson	Opatz	Stang	
Cornish	Haas	Lenczewski	Otto	Strachan	

The motion did not prevail and the amendment was not adopted.

Kahn moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 10, after line 23, insert:

"Sec. 25. [16B.561] [BICYCLE COMMUTING; USE BY STATE EMPLOYEES.]

Subdivision 1. [EMPLOYEE TRANSPORTATION PROGRAM.] To conserve energy, alleviate traffic congestion around state offices, improve employee health through increased physical activity, decrease demand for motor vehicle parking, and minimize the environmental impact of commuting by singly occupied motor vehicles, the commissioner shall, in cooperation with the commissioners of transportation, health, and public service, and

interested nonprofit agencies, establish and operate an employee transportation program promoting bicycle commuting by state employees. The commissioner shall promote the maximum participation of state employees in the use of the bicycles for commuting. "

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Rukavina; Anderson, I.; Mahoney; Lesch; Hilstrom; Nelson, M.; Solberg; Atkins; Dill; Huntley; Entenza; Jaros; Pelowski; Hausman and Murphy moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 3, after line 4, insert:

"Sec. 7. ADMINISTRATIVE HEARINGS

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794,000

The appropriation in this section is from the workers' compensation fund for the purpose of restoring the complement of workers' compensation judges to the level that existed immediately preceding the enactment of Laws 2003, First Special Session chapter 1. This appropriation must be added to the base budget of the Office of Administrative Hearings."

Adjust amounts accordingly

Renumber or reletter in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rukavina et al amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Jaros	Lieder	Otto	Smith
Anderson, J.	Ellison	Johnson, S.	Lipman	Ozment	Solberg
Atkins	Goodwin	Juhnke	Mahoney	Paymar	Thao
Bernardy	Greiling	Kahn	Mariani	Pelowski	Thissen
Biernat	Hausman	Kelliher	Marquart	Peterson	Wagenius
Carlson	Hilstrom	Koenen	Mullery	Pugh	Walker
Clark	Hilty	Larson	Murphy	Rukavina	Wasiluk
Davnie	Hornstein	Latz	Nelson, M.	Sertich	
Dill	Howes	Lenczewski	Opatz	Sieben	
Dorn	Huntley	Lesch	Otremba	Slawik	

Those who voted in the negative were:

Abeler	Davids	Hackbarth	Lindgren	Penas	Urdahl
Abrams	DeLaForest	Harder	Lindner	Powell	Vandever
Adolphson	Demmer	Heidgerken	Magnus	Rhodes	Walz
Anderson, B.	Dempsey	Holberg	McNamara	Ruth	Wardlow
Beard	Dorman	Hoppe	Meslow	Samuelson	Westerberg
Blaine	Eastlund	Jacobson	Nelson, C.	Seifert	Westrom
Borrell	Erhardt	Johnson, J.	Nelson, P.	Severson	Wilkin
Boudreau	Erickson	Klinzing	Newman	Simpson	Zellers
Bradley	Finstad	Knoblach	Nornes	Soderstrom	Spk. Sviggum
Brod	Fuller	Kohls	Olsen, S.	Stang	
Buesgens	Gerlach	Krinkie	Olson, M.	Strachan	
Cornish	Gunther	Kuise	Osterman	Swenson	
Cox	Haas	Lanning	Paulsen	Tingelstad	

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Abrams called Seifert to the Chair.

Goodwin; Hausman; Nelson, M.; Hornstein; Greiling and Eken offered an amendment to H. F. No. 2684, the second engrossment, as amended.

Ozment requested a division of the Goodwin et al amendment to H. F. No. 2684, the second engrossment, as amended.

Ozment further requested that the second portion of the divided Goodwin et al amendment be voted on first.

The second portion of the Goodwin et al amendment to H. F. No. 2684, the second engrossment, as amended, reads as follows:

Page 46, after line 27, insert:

"Sec. 14. Minnesota Statutes 2002, section 211A.02, subdivision 2, is amended to read:

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

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

[EFFECTIVE DATE.] This section is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Goodwin et al amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Goodwin	Johnson, S.	Mahoney	Paymar	Thao
Atkins	Greiling	Kahn	Mariani	Pugh	Thissen
Bernardy	Hausman	Kelliher	Mullery	Rhodes	Wagenius
Biernat	Hilstrom	Koenen	Murphy	Rukavina	Walker
Carlson	Hilty	Larson	Nelson, M.	Sertich	Wasiluk
Clark	Hornstein	Latz	Opatz	Sieben	
Davnie	Huntley	Lenczewski	Otremba	Slawik	
Dill	Jacobson	Lieder	Otto	Smith	
Eken	Jaros	Lipman	Ozment	Solberg	

Those who voted in the negative were:

Abeler	Davids	Hackbarth	Lesch	Paulsen	Tingelstad
Abrams	DeLaForest	Harder	Lindgren	Pelowski	Urdahl
Adolphson	Demmer	Heidgerken	Lindner	Penas	Vandever
Anderson, B.	Dempsey	Holberg	Magnus	Peterson	Walz
Anderson, J.	Dorman	Hoppe	Marquart	Powell	Wardlow
Beard	Dorn	Howes	McNamara	Ruth	Westerberg
Blaine	Eastlund	Johnson, J.	Meslow	Samuelson	Westrom
Borrell	Erhardt	Juhnke	Nelson, C.	Seifert	Wilkin
Boudreau	Erickson	Klinzing	Nelson, P.	Severson	Zellers
Bradley	Finstad	Knoblach	Newman	Simpson	Spk. Sviggum
Brod	Fuller	Kohls	Nornes	Soderstrom	
Buesgens	Gerlach	Krinkie	Olsen, S.	Stang	
Cornish	Gunther	Kuisele	Olson, M.	Strachan	
Cox	Haas	Lanning	Osterman	Swenson	

The motion did not prevail and the second portion of the Goodwin et al amendment was not adopted.

The first portion of the Goodwin et al amendment to H. F. No. 2684, the second engrossment, as amended, reads as follows:

Page 46, after line 27, insert:

"Sec. 14. Minnesota Statutes 2002, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. [WHEN AND WHERE FILED BY COMMITTEES.] (a) A committee or a candidate who receives contributions or makes disbursements of more than ~~\$750~~ \$100 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than ~~\$750~~ \$100 and shall continue to make the reports listed in paragraph (b) until a final report is filed.

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

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

[EFFECTIVE DATE.] This section is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Goodwin et al amendment and the roll was called. There were 29 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Bernardy	Goodwin	Jacobson	Larson	Opatz	Thao
Biernat	Greiling	Jaros	Latz	Otremba	Thissen
Carlson	Hausman	Johnson, S.	Lenczewski	Paymar	Walker
Clark	Hilty	Kahn	Mariani	Rhodes	Wasiluk
Davnie	Hornstein	Kelliher	Nelson, M.	Smith	

Those who voted in the negative were:

Abeler	DeLaForest	Harder	Lieder	Otto	Soderstrom
Abrams	Demmer	Heidgerken	Lindgren	Ozment	Solberg
Adolphson	Dempsey	Hilstrom	Lindner	Paulsen	Stang
Anderson, B.	Dill	Holberg	Lipman	Pelowski	Strachan
Anderson, I.	Dorman	Hoppe	Mahoney	Penas	Swenson
Anderson, J.	Dorn	Howes	Marquart	Peterson	Tingelstad
Atkins	Eastlund	Huntley	McNamara	Powell	Urdahl
Beard	Eken	Johnson, J.	Meslow	Pugh	Vandever
Blaine	Ellison	Juhnke	Mullery	Rukavina	Walz
Borrell	Erhardt	Klinzing	Murphy	Ruth	Wardlow
Boudreau	Erickson	Knoblach	Nelson, C.	Samuelson	Westerberg
Bradley	Finstad	Koenen	Nelson, P.	Seifert	Westrom
Brod	Fuller	Kohls	Newman	Sertich	Wilkin
Buesgens	Gerlach	Krinkie	Nornes	Severson	Zellers
Cornish	Gunther	Kuisle	Olsen, S.	Sieben	Spk. Sviggum
Cox	Haas	Lanning	Olson, M.	Simpson	
Davids	Hackbarth	Lesch	Osterman	Slawik	

The motion did not prevail and the first portion of the Goodwin et al amendment was not adopted.

Krinkie, Davids, Erickson, Holberg, Wilkin, Buesgens, Lipman and Seifert moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 24, after line 25, insert:

"Sec. 44. [REIMBURSEMENT.]

The commissioner of finance, in consultation with the Mower County attorney, must determine:

(1) the costs to Mower County related to the charges Mower County brought against the American Bankers Insurance Company; and

(2) the amount Mower County received from American Bankers Insurance Company in connection with settlement of charges brought against the company.

If the amount in clause (2) is greater than the amount in clause (1), Mower County must remit the excess to the commissioner of finance for deposit in the state general fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Krinkie et al amendment and the roll was called.

Pursuant to rule 2.05, Speaker pro tempore Seifert excused Thissen from voting on the Krinkie et al amendment to H. F. No. 2684, the second engrossment, as amended.

There were 117 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Greiling	Klinzing	Marquart	Paulsen
Abrams	Davids	Gunther	Knoblach	McNamara	Pelowski
Adolphson	Davnie	Haas	Koenen	Meslow	Penas
Anderson, B.	DeLaForest	Hackbarth	Kohls	Mullery	Peterson
Anderson, I.	Demmer	Harder	Krinkie	Murphy	Powell
Atkins	Dempsey	Heidgerken	Kuisle	Nelson, C.	Pugh
Beard	Dill	Holberg	Lanning	Nelson, M.	Rhodes
Bernardy	Dorn	Hoppe	Larson	Nelson, P.	Ruth
Biernat	Eastlund	Hornstein	Latz	Newman	Samuelson
Blaine	Eken	Howes	Lenczewski	Nornes	Seifert
Borrell	Entenza	Huntley	Lieder	Olsen, S.	Severson
Boudreau	Erhardt	Jacobson	Lindgren	Olson, M.	Sieben
Bradley	Erickson	Jaros	Lindner	Opatz	Simpson
Brod	Finstad	Johnson, J.	Lipman	Osterman	Slawik
Buesgens	Fuller	Johnson, S.	Magnus	Otremba	Smith
Carlson	Gerlach	Juhnke	Mahoney	Otto	Soderstrom
Cornish	Goodwin	Kelliher	Mariani	Ozment	Solberg

Stang	Thao	Vandever	Wasiluk	Wilkin
Strachan	Tingelstad	Walz	Westerberg	Zellers
Swenson	Urdahl	Wardlow	Westrom	Spk. Sviggum

Those who voted in the negative were:

Anderson, J.	Dorman	Hilstrom	Lesch	Rukavina	Wagenius
Clark	Ellison	Kahn	Paymar	Sertich	Walker

The motion prevailed and the amendment was adopted.

Speaker pro tempore Seifert called Abrams to the Chair.

The Speaker resumed the Chair.

Olson, M.; Eastlund; Howes; Pelowski; Borrell; Anderson, B.; Vandever; Lindgren; Pugh; Juhnke; Johnson, J.; Simpson and Fuller offered an amendment to H. F. No. 2684, the second engrossment, as amended.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Olson, M., et al amendment was not in order. The Speaker ruled the point of order well taken and the Olson, M., et al amendment out of order.

Hausman was excused for the remainder of today's session.

Otto was excused between the hours of 6:35 p.m. and 7:40 p.m.

Kahn moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 9, after line 23, insert:

"Sec. 24. [16A.535] [REPORT.]

Notwithstanding any law to the contrary, entities subject to section 471.999 must report on compliance to the commissioner of employee relations every three years."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 50 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellison	Johnson, S.	Lieder	Paymar	Thao
Atkins	Entenza	Juhnke	Mahoney	Peterson	Thissen
Bernardy	Goodwin	Kahn	Mariani	Pugh	Wagenius
Biernat	Greiling	Kelliher	Marquart	Rhodes	Walker
Carlson	Hilstrom	Koenen	Mullery	Rukavina	Wasiluk
Clark	Hilty	Larson	Murphy	Sertich	
Davnie	Hornstein	Latz	Nelson, M.	Sieben	
Dorn	Huntley	Lenczewski	Opatz	Slawik	
Eken	Jaros	Lesch	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Cox	Gunther	Krinkie	Olsen, S.	Soderstrom
Abrams	Dauids	Haas	Kuisle	Olson, M.	Stang
Adolphson	DeLaForest	Hackbarth	Lanning	Osterman	Swenson
Anderson, B.	Demmer	Harder	Lindgren	Ozment	Tingelstad
Anderson, J.	Dempsey	Heidgerken	Lindner	Paulsen	Urdahl
Beard	Dill	Holberg	Lipman	Pelowski	Vandevver
Blaine	Dorman	Hoppe	Magnus	Penas	Walz
Borrell	Eastlund	Howes	McNamara	Ruth	Wardlow
Boudreau	Erhardt	Jacobson	Meslow	Samuelson	Westerberg
Bradley	Erickson	Johnson, J.	Nelson, C.	Seifert	Westrom
Brod	Finstad	Klinzing	Nelson, P.	Severson	Wilkin
Buesgens	Fuller	Knoblach	Newman	Simpson	Zellers
Cornish	Gerlach	Kohls	Nornes	Smith	Spk. Sviggum

The motion did not prevail and the amendment was not adopted.

Clark moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 10, after line 23, insert:

"Sec. 25. [43A.175] [SICK AND BEREAVEMENT LEAVE.]

(a) If a collective bargaining agreement or compensation plan covering state employees provides for sick leave with pay, an employee must be granted sick leave with pay, to the extent of the employee's accumulation of sick leave, for absences:

(1) due to illness or disability of a regular member of the employee's immediate household for a reasonable period as the employee's attendance is necessary; and

(2) due to the death of a regular member of the employee's immediate household, for a reasonable period.

(b) The benefit provided under paragraph (a) is not a replacement for any other sick leave benefit provided for in the collective bargaining agreement or compensation plan."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Lipman moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 36, after line 29, insert:

"Sec. 6. Minnesota Statutes 2002, section 10A.02, subdivision 11, is amended to read:

Subd. 11. [VIOLATIONS; ENFORCEMENT.] (a) The board may investigate any alleged violation of this chapter. The board must investigate any violation that is alleged in a written complaint filed with the board and must within 30 days after the filing of the complaint make a public finding of whether there is probable cause to believe a violation has occurred, except that if the complaint alleges a violation of section 10A.25 or 10A.27, the board must either enter a conciliation agreement or make a public finding of whether there is probable cause, within 60 days after the filing of the complaint. The deadline for action on a written complaint may be extended by majority vote of the board. If the board extends the deadline for action on a written complaint, the board shall (1) send to the complainant by certified mail a summary of the board's action, and the expected due date for action on the complaint; and (2) post a summary of the board's action and the expected due date for action on its official Web site.

(b) Within a reasonable time after beginning an investigation of an individual or association, the board must notify the individual or association of the fact of the investigation. The board must not make a finding of whether there is probable cause to believe a violation has occurred without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations.

(c) Except as provided in paragraph (a), a hearing or action of the board concerning a complaint or investigation other than a finding concerning probable cause or a conciliation agreement is confidential. Until the board makes a public finding concerning probable cause or enters a conciliation agreement:

(1) a member, employee, or agent of the board must not disclose to an individual information obtained by that member, employee, or agent concerning a complaint or investigation except as required to carry out the investigation or take action in the matter as authorized by this chapter; and

(2) an individual who discloses information contrary to this subdivision is subject to a civil penalty imposed by the board of up to \$1,000."

Page 37, line 5, after the period, insert "If the board extends the time limit for issuing an advisory opinion, the board shall (1) send to the individual or association requesting the opinion by certified mail a summary of the board's action, and the expected due date of the opinion; and (2) post a summary of the board's action and the expected due date of the advisory opinion on its official Web site. The posted summary must comply with paragraph (c)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lipman amendment and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Mahoney

The motion prevailed and the amendment was adopted.

Huntley; Rukavina; Goodwin; Atkins; Anderson, I.; Dorn; Lieder; Peterson and Jaros offered an amendment to H. F. No. 2684, the second engrossment, as amended.

POINT OF ORDER

Kohls raised a point of order pursuant to rule 3.21 that the Huntley et al amendment was not in order. The Speaker ruled the point of order not well taken and the Huntley et al amendment in order.

POINT OF ORDER

Seifert raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Huntley et al amendment was not in order. The Speaker ruled the point of order well taken and the Huntley et al amendment out of order.

Huntley appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 80 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Harder	Lindner	Penas	Tingelstad
Abrams	DeLaForest	Heidgerken	Lipman	Powell	Urdahl
Adolphson	Demmer	Holberg	Magnus	Rhodes	Vandever
Anderson, B.	Dempsey	Hoppe	McNamara	Ruth	Walz
Anderson, J.	Dorman	Howes	Meslow	Samuelson	Wardlow
Beard	Eastlund	Jacobson	Nelson, C.	Seifert	Westerberg
Blaine	Erhardt	Johnson, J.	Nelson, P.	Severson	Westrom
Borrell	Erickson	Klinzing	Newman	Simpson	Wilkin
Boudreau	Finstad	Knoblach	Nornes	Smith	Zellers
Bradley	Fuller	Kohls	Olsen, S.	Soderstrom	Spk. Sviggum
Brod	Gerlach	Krinkie	Olson, M.	Stang	
Buesgens	Gunther	Kuisle	Osterman	Strachan	
Cornish	Haas	Lanning	Ozment	Swenson	
Cox	Hackbarth	Lindgren	Paulsen	Thissen	

Those who voted in the negative were:

Anderson, I.	Eken	Jaros	Lesch	Otremba	Solberg
Atkins	Ellison	Johnson, S.	Lieder	Paymar	Thao
Bernardy	Entenza	Juhnke	Mahoney	Pelowski	Wagenisk
Biernat	Goodwin	Kahn	Mariani	Peterson	Walker
Carlson	Greiling	Kelliher	Marquart	Pugh	Wasiluk
Clark	Hilstrom	Koenen	Mullery	Rukavina	
Davnie	Hilty	Larson	Murphy	Sertich	
Dill	Hornstein	Latz	Nelson, M.	Sieben	
Dorn	Huntley	Lenczewski	Opatz	Slawik	

So it was the judgment of the House that the decision of the Speaker should stand.

Olson, M.; Erickson; Powell; Pelowski; Ozment; Pugh; Soderstrom; Heidgerken; Vandever; Lindgren; Simpson and Juhnke moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 9, after line 23, insert:

"Sec. 24. [16A.535] [STATE GOVERNMENT; RELATION TO LOCAL.]

Subdivision 1. [SCOPE.] For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [LOCAL GOVERNMENT.] "Local government" means a county, town, or statutory or home rule charter city.

Subd. 3. [LOCAL GOVERNMENT OF THE SAME KIND.] "Local government of the same kind" means any category of the following: all cities, all counties, or all towns.

Subd. 4. [SAME CLASS.] "Same class" means all cities of the same class.

Subd. 5. [STATE MANDATE.] "State mandate" means a state law or rule that is specifically directed at or related to local government structure, operation, services, programs, or financing that:

(1) imposes a cost on a local government, whether or not the state appropriates money for the local government to cover the costs, or authorizes the local government to impose a tax or fee to cover the costs;

(2) decreases revenue available to a local government without a commensurate decrease in services and programs required by the law or rule;

(3) restricts the ability of a local government to establish services, programs, policies, plans, or goals, or restricts its ability to raise revenue or finance its services, programs, policies, plans, or goals; or

(4) implements or interprets federal law and, by its implementation or interpretation, increases or decreases program or service or funding levels beyond the level required by federal law.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 25. [16A.5351] [OPT OUT RESOLUTION AND PROCEDURES.]

Subdivision 1. [LOCAL PROCEDURE.] (a) A local government may, by written resolution of the governing body after public notice and hearing, propose that a state mandate imposed on all local governments of the same kind or class, except a state mandate under section 471B.03, should not apply to it. A local government also may include in a resolution recommendations for reforming a mandate. A local government must adopt a separate resolution for each mandate that it proposes should not apply to it. The resolution must:

(1) specifically cite the state law or rule that imposes the mandate on the local government;

(2) identify any costs of complying with the mandate and the total amount of federal and state funds available for purposes of the mandate;

(3) state the reasons the local government wants to opt out of the state mandate and any recommendations for reforming the mandate to achieve greater efficiencies; and

(4) indicate how the local government will otherwise meet the objectives of the mandate or why the objectives do not apply to the local government.

(b) Before voting on the resolution, the governing body must give adequate public notice of the proposed resolution, including information on whether state or federal funding for the local government might be adversely affected. The governing body must hold at least one public hearing on the proposed resolution and afford the public opportunity for comment. The governing body must encourage public participation in the hearing in order to determine the extent of public support for the proposed resolution.

(c) The proponent of the proposed resolution must at least identify at the hearing:

(1) the costs of complying with the mandate that exceed the state and federal funds allocated to the district for purposes of the mandate and recommend reforms for achieving greater efficiencies;

(2) any potential loss of state or federal revenue that might result from opting out of the state mandate;

(3) other policy issues or effects that might result;

(4) the purposes for which the mandate was imposed;

(5) those persons and categories of person who will be adversely affected if the mandate is not complied with; and

(6) a comparison of costs and benefits of the mandate to the costs and benefits of inaction.

(d) A local government that adopts a resolution must file the resolution with the state auditor. At the time of filing, the local government must pay the state auditor a fee to cover costs the state auditor incurs in performing the duties under this section. The amount of the fee is as follows:

(1) for each resolution filed from a local government with a population over 100,000, \$500;

(2) for each resolution filed from a local government with a population over 20,000 and not more than 100,000, \$350;

(3) for each resolution filed from a local government with a population over 10,000 and not more than 20,000, \$200; and

(4) for each resolution filed from a local government with a population of not more than 10,000, \$50.

All fees collected under this section are appropriated to the state auditor for the purposes of this section. On July 1, 2005, and each July 1 thereafter, using the powers granted under chapter 6, the auditor must determine the actual cost of performing the duties under this section and adjust the amount of the fee to reflect the auditor's actual costs.

Subd. 2. [STATE PROCEDURE.] (a) The state auditor must:

(1) list on the state auditor's Web site all state mandates cited in a resolution filed with the state auditor, identifying for each mandate the local governments that have adopted and filed a resolution to opt out of a mandate, and whether the threshold under subdivision 3 for opting out has been met;

(2) keep a running total of the number and percent of local governments of the same kind and, if applicable, same class, that have filed a resolution to opt out;

(3) notify the legislature when the threshold under subdivision 3 for opting out has been met; and

(4) each year before Minnesota Statutes or Minnesota Statutes Supplement is published, at a time determined by the revisor of statutes, provide to the revisor of statutes and the local governments that have filed resolutions to opt out of a mandate a list of all laws and rules that local governments may opt out of, consistent with legislative action under subdivision 3.

(b) The revisor of statutes must:

(1) publish a list of the affected laws, rules, and local governments; and

(2) provide appropriate means, including cross-references, for the public to use the statutes and rules in the context of the list in clause (1).

Subd. 3. [THRESHOLD AND CERTIFICATION FOR OPTING OUT; LEGISLATIVE OVERSIGHT.] (a) The state auditor must notify the house and senate when the auditor certifies that ten percent or more of the local governments of the same kind, and, if applicable, same class, have filed resolutions according to the requirements of this section. The opt out resolutions referred to in a notice delivered by the auditor to the legislature before the regular session convenes in any year must be considered and are accepted for implementation if approved by the legislature under this subdivision.

(b) The house of representatives and senate must adopt rules ensuring that bills to respond to the resolutions or to amend the mandate to which they refer are given a priority status and are presented to the house and to the senate for consideration and action by the body in a timely manner during the regular session that year.

Subd. 4. [OPT OUT IMPLEMENTATION AND LATER OPTING OUT.] After initial opt out resolutions are approved by the legislature and take effect, other local governments of the same kind and, if applicable, same class, may file resolutions to opt out of the same mandate. Each of these takes effect after the auditor accepts the filing and after a subsequent entire legislative session adjourns.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 26. [16A.5352] [EXCEPTIONS.]

Subdivision 1. [SCOPE.] The state laws listed in this section are not subject to section 471B.02 and resolutions to address concerns related to these laws must not be accepted.

Subd. 2. [ELECTION LAW.] A local government may not opt out of Minnesota election law, as defined in section 200.01, and any other law governing elections.

Subd. 3. [PROPERTY TAX LAWS.] A local government may not opt out of any laws related to the property tax system under chapters 270, 272, 273, 274, 275, 276, 276A, 277, 278, and 473F, and any other property tax-related provisions in law.

Subd. 4. [ACCOUNTING, FINANCIAL MANAGEMENT PROCEDURES; AUDIT REQUIREMENTS.] A local government may not opt out of any law governing the accounting, financial management, and audit requirements of local governments.

Subd. 5. [STATE AUDITOR.] A local government may not opt out of any provision of chapter 6 or any other law that gives the state auditor authority to require or receive information from a local government.

[EFFECTIVE DATE.] This section is effective July 1, 2005."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Olson, M., et al amendment and the roll was called. There were 93 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilty	Lindgren	Penas	Stang
Adolphson	Dill	Holberg	Lindner	Peterson	Strachan
Anderson, B.	Dorman	Hoppe	Lipman	Powell	Swenson
Anderson, I.	Dorn	Howes	Magnus	Pugh	Tingelstad
Anderson, J.	Eastlund	Jacobson	Marquart	Rhodes	Urdahl
Beard	Eken	Johnson, J.	McNamara	Rukavina	Vandever
Blaine	Erickson	Juhnke	Meslow	Ruth	Walz
Borrell	Finstad	Klinzing	Nelson, P.	Samuelson	Wardlow
Bradley	Fuller	Knoblach	Newman	Seifert	Westerberg
Brod	Gerlach	Koenen	Nornes	Sertich	Westrom
Buesgens	Goodwin	Kohls	Olson, M.	Severson	Wilkin
Cornish	Gunther	Krinkie	Osterman	Sieben	Zellers
Cox	Haas	Kuisle	Otremba	Simpson	Spk. Sviggum
Davids	Hackbarth	Lanning	Ozment	Smith	
DeLaForest	Harder	Latz	Paulsen	Soderstrom	
Demmer	Heidgerken	Lieder	Pelowski	Solberg	

Those who voted in the negative were:

Abrams	Clark	Hilstrom	Kelliher	Mullery	Slawik
Atkins	Davnie	Hornstein	Larson	Nelson, C.	Thao
Bernardy	Ellison	Huntley	Lenczewski	Nelson, M.	Thissen
Biernat	Entenza	Jaros	Lesch	Olsen, S.	Wagenius
Boudreau	Erhardt	Johnson, S.	Mahoney	Opatz	Walker
Carlson	Greiling	Kahn	Mariani	Paymar	Wasiluk

The motion prevailed and the amendment was adopted.

Kahn, Slawik and Clark moved to amend H. F. No. 2684, the second engrossment, as amended, as follows:

Page 9, after line 23, insert:

"Sec. 24. [16B.246] [AT-HOME INFANT CHILD CARE PROGRAM.]

Subdivision 1. This section applies to state employees and their families.

Subd. 2. [ESTABLISHMENT.] A family in which a parent provides care for the family's infant child may receive a subsidy in lieu of assistance if the family is eligible for, or is receiving assistance under the basic sliding fee program. An eligible family must meet the eligibility factors under section 119B.09, except as provided in subdivision 4, the income criteria under section 119B.12, and the requirements of this section. Subject to federal match and maintenance of effort requirements for the child care and development fund, the commissioner shall establish a pool of up to seven percent of the annual appropriation for the basic sliding fee program to provide assistance under the at-home infant child care program. At the end of a fiscal year, the commissioner may carry forward any unspent funds under this section to the next fiscal year within the same biennium for assistance under the basic sliding fee program.

Subd. 3. [ELIGIBLE FAMILIES.] A family with an infant under the age of one year is eligible for assistance if:

(1) the family is not receiving MFIP, other cash assistance, or other child care assistance;

(2) the family has not previously received a life-long total of 12 months of assistance under this section; and

(3) the family is participating in the basic sliding fee program or provides verification of participating in an authorized activity at the time of application and meets the program requirements.

Subd. 4. [ELIGIBLE PARENT.] A family is eligible for assistance under this section if one parent cares for the family's infant child. The eligible parent must:

(1) be over the age of 18;

(2) care for the infant full-time in the infant's home; and

(3) care for any other children in the family who are eligible for child care assistance under this chapter.

For purposes of this section, "parent" means birth parent, adoptive parent, or stepparent.

Subd. 5. [ASSISTANCE.] (a) A family is limited to a lifetime total of 12 months of assistance under subdivision 2. The maximum rate of assistance is equal to 90 percent of the rate established under section 119B.13 for care of infants in licensed family child care in the applicant's county of residence. For purposes of this section, the annual income of the applicant family must be based on an annualization of the income received only during the period in which the family is participating in the at-home infant care program.

(b) A participating family must report income and other family changes as specified in the county's plan under section 119B.08, subdivision 3.

(c) Persons who are admitted to the at-home infant care program retain their position in any basic sliding fee program or on any waiting list attained at the time of admittance. If they are on the waiting list, they must advance as if they had not been admitted to the program. Persons leaving the at-home infant care program re-enter the basic sliding fee program at the position they would have occupied or the waiting list at the position to which they would have advanced. Persons who would have attained eligibility for the basic sliding fee program must be given assistance or advance to the top of the waiting list when they leave the at-home infant care program. Persons admitted to the at-home infant care program who are not on a basic sliding fee waiting list may apply to the basic sliding fee program, and if eligible, be placed on the waiting list.

(d) Assistance under this section does not establish an employer-employee relationship between any member of the assisted family and the county or state.

Subd. 6. [IMPLEMENTATION.] The commissioner shall implement the at-home infant child care program under this section through counties that administer the basic sliding fee program under section 119B.03. The commissioner must develop and distribute consumer information on the at-home infant care program to assist parents of infants or expectant parents in making informed child care decisions.

[EFFECTIVE DATE.] This section is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kahn et al amendment and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

H. F. No. 2684, A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; establishing the Fair Campaign Reform Act; modifying fair campaign practices; modifying teachers retirement provisions; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making certain changes in election administration; changing certain election dates, procedures, and requirements; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 5.08; 10A.02, subdivisions 1, 2, 3, 7, 11, 12; 10A.31, subdivision 4; 11A.24, subdivision 6; 13.635, by adding a subdivision; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.103, subdivision 1a; 16A.53, subdivision 1, by adding subdivisions; 16A.531, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31, subdivision 3; 16B.55, subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 123B.02, by adding a subdivision; 126C.17, subdivision 11; 144.701, subdivision 4; 193.29, subdivision 3; 193.30; 193.31; 200.02, subdivision 20; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.081; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.096; 201.11; 201.121, subdivision 1, by adding a subdivision; 201.13, subdivision 1; 201.14; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.211; 201.221, subdivisions 2, 3; 201.275; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 203B.04, subdivisions 1, 4, 5, by adding a subdivision; 203B.06, subdivisions 4, 7; 203B.07; 203B.08, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.20; 203B.21, subdivision 3; 203B.22; 203B.24; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivisions 3, 5; 204B.18; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.25, subdivision 3; 204B.27, subdivision 3; 204B.36, subdivision 4; 204B.41; 204B.45, subdivision 2; 204B.47; 204C.05, by adding a subdivision; 204C.06, subdivision 2, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.13, by adding a subdivision; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.06; 204D.14, by adding a subdivision; 204D.23, subdivision 4; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.10, subdivision 3; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 206.56, subdivision 7; 206.57, by adding subdivisions; 206.64, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 211A.04; 211A.05; 211B.14; 211B.15, subdivisions 1, 12; 245.90; 270.063, subdivision 1; 270.71; 349.12, subdivision 34; 349.151, by adding a subdivision; 349.1711, subdivision 2; 349.211, by adding a subdivision; 351.01, subdivision 4; 354A.08; 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivision 9; 365.51, subdivision 3; 367.12; 373.40, subdivision 2; 375.101, by adding a subdivision; 375.20; 383B.055, subdivision 2; 414.041, subdivision 1; 447.32, subdivisions 3, 4; 458.40; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 475.58, subdivisions 1, 1a; 475.59; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 16A.11, subdivision 3; 84.026; 116J.966, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 9; 192.501, subdivision 2; 204B.11, subdivision 1; 205A.07, subdivision 3; 354A.12, subdivision 3b; 465.82, subdivision 2; 465.84; 475.521, subdivision 2; Laws 2000, chapter 391, section 1, subdivisions 1, 2; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2002, chapter 365, section 9; Laws 2003, First Special Session chapter 1, article 2, section 123; Laws 2003, First Special Session chapter 11, article 3, section 13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 16A; 16B; 201; 203B; 204B; 204C; 204D; 205; 205A; 211A; 211B; 354A; repealing Minnesota Statutes 2002, sections 203B.02, subdivision 1a; 204C.05, subdivisions 1a, 1b; 205.175; 205A.09; 211A.08; 211B.16; 349.2127, subdivision 9; Minnesota Statutes 2003 Supplement, section 16A.151, subdivision 5; Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.3950; 8230.4050.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Lenczewski	Osterman	Soderstrom
Abrams	Demmer	Holberg	Lindgren	Otremba	Stang
Adolphson	Dempsey	Hoppe	Lindner	Otto	Strachan
Anderson, B.	Dorn	Howes	Lipman	Ozment	Swenson
Anderson, J.	Eastlund	Jacobson	Magnus	Paulsen	Thissen
Beard	Erhardt	Johnson, J.	Marquart	Pelowski	Tingelstad
Blaine	Erickson	Juhnke	McNamara	Penas	Urdahl
Borrell	Finstad	Klinzing	Meslow	Powell	Vandevier
Boudreau	Fuller	Knoblach	Nelson, C.	Rhodes	Walz
Bradley	Gerlach	Koenen	Nelson, P.	Ruth	Wardlow
Brod	Gunther	Kohls	Newman	Samuelson	Westerberg
Buesgens	Haas	Krinkie	Nornes	Seifert	Westrom
Cornish	Hackbarth	Kuile	Olsen, S.	Severson	Wilkin
Cox	Harder	Lanning	Olson, M.	Simpson	Zellers
Davids	Heidgerken	Larson	Opatz	Smith	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Dill	Hilstrom	Latz	Nelson, M.	Slawik
Atkins	Dorman	Hornstein	Lesch	Paymar	Solberg
Bernardy	Eken	Huntley	Lieder	Peterson	Thao
Biernat	Ellison	Jaros	Mahoney	Pugh	Wagenius
Carlson	Entenza	Johnson, S.	Mariani	Rukavina	Walker
Clark	Goodwin	Kahn	Mullery	Sertich	Wasiluk
Davnie	Greiling	Kelliher	Murphy	Sieben	

The bill was passed, as amended, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Wednesday, April 7, 2004:

H. F. Nos. 1817, 2378, 1838, 979, 2277, 2391, 1828, 1830, 1897 and 2050; S. F. No. 2626; and H. F. Nos. 1843, 2213, 2139 and 1896.

CALENDAR FOR THE DAY

Paulsen moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Slawik moved that the name of Entenza be added as an author on H. F. No. 1778. The motion prevailed.

Brod moved that the names of Beard and McNamara be added as authors on H. F. No. 1977. The motion prevailed.

Murphy moved that her name be stricken as an author on H. F. No. 2026. The motion prevailed.

Murphy moved that her name be stricken as an author on H. F. No. 2049. The motion prevailed.

Brod moved that the names of Adolphson, Newman, Westerberg, Kohls and Severson be added as authors on H. F. No. 2181. The motion prevailed.

Bernardy moved that her name be stricken as an author on H. F. No. 2247. The motion prevailed.

Abeler moved that the name of Sieben be added as an author on H. F. No. 2349. The motion prevailed.

Lanning moved that the name of Erickson be added as an author on H. F. No. 2525. The motion prevailed.

Anderson, J., moved that the name of Adolphson be added as an author on H. F. No. 2556. The motion prevailed.

Otto moved that her name be stricken as an author on H. F. No. 3104. The motion prevailed.

Westrom moved that the name of Demmer be added as an author on H. F. No. 3115. The motion prevailed.

Erickson moved that her name be stricken as an author on H. F. No. 3118. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 58:

Strachan, Howes and Lesch.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, April 8, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, April 8, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives