

1.1 A bill for an act

1.2 relating to elections; making policy and technical changes to various election and

1.3 campaign finance related provisions; providing automatic voter registration;

1.4 restoring the voting rights of persons with felony convictions; providing early

1.5 voting; authorizing automatic absentee ballot delivery; authorizing ranked-choice

1.6 voting; adopting the National Popular Vote Interstate Compact; modifying

1.7 campaign finance reporting requirements for Hennepin County elections and certain

1.8 political subdivisions in Hennepin County; modifying definition of expressly

1.9 advocating; requiring reporting of electioneering communications; establishing a

1.10 redistricting commission; appropriating money; amending Minnesota Statutes

1.11 2018, sections 10A.01, subdivisions 4, 7, 9, 11, 16a, 17c, 18, 20, 26, 27, 28, by

1.12 adding a subdivision; 10A.12, subdivisions 1, 2; 10A.121, subdivisions 1, 2;

1.13 10A.13, subdivision 1; 10A.17, subdivision 4; 10A.20, subdivisions 3, 6a, by

1.14 adding a subdivision; 10A.244; 10A.25, subdivision 3a; 10A.27, subdivision 15;

1.15 13.607, by adding a subdivision; 123B.09, subdivision 5b; 174.24, by adding a

1.16 subdivision; 201.014, by adding a subdivision; 201.022, subdivision 1; 201.071,

1.17 subdivision 1; 201.091, subdivision 4; 201.161; 203B.001; 203B.01, by adding a

1.18 subdivision; 203B.03, subdivision 1; 203B.04, subdivision 5; 203B.05, subdivision

1.19 1; 203B.06, subdivisions 1, 3; 203B.081, subdivision 1; 203B.085; 203B.121,

1.20 subdivisions 1, 2, 3, 5, by adding a subdivision; 204B.28, subdivision 2; 204B.35,

1.21 by adding a subdivision; 204B.45, subdivisions 1, 2; 204C.03, by adding a

1.22 subdivision; 204C.10; 204C.15, subdivision 1; 204C.24, subdivision 1; 204D.19,

1.23 subdivision 2; 204D.195; 204D.22, subdivision 3; 204D.23, subdivision 2; 205.13,

1.24 subdivision 2; 206.58, subdivision 1; 206.61, by adding a subdivision; 206.80;

1.25 206.82, subdivision 1; 206.83; 206.86, by adding a subdivision; 206.89,

1.26 subdivisions 2, 3; 207A.12; 207A.13; 207A.14; 207A.15, subdivision 2; 383B.041;

1.27 473.408, by adding a subdivision; 609.165, subdivision 1; proposing coding for

1.28 new law in Minnesota Statutes, chapters 2; 10A; 201; 203B; 204B; 204D; 206;

1.29 207A; 208; 243; 504B; proposing coding for new law as Minnesota Statutes,

1.30 chapter 204E; repealing Minnesota Statutes 2018, sections 10A.15, subdivision

1.31 6; 203B.081, subdivision 3; 383B.042; 383B.043; 383B.044; 383B.045; 383B.046;

1.32 383B.047; 383B.048; 383B.049; 383B.05; 383B.051; 383B.052; 383B.053;

1.33 383B.054; 383B.055; 383B.056; 383B.057.

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

ARTICLE 1

ELECTIONS AND VOTING RIGHTS

Section 1. Minnesota Statutes 2018, section 13.607, is amended by adding a subdivision to read:

Subd. 9. **Data derived from driver's license applications.** Data on an application for a driver's license, a Minnesota identification card, or a learner's permit transferred to the secretary of state that are provided by a person whom the secretary of state determines is not eligible to vote are governed by section 201.161.

Sec. 2. Minnesota Statutes 2018, section 123B.09, subdivision 5b, is amended to read:

Subd. 5b. Appointments to fill vacancies; special elections. (a) Any vacancy on the board, other than a vacancy described in subdivision 4, must 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 be effective 30 days following adoption of the resolution, subject to paragraph (b). If the appointment becomes effective, ~~it shall continue until an election is held under this subdivision. All elections to fill vacancies shall be for the unexpired term. A special election to fill the vacancy must be held no later than the first Tuesday after the first Monday in November following the vacancy. If the vacancy occurs less than 90 days prior to the first Tuesday after the first Monday in November in the year in which the vacancy occurs, the special election must be held no later than the first Tuesday after the first Monday in November of the following calendar year. If the vacancy occurs less than 90 days prior to the first Tuesday after the first Monday in November in the third year of the term, no special election is required. If the vacancy is filled by a special election, the person elected at that election for the ensuing term shall take office immediately after receiving the certificate of election, filing the bond, and taking the oath of office~~ the appointee shall serve for the remainder of the unexpired term.

(b) An appointment made under paragraph (a) shall not be effective if a petition to reject the appointee is filed with the school district clerk. To be valid, a petition to reject an appointee must be signed by a number of eligible voters residing in the district equal to at least five percent of the total number of voters voting in the district at the most recent state general election, and must be filed within 30 days of the board's adoption of the resolution making the appointment. If a valid petition is filed according to the requirements of this

paragraph, the appointment by the school board is ineffective and the board must name a new appointee as provided in paragraph (a).

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to vacancies created on or after that date.

Sec. 3. Minnesota Statutes 2018, section 174.24, is amended by adding a subdivision to read:

Subd. 7a. Transit service on election day. An eligible recipient of operating assistance under this section who contracts or has contracted to provide fixed route public transit shall provide fixed route public transit service free of charge on a day a state general election is held.

EFFECTIVE DATE. This section is effective July 1, 2020.

Sec. 4. Minnesota Statutes 2018, section 201.014, is amended by adding a subdivision to read:

Subd. 2a. Felony conviction; restoration of civil right to vote. An individual convicted of a felony has the civil right to vote restored when the individual completes any incarceration imposed and executed by the court for the offense or upon sentencing if no incarceration is imposed. If the individual is later incarcerated for the same offense, the individual's civil right to vote is lost only during the period of incarceration.

Sec. 5. Minnesota Statutes 2018, section 201.022, subdivision 1, is amended to read:

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 voter registration applications 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 applications from the Department of Public Safety to the secretary of state or the county auditor;

- 4.1 (5) assign a unique identifier to each legally registered voter in the state;
- 4.2 (6) provide for the acceptance of the Minnesota driver's license number, Minnesota state
4.3 identification number, and last four digits of the Social Security number for each voter
4.4 record;
- 4.5 (7) coordinate with other agency databases within the state;
- 4.6 (8) allow county auditors and the secretary of state to add or modify information in the
4.7 system to provide for accurate and up-to-date records;
- 4.8 (9) allow county auditors, municipal and school district clerks, and the secretary of state
4.9 to have electronic access to the statewide registration system for review and search
4.10 capabilities;
- 4.11 (10) provide security and protection of all information in the statewide registration
4.12 system and ensure that unauthorized access is not allowed;
- 4.13 (11) provide access to municipal clerks to use the system;
- 4.14 (12) provide a system for each county to identify the precinct to which a voter should
4.15 be assigned for voting purposes;
- 4.16 (13) provide daily reports accessible by county auditors on the driver's license numbers,
4.17 state identification numbers, or last four digits of the Social Security numbers submitted on
4.18 voter registration applications that have been verified as accurate by the secretary of state;
4.19 ~~and~~
- 4.20 (14) provide reports on the number of absentee ballots transmitted to and returned and
4.21 cast by voters under section 203B.16-; and
- 4.22 (15) provide reports necessary for early voting.

4.23 The appropriate state or local official shall provide security measures to prevent
4.24 unauthorized access to the computerized list established under section 201.021.

4.25 Sec. 6. Minnesota Statutes 2018, section 201.071, subdivision 1, is amended to read:

4.26 Subdivision 1. **Form.** Both paper and electronic voter registration applications must
4.27 contain the same information unless otherwise provided by law. A voter registration
4.28 application must contain spaces for the following required information: voter's first name,
4.29 middle name, and last name; voter's previous name, if any; voter's current address; voter's
4.30 previous address, if any; voter's date of birth; voter's municipality and county of residence;
4.31 voter's telephone number, if provided by the voter; date of registration; current and valid

Minnesota 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; and voter's signature. The paper registration application may include the voter's e-mail address, if provided by the voter. The electronic voter registration application must include the voter's e-mail address. The registration application may include the voter's interest in serving as an election judge, if indicated by the voter. The application must also contain 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 court-ordered guardianship in which the court order revokes my right to vote;

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

(7) ~~have the right to vote because, if I have been convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence~~ am not currently incarcerated for a felony offense; and

(8) have read and understand the following 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."

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

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

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

And the instruction:

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

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

6.1 as valid. The federal postcard application form must also be accepted as valid if it is not
6.2 deficient and the voter is eligible to register in Minnesota.

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

6.5 Sec. 7. Minnesota Statutes 2018, section 201.091, subdivision 4, is amended to read:

6.6 Subd. 4. **Public information lists.** The county auditor shall make available for inspection
6.7 a public information list which must contain the name, address, year of birth, and voting
6.8 history of each registered voter in the county. ~~The list must include the party choice of any~~
6.9 ~~voter who voted in the most recent presidential nomination primary.~~ The telephone number
6.10 must be included on the list if provided by the voter. The public information list may also
6.11 include information on voting districts. The county auditor may adopt reasonable rules
6.12 governing access to the list. No individual inspecting the public information list shall tamper
6.13 with or alter it in any manner. No individual who inspects the public information list or who
6.14 acquires a list of registered voters prepared from the public information list may use any
6.15 information contained in the list for purposes unrelated to elections, political activities, or
6.16 law enforcement. The secretary of state may provide copies of the public information lists
6.17 and other information from the statewide registration system for uses related to elections,
6.18 political activities, or in response to a law enforcement inquiry from a public official
6.19 concerning a failure to comply with any criminal statute or any state or local tax statute.

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

6.27 Upon receipt of a statement signed by the voter that withholding the voter's name from
6.28 the public information list is required for the safety of the voter or the voter's family, the
6.29 secretary of state and county auditor must withhold from the public information list the
6.30 name of a registered voter.

Sec. 8. Minnesota Statutes 2018, section 201.161, is amended to read:

**201.161 AUTOMATIC REGISTRATION OF DRIVER'S LICENSE,
INSTRUCTION PERMIT, AND IDENTIFICATION CARD APPLICATIONS
APPLICANTS.**

Subdivision 1. Automatic registration. An individual who properly completes an application for a new or renewed Minnesota driver's license, instruction permit, or identification card, and who is eligible to vote under section 201.014, must be registered to vote as provided in this section, unless the applicant declines to be registered.

Subd. 2. Applications. The Department commissioner of public safety, in consultation with the secretary of state, shall change its the applications for an original, duplicate, or change of address driver's license, instruction permit, or identification card so that the forms may also serve as voter registration applications. The forms must contain spaces for all information 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 and that and a box for the applicant to decline to be registered to vote. The form must clearly state that it is a felony for a person who is not eligible to vote to register to vote or cast a ballot. Unless the applicant has declined to be registered to vote or has provided an address other than the applicant's address of residence under section 171.12, subdivision 7, paragraph (d), the commissioner shall transmit the information must be transmitted at least weekly daily by electronic means to the secretary of state. Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record containing the voter's name, address, date of birth, citizenship, driver's license number or state identification number, county, town, and city or town must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Subd. 3. Registration. (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose registration is not changed, the secretary of state shall update the voter's registration date in the statewide voter registration system. For each currently registered voter whose registration is changed, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information received under

section 201.145 to determine whether the applicant is eligible to vote. If an applicant is less than 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is eligible to vote. For each applicant the secretary of state determines is an eligible voter, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(c) Any data on applicants who the secretary determines are not eligible to vote are private data on individuals, as defined in section 13.02, subdivision 12.

Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to the voter the notice of registration required by section 201.121, subdivision 2.

Subd. 5. **Registering 20 days before election.** An application for registration that is dated during the 20 days before an election in any jurisdiction within which the voter resides is not effective until the day after the election.

Subd. 6. **System certification.** An applicant for a Minnesota driver's license, instruction permit, or identification card must not be registered to vote until the commissioner of public safety has certified that the department's systems have been tested and can accurately provide the necessary data, and the secretary of state has certified that the system for automatic registration of those applicants has been tested and is capable of properly determining whether an applicant is eligible to vote.

Subd. 7. **Implementation costs.** The secretary of state and commissioner of public safety must absorb any costs associated with implementation of this section using existing appropriations provided to the secretary or commissioner by law.

Sec. 9. [201.1612] VOTER REGISTRATION INFORMATIONAL MATERIALS FOR LANDLORDS.

The secretary of state shall prepare written materials for use by landlords as required by section 504B.182. The materials must, at a minimum, contain information on the process for registering to vote or updating an existing registration and on locating the polling place for the precinct in which the tenant resides. The materials must be clearly posted and available for download from the secretary of state's website. The materials must be reviewed by the secretary at least annually and updated as necessary to reflect current laws and procedures.

EFFECTIVE DATE. This section is effective July 1, 2019, and applies to lease agreements entered on or after that date.

9.1 Sec. 10. **[201.276] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT**
9.2 **VOTING RIGHTS.**

9.3 The secretary of state shall develop accurate and complete information in a single
9.4 publication about the voting rights of people who have been charged with or convicted of
9.5 a crime. This publication must be made available electronically to the state court administrator
9.6 for distribution to judges, court personnel, probation officers, and the commissioner of
9.7 corrections for distribution to corrections officials, parole and supervised release agents,
9.8 and the public.

9.9 Sec. 11. Minnesota Statutes 2018, section 203B.001, is amended to read:

9.10 **203B.001 ELECTION LAW APPLICABILITY.**

9.11 The Minnesota Election Law is applicable to voting by absentee ballot and early voting
9.12 unless otherwise provided in this chapter.

9.13 Sec. 12. Minnesota Statutes 2018, section 203B.01, is amended by adding a subdivision
9.14 to read:

9.15 Subd. 5. **Early voting.** "Early voting" means voting in person before election day at the
9.16 office of the county auditor or designated municipal clerk within the time period provided
9.17 in section 203B.31.

9.18 Sec. 13. Minnesota Statutes 2018, section 203B.03, subdivision 1, is amended to read:

9.19 Subdivision 1. **Violation.** (a) No individual shall intentionally:

9.20 (1) make or sign any false certificate required by this chapter;

9.21 (2) make any false or untrue statement in any application for absentee ballots;

9.22 (3) apply for absentee ballots more than once in any election with the intent to cast an
9.23 illegal ballot;

9.24 (4) exhibit a ballot marked by that individual to any other individual;

9.25 (5) do any act in violation of the provisions of this chapter for the purpose of casting an
9.26 illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote;

9.27 (6) use information from absentee ballot or early voting materials or records for purposes
9.28 unrelated to elections, political activities, or law enforcement;

9.29 (7) provide assistance to an absentee or early voter except in the manner provided by
9.30 section 204C.15, subdivision 1;

(8) solicit the vote of an absentee or early voter while in the immediate presence of the voter during the time the individual knows the absentee or early voter is voting; or

(9) alter an absentee ballot application after it has been signed by the voter, except by an election official for administrative purposes.

(b) Before inspecting information from absentee ballot or early voting materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 14. Minnesota Statutes 2018, section 203B.04, subdivision 5, is amended to read:

Subd. 5. **Permanent absentee voter status.** (a) An eligible voter may apply to a county auditor or municipal clerk 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. The secretary of state must prescribe a form for this purpose. An eligible voter listed as an ongoing absentee voter as of July 31, 2013, pursuant to laws in effect on that date, shall be treated as if the voter applied for status as a permanent absentee voter pursuant to this subdivision.

(b) A voter who applies under paragraph (a) must automatically be provided an absentee ballot ~~application~~ for each eligible election. A voter's permanent absentee status ends and automatic ballot ~~application~~ delivery must be terminated on:

(1) the voter's written request;

(2) the voter's death;

(3) return of an absentee ballot as undeliverable; or

(4) a change in the voter's status to "challenged" or "inactive" in the statewide voter registration system.

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

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 15. **[203B.045] VOTERS WITH A DISABILITY.**

Subdivision 1. Transmitting ballot and certificate of voter eligibility. (a) A voter with a temporary or permanent disability may include in an application for absentee ballots a request that the ballots, instructions, and a certificate of voter eligibility meeting the

11.1 requirements of section 203B.21, subdivision 3, be transmitted to the voter electronically
11.2 in an accessible format, including ballots with the ability to be marked by accessible software
11.3 or devices. Upon receipt of a properly completed application requesting accessible electronic
11.4 transmission, the county auditor shall electronically transmit the requested materials to the
11.5 voter.

11.6 (b) Electronic materials provided by a county auditor to a voter under this subdivision
11.7 must comply with the accessibility standards developed under section 16E.03, subdivision
11.8 9.

11.9 (c) The county auditor or municipal clerk must provide a return envelope containing
11.10 first class postage to a voter requesting a ballot and ballot materials under this subdivision.

11.11 Subd. 2. **Marking ballots.** The voter may electronically mark the ballot using accessible
11.12 software or devices.

11.13 Subd. 3. **Returning voted ballots.** The voter must return the voted ballots and the
11.14 certificate of voter eligibility to the county auditor in a sealed envelope.

11.15 Sec. 16. Minnesota Statutes 2018, section 203B.05, subdivision 1, is amended to read:

11.16 Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the
11.17 provisions of sections 203B.04 to 203B.15 if:

11.18 (1) the county auditor of that county has designated the clerk to administer them; or

11.19 (2) the clerk has given the county auditor of that county notice of intention to administer
11.20 them.

11.21 The designation or notice must specify whether the clerk will be responsible for the
11.22 administration of a ballot board as provided in section 203B.121.

11.23 A clerk of a city that is located in more than one county may only administer the
11.24 provisions of sections 203B.04 to 203B.15 and 203B.30 to 203B.35 if the clerk has been
11.25 designated by each of the county auditors or has provided notice to each of the county
11.26 auditors that the city will administer absentee voting. A clerk may only administer the
11.27 provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the
11.28 statewide voter registration system in the secure manner prescribed by the secretary of state.
11.29 The secretary of state must identify hardware, software, security, or other technical
11.30 prerequisites necessary to ensure the security, access controls, and performance of the
11.31 statewide voter registration system. A clerk must receive training approved by the secretary
11.32 of state on the use of the statewide voter registration system before administering this section.

12.1 A clerk may not use the statewide voter registration system until the clerk has received the
12.2 required training. The county auditor must notify the secretary of state of any municipal
12.3 clerk who will be administering the provisions of this section and the duties that the clerk
12.4 will administer.

12.5 Sec. 17. Minnesota Statutes 2018, section 203B.06, subdivision 1, is amended to read:

12.6 Subdivision 1. **Printing and delivery of forms.** Each county auditor and municipal
12.7 clerk shall prepare and print a sufficient number of blank application forms for absentee
12.8 ballots. The county auditor or municipal clerk shall deliver a blank application form to any
12.9 voter who requests one pursuant to section 203B.04. ~~Blank application forms must be mailed~~
12.10 ~~to eligible voters who have requested an application pursuant to section 203B.04, subdivision~~
12.11 ~~5, at least 60 days before:~~

12.12 ~~(1) each regularly scheduled primary for federal, state, county, city, or school board~~
12.13 ~~office;~~

12.14 ~~(2) each regularly scheduled general election for city or school board office for which~~
12.15 ~~a primary is not held; and~~

12.16 ~~(3) a special primary to fill a federal or county office vacancy or special election to fill~~
12.17 ~~a federal or county office vacancy, if a primary is not required to be held pursuant to section~~
12.18 ~~204D.03, subdivision 3, or 204D.07, subdivision 3; and~~

12.19 ~~(4) any election held in conjunction with an election described in clauses (1) to (3);~~
12.20 ~~or at least 45 days before any other primary or other election for which a primary is not~~
12.21 ~~held.~~

12.22 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to elections
12.23 conducted on or after that date.

12.24 Sec. 18. Minnesota Statutes 2018, section 203B.06, subdivision 3, is amended to read:

12.25 Subd. 3. **Delivery of ballots.** (a) The county auditor or municipal clerk, or full-time
12.26 clerk of any city or town administering an election pursuant to section 203B.05, shall mail
12.27 absentee ballots to voters on the permanent absentee ballot list pursuant to section 203B.04,
12.28 subdivision 5, at least 45 days before:

12.29 (1) each regularly scheduled primary or general election for federal, state, county, city,
12.30 or school board office;

13.1 (2) each special primary or special election to fill a federal, state, county, city, or school
13.2 board vacancy; except

13.3 (3) town clerks administering absentee ballots for a town general election held in March
13.4 shall deliver absentee ballots at least 30 days before the election.

13.5 (b) The commissioner of corrections must provide the secretary of state with a list of
13.6 the names and mailing addresses of state adult correctional facilities. An application for an
13.7 absentee ballot that provides an address included on the list provided by the commissioner
13.8 of corrections must not be accepted and an absentee ballot must not be provided to the
13.9 applicant. The county auditor or municipal clerk must promptly transmit a copy of the
13.10 application to the county attorney. The Department of Corrections must implement procedures
13.11 to ensure that absentee ballots issued under this chapter are not received or mailed by
13.12 offenders incarcerated at state adult correctional facilities.

13.13 ~~(b)~~ (c) If an application for absentee ballots is accepted at a time when absentee ballots
13.14 are not yet available for distribution, the county auditor, or municipal clerk accepting the
13.15 application shall file it and as soon as absentee ballots are available for distribution shall
13.16 mail them to the address specified in the application. If an application for absentee ballots
13.17 is accepted when absentee ballots are available for distribution, the county auditor or
13.18 municipal clerk accepting the application shall promptly:

13.19 (1) mail the ballots to the voter whose signature appears on the application if the
13.20 application is submitted by mail and does not request commercial shipping under clause
13.21 (2);

13.22 (2) ship the ballots to the voter using a commercial shipper requested by the voter at the
13.23 voter's expense;

13.24 (3) deliver the absentee ballots directly to the voter if the application is submitted in
13.25 person; or

13.26 (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been
13.27 designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter
13.28 who would have difficulty getting to the polls because of incapacitating health reasons, or
13.29 who is disabled, or who is a patient in a health care facility, a resident of a facility providing
13.30 assisted living services governed by chapter 144G, a participant in a residential program
13.31 for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for
13.32 battered women as defined in section 611A.37, subdivision 4.

~~(e)~~ (d) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.121, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 19. Minnesota Statutes 2018, section 203B.081, subdivision 1, is amended to read:

Subdivision 1. **Location; timing.** (a) An eligible voter may vote by absentee ballot in the office of the county auditor and at any other polling place designated by the county auditor or by a municipal clerk authorized to conduct absentee balloting under section 203B.05 during the 46 days before the election, except as provided in this section.

(b) A polling place location, other than the office of the county auditor, may be opened for fewer than 46 days. If a polling place is open fewer than 46 days before the election, the county auditor or municipal clerk must post the polling place location and hours of operation on the jurisdiction's website and must inform the secretary of state of the polling place's location and hours.

Sec. 20. Minnesota Statutes 2018, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S 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 8:00 a.m. to 12:00 noon on the day immediately preceding an election subject to early voting under section 203B.30 unless that day falls on a Sunday. When performing the duties of the county auditor in an election not subject to early voting under section 203B.30, the clerk's office must be open from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on 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.

15.1 Sec. 21. Minnesota Statutes 2018, section 203B.121, subdivision 1, is amended to read:

15.2 Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county,
15.3 municipality, and school district with responsibility to accept and reject absentee ballots or
15.4 to administer early voting must, by ordinance or resolution, establish a ballot board. The
15.5 board must consist of a sufficient number of election judges trained in the handling of
15.6 absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may
15.7 include deputy county auditors or deputy city clerks who have received training in the
15.8 processing and counting of absentee ballots.

15.9 (b) Each jurisdiction must pay a reasonable compensation to each member of that
15.10 jurisdiction's ballot board for services rendered during an election.

15.11 (c) Except as otherwise provided by this section, all provisions of the Minnesota Election
15.12 Law apply to a ballot board.

15.13 Sec. 22. Minnesota Statutes 2018, section 203B.121, subdivision 2, is amended to read:

15.14 Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board
15.15 shall take possession of all return envelopes delivered to them in accordance with section
15.16 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk,
15.17 two or more members of the ballot board shall examine each return envelope and shall mark
15.18 it accepted or rejected in the manner provided in this subdivision. Election judges performing
15.19 the duties in this section must be of different major political parties, unless they are exempt
15.20 from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision
15.21 2.

15.22 (b) The members of the ballot board shall mark the return envelope "Accepted" and
15.23 initial or sign the return envelope below the word "Accepted" if a majority of the members
15.24 of the ballot board examining the envelope are satisfied that:

15.25 (1) the voter's name and address on the return envelope are the same as the information
15.26 provided on the absentee ballot application or voter record;

15.27 (2) the voter signed the certification on the envelope;

15.28 (3) the voter's Minnesota driver's license, state identification number, or the last four
15.29 digits of the voter's Social Security number are the same as a number on the voter's absentee
15.30 ballot application or voter record. If the number does not match, the election judges must
15.31 compare the signature provided by the applicant to determine whether the ballots were
15.32 returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope;

(5) the certificate has been completed as prescribed in the directions for casting an absentee ballot; and

(6) the voter has not already voted at that election, either in person or, if it is after the close of business on the seventh day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 23. Minnesota Statutes 2018, section 203B.121, is amended by adding a subdivision to read:

Subd. 2a. Duties of ballot board; early voting. The members of the ballot board shall administer the process of early voting as prescribed in section 203B.35, and shall make a record of voters who cast ballots early and count those ballots as provided in subdivisions 4 and 5.

Sec. 24. Minnesota Statutes 2018, section 203B.121, subdivision 3, is amended to read:

Subd. 3. Record of voting. (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted or that the voter has cast a ballot pursuant to the early voting procedures provided in this chapter. A voter whose record indicates that the voter has cast an early ballot must not be permitted to cast another ballot in that election. After the close of business on the ~~seventh day before the election~~ day prior to the beginning of the early voting period as provided in section 203B.31, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal ~~or~~ state, or county office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of absentee and early voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

(1) by the county auditor or municipal clerk before election day;

(2) by the ballot board before election day; or

(3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the seventh day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

18.1 Sec. 25. Minnesota Statutes 2018, section 203B.121, subdivision 5, is amended to read:

18.2 Subd. 5. **Storage and counting of absentee and early voting ballots.** (a) On a day on
18.3 which absentee or early voting ballots are inserted into a ballot box, two members of the
18.4 ballot board must:

18.5 (1) remove the ballots from the ballot box at the end of the day;

18.6 (2) without inspecting the ballots, ensure that the number of ballots removed from the
18.7 ballot box is equal to the number of voters who cast early votes and whose absentee ballots
18.8 were accepted that day; and

18.9 (3) seal and secure all voted and unvoted ballots present in that location at the end of
18.10 the day.

18.11 (b) After the polls have closed on election day, two members of the ballot board must
18.12 count the ballots, tabulating the vote in a manner that indicates each vote of the voter and
18.13 the total votes cast for each candidate or question. In state primary and state general elections,
18.14 the results must indicate the total votes cast for each candidate or question in each precinct
18.15 and report the vote totals tabulated for each precinct. The count must be recorded on a
18.16 summary statement in substantially the same format as provided in section 204C.26. The
18.17 ballot board shall submit at least one completed summary statement to the county auditor
18.18 or municipal clerk. The county auditor or municipal clerk may require the ballot board to
18.19 submit a sufficient number of completed summary statements to comply with the provisions
18.20 of section 204C.27, or the county auditor or municipal clerk may certify reports containing
18.21 the details of the ballot board summary statement to the recipients of the summary statements
18.22 designated in section 204C.27.

18.23 In state primary and state general elections, these vote totals shall be added to the vote
18.24 totals on the summary statements of the returns for the appropriate precinct. In other elections,
18.25 these vote totals may be added to the vote totals on the summary statement of returns for
18.26 the appropriate precinct or may be reported as a separate total.

18.27 The count shall be public. No vote totals from ballots may be made public before the
18.28 close of voting on election day.

18.29 (c) In addition to the requirements of paragraphs (a) and (b), if the task has not been
18.30 completed previously, the members of the ballot board must verify as soon as possible, but
18.31 no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots
18.32 arrived after the rosters were marked or supplemental reports were generated and whose
18.33 ballots were accepted did not vote in person on election day. An absentee ballot submitted

by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

Sec. 26. **[203B.30] EARLY VOTING; APPLICABILITY.**

(a) Any eligible voter may vote in person in a federal, state, or county election prior to the date of the election, in the manner provided in sections 203B.31 to 203B.35.

(b)(1) Subject to clause (2), for city elections not held in conjunction with a federal, state, or county election, the city may authorize eligible voters to vote in the manner provided in sections 203B.31 to 203B.35 upon resolution of the governing body of the city, adopted prior to the first day for filing affidavits of candidacy for the election. In the case of a home rule charter city, authorization may alternatively be made by amendment to the city's charter for this purpose.

(2) A city may only authorize voting under sections 203B.31 to 203B.35 if the municipal clerk has the technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. The clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering voting authorized under this paragraph. The clerk may not use the statewide voter registration system until the clerk has received the required training.

Sec. 27. **[203B.31] TIME PERIOD FOR EARLY VOTING.**

Early voting must be available to any eligible voter as provided in section 203B.32 for every primary, general, and special election subject to early voting under section 203B.30 from 30 days before the election through 5:00 p.m. on the third day before the election. All voters in line at 5:00 p.m. on the third day before the election must be allowed to vote in the same manner as provided in section 204C.05, subdivision 2.

Sec. 28. **[203B.32] HOURS FOR EARLY VOTING.**

Early voting must be available between the hours of 8:00 a.m. and 4:30 p.m. on each weekday during the time period provided in section 203B.31, from 8:00 a.m. to 8:00 p.m. on at least one weekday, and from 10:00 a.m. to 5:00 p.m. on the two Saturdays before the election.

20.1 Sec. 29. **[203B.33] LOCATIONS FOR EARLY VOTING.**

20.2 (a) Early voting must be made available at polling places designated in the county
20.3 auditor's offices in county-owned or operated buildings, at the municipal clerk's office in
20.4 every municipality that has been delegated the responsibility to administer absentee voting
20.5 as provided in section 203B.05 or which is conducting an election that includes early voting,
20.6 as authorized in section 203B.30, and at any other county or city-owned or operated buildings
20.7 designated by the county auditor or municipal clerk. At least one voting station and one
20.8 ballot marking device for disabled voters must be made available in each polling place.

20.9 (b) The county auditor or municipal clerk must make an electronic ballot counter available
20.10 in each polling place.

20.11 Sec. 30. **[203B.34] NOTICE TO VOTERS.**

20.12 The county auditor or municipal clerk must prepare a notice to the voters of the days,
20.13 times, and locations for early voting. This notice must be posted on the county's website,
20.14 if applicable, and the website for each municipality in the county where an early voting
20.15 location is designated for the election at least 14 days before the first day for early voting.
20.16 If a county or municipality does not have a website, the county auditor or municipal clerk
20.17 must publish the notice at least once in the jurisdiction's official newspaper at least seven
20.18 days and not more than 14 days before the first day for early voting.

20.19 Sec. 31. **[203B.35] PROCEDURES FOR EARLY VOTING.**

20.20 Subdivision 1. **Voting procedure.** Each voter shall sign the certification provided in
20.21 section 204C.10. An individual who is not registered to vote must register in the manner
20.22 provided in section 201.061, subdivision 3.

20.23 After the voter has signed the certification, a member of the ballot board must provide
20.24 a ballot to the voter. Ballots must be prepared and distributed by members of the ballot
20.25 board in the manner provided in section 204C.09. The voter must mark the ballot and deposit
20.26 it in either a precinct voting system or a sealed ballot box. A voter may not leave the polling
20.27 place with the ballot.

20.28 Subd. 2. **Processing of ballots.** Ballots cast pursuant to sections 203B.30 to 203B.35
20.29 must be processed and counted by a ballot board.

Sec. 32. Minnesota Statutes 2018, section 204B.28, subdivision 2, is amended to read:

Subd. 2. **Election supplies; duties of county auditors and clerks.** (a) Except as otherwise provided for absentee ballots in this section and in section 204B.35, subdivision 4, the county auditor shall complete the preparation of the election materials for which the auditor is responsible at least four days before every state primary and state general election. At any time after all election materials are available from the county auditor but not later than four days before the election each municipal clerk shall secure from the county auditor:

(a) (1) the forms that are required for the conduct of the election;

(b) (2) any printed voter instruction materials furnished by the secretary of state;

(c) (3) any other instructions for election officers; and

(d) (4) a sufficient quantity of the official ballots, registration files, envelopes for ballot returns, and other supplies and materials required for each precinct in order to comply with the provisions of the Minnesota Election Law. The county auditor may furnish the election supplies to the municipal clerks in the same manner as the supplies are furnished to precincts in unorganized territory pursuant to section 204B.29, subdivision 1.

(b) The county auditor must prepare and make available election materials for early voting to city clerks designated to administer early voting under section 203B.05 at least one day prior to the beginning of the early voting period as provided in section 203B.31.

Sec. 33. Minnesota Statutes 2018, section 204B.35, is amended by adding a subdivision to read:

Subd. 6. **Electronic voting systems.** Notwithstanding sections 204B.35 to 204B.44 and chapter 204D, a jurisdiction may employ an electronic voting system provided by section 206.80, paragraph (b), clause (3), displaying the required ballot information on an electronic device in a format that substantially meets the requirements of law.

Sec. 34. Minnesota Statutes 2018, section 204B.45, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** A town of any size ~~not located in a metropolitan county as defined by section 473.121,~~ or a city having fewer than 400 registered voters on June 1 of an election year ~~and not located in a metropolitan county as defined by section 473.121,~~ may provide balloting by mail at any municipal, county, or state election with no polling place other than the office of the auditor or clerk or other locations designated by the auditor or clerk. The governing body may apply to the county auditor for permission to conduct balloting by mail. The county board may provide for balloting by mail in unorganized

territory. The governing body of any municipality may designate for mail balloting any precinct having fewer than 100 registered voters, subject to the approval of the county auditor.

Voted ballots may be returned in person to any location designated by the county auditor or municipal clerk.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to elections conducted on or after that date.

Sec. 35. Minnesota Statutes 2018, 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 ten weeks prior to the election. Not more than 46 days nor later than 14 days before a regularly scheduled election and not more than 30 days nor later than 14 days before any other election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the city, town, or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed and eligible voters with a temporary or permanent disability 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 auditor or clerk must appoint a ballot board to examine the mail and absentee ballot return envelopes and mark them "accepted" or "rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of deputy county auditors or deputy municipal clerks who have received training in the processing and counting of mail ballots, who need not be affiliated with a major political party. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

23.1 If the ballot is accepted, the county auditor or municipal clerk must mark the roster to
23.2 indicate that the voter has already cast a ballot in that election. After the close of business
23.3 on the seventh day before the election, the ballots from return envelopes marked "Accepted"
23.4 may be opened, duplicated as needed in the manner provided by section 206.86, subdivision
23.5 5, initialed by the members of the ballot board, and deposited in the ballot box.

23.6 In all other respects, the provisions of the Minnesota Election Law governing deposit
23.7 and counting of ballots apply.

23.8 The mail and absentee ballots for a precinct must be counted together and reported as
23.9 one vote total. No vote totals from mail or absentee ballots may be made public before the
23.10 close of voting on election day.

23.11 The costs of the mailing shall be paid by the election jurisdiction in which the voter
23.12 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

23.13 Sec. 36. Minnesota Statutes 2018, section 204C.03, is amended by adding a subdivision
23.14 to read:

23.15 Subd. 5. **Transit service.** Certain requirements for transit service on the date of a state
23.16 general election are as provided in sections 174.24, subdivision 7a, and 473.408, subdivision
23.17 11.

23.18 **EFFECTIVE DATE.** This section is effective July 1, 2020.

23.19 Sec. 37. Minnesota Statutes 2018, section 204C.10, is amended to read:

23.20 **204C.10 POLLING PLACE ROSTER; VOTER SIGNATURE CERTIFICATE;**
23.21 **VOTER RECEIPT.**

23.22 (a) An individual seeking to vote shall sign a polling place roster or voter signature
23.23 certificate which states that the individual:

23.24 (1) is at least 18 years of age;

23.25 (2) a citizen of the United States;

23.26 (3) has resided in Minnesota for 20 days immediately preceding the election;

23.27 (4) maintains residence at the address shown;

23.28 (5) is not under a guardianship in which the court order revokes the individual's right to
23.29 vote;

23.30 (6) has not been found by a court of law to be legally incompetent to vote or

24.1 (7) has the right to vote because, if the individual was convicted of a felony, ~~the felony~~
24.2 ~~sentence has expired or been completed~~ or the individual has ~~been discharged from the~~
24.3 ~~sentence~~, completed the term of incarceration, if any, for the felony offense;

24.4 (8) is registered; and

24.5 (9) has not already voted in the election.

24.6 The roster must also state: "I understand that deliberately providing false information
24.7 is a felony punishable by not more than five years imprisonment and a fine of not more than
24.8 \$10,000, or both."

24.9 (b) At the presidential nomination primary, the polling place roster must also state: "I
24.10 am in general agreement with the principles of the party for whose candidate I intend to
24.11 vote, ~~and I understand that my choice of a party's ballot will be public information.~~" This
24.12 statement must appear separately from the statements required in paragraph (a). The felony
24.13 penalty provided for in paragraph (a) does not apply to this paragraph.

24.14 ~~(e)~~ (b) A judge may, before the applicant signs the roster or voter signature certificate,
24.15 confirm the applicant's name, address, and date of birth.

24.16 ~~(d)~~ (c) After the applicant signs the roster or voter signature certificate, the judge shall
24.17 give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge
24.18 in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand
24.19 to the voter the ballot. The voters' receipts must be maintained during the time for notice
24.20 of filing an election contest.

24.21 ~~(e)~~ (d) Whenever a challenged status appears on the polling place roster, an election
24.22 judge must ensure that the challenge is concealed or hidden from the view of any voter other
24.23 than the voter whose status is challenged.

24.24 Sec. 38. Minnesota Statutes 2018, section 204C.15, subdivision 1, is amended to read:

24.25 Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for
24.26 assistance because of inability to read English or physical inability to mark a ballot may
24.27 obtain the aid of two election judges who are members of different major political parties.
24.28 The election judges shall mark the ballots as directed by the voter and in as secret a manner
24.29 as circumstances permit. A voter in need of assistance may alternatively obtain the assistance
24.30 of any individual the voter chooses. Only the following persons may not provide assistance
24.31 to a voter: the voter's employer, an agent of the voter's employer, an officer or agent of the
24.32 voter's union, or a candidate for election. The person who assists the voter shall,
24.33 unaccompanied by an election judge, retire with that voter to a booth and mark the ballot

as directed by the voter. ~~No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election.~~ Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 39. Minnesota Statutes 2018, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(1) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

(2) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes, the number of overvotes, and the number of defective ballots with respect to each office or question;

(3) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

(4) the number of voted ballots indicating only a voter's choices as provided by section 206.80, paragraph (b), clause (3);

~~(4)~~ (5) the number of individuals who voted at the election in the precinct which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

~~(5)~~ (6) the number of voters registering on election day in that precinct; and

~~(6)~~ (7) 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.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 40. Minnesota Statutes 2018, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the ~~40th~~ 54th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~35~~ 49 days after the issuance of the writ. ~~A special election must not be held during the four days before or the four days after a holiday as defined in section 645.44, subdivision 5.~~

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 41. Minnesota Statutes 2018, section 204D.195, is amended to read:

204D.195 DATE OF SPECIAL ELECTION; CERTAIN TIMES PROHIBITED.

Notwithstanding any other provision of law, a special primary and special general election may not be held:

(1) for a period beginning the day following the date of the state primary election and ending the day prior to the date of the state general election; or

(2) on a holiday, or during the four days before or the four days after a holiday, as defined in section 645.44, subdivision 5.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to special elections for vacancies in office occurring on or after that date.

Sec. 42. Minnesota Statutes 2018, section 204D.22, subdivision 3, is amended to read:

Subd. 3. **Notice of special election.** The county auditor of a county in which a special election is to be held shall direct the clerk of each municipality in which the election is to be held to post a notice of the special primary and special election at least ~~seven~~ 14 days before the special primary and at least ~~14~~ 21 days before the special election in the manner

provided in sections 204B.33 and 204B.34. If the special primary is to be held ~~14~~ 21 days before the special election, a single notice of both elections may be posted seven days before the primary.

When the special primary or special election is to be held on the same day as any other election, notice of the special primary or special election may be included in the notice of the other election, if practicable.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 43. Minnesota Statutes 2018, section 204D.23, subdivision 2, is amended to read:

Subd. 2. **Time of filing.** Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than ~~14~~ 21 days before the special primary.

EFFECTIVE DATE. This section is effective August 1, 2019, and applies to vacancies occurring on or after that date.

Sec. 44. **[204D.275] LOCAL REIMBURSEMENT FOR SPECIAL ELECTIONS.**

Subdivision 1. Reimbursement authorized. Each county and municipality shall be reimbursed for the cost of conducting a special election as defined in section 200.02, subdivision 4, for a federal or state office.

Subd. 2. Expenses eligible for reimbursement. The secretary of state shall reimburse each county and municipality for the cost of:

(1) preparation and printing of ballots and other election materials for the special election;

(2) postage for absentee ballots;

(3) publication of the sample ballot;

(4) preparation of polling places;

(5) preparation of electronic voting systems;

(6) compensation paid to the county canvassing board members;

(7) election judge salaries; and

(8) other reasonable costs of administering the election, as approved by the secretary of state.

28.1 Reimbursable costs do not include salaries of permanent local officials or the cost of reusable
28.2 supplies and equipment.

28.3 Subd. 3. **Reimbursement requests.** (a) Not more than 90 days after the special election,
28.4 the county auditor must submit a request for reimbursement of the costs incurred by the
28.5 county for conducting the special election and the municipal clerk must submit a request
28.6 for reimbursement of the costs incurred by the municipality for conducting the special
28.7 election. The request for reimbursement must be submitted to the secretary of state and
28.8 must be accompanied by an itemized description of actual county or municipal expenditures
28.9 including copies of invoices. In addition, the county auditor or municipal clerk must certify
28.10 that the request for reimbursement is based on actual costs incurred by the county or
28.11 municipality in the special election. The secretary of state shall provide each county and
28.12 municipality with the appropriate forms for requesting payment and certifying expenses
28.13 under this subdivision.

28.14 (b) The secretary of state must not reimburse expenses unless the request for payment
28.15 and certification of costs has been submitted as provided in this subdivision. The secretary
28.16 of state must complete the issuance of reimbursements to the counties and municipalities
28.17 for qualifying claims no later than 120 days after the special election. Amounts necessary
28.18 to pay qualifying claims are appropriated from the general fund to the secretary of state for
28.19 that purpose.

28.20 Sec. 45. **[204E.01] APPLICABILITY.**

28.21 This chapter applies to all elections expressly authorized by law to use ranked-choice
28.22 voting. All other provisions of the Minnesota Election Law also apply, to the extent they
28.23 are not inconsistent with this chapter.

28.24 Sec. 46. **[204E.02] DEFINITIONS.**

28.25 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

28.26 Subd. 2. **Batch elimination.** "Batch elimination" means a simultaneous defeat of multiple
28.27 continuing candidates that have no mathematical chance of being elected.

28.28 Subd. 3. **Chief election official.** "Chief election official" means the principal officer in
28.29 the jurisdiction charged with duties relating to elections.

28.30 Subd. 4. **Duplicate ranking.** "Duplicate ranking" means a voter has ranked the same
28.31 candidate at multiple rankings for the office being counted.

29.1 Subd. 5. **Exhausted ballot.** "Exhausted ballot" means a ballot that can no longer be
29.2 advanced under the procedures in section 204E.06.

29.3 Subd. 6. **Highest continuing ranking.** "Highest continuing ranking" means the ranking
29.4 on a voter's ballot with the lowest numerical value for a continuing candidate.

29.5 Subd. 7. **Mathematically impossible to be elected.** "Mathematically impossible to be
29.6 elected" means either:

29.7 (1) the candidate cannot be elected because the candidate's current vote total plus all
29.8 votes that could possibly be transferred to the candidate in future rounds from candidates
29.9 with fewer votes or an equal number of votes and surplus votes would not be enough to
29.10 surpass the candidate with the next higher current vote total; or

29.11 (2) the candidate has a lower current vote total than a candidate who is described by
29.12 clause (1).

29.13 Subd. 8. **Overvote.** "Overvote" means a voter has ranked more than one candidate at
29.14 the same ranking.

29.15 Subd. 9. **Partially defective ballot.** "Partially defective ballot" means a ballot that is
29.16 defective to the extent that the election judges are unable to determine the voter's intent with
29.17 respect to the office being counted.

29.18 Subd. 10. **Ranked-choice voting.** "Ranked-choice voting" means an election method
29.19 in which voters rank candidates for an office in order of their preference, with each vote
29.20 counting for the highest-ranked continuing candidate on each ballot until that candidate has
29.21 been elected or defeated by the method established in this chapter.

29.22 Subd. 11. **Ranked-choice voting tabulation center.** "Ranked-choice voting tabulation
29.23 center" means the place selected for the automatic or manual processing and tabulation of
29.24 ballots.

29.25 Subd. 12. **Ranking.** "Ranking" means the number assigned by a voter to a candidate to
29.26 express the voter's preference for that candidate. Ranking number one is the highest ranking.
29.27 A ranking of lower numerical value indicates a greater preference for a candidate than a
29.28 ranking of higher numerical value.

29.29 Subd. 13. **Round.** "Round" means an instance of the sequence of voting tabulation steps
29.30 established in section 204E.06.

29.31 Subd. 14. **Skipped ranking.** "Skipped ranking" means a voter has left a ranking blank
29.32 and ranks a candidate at a subsequent ranking.

30.1 Subd. 15. **Surplus.** "Surplus" means the total number of votes cast for an elected
30.2 candidate in excess of the threshold.

30.3 Subd. 16. **Surplus fraction of a vote.** "Surplus fraction of a vote" means the proportion
30.4 of each vote to be transferred when a surplus is transferred. The surplus fraction is calculated
30.5 by dividing the surplus by the total votes cast for the elected candidate, calculated to four
30.6 decimal places, ignoring any remainder.

30.7 Subd. 17. **Threshold.** "Threshold" means the number of votes sufficient for a candidate
30.8 to be elected. In any given election, the threshold equals the total votes counted in the first
30.9 round after removing defective ballots, divided by the sum of one plus the number of offices
30.10 to be filled and adding one to the quotient, disregarding any fractions.

30.11 Subd. 18. **Transfer value.** "Transfer value" means the fraction of a vote that a transferred
30.12 ballot will contribute to the next ranked continuing candidate on that ballot. The transfer
30.13 value of a vote cast for an elected candidate is calculated by multiplying the surplus fraction
30.14 of each vote by its current value, calculated to four decimal places, ignoring any remainder.
30.15 The transfer value of a vote cast for a defeated candidate is the same as its current value.

30.16 Subd. 19. **Transferable vote.** "Transferable vote" means a vote or a fraction of a vote
30.17 for a candidate who has been either elected or defeated.

30.18 Subd. 20. **Totally defective ballot.** "Totally defective ballot" means a ballot that is
30.19 defective to the extent that election judges are unable to determine the voter's intent for any
30.20 office on the ballot.

30.21 Subd. 21. **Undervote.** "Undervote" means a voter did not rank any candidates for an
30.22 office.

30.23 Sec. 47. **[204E.03] AUTHORIZATION TO ADOPT RANKED-CHOICE VOTING;**
30.24 **IMPLEMENTATION.**

30.25 (a) The following political subdivisions may adopt, in the manner provided in this section,
30.26 ranked-choice voting as a method of voting for local offices within the political subdivision:

30.27 (1) home rule charter or statutory cities;

30.28 (2) counties;

30.29 (3) townships; and

30.30 (4) school districts.

31.1 (b) A jurisdiction that adopts ranked-choice voting may do so by adopting an ordinance
31.2 or resolution or by a ballot question presented to the voters. The ranked-choice voting
31.3 method may be repealed by one of the same methods provided for adoption.

31.4 (c) A home rule charter jurisdiction that adopts a ranked-choice voting system in its
31.5 charter may adopt this chapter by reference in an ordinance, but is not required to do so.
31.6 Nothing in this chapter prevents a home rule charter jurisdiction from adopting another
31.7 voting method in its charter.

31.8 (d) Ranked-choice voting shall only be used to elect local offices at a general or special
31.9 election, or at a primary election which serves as a party-nominating election for a partisan
31.10 office. A primary election must not be held for any nonpartisan offices that are elected using
31.11 ranked-choice voting.

31.12 (e) A jurisdiction that adopts the use of ranked-choice voting in local elections must do
31.13 so no later than 30 days before the first day for filing affidavits of candidacy for the office
31.14 for which ranked-choice voting is to be used as the method of election.

31.15 (f) Repeal of ranked-choice voting must be no later than 30 days before the first day for
31.16 filing affidavits of candidacy for offices for which ranked-choice voting is used as the
31.17 method of election.

31.18 (g) The chief election official shall notify the secretary of state and, if applicable, the
31.19 county auditor within 30 days following adoption or repeal of ranked-choice voting.

31.20 Sec. 48. **[204E.04] BALLOTS.**

31.21 Subdivision 1. **Ballot format.** (a) If there are three or more qualified candidates, a ballot
31.22 must allow a voter to rank at least three candidates for each office in order of preference
31.23 and must also allow the voter to add write-in candidates.

31.24 (b) A ballot must:

31.25 (1) include instructions to voters that clearly indicate how to mark the ballot;

31.26 (2) include instructions to voters that clearly indicate how to rank candidates in order
31.27 of the voter's preference; and

31.28 (3) indicate the number of seats to be elected for each office.

31.29 (c) A jurisdiction may use ballots compatible with alphanumeric character recognition
31.30 voting equipment.

Subd. 2. **Mixed-election method ballots.** If elections are held in which ranked-choice voting is used in addition to other methods of voting, the ranked-choice voting and non-ranked-choice voting elections must be on the same ballot card if possible, with ranked-choice voting and non-ranked-choice voting portions clearly separated on the ballot card. A separate ballot card may be used if necessary. A jurisdiction may deviate from the standard ballot order of offices to allow separation of ranked-choice voting and non-ranked-choice voting elections.

Subd. 3. **Ballot format rules.** The chief election official shall establish administrative rules for ballot format after a voting mechanism has been selected, consistent with this section.

Sec. 49. [204E.05] RANKED-CHOICE VOTING TABULATION CENTER.

Subdivision 1. **Tabulation of votes; generally.** The chief election official shall designate one location to serve as the ranked-choice voting tabulation center. The center must be accessible to the public for the purpose of observing the vote tabulation. Tabulation of votes must be conducted as described in section 204E.06.

Subd. 2. **Precinct tabulation.** When the hours for voting have ended and all voting has concluded, the election judges in each precinct shall record and publicly declare the number of first choices cast for each candidate in that precinct. The election judges must then securely transfer all electronic voting data and ballots from the precinct to the ranked-choice voting tabulation center designated under this section. Upon receipt at the ranked-choice voting tabulation center, all electronic voting data and ballots shall be secured.

Subd. 3. **Notice of recess in count.** At any time following receipt of materials under subdivision 1, the chief election official may declare a recess. Notice of the recess must include the date, time, and location at which the process of recording and tabulating votes will resume and the reason for the recess. Notice must be posted on the city's official bulletin board and on the door of the ranked-choice voting tabulation center.

Subd. 4. **Recording write-in votes.** At a time set by the chief election official, the election judges shall convene at the ranked-choice voting tabulation center to examine ballots on which voters have indicated a write-in choice, and record the names and number of votes received by each write-in candidate. In the event that votes cast for the write-in category are not eliminated as provided in section 204E.06, the results must be entered into the ranked-choice voting tabulation software.

Subd. 5. **Ranked-choice vote tabulation.** After all votes have been recorded, and at a time set by the chief election official, the process of tabulating votes cast for offices to be elected using the ranked-choice method must begin. The counting must continue until preliminary results for all races are determined, subject to subdivision 3.

Sec. 50. **[204E.06] TABULATION OF VOTES.**

(a) Tabulation of votes at the ranked-choice voting tabulation center must proceed in rounds for each office to be counted. The threshold must be calculated and publicly declared. Each round must proceed sequentially as follows:

(1) the number of votes cast for each candidate for the current round must be counted. If the number of candidates whose vote totals equal or exceed the threshold are equal to the number of seats to be filled, those candidates who are continuing candidates are elected and the tabulation is complete. If the number of candidates whose vote totals are equal to or greater than the threshold is not equal to the number of seats to be filled, a new round begins and the tabulation must continue as provided in the remainder of this paragraph;

(2) surplus votes for any candidates whose vote totals are equal to or greater than the threshold must be calculated;

(3) after any surplus votes are calculated but not yet transferred, all candidates for whom it is mathematically impossible to be elected must be defeated by batch elimination. Votes for the defeated candidates must be transferred to each ballot's next-ranked continuing candidate, and the tabulation process reiterates beginning with clause (2). If no candidate can be defeated mathematically, the tabulation must continue as described in clause (4);

(4) the transfer value of each vote cast for an elected candidate must be transferred to the next continuing candidate on that ballot. Of the candidates whose vote totals reach or exceed the threshold, the candidate with the largest surplus is declared elected and that candidate's surplus is transferred. A tie between two or more candidates must immediately and publicly be resolved by lot by the chief election official at the tabulation center. The surplus of the candidate chosen by lot must be transferred before other transfers are made. The result of the tie resolution must be recorded and reused in the event of a recount. If no candidate has a surplus, the tabulation must continue as described in clause (5); otherwise, the tabulation process must reiterate beginning with clause (2);

(5) if there are no transferable surplus votes, the candidate with the fewest votes is defeated. Votes for the defeated candidate must be transferred to each ballot's next-ranked continuing candidate. Ties between candidates with the fewest votes must be decided by

lot, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount. The tabulation process must reiterate beginning with clause (2); and

(6) the procedures in clauses (2) to (5) must be repeated until the number of candidates whose vote totals are equal to or exceed the threshold is equal to the number of seats to be filled, or until the number of continuing candidates is equal to the number of offices yet to be elected. If the number of continuing candidates is equal to the number of offices yet to be elected, the remaining continuing candidates must be declared elected. In the case of a tie between two continuing candidates, the tie must be decided by lot as provided in section 204C.34, and the candidate chosen by lot must be defeated. The result of the tie resolution must be recorded and reused in the event of a recount.

(b) When a single skipped ranking is encountered on a ballot, that ballot must count toward the next nonskipped ranking. If any ballot cannot be advanced because no further candidates are ranked on that ballot, because a voter has skipped more than one ranking, or because an undervote, overvote, or duplicate ranking is encountered, the ballot must not count toward any candidate in that round or in subsequent rounds for the office being counted.

Sec. 51. **[204E.07] REPORTING RESULTS.**

(a) Each precinct must print a precinct summary statement, which must include the number of first choices cast for each candidate in that precinct.

(b) The ranked-choice voting tabulation center must print a summary statement with the following information: total votes cast; number of undervotes; number of totally defective and spoiled ballots; threshold calculation; total first choice rankings for all candidates; round-by-round tabulation results, including simultaneous batch eliminations, surplus transfers, and defeated candidate transfers; and exhausted ballots at each round.

(c) The election abstract must include the information required in the ranked-choice voting tabulation center summary statement, with the addition of the number of registered voters by precinct, the number of same-day voter registrations, and the number of absentee voters.

Sec. 52. **[204E.08] RECOUNTS.**

(a) A candidate defeated in the final round of tabulation may request a recount as provided in section 204C.36.

(b) A candidate defeated in the final round of tabulation when the vote difference is greater than that provided in section 204C.36 may request a recount at the candidate's own expense. A candidate defeated in an earlier round of tabulation may request a recount at the candidate's own expense. The candidate is responsible for all expenses associated with the recount, regardless of the vote difference between the candidates in the round in which the requesting candidate was defeated. The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. Expenses must be determined as provided in section 204C.36, subdivision 4.

(c) Rules adopted by the secretary of state under section 204C.36 for recounts apply to recounts conducted under this section.

Sec. 53. **[204E.09] RULES.**

The secretary of state may adopt rules necessary to implement the requirements and procedures established by this chapter.

Sec. 54. Minnesota Statutes 2018, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must indicate the method of election to be used for the offices on the ballot. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

Sec. 55. Minnesota Statutes 2018, section 206.58, subdivision 1, is amended to read:

Subdivision 1. **Municipalities.** (a) The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, subject to approval by the county auditor. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

(b) No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.

(c) The governing body of a municipality may provide for the use of an electronic voting system that has been approved by the secretary of state under section 206.57 but includes an automatic tabulating equipment reallocation feature that has not been approved by the secretary of state if the municipal clerk certifies to the secretary of state, within 30 days from the date of adoption under paragraph (a), that the reallocation feature:

(1) has been certified as required under section 206.57, subdivision 6; and

(2) meets the municipality's ordinance requirements for electronic voting systems.

Sec. 56. Minnesota Statutes 2018, section 206.61, is amended by adding a subdivision to read:

Subd. 1a. **Availability of alternate ballot formats.** In precincts using a ballot format authorized by section 206.80, paragraph (b), clause (3), voters must be provided the option of voting a regularly printed optical scan ballot.

Sec. 57. Minnesota Statutes 2018, section 206.80, is amended to read:

206.80 ELECTRONIC VOTING SYSTEMS.

(a) An electronic voting system may not be employed unless it:

(1) permits every voter to vote in secret;

(2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;

(3) provides for write-in voting when authorized;

(4) automatically rejects, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;

(5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote;

(6) automatically rejects all votes cast in a primary election by a voter when the voter votes for candidates of more than one party; and

(7) provides every voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, and to change votes or correct

37.1 any error before the voter's ballot is cast and counted, produces an individual, discrete,
37.2 permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record
37.3 available for use in any recount.

37.4 (b) An electronic voting system purchased on or after June 4, 2005, may not be employed
37.5 unless it:

37.6 (1) accepts and tabulates, in the polling place or at a counting center, a marked optical
37.7 scan ballot; ~~or~~

37.8 (2) creates a marked optical scan ballot that can be tabulated in the polling place or at a
37.9 counting center by automatic tabulating equipment certified for use in this state; or

37.10 (3) creates a marked paper ballot indicating, at a minimum, the date of the election, the
37.11 name of the precinct, an electronically readable precinct identifier or ballot style indicator,
37.12 and the voter's votes for each office or question, generated from the voter's use of a touch
37.13 screen or other electronic device on which a complete ballot meeting the information
37.14 requirements of any applicable law was displayed electronically.

37.15 (c) Jurisdictions using multiple ballot formats must not record the ballot formats of
37.16 electronic voting system used by a particular voter.

37.17 Sec. 58. **[206.802] ELECTRONIC VOTING SYSTEMS; PURCHASING.**

37.18 Any new voting equipment purchased for use in Minnesota for the purpose of replacing
37.19 a voting system must have the ability to:

37.20 (1) capture and store ballot data;

37.21 (2) keep data anonymous;

37.22 (3) accept ranked or cumulative voting data under a variety of tabulation rules;

37.23 (4) be programmable to follow all other specifications of the ranked-choice voting system
37.24 as provided in chapter 204E;

37.25 (5) provide a minimum of three rankings for ranked-choice voting elections;

37.26 (6) notify voters of the following errors: overvotes, skipped rankings, and duplicate
37.27 rankings in a ranked-choice voting election; and

37.28 (7) be programmable to print a zero tape indicating all rankings for all candidates in a
37.29 ranked-choice voting election.

EFFECTIVE DATE. This section is effective upon certification by the secretary of state that equipment meeting the standards required by this section is available for purchase and implementation.

Sec. 59. Minnesota Statutes 2018, section 206.82, subdivision 1, is amended to read:

Subdivision 1. **Program.** A program or programs for use in an election conducted by means of an electronic voting system or using an electronic ballot marker shall be prepared at the direction of the county auditor or municipal clerk who is responsible for the conduct of the election and shall be independently verified by a competent person designated by that official. The term "competent person" as used in this section means a person who can demonstrate knowledge as a computer programmer and who is other than and wholly independent of any person operating or employed by the counting center or the corporation or other preparer of the program. A test deck prepared by a competent person shall be used for independent verification of the program; it shall test the maximum digits used in totaling the returns and shall be usable by insertion during the tabulation process as well as prior to tabulation. A test deck must also be prepared using the electronic ballot marker program and must also be used to verify that all valid votes counted by the vote tabulator may be selected using the electronic ballot marker. The computer program for any election and an exact duplicate of the program for use as backup must be completed and delivered to the election jurisdiction or the county auditor in charge of a common central counting center at least 40 days prior to the election. The secretary of state shall adopt rules further specifying test procedures.

Sec. 60. Minnesota Statutes 2018, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

(a) Within ~~44~~ 37 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including ranked-choice voting if applicable, and through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each

office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If an election is to be conducted using ranked-choice voting, the equipment must also be tested to ensure that each ranking for each candidate is recorded properly.

(b) If any error is detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election.

(c) After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots.

Sec. 61. Minnesota Statutes 2018, section 206.86, is amended by adding a subdivision to read:

Subd. 5a. **Ballots in precincts with multiple styles of voting system.** (a) This subdivision applies only to precincts using a ballot format as provided by section 206.80, paragraph (b), clause (3), that was used by ten or fewer voters.

(b) In the event the results of a precinct are subject to a recount under section 204C.35 or 204C.36, or are subject to postelection review under section 206.89, the election judges from that precinct are not eligible to participate in conducting a recount or postelection review in that precinct.

Sec. 62. Minnesota Statutes 2018, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section. In jurisdictions where ranked-choice voting is used, the date, time, and place for postelection review must be set by the county auditor at least 30 days before the election. The postelection review must not begin before the 11th day after the state general election and must be complete no later than the 18th day after the state general election.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. The ballots to be reviewed for a precinct include both the ballots counted at the polling place for that precinct and the absentee ballots counted centrally by a ballot board for that precinct. The county canvassing board of a county with

fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office website.

Sec. 63. Minnesota Statutes 2018, section 206.89, subdivision 3, is amended to read:

Subd. 3. **Scope and conduct of review.** The county canvassing board shall appoint the postelection review official as defined in subdivision 1. The postelection review must be conducted of the votes cast for president or governor; United States senator; and United States representative. In jurisdictions where ranked-choice voting is used, the review must also include at least one single-seat ranked-choice voting election and at least one multiple-seat ranked-choice voting election, if such an election occurred. A postelection review of a ranked-choice voting election must be conducted for elections decided most closely in the final round, by percentage. The postelection review official may conduct postelection review of the votes cast for additional offices.

The postelection review must be conducted in public at the location where the voted ballots have been securely stored after the state general election or at another location chosen by the county canvassing board. The postelection review official for each precinct selected must conduct the postelection review and may be assisted by election judges designated by the postelection review official for this purpose. The party balance requirement of section 204B.19 applies to election judges designated for the review. The postelection review must consist of a manual count of the ballots used in the precincts selected and must be performed in the manner provided by section 204C.21. The postelection review must be conducted in the manner provided for recounts under section 204C.361 to the extent practicable, and where ranked-choice voting is used, must include testing of the accumulation software using stored electronic data for those precincts that are not reviewed by manual count. The review

must be completed no later than two days before the meeting of the state canvassing board to certify the results of the state general election.

Sec. 64. Minnesota Statutes 2018, section 207A.12, is amended to read:

207A.12 CONDUCTING PRESIDENTIAL NOMINATION PRIMARY.

(a) Except as otherwise provided by law, the presidential nomination primary must be conducted, and the results canvassed and returned, in the manner provided by law for the state primary.

~~(b) An individual seeking to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must request the ballot of the party for whose candidate the individual wishes to vote. Notwithstanding section 204C.18, subdivision 1, the election judge must record in the polling place roster the name of the political party whose ballot the voter requested. When posting voter history pursuant to section 201.171, the county auditor must include the name of the political party whose ballot the voter requested. The voter instruction posters, pamphlets, and other informational materials prepared for a presidential primary by the secretary of state pursuant to section 204B.27 must include information about the requirements of this paragraph, including a notice that the voter's choice of a political party's ballot will be recorded and is public information.~~

~~(c) Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results.~~

~~(d) The results of the presidential nomination primary must bind the election of delegates in each party.~~

(b) An individual seeking to vote at the presidential nomination primary must be registered to vote pursuant to section 201.054, subdivision 1. The voter must declare the party for whose candidate the voter wishes to vote. Notwithstanding section 204C.18, subdivision 1, the election judge must record in the polling place roster the name of the political party the voter declared. When posting voter history under section 201.171, the county auditor must include the name of the political party the voter declared. The voter instruction posters, pamphlets, and other informational materials prepared for a presidential nomination primary by the secretary of state under section 204B.27, must include information about the requirements of this paragraph, including a notice that the voter's choice of a political party will be recorded.

Sec. 65. Minnesota Statutes 2018, section 207A.13, is amended to read:

207A.13 FORM OF BALLOTS AND ENVELOPES; CANDIDATES ON BALLOT.

Subdivision 1. **Form of ballots.** (a) Except as provided by law, presidential nomination primary ballots shall be printed in the same manner as state primary ballots as far as practicable. A sufficient number of ~~each ballot~~ ballots shall be printed for each precinct and ward in the state.

(b) There must be ~~separate ballots for the names of the candidates of each political party. Each ballot must be~~ a single ballot for the presidential nomination primary. The ballot shall be headed by the words "Presidential Nomination Primary Ballot." The heading must also indicate the party that appears on the ballot The presidential nomination primary is exempt from the base rotation requirements of Minnesota Rules, part 8220.0825.

(c) If requested by a party chair, the column on the ballot for that party must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted. If requested by a party chair, the column on the ballot for that party must contain a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot. A request under this paragraph must be submitted to the secretary of state no later than 63 days before the presidential nomination primary.

Subd. 1a. **Form of envelope.** The signature envelope must include:

(1) a place for the voter to select which party the voter will vote for; and

(2) the following statement: "I am in general agreement with the principles of the party for whose candidate I intend to vote."

Subd. 2. **Candidates on the ballot.** (a) Each party must determine which candidates are to be placed on the presidential nomination primary ballot for that party. The chair of each party must submit to the secretary of state the names of the candidates to appear on the ballot ~~for that party~~ no later than 63 days before the presidential nomination primary. Once submitted, changes must not be made to the candidates that will appear on the ballot.

(b) No later than the seventh day before the presidential nomination primary, the chair of each party must submit to the secretary of state the names of write-in candidates, if any, to be counted for that party.

Sec. 66. **[207A.131] BALLOT BOARD; PARTY LISTS; PRIMARY RESULTS.**

Subdivision 1. Ballot board. (a) The county auditor must appoint a ballot board to examine the signature envelopes and mark them "accepted" or "rejected" as provided in section 203B.121. For each signature envelope examined, the county auditor, or designee on the ballot board, must record in the polling place roster the name of the political party selected by the voter. If a voter did not select a party or selected more than one party, the ballot board must reject the ballot. The selection of a political party must not be included in the public information list.

(b) After opening a signature envelope, the secrecy envelope must be removed and placed into the pile corresponding to the party selected by the voter on the signature envelope. When the secrecy envelopes are opened, a ballot must be spoiled if:

(1) there are votes for more than one party; or

(2) the party voted for does not correspond to the party in which pile the ballot was placed.

Subd. 2. Party list. The secretary of state must maintain a list of each voter who voted in the presidential nomination primary and the party selected by that voter. Information maintained on the list is private data on individuals as defined under section 13.02, subdivision 12, except that the secretary of state must provide to the chair of each major political party a list of voters who selected that party for the most recent presidential nomination primary.

Subd. 3. Results. Immediately after the state canvassing board declares the results of the presidential nomination primary, the secretary of state must notify the chair of each party of the results. The results of the presidential nomination primary must bind the election of delegates in each party.

Sec. 67. Minnesota Statutes 2018, section 207A.14, is amended to read:

207A.14 NOTICE OF PRESIDENTIAL NOMINATION PRIMARY; SAMPLE BALLOTS.

Subdivision 1. Notice of primary to counties and municipalities. Twenty weeks before a presidential nomination primary is to be held, the secretary of state shall provide notice to the county auditor of each county of the date of the presidential nomination primary. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date of the presidential nomination primary to each municipal clerk in the county.

Subd. 2. **Sample ballots.** No later than 70 days before the presidential nomination primary, the secretary of state must supply each county auditor with a sample ballots ballot to be used at the presidential nomination primary. The sample ~~ballots~~ ballot must illustrate the format required for the ballots used in the presidential nomination primary.

Subd. 3. **Notice of primary to public.** At least 15 days before the date of the presidential nomination primary, each municipal clerk shall post a public notice stating the date of the presidential nomination primary, the location of each polling place in the municipality, the hours during which the polling places in the municipality will be open, and information about the requirements of section 207A.12, ~~paragraph (b), including a notice that the voter's choice of a political party's ballot will be recorded and is public information.~~ The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.

Sec. 68. Minnesota Statutes 2018, section 207A.15, subdivision 2, is amended to read:

Subd. 2. **Reimbursable local expenses.** (a) The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential nomination primary from money contained in the presidential nomination primary elections account. The following expenses are eligible for reimbursement: preparation and printing of ballots; postage for ~~absentee~~ mailing and returning ballots; publication of the sample ballot; ~~preparation of polling places in an amount not to exceed \$150 per polling place;~~ ~~preparation of electronic voting systems in an amount not to exceed \$100 per precinct;~~ compensation for temporary staff or overtime payments; salaries of election judges; ~~and~~ compensation of county canvassing board members; and other expenses as approved by the secretary of state. The secretary's procedures for approving other expenses are exempt from chapter 14, and section 14.386 does not apply.

(b) Within 60 days after the results of a presidential nomination primary are certified by the State Canvassing Board, the county auditor must submit a request for payment of the costs incurred by the county for conducting the presidential nomination primary, and the municipal clerk must submit a request for payment of the costs incurred by the municipality for conducting the presidential nomination primary. The request for payment must be submitted to the secretary of state, and must be accompanied by an itemized description of actual county or municipal expenditures, including copies of invoices. In addition, the county auditor or municipal clerk must certify that the request for reimbursement

is based on actual costs incurred by the county or municipality in the presidential nomination primary.

(c) The secretary of state shall provide each county and municipality with the appropriate forms for requesting payment and certifying expenses under this subdivision. The secretary of state must not reimburse expenses unless the request for payment and certification of costs has been submitted as provided in this subdivision. The secretary of state must complete the issuance of reimbursements to the counties and municipalities no later than 90 days after the results of the presidential nomination primary have been certified by the State Canvassing Board.

Sec. 69. **[208.051] AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE.**

The Agreement Among the States to Elect the President by National Popular Vote is enacted into law and entered into with all other states legally joining in it in substantially the following form:

Article I - Membership

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article II - Right of the People in Member States to

Vote for President and Vice President

Each member state shall conduct a statewide popular election for president and vice president of the United States.

Article III - Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate. The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner." The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner. At least six days before the day fixed by law for the meeting and voting by the presidential electors,

each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state. The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress. In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained. This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV - Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state. Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president shall have been qualified to serve the next term. The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally. This agreement shall terminate if the electoral college is abolished. If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V - Definitions

For purposes of this agreement,

"chief executive" means the governor of a state of the United States or the mayor of the District of Columbia;

"elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"presidential elector" means an elector for president and vice president of the United States;

"presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" means a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" means a state of the United States and the District of Columbia; and

"statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Sec. 70. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to persons to whom the civil right to vote is restored by reason of the persons' release from actual incarceration. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of the civil right to vote and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to a person being released from the facility following incarceration for a felony-level offense; and

(2) a probation officer or supervised release agent shall provide the notice and application to all individuals under correctional supervision for a felony-level offense.

Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

"NOTICE OF RESTORATION OF YOUR RIGHT TO VOTE.

Your receipt of this notice today means that your right to vote in Minnesota has been restored. Before you can vote on election day, you still need to register to vote. To register, you may complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You may also register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of the person's civil right to vote.

Sec. 71. Minnesota Statutes 2018, section 473.408, is amended by adding a subdivision to read:

Subd. 11. **Transit service on election day.** (a) The Metropolitan Council shall provide regular route transit, as defined under section 473.385, subdivision 1, paragraph (b), free of charge on a day a state general election is held.

(b) The requirements under this subdivision apply to operators of regular route transit (1) receiving financial assistance under section 473.388, or (2) operating under section 473.405, subdivision 12.

EFFECTIVE DATE; APPLICATION. This section is effective July 1, 2020, and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 72. **[504B.182] LANDLORD TO PROVIDE INFORMATIONAL MATERIALS ON VOTER REGISTRATION.**

No more than 30 days after a lease is entered into, a landlord must provide each tenant who is 18 years of age or older at the time of first occupancy, written information on voting in Minnesota, including the process for registering to vote and locating the polling place for the precinct in which the tenant resides. The form and content of the information shall be prescribed and made available by the secretary of state, as provided in section 201.1612.

EFFECTIVE DATE. This section is effective July 1, 2019, and applies to lease agreements entered on or after that date.

Sec. 73. Minnesota Statutes 2018, section 609.165, subdivision 1, is amended to read:

Subdivision 1. **Restoration.** Except as provided in section 201.014, subdivision 2a,
when a person has been deprived of civil rights by reason of conviction of a crime and is
thereafter discharged, such discharge shall restore the person to all civil rights and to full
citizenship, ~~with full right to vote and hold office,~~ the same as if such conviction had not
taken place, and the order of discharge shall so provide.

Sec. 74. **HELP AMERICA VOTE ACT TRANSFERS AND APPROPRIATIONS;**
SECRETARY OF STATE.

(a) \$6,595,610 is appropriated in fiscal year 2019 from the HAVA account established
in Minnesota Statutes, section 5.30, to the secretary of state for the purposes of improving
the administration and security of elections as authorized by federal law, including but not
limited to any of the following activities:

(1) modernizing, securing, and updating the statewide voter registration system and for
cybersecurity upgrades as authorized by federal law;

(2) improving accessibility;

(3) preparing training materials and training local election officials;

(4) implementing security improvements for election systems; and

(5) funding other activities to improve the security of elections.

(b) Any amount earned in interest on the amount appropriated under paragraph (a) is
appropriated from the HAVA account to the secretary of state for purposes of improving
the administration and security of elections as authorized by federal law.

(c) The appropriations under paragraphs (a) and (b) are onetime and available until
March 23, 2023.

(d) \$167,000 expended by the secretary of state in fiscal years 2018 and 2019 for
increasing secure access to the statewide voter registration system is deemed: (1) to be
money used for carrying out the purposes authorized under the Omnibus Appropriations
Act of 2018, Public Law 115-1410, and the Help America Vote Act of 2002, Public Law
107-252, section 101; and (2) to be credited toward any match required by those laws.

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

Sec. 75. **APPROPRIATION; EARLY VOTING.**

\$..... in fiscal year 2020 is appropriated from the general fund to the secretary of state to implement early voting requirements of this article.

Sec. 76. **REPEALER; EARLY VOTING.**

Minnesota Statutes 2018, section 203B.081, subdivision 3, is repealed.

Sec. 77. **EFFECTIVE DATE; EARLY VOTING.**

The provisions of this article related to early voting are effective when the secretary of state has certified that:

(1) the statewide voter registration system has been tested and shown to properly allow for the tracking of the information required to conduct early voting, and can handle the expected volume of use; and

(2) precinct voting equipment that can tabulate at least 30 different ballot styles has been certified for use in this state. Upon certification pursuant to this section, the provisions of this act related to early voting apply to all federal, state, and county elections held on August 1, 2019, and thereafter. A jurisdiction may implement the requirements of this act prior to the date provided in this section, if the secretary of state has made the required certifications at least 90 days prior to the date of the election at which early voting will be used.

ARTICLE 2

CAMPAIGN FINANCE

Section 1. Minnesota Statutes 2018, section 10A.01, subdivision 4, is amended to read:

Subd. 4. **Approved expenditure.** "Approved expenditure" means an expenditure made on behalf of a candidate or a local candidate by an entity other than the candidate's principal campaign committee ~~of the candidate~~ or the local candidate, if the expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of the candidate or local candidate, the candidate's principal campaign committee, or the candidate's or local candidate's agent. An approved expenditure is a contribution to that candidate or local candidate.

Sec. 2. Minnesota Statutes 2018, section 10A.01, subdivision 7, is amended to read:

Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is placed on the ballot and that may be voted on by:

51.1 (1) all voters of the state;

51.2 (2) all voters of Hennepin County;

51.3 (3) all voters of any home rule charter city or statutory city located wholly within

51.4 Hennepin County and having a population of 75,000 or more; or

51.5 (4) all voters of Special School District No. 1.

51.6 "Promoting or defeating a ballot question" includes activities, other than lobbying
51.7 activities, related to qualifying the question for placement on the ballot.

51.8 Sec. 3. Minnesota Statutes 2018, section 10A.01, subdivision 9, is amended to read:

51.9 Subd. 9. **Campaign expenditure.** "Campaign expenditure" or "expenditure" means a
51.10 purchase or payment of money or anything of value, or an advance of credit, made or
51.11 incurred for the purpose of influencing the nomination or election of a candidate or a local
51.12 candidate or for the purpose of promoting or defeating a ballot question.

51.13 An expenditure is considered to be made in the year in which the candidate made the
51.14 purchase of goods or services or incurred an obligation to pay for goods or services.

51.15 An expenditure made for the purpose of defeating a candidate or a local candidate is
51.16 considered made for the purpose of influencing the nomination or election of that candidate
51.17 or local candidate or any opponent of that candidate or local candidate.

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

51.20 "Expenditure" does not include:

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

51.22 (2) services provided without compensation by an individual volunteering personal time
51.23 on behalf of a candidate or a local candidate, ballot question, political committee, political
51.24 fund, principal campaign committee, or party unit;

51.25 (3) the publishing or broadcasting of news items or editorial comments by the news
51.26 media; or

51.27 (4) an individual's unreimbursed personal use of an automobile owned by the individual
51.28 and used by the individual while volunteering personal time.

52.1 Sec. 4. Minnesota Statutes 2018, section 10A.01, is amended by adding a subdivision to
52.2 read:

52.3 Subd. 10d. **Local candidate.** "Local candidate" means an individual who seeks
52.4 nomination or election to:

52.5 (1) any county office in Hennepin County;

52.6 (2) any city office in any home rule charter city or statutory city located wholly within
52.7 Hennepin County and having a population of 75,000 or more; or

52.8 (3) the school board in Special School District No. 1.

52.9 Sec. 5. Minnesota Statutes 2018, section 10A.01, subdivision 11, is amended to read:

52.10 Subd. 11. **Contribution.** (a) "Contribution" means money, a negotiable instrument, or
52.11 a donation in kind that is given to a political committee, political fund, principal campaign
52.12 committee, local candidate, or party unit. An allocation by an association of general treasury
52.13 money to be used for activities that must be or are reported through the association's political
52.14 fund is considered to be a contribution for the purposes of disclosure required by this chapter.

52.15 (b) "Contribution" includes a loan or advance of credit to a political committee, political
52.16 fund, principal campaign committee, local candidate, or party unit, if the loan or advance
52.17 of credit is: (1) forgiven; or (2) repaid by an individual or an association other than the
52.18 political committee, political fund, principal campaign committee, local candidate, or party
52.19 unit to which the loan or advance of credit was made. If an advance of credit or a loan is
52.20 forgiven or repaid as provided in this paragraph, it is a contribution in the year in which the
52.21 loan or advance of credit was made.

52.22 (c) "Contribution" does not include services provided without compensation by an
52.23 individual volunteering personal time on behalf of a candidate, local candidate, ballot
52.24 question, political committee, political fund, principal campaign committee, or party unit;
52.25 the publishing or broadcasting of news items or editorial comments by the news media; or
52.26 an individual's unreimbursed personal use of an automobile owned by the individual while
52.27 volunteering personal time.

52.28 Sec. 6. Minnesota Statutes 2018, section 10A.01, subdivision 16a, is amended to read:

52.29 Subd. 16a. **Expressly advocating.** "Expressly advocating" means:

52.30 (1) that a communication clearly identifies a candidate or a local candidate and uses
52.31 words or phrases of express advocacy; or

53.1 (2) that a communication when taken as a whole and with limited reference to external
53.2 events, such as the proximity to the election, is susceptible of no reasonable interpretation
53.3 other than as an appeal advocating the election or defeat of one or more clearly identified
53.4 candidates.

53.5 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to
53.6 expenditures and electioneering communications made on or after that date.

53.7 Sec. 7. Minnesota Statutes 2018, section 10A.01, subdivision 17c, is amended to read:

53.8 Subd. 17c. **General treasury money.** "General treasury money" means money that an
53.9 association other than a principal campaign committee, party unit, or political committee
53.10 accumulates through membership dues and fees, donations to the association for its general
53.11 purposes, and income from the operation of a business. General treasury money does not
53.12 include money collected to influence the nomination or election of candidates or local
53.13 candidates or to promote or defeat a ballot question.

53.14 Sec. 8. Minnesota Statutes 2018, section 10A.01, subdivision 18, is amended to read:

53.15 Subd. 18. **Independent expenditure.** "Independent expenditure" means an expenditure
53.16 expressly advocating the election or defeat of a clearly identified candidate or local candidate,
53.17 if the expenditure is made without the express or implied consent, authorization, or
53.18 cooperation of, and not in concert with or at the request or suggestion of, any candidate or
53.19 any candidate's principal campaign committee or agent or any local candidate or local
53.20 candidate's agent. An independent expenditure is not a contribution to that candidate or
53.21 local candidate. An independent expenditure does not include the act of announcing a formal
53.22 public endorsement of a candidate or local candidate for public office, unless the act is
53.23 simultaneously accompanied by an expenditure that would otherwise qualify as an
53.24 independent expenditure under this subdivision.

53.25 Sec. 9. Minnesota Statutes 2018, section 10A.01, subdivision 20, is amended to read:

53.26 Subd. 20. **Loan.** "Loan" means an advance of money or anything of value made to a
53.27 political committee, political fund, principal campaign committee, local candidate, or party
53.28 unit.

53.29 Sec. 10. Minnesota Statutes 2018, section 10A.01, subdivision 26, is amended to read:

53.30 Subd. 26. **Noncampaign disbursement.** (a) "Noncampaign disbursement" means a
53.31 purchase or payment of money or anything of value made, or an advance of credit incurred,

54.1 or a donation in kind received, by a principal campaign committee for any of the following
54.2 purposes:

54.3 (1) payment for accounting and legal services;

54.4 (2) return of a contribution to the source;

54.5 (3) repayment of a loan made to the principal campaign committee by that committee;

54.6 (4) return of a public subsidy;

54.7 (5) payment for food, beverages, and necessary utensils and supplies, entertainment,
54.8 and facility rental for a fund-raising event;

54.9 (6) services for a constituent by a member of the legislature or a constitutional officer
54.10 in the executive branch as provided in section 10A.173, subdivision 1;

54.11 (7) payment for food and beverages consumed by a candidate or volunteers while they
54.12 are engaged in campaign activities;

54.13 (8) payment for food or a beverage consumed while attending a reception or meeting
54.14 directly related to legislative duties;

54.15 (9) payment of expenses incurred by elected or appointed leaders of a legislative caucus
54.16 in carrying out their leadership responsibilities;

54.17 (10) payment by a principal campaign committee of the candidate's expenses for serving
54.18 in public office, other than for personal uses;

54.19 (11) costs of child care for the candidate's children when campaigning;

54.20 (12) fees paid to attend a campaign school;

54.21 (13) costs of a postelection party during the election year when a candidate's name will
54.22 no longer appear on a ballot or the general election is concluded, whichever occurs first;

54.23 (14) interest on loans paid by a principal campaign committee on outstanding loans;

54.24 (15) filing fees;

54.25 (16) post-general election holiday or seasonal cards, thank-you notes, or advertisements
54.26 in the news media mailed or published prior to the end of the election cycle;

54.27 (17) the cost of campaign material purchased to replace defective campaign material, if
54.28 the defective material is destroyed without being used;

54.29 (18) contributions to a party unit;

54.30 (19) payments for funeral gifts or memorials;

55.1 (20) the cost of a magnet less than six inches in diameter containing legislator contact
55.2 information and distributed to constituents;

55.3 (21) costs associated with a candidate attending a political party state or national
55.4 convention in this state;

55.5 (22) other purchases or payments specified in board rules or advisory opinions as being
55.6 for any purpose other than to influence the nomination or election of a candidate or to
55.7 promote or defeat a ballot question;

55.8 (23) costs paid to a third party for processing contributions made by a credit card, debit
55.9 card, or electronic check;

55.10 (24) a contribution to a fund established to support a candidate's participation in a recount
55.11 of ballots affecting that candidate's election;

55.12 (25) costs paid by a candidate's principal campaign committee for a single reception
55.13 given in honor of the candidate's retirement from public office after the filing period for
55.14 affidavits of candidacy for that office has closed;

55.15 (26) a donation from a terminating principal campaign committee to the state general
55.16 fund; ~~and~~

55.17 (27) a donation from a terminating principal campaign committee to a county obligated
55.18 to incur special election expenses due to that candidate's resignation from state office-; and

55.19 (28) payment of security-related expenses for a candidate and any immediate family
55.20 members of the candidate residing in the candidate's household, including but not limited
55.21 to home security cameras, a home security system, and identity theft monitoring services.

55.22 (b) The board must determine whether an activity involves a noncampaign disbursement
55.23 within the meaning of this subdivision.

55.24 (c) A noncampaign disbursement is considered to be made in the year in which the
55.25 candidate made the purchase of goods or services or incurred an obligation to pay for goods
55.26 or services.

55.27 Sec. 11. Minnesota Statutes 2018, section 10A.01, subdivision 27, is amended to read:

55.28 Subd. 27. **Political committee.** "Political committee" means an association whose major
55.29 purpose is to influence the nomination or election of one or more candidates or local
55.30 candidates or to promote or defeat a ballot question, other than a principal campaign
55.31 committee, local candidate, or a political party unit.

Sec. 12. Minnesota Statutes 2018, section 10A.01, subdivision 28, is amended to read:

Subd. 28. **Political fund.** "Political fund" means an accumulation of dues or voluntary contributions by an association other than a political committee, principal campaign committee, or party unit, if the accumulation is collected or expended to influence the nomination or election of one or more candidates or local candidates or to promote or defeat a ballot question. The term political fund as used in this chapter may also refer to the association acting through its political fund.

Sec. 13. Minnesota Statutes 2018, section 10A.12, subdivision 1, is amended to read:

Subdivision 1. **When required for contributions and approved expenditures.** An association other than a political committee or party unit may not contribute more than \$750 in aggregate in any calendar year to candidates, local candidates, political committees, or party units or make approved expenditures of more than \$750 in aggregate in any calendar year unless the contribution or expenditure is made through a political fund.

Sec. 14. Minnesota Statutes 2018, section 10A.12, subdivision 2, is amended to read:

Subd. 2. **Commingling prohibited.** The contents of an association's political fund may not be commingled with other funds or with the personal funds of an officer or member of the association or the fund. It is not commingling for an association that uses only its own general treasury money to make expenditures and disbursements permitted under section 10A.121, subdivision 1, directly from the depository used for its general treasury money. An association that accepts more than \$1,500 in aggregate in contributions to influence the nomination or election of candidates or local candidates or more than \$5,000 in contributions to promote or defeat a ballot question must establish a separate depository for those contributions.

Sec. 15. Minnesota Statutes 2018, section 10A.121, subdivision 1, is amended to read:

Subdivision 1. **Permitted disbursements.** An independent expenditure political committee or fund, or a ballot question political committee or fund, may:

(1) pay costs associated with its fund-raising and general operations;

(2) pay for communications that do not constitute contributions or approved expenditures;

(3) make contributions to independent expenditure or ballot question political committees or funds;

(4) make independent expenditures;

57.1 (5) make expenditures to promote or defeat ballot questions;

57.2 (6) return a contribution to its source;

57.3 (7) for a political fund, record bookkeeping entries transferring the association's general
57.4 treasury money allocated for political purposes back to the general treasury of the association;
57.5 ~~and~~

57.6 (8) for a political fund, return general treasury money transferred to a separate depository
57.7 to the general depository of the association-; and

57.8 (9) make disbursements for electioneering communications.

57.9 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to
57.10 expenditures and electioneering communications made on or after that date.

57.11 Sec. 16. Minnesota Statutes 2018, section 10A.121, subdivision 2, is amended to read:

57.12 Subd. 2. **Penalty.** (a) An independent expenditure political committee or independent
57.13 expenditure political fund is subject to a civil penalty of up to four times the amount of the
57.14 contribution or approved expenditure if it does the following:

57.15 (1) makes a contribution to a candidate, local candidate, party unit, political committee,
57.16 or political fund other than an independent expenditure political committee or an independent
57.17 expenditure political fund; or

57.18 (2) makes an approved expenditure.

57.19 (b) No other penalty provided in law may be imposed for conduct that is subject to a
57.20 civil penalty under this section.

57.21 Sec. 17. Minnesota Statutes 2018, section 10A.13, subdivision 1, is amended to read:

57.22 Subdivision 1. **Accounts; penalty.** The treasurer of a political committee, political fund,
57.23 principal campaign committee, or party unit must keep an account of:

57.24 (1) the sum of all contributions, except any donation in kind valued at \$20 or less, made
57.25 to the committee, fund, or party unit;

57.26 (2) the name and address of each source of a contribution made to the committee, fund,
57.27 or party unit in excess of \$20, together with the date and amount of each;

57.28 (3) each expenditure made by the committee, fund, or party unit, together with the date
57.29 and amount;

58.1 (4) each approved expenditure made on behalf of the committee, fund, or party unit,
58.2 together with the date and amount; and

58.3 (5) the name and address of each political committee, political fund, principal campaign
58.4 committee, local candidate, or party unit to which contributions in excess of \$20 have been
58.5 made, together with the date and amount.

58.6 Any individual who knowingly violates this subdivision is subject to a civil penalty
58.7 imposed by the board of up to \$1,000.

58.8 Sec. 18. Minnesota Statutes 2018, section 10A.17, subdivision 4, is amended to read:

58.9 Subd. 4. **Independent expenditures.** An individual, political committee, political fund,
58.10 principal campaign committee, or party unit that independently solicits or accepts
58.11 contributions or makes independent expenditures on behalf of a candidate or local candidate
58.12 must publicly disclose that the expenditure is an independent expenditure. All written and
58.13 broadcast communications with those from whom contributions are independently solicited
58.14 or accepted or to whom independent expenditures are made on behalf of a candidate or local
58.15 candidate must contain a statement in substantially the form provided in section 211B.04,
58.16 subdivision 2. The statement must be on the front page of all written communications and
58.17 at the end of all broadcast communications made by that individual, political committee,
58.18 political fund, principal campaign committee, or party unit on the candidate's or local
58.19 candidate's behalf.

58.20 Sec. 19. Minnesota Statutes 2018, section 10A.20, is amended by adding a subdivision to
58.21 read:

58.22 Subd. 2a. **Local election reports.** (a) This subdivision applies to a political committee,
58.23 political fund, or political party unit that during a nongeneral election year:

58.24 (1) spends in aggregate more than \$200 to influence the nomination or election of local
58.25 candidates;

58.26 (2) spends in aggregate more than \$200 to make independent expenditures on behalf of
58.27 local candidates; or

58.28 (3) spends in aggregate more than \$200 to promote or defeat ballot questions defined
58.29 in section 10A.01, subdivision 7, clause (2), (3), or (4).

58.30 (b) In addition to the reports required under subdivision 2, the entities listed in paragraph
58.31 (a) must file the following reports in each nongeneral election year:

59.1 (1) a first-quarter report covering the calendar year through March 31, which is due
59.2 April 14;

59.3 (2) a report covering the calendar year through May 31, which is due June 14;

59.4 (3) a pre-primary-election report due 15 days before the local primary election date
59.5 specified in section 205.065;

59.6 (4) a pre-general-election report due 42 days before the local general election; and

59.7 (5) a pre-general-election report due ten days before a local general election.

59.8 The reporting obligations in this paragraph begin with the first report due after the
59.9 reporting period in which the entity reaches the spending threshold specified in paragraph
59.10 (a).

59.11 Sec. 20. Minnesota Statutes 2018, section 10A.20, subdivision 3, is amended to read:

59.12 Subd. 3. **Contents of report.** (a) The report required by this section must include each
59.13 of the items listed in paragraphs (b) to (q) that are applicable to the filer. The board shall
59.14 prescribe forms based on filer type indicating which of those items must be included on the
59.15 filer's report.

59.16 (b) The report must disclose the amount of liquid assets on hand at the beginning of the
59.17 reporting period.

59.18 (c) The report must disclose the name, address, employer, or occupation if self-employed,
59.19 and registration number if registered with the board, of each individual or association that
59.20 has made one or more contributions to the reporting entity, including the purchase of tickets
59.21 for a fund-raising effort, that in aggregate within the year exceed \$200 for legislative or
59.22 statewide candidates or more than \$500 for ballot questions, together with the amount and
59.23 date of each contribution, and the aggregate amount of contributions within the year from
59.24 each source so disclosed. A donation in kind must be disclosed at its fair market value. An
59.25 approved expenditure must be listed as a donation in kind. A donation in kind is considered
59.26 consumed in the reporting period in which it is received. The names of contributors must
59.27 be listed in alphabetical order. Contributions from the same contributor must be listed under
59.28 the same name. When a contribution received from a contributor in a reporting period is
59.29 added to previously reported unitemized contributions from the same contributor and the
59.30 aggregate exceeds the disclosure threshold of this paragraph, the name, address, and
59.31 employer, or occupation if self-employed, of the contributor must then be listed on the
59.32 report.

60.1 (d) The report must disclose the sum of contributions to the reporting entity during the
60.2 reporting period.

60.3 (e) The report must disclose each loan made or received by the reporting entity within
60.4 the year in aggregate in excess of \$200, continuously reported until repaid or forgiven,
60.5 together with the name, address, occupation, principal place of business, if any, and
60.6 registration number if registered with the board of the lender and any endorser and the date
60.7 and amount of the loan. If a loan made to the principal campaign committee of a candidate
60.8 is forgiven or is repaid by an entity other than that principal campaign committee, it must
60.9 be reported as a contribution for the year in which the loan was made.

60.10 (f) The report must disclose each receipt over \$200 during the reporting period not
60.11 otherwise listed under paragraphs (c) to (e).

60.12 (g) The report must disclose the sum of all receipts of the reporting entity during the
60.13 reporting period.

60.14 (h) The report must disclose the following:

60.15 (1) the name, address, and registration number if registered with the board of each
60.16 individual or association to whom aggregate expenditures, approved expenditures,
60.17 independent expenditures, and ballot question expenditures, and disbursements for
60.18 electioneering communications have been made by or on behalf of the reporting entity
60.19 within the year in excess of \$200, ~~together with;~~

60.20 (2) the amount, date, and purpose of each expenditure, including an explanation of how
60.21 the expenditure was used, ~~and;~~

60.22 (3) the name and address of, and office sought by, each candidate or local candidate on
60.23 whose behalf the expenditure was made; or, in the case of electioneering communications,
60.24 each candidate identified positively in the communication;

60.25 (4) identification of the ballot question that the expenditure was intended to promote or
60.26 defeat and an indication of whether the expenditure was to promote or to defeat the ballot
60.27 question; and

60.28 (5) in the case of independent expenditures made in opposition to a candidate, local
60.29 candidate, or electioneering communications in which a candidate is identified negatively,
60.30 the candidate's or local candidate's name, address, and office sought. A reporting entity
60.31 making an expenditure on behalf of more than one candidate for state or legislative office
60.32 must allocate the expenditure among the candidates or local candidates on a reasonable cost
60.33 basis and report the allocation for each candidate or local candidate. The report must list

61.1 on separate schedules any independent expenditures made on behalf of local candidates and
61.2 any expenditures made for ballot questions as defined in section 10A.01, subdivision 7,
61.3 clause (2), (3), or (4).

61.4 (i) The report must disclose the sum of all expenditures made by or on behalf of the
61.5 reporting entity during the reporting period.

61.6 (j) The report must disclose the amount and nature of an advance of credit incurred by
61.7 the reporting entity, continuously reported until paid or forgiven. If an advance of credit
61.8 incurred by the principal campaign committee of a candidate is forgiven by the creditor or
61.9 paid by an entity other than that principal campaign committee, it must be reported as a
61.10 donation in kind for the year in which the advance of credit was made.

61.11 (k) The report must disclose the name, address, and registration number if registered
61.12 with the board of each political committee, political fund, principal campaign committee,
61.13 local candidate, or party unit to which contributions have been made that aggregate in excess
61.14 of \$200 within the year and the amount and date of each contribution. The report must list
61.15 on separate schedules any contributions made to state candidates' principal campaign
61.16 committees and any contributions made to local candidates.

61.17 (l) The report must disclose the sum of all contributions made by the reporting entity
61.18 during the reporting period and must separately disclose the sum of all contributions made
61.19 to local candidates by the reporting entity during the reporting period.

61.20 (m) The report must disclose the name, address, and registration number if registered
61.21 with the board of each individual or association to whom noncampaign disbursements have
61.22 been made that aggregate in excess of \$200 within the year by or on behalf of the reporting
61.23 entity and the amount, date, and purpose of each noncampaign disbursement, including an
61.24 explanation of how the expenditure was used.

61.25 (n) The report must disclose the sum of all noncampaign disbursements made within
61.26 the year by or on behalf of the reporting entity.

61.27 (o) The report must disclose the name and address of a nonprofit corporation that provides
61.28 administrative assistance to a political committee or political fund as authorized by section
61.29 211B.15, subdivision 17, the type of administrative assistance provided, and the aggregate
61.30 fair market value of each type of assistance provided to the political committee or political
61.31 fund during the reporting period.

61.32 (p) Legislative, statewide, and judicial candidates, party units, and political committees
61.33 and funds must itemize contributions that in aggregate within the year exceed \$200 for

legislative or statewide candidates or more than \$500 for ballot questions on reports submitted to the board. The itemization must include the date on which the contribution was received, the individual or association that provided the contribution, and the address of the contributor. Additionally, the itemization for a donation in kind must provide a description of the item or service received. Contributions that are less than the itemization amount must be reported as an aggregate total.

(q) Legislative, statewide, and judicial candidates, party units, political committees and funds, and committees to promote or defeat a ballot question must itemize expenditures and noncampaign disbursements that in aggregate exceed \$200 in a calendar year on reports submitted to the board. The itemization must include the date on which the committee made or became obligated to make the expenditure or disbursement, the name and address of the vendor that provided the service or item purchased, and a description of the service or item purchased, including an explanation of how the expenditure was used. Expenditures and noncampaign disbursements must be listed on the report alphabetically by vendor.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 21. Minnesota Statutes 2018, section 10A.20, subdivision 6a, is amended to read:

Subd. 6a. **Statement of independence.** An individual, political committee, political fund, or party unit filing a report or statement disclosing an independent expenditure under subdivision 3 or 6 must file with the report a sworn statement that the disclosed expenditures were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate; ~~or~~ any candidate's principal campaign committee or agent; any local candidate or any local candidate's agent.

Sec. 22. **[10A.201] ELECTIONEERING COMMUNICATIONS.**

Subdivision 1. Electioneering communication. (a) "Electioneering communication" means a communication distributed by television, radio, satellite, the Internet, or cable broadcasting system; by means of printed material, signs, or billboards; through the use of telephone communications; or by electronic communication, including electronic mail or electronic text messaging that:

(1) refers to a clearly identified candidate;

(2) is made within:

63.1 (i) 30 days before a primary election or special primary election for the office sought
63.2 by the candidate; or

63.3 (ii) 60 days before a general election or special election for the office sought by the
63.4 candidate;

63.5 (3) is targeted to the relevant electorate; and

63.6 (4) is made without the express or implied consent, authorization, or cooperation of, and
63.7 not in concert with or at the request or suggestion of, a candidate or a candidate's principal
63.8 campaign committee or agent.

63.9 (b) Electioneering communication does not include:

63.10 (1) the publishing or broadcasting of news items or editorial comments by the news
63.11 media;

63.12 (2) a communication that constitutes an approved expenditure or an independent
63.13 expenditure;

63.14 (3) a voter guide, which is a pamphlet or similar printed material, intended to help voters
63.15 compare candidates' positions on a set of issues, as long as each of the following is true:

63.16 (i) the guide does not focus on a single issue or a narrow range of issues, but includes
63.17 questions and subjects sufficient to encompass major issues of interest to the entire electorate;

63.18 (ii) the questions and any other description of the issues are clear and unbiased in both
63.19 their structure and content;

63.20 (iii) the questions posed and provided to the candidates are identical to those included
63.21 in the guide;

63.22 (iv) each candidate included in the guide is given a reasonable amount of time and the
63.23 same opportunity as other candidates to respond to the questions;

63.24 (v) if the candidate is given limited choices for an answer to a question, for example:
63.25 "support," "oppose," "yes," or "no," the candidate is also given an opportunity, subject to
63.26 reasonable limits, to explain the candidate's position in the candidate's own words; the fact
63.27 that a candidate provided an explanation is clearly indicated in the guide; and the guide
63.28 clearly indicates that the explanations will be made available for public inspection, subject
63.29 to reasonable conditions;

63.30 (vi) answers included in the guide are those provided by the candidates in response to
63.31 questions, the candidates' answers are unedited, and the answers appear in close proximity
63.32 to the question to which they respond;

(vii) if the guide includes candidates' positions based on information other than responses provided directly by the candidate, the positions are based on recorded votes or public statements of the candidates and are presented in an unedited and unbiased manner; and

(viii) the guide includes all major party candidates for each office listed in the guide;

(4) a candidate forum or debate hosted by one or more nonprofit organizations that does not endorse, support, or oppose candidates, as long as each of the following is true:

(i) the forum or debate includes the participation of at least two candidates for each office featured;

(ii) the forum or debate is structured so that it does not promote one candidate or one candidate's issues of interest over another; and

(iii) candidates are selected for participation in the forum or debate based on preestablished, objective criteria;

(5) any other communication specified in board rules or advisory opinions as being excluded from the definition of electioneering communication; or

(6) a communication that:

(i) refers to a clearly identified candidate who is an incumbent member of the legislature or a constitutional officer;

(ii) refers to a clearly identified issue that is or was before the legislature in the form of an introduced bill; and

(iii) is made when the legislature is in session or within ten days after the last day of a regular session of the legislature.

(c) A communication that meets the requirements of paragraph (a) but is made with the authorization or express or implied consent of, or in cooperation or in concert with, or at the request or suggestion of a candidate, a candidate's principal campaign committee, or a candidate's agent is an approved expenditure.

(d) Distributing a voter guide questionnaire, survey, or similar document to candidates and communications with candidates limited to obtaining their responses, without more, do not constitute communications that would result in the voter guide being an approved expenditure on behalf of the candidate.

Subd. 2. **Targeted to relevant electorate.** (a) For purposes of this section, a communication that refers to a clearly identified candidate is targeted to the relevant electorate if the communication is distributed to or can be received by more than 1,500 persons in the

65.1 district the candidate seeks to represent, in the case of a candidate for the house of
 65.2 representatives, senate, or a district court judicial office or by more than 6,000 persons in
 65.3 the state, in the case of a candidate for constitutional office or appellate court judicial office.
 65.4 When determining the number of persons to whom a communication in the form of printed
 65.5 material, telephone communication, electronic mail, or electronic text messaging is
 65.6 distributed, an association may exclude communications distributed to its own members.

65.7 (b) A communication consisting of printed materials, other than signs, billboards, or
 65.8 advertisements published in the print media, is targeted to the relevant electorate if it meets
 65.9 the requirements of paragraph (a) and is distributed to voters by means of United States
 65.10 mail or through direct delivery to a resident's home or business.

65.11 Subd. 3. **Disclosure of electioneering communications.** (a) Electioneering
 65.12 communications made by a political committee, a party unit, or a principal campaign
 65.13 committee must be disclosed on the periodic reports of receipts and expenditures filed by
 65.14 the association on the schedule and in accordance with the terms of section 10A.20.

65.15 (b) An association other than a political committee, party unit, or principal campaign
 65.16 committee may register a political fund with the board and disclose its electioneering
 65.17 communications on the reports of receipts and expenditures filed by the political fund. If it
 65.18 does so, it must disclose its disbursements for electioneering communications on the schedule
 65.19 and in accordance with the terms of section 10A.20.

65.20 (c) An association that does not disclose its disbursements for electioneering
 65.21 communications under paragraph (a) or (b) must disclose its electioneering communications
 65.22 according to the requirements of subdivision 4.

65.23 Subd. 4. **Statement required for electioneering communications.** (a) Except for
 65.24 associations providing disclosure as specified in subdivision 3, paragraph (a) or (b), every
 65.25 person who makes a disbursement for the costs of producing or distributing electioneering
 65.26 communications that aggregate more than \$1,500 in a calendar year must, within 24 hours
 65.27 of each disclosure date, file with the board a disclosure statement containing the information
 65.28 described in this subdivision.

65.29 (b) Each statement required to be filed under this section must contain the following
 65.30 information:

65.31 (1) the names of: (i) the association making the disbursement; (ii) any person exercising
 65.32 direction or control over the activities of the association with respect to the disbursement;
 65.33 and (iii) the custodian of the financial records of the association making the disbursement;

(2) the address of the association making the disbursement;

(3) the amount of each disbursement of more than \$200 during the period covered by the statement, a description of the purpose of the disbursement, and the identification of the person to whom the disbursement was made;

(4) the names of the candidates identified or to be identified in the communication;

(5) if the disbursements were paid out of a segregated bank account that consists of funds donated specifically for electioneering communications, the name and address of each person who gave the association more than \$200 in aggregate to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date; and

(6) if the disbursements for electioneering communications were made using general treasury money of the association, an association that has paid more than \$5,000 in aggregate for electioneering communications during the calendar year must file with its disclosure statement a written statement that includes the name, address, and amount attributable to each person that paid the association membership dues or fees, or made donations to the association that, in total, aggregate more than \$5,000 of the money used by the association for electioneering communications. The statement must also include the total amount of the disbursements for electioneering communications attributable to persons not subject to itemization under this clause. The statement must be certified as true by an officer of the association that made the disbursements for the electioneering communications.

(c) To determine the amount of the membership dues or fees, or donations made by a person to an association and attributable to the association's disbursements for electioneering communications, the association must separately prorate the total disbursements made for electioneering communications during the calendar year over all general treasury money received during the calendar year.

(d) If the amount spent for electioneering communications exceeds the amount of general treasury money received by the association during that year:

(1) the electioneering communications must be attributed first to all receipts of general treasury money received during the calendar year in which the electioneering communications were made;

(2) any amount of current year electioneering communications that exceeds the total of all receipts of general treasury money during the current calendar year must be prorated over all general treasury money received in the preceding calendar year; and

67.1 (3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject
67.2 electioneering communications, no further allocation is required.

67.3 (e) After a portion of the general treasury money received by an association from a
67.4 person has been designated as the source of a disbursement for electioneering
67.5 communications, that portion of the association's general treasury money received from that
67.6 person may not be designated as the source of any other disbursement for electioneering
67.7 communications or as the source for any contribution to an independent expenditure political
67.8 committee or fund.

67.9 Subd. 5. **Disclosure date.** For purposes of this section, the term "disclosure date" means
67.10 the earlier of:

67.11 (1) the first date on which an electioneering communication is publicly distributed,
67.12 provided that the person making the electioneering communication has made disbursements
67.13 for the direct costs of producing or distributing one or more electioneering communication
67.14 aggregating in excess of \$1,500; or

67.15 (2) any other date during the same calendar year on which an electioneering
67.16 communication is publicly distributed, provided that the person making the electioneering
67.17 communication has made disbursements for the direct costs of distributing one or more
67.18 electioneering communication aggregating in excess of \$1,500 since the most recent
67.19 disclosure date.

67.20 Subd. 6. **Contracts to disburse.** For purposes of this section, a person shall be treated
67.21 as having made a disbursement if the person has entered into an obligation to make the
67.22 disbursement.

67.23 Subd. 7. **Statement of attribution.** (a) An electioneering communication must include
67.24 a statement of attribution.

67.25 (1) For communications distributed by printed material, signs, and billboards, the
67.26 statement must say, in conspicuous letters: "Paid for by [association name] [address]."

67.27 (2) For communications distributed by television, radio, satellite, or cable broadcasting
67.28 system, the statement must be included at the end of the communication and must orally
67.29 state at a volume and speed that a person of ordinary hearing can comprehend: "The preceding
67.30 communication was paid for by the [association name]."

67.31 (3) For communications distributed by telephone, the statement must precede the
67.32 communication and must orally state at a volume and speed that a person of ordinary hearing
67.33 can comprehend: "The following communication is paid for by the [association name]."

(b) If the communication is paid for by an association registered with the board, the statement of attribution must use the association's name as it is registered with the board. If the communication is paid for by an association not registered with the board, the statement of attribution must use the association's name as it is disclosed to the board on the association's disclosure statement associated with the communication.

Subd. 8. **Failure to file; penalty.** (a) If a person fails to file a statement required by this section by the date the statement is due, the board may impose a late filing fee of \$50 per day, not to exceed \$1,000, commencing the day after the statement was due.

(b) The board must send notice by certified mail to a person who fails to file a statement within ten business days after the statement was due that the person may be subject to a civil penalty for failure to file the statement. A person who fails to file the statement within seven days after the certified mail notice was sent by the board is subject to a civil penalty imposed by the board of up to \$1,000.

(c) An association that provides disclosure under section 10A.20 rather than under this section is subject to the late filing fee and civil penalty provisions of section 10A.20 and is not subject to the penalties provided in this subdivision.

(d) An association that makes electioneering communications under this section and willfully fails to provide the statement required by subdivision 4, paragraph (b), clause (6), within the time specified is subject to an additional civil penalty of up to four times the amount of the electioneering communications disbursements that should have been included on the statement.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to expenditures and electioneering communications made on or after that date.

Sec. 23. Minnesota Statutes 2018, section 10A.244, is amended to read:

10A.244 VOLUNTARY INACTIVE STATUS; POLITICAL FUNDS.

Subdivision 1. **Election of voluntary inactive status.** An association that has a political fund registered under this chapter may elect to have the fund placed on voluntary inactive status if the following conditions are met:

- (1) the association makes a written request for inactive status;
- (2) the association has filed all periodic reports required by this chapter and has received no contributions into its political fund and made no expenditures or disbursements, including

69.1 disbursements for electioneering communications, through its political fund since the last
69.2 date included on the association's most recent report; and

69.3 (3) the association has satisfied all obligations to the state for late filing fees and civil
69.4 penalties imposed by the board or the board has waived this requirement.

69.5 Subd. 2. **Effect of voluntary inactive status.** After an association has complied with
69.6 the requirements of subdivision 1:

69.7 (1) the board must notify the association that its political fund has been placed in
69.8 voluntary inactive status and of the terms of this section;

69.9 (2) the board must stop sending the association reports, forms, and notices of report due
69.10 dates that are periodically sent to entities registered with the board;

69.11 (3) the association is not required to file periodic disclosure reports for its political fund
69.12 as otherwise required under this chapter;

69.13 (4) the association may not accept contributions into its political fund and may not make
69.14 expenditures, contributions, or disbursements, including disbursements for electioneering
69.15 communications, through its political fund; and

69.16 (5) if the association maintains a separate depository account for its political fund, it
69.17 may continue to pay bank service charges and receive interest paid on that account while
69.18 its political fund is in inactive status.

69.19 Subd. 3. **Resumption of active status or termination.** (a) An association that has placed
69.20 its political fund in voluntary inactive status may resume active status upon written notice
69.21 to the board.

69.22 (b) A political fund placed in voluntary inactive status must resume active status within
69.23 14 days of the date that it has accepted contributions or made expenditures, contributions,
69.24 or disbursements, including disbursements for electioneering communications, that aggregate
69.25 more than \$750 since the political fund was placed on inactive status. If, after meeting this
69.26 threshold, the association does not notify the board that its fund has resumed active status,
69.27 the board may place the association's political fund in active status and notify the association
69.28 of the change in status.

69.29 (c) An association that has placed its political fund in voluntary inactive status may
69.30 terminate the registration of the fund without returning it to active status.

69.31 Subd. 4. **Penalty for financial activity while in voluntary inactive status.** If an
69.32 association fails to notify the board of its political fund's resumption of active status under

70.1 subdivision 3, the board may impose a civil penalty of \$50 per day, not to exceed \$1,000
70.2 commencing on the 15th calendar day after the fund resumed active status.

70.3 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to
70.4 expenditures and electioneering communications made on or after that date.

70.5 Sec. 24. Minnesota Statutes 2018, section 10A.25, subdivision 3a, is amended to read:

70.6 Subd. 3a. **Independent expenditures and electioneering communications.** The principal
70.7 campaign committee of a candidate must not make independent expenditures or
70.8 disbursements for electioneering communications. If the principal campaign committee of
70.9 a candidate makes a contribution to an independent expenditure committee or independent
70.10 expenditure fund on or after January 1 of the year the candidate's office will appear on the
70.11 ballot, the independent expenditure committee or independent expenditure fund must not
70.12 make an independent expenditure for that candidate.

70.13 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to
70.14 expenditures and electioneering communications made on or after that date.

70.15 Sec. 25. Minnesota Statutes 2018, section 10A.27, subdivision 15, is amended to read:

70.16 Subd. 15. **Contributions or use of general treasury money.** (a) An association may,
70.17 if not prohibited by other law, contribute its general treasury money to an independent
70.18 expenditure or ballot question political committee or fund, including its own independent
70.19 expenditure or ballot question political committee or fund, without complying with
70.20 subdivision 13.

70.21 (b) Before the day when the recipient committee or fund's next report must be filed with
70.22 the board under section 10A.20, subdivision 2 or 5, an association that has contributed more
70.23 than \$5,000 in aggregate to independent expenditure political committees or funds during
70.24 the calendar year or has contributed more than \$5,000 in aggregate to ballot question political
70.25 committees or funds during the calendar year must provide in writing to the recipient's
70.26 treasurer a statement that includes the name, address, and amount attributable to each person
70.27 that paid the association dues or fees, or made donations to the association that, in total,
70.28 aggregate more than \$5,000 of the contribution from the association to the independent
70.29 expenditure or ballot question political committee or fund. The statement must also include
70.30 the total amount of the contribution attributable to persons not subject to itemization under
70.31 this section. The statement must be certified as true by an officer of the donor association.

(c) To determine the amount of membership dues or fees, or donations made by a person to an association and attributable to the association's contribution to the independent expenditure or ballot question political committee or fund, the donor association must: separately prorate the total independent expenditures and ballot question expenditures made during the calendar year over all general treasury money received during the calendar year.

~~(1) apply a pro rata calculation to all unrestricted dues, fees, and contributions received by the donor association in the calendar year; or~~

~~(2) as provided in paragraph (d), identify the specific individuals or associations whose dues, fees, or contributions are included in the contribution to the independent expenditure political committee or fund.~~

~~(d) Dues, fees, or contributions from an individual or association must be identified in a contribution to an independent expenditure political committee or fund under paragraph (e), clause (2), if:~~

~~(1) the individual or association has specifically authorized the donor association to use the individual's or association's dues, fees, or contributions for this purpose; or~~

~~(2) the individual's or association's dues, fees, or contributions to the donor association are unrestricted and the donor association designates them as the source of the subject contribution to the independent expenditure political committee or fund.~~

(d) If the amount contributed to independent expenditure and ballot question political committees or funds in a calendar year exceeds the amount of general treasury money received by the association during that year:

(1) the contributions must be attributed first to all receipts of general treasury money received during the calendar year in which the contributions were made;

(2) any amount of current-year contributions that exceeds the total of all receipts of general treasury money during the current calendar year must be prorated over all general treasury money received in the preceding calendar year; and

(3) if the allocation made in clauses (1) and (2) is insufficient to cover the subject independent expenditures and ballot question expenditures, no further allocation is required.

(e) After a portion of the general treasury money received by an association from a person has been designated as the source of a contribution to an independent expenditure or ballot question political committee or fund, that portion of the association's general treasury money received from that person may not be designated as the source of any other contribution to an independent expenditure or ballot question political committee or fund₂

72.1 or as the source of funds for a disbursement for electioneering communications made by
72.2 that association.

72.3 **EFFECTIVE DATE.** This section is effective January 1, 2020, and applies to
72.4 expenditures and electioneering communications made on or after that date.

72.5 Sec. 26. Minnesota Statutes 2018, section 383B.041, is amended to read:

72.6 **383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC**
72.7 **INTERESTS.**

72.8 Subdivision 1. **Hennepin County candidates.** Sections 383B.041 to 383B.058 apply
72.9 to the financing of campaigns for county elections in Hennepin County and for city elections
72.10 in home rule charter cities and statutory cities located wholly within Hennepin County,
72.11 having a population of 75,000 or more, and for school board elections in the Special School
72.12 District No. 1, Minneapolis, and to disclosure of economic interests by candidates and
72.13 elected public officials of those jurisdictions. The provisions of sections 211A.02 to 211A.07
72.14 do not apply to the financing of campaigns for elections subject to the provisions of sections
72.15 383B.041 to 383B.058. Candidates for county commissioner, county attorney, and sheriff
72.16 of Hennepin County must file campaign disclosure forms with the filing officer for Hennepin
72.17 County. These candidates are subject to the provisions of chapter 211A.

72.18 Subd. 2. **Political subdivision candidates.** Candidates for elected city, school board,
72.19 park commissioner, and other political subdivision offices within Hennepin County shall
72.20 file campaign disclosure forms with the filing officer for the political subdivision for which
72.21 the candidate is seeking office. These candidates are subject to the provisions of chapter
72.22 211A.

72.23 Subd. 3. **Political committees, political funds, and independent expenditures.** (a)
72.24 The provisions of chapter 10A apply to political committees as defined in section 10A.01,
72.25 subdivision 27; political funds as defined in section 10A.01, subdivision 28; and independent
72.26 expenditures as defined in section 10A.01, subdivision 18, related to:

72.27 (1) a campaign for the nomination or election of a candidate for:

72.28 (i) a county office in Hennepin County;

72.29 (ii) a city office in a home rule charter or statutory city located wholly within Hennepin
72.30 County with a population of 75,000 or more; or

72.31 (iii) the school board in Special School District No. 1; and

72.32 (2) a ballot question or proposition that may be voted on by:

- 73.1 (i) all voters in Hennepin County;
- 73.2 (ii) all voters of a home rule charter or statutory city located wholly within Hennepin
- 73.3 County and having a population of 75,000 or more; or
- 73.4 (iii) all voters in Special School District No. 1.
- 73.5 (b) The provisions of chapter 211A apply to a campaign for nomination or election for
- 73.6 an office in the following political subdivisions:
- 73.7 (1) a home rule or statutory city located wholly within Hennepin County and having a
- 73.8 population of less than 75,000; and
- 73.9 (2) a school district located wholly within Hennepin County other than Special School
- 73.10 District No. 1.
- 73.11 (c) The provisions of chapter 211A apply to a ballot question or proposition that may
- 73.12 be voted on by:
- 73.13 (1) all voters of a home rule or statutory city located wholly within Hennepin County
- 73.14 and having a population of less than 75,000; and
- 73.15 (2) all voters of a school district located wholly within Hennepin County other than
- 73.16 Special School District No. 1.
- 73.17 Subd. 4. **Local ordinances and charters superseded.** This section supersedes the
- 73.18 provisions of any ordinance or resolution of a political subdivision within Hennepin County
- 73.19 or any existing special law or home rule charter provision of a political subdivision within
- 73.20 Hennepin County requiring disclosure of information related to the financing of election
- 73.21 campaigns.
- 73.22 Subd. 5. **Economic interest disclosure; Special School District No. 1.** Every candidate
- 73.23 for school board in Special School District No. 1, Minneapolis, must file an original statement
- 73.24 of economic interest with the school district within 14 days of the filing of an affidavit or
- 73.25 petition to appear on the ballot. An elected official in Special School District No. 1,
- 73.26 Minneapolis, must file the annual statement required in section 10A.09, subdivision 6, with
- 73.27 the school district for every year that the individual serves in office. An original and annual
- 73.28 statement must contain the information listed in section 10A.09, subdivision 5. The provisions
- 73.29 of section 10A.09, subdivisions 6a, 7, and 9, apply to statements required under this
- 73.30 subdivision.

74.1 Sec. 27. **REPEALER.**

74.2 Minnesota Statutes 2018, sections 10A.15, subdivision 6; 383B.042; 383B.043; 383B.044;
74.3 383B.045; 383B.046; 383B.047; 383B.048; 383B.049; 383B.05; 383B.051; 383B.052;
74.4 383B.053; 383B.054; 383B.055; 383B.056; and 383B.057, are repealed.

74.5 **ARTICLE 3**

74.6 **CENSUS AND REDISTRICTING**

74.7 Section 1. **[2.032] REDISTRICTING COMMISSION.**

74.8 Subdivision 1. **Commission membership; duties.** In each year ending in one, a
74.9 redistricting commission is created to draw the boundaries of congressional and legislative
74.10 districts in accordance with the principles established in section 2.035. The commission
74.11 consists of 12 public members, to be appointed in the manner provided in subdivision 2,
74.12 and five retired judges of the appellate or district courts of this state who have not served
74.13 in a party-designated or party-endorsed position, such as legislator, to be appointed in the
74.14 manner provided in subdivision 3.

74.15 Subd. 2. **Public members; appointment.** (a) The secretary of state shall supervise the
74.16 appointment of public members to the redistricting commission.

74.17 (b) By January 15 of each year ending in zero, the secretary of state shall open a widely
74.18 publicized process that encourages eligible residents of this state to apply for membership
74.19 on the redistricting commission. The secretary of state shall solicit recommendations for
74.20 appointment to the redistricting commission from nongovernmental organizations with an
74.21 interest in the elections process.

74.22 (c) The secretary of state shall provide an application form which must be designed to
74.23 show: (1) that an applicant meets the requirements of this subdivision; (2) that the application
74.24 must be submitted under oath affirming the truthfulness of its contents under penalty of
74.25 perjury; and (3) the applicant's demographic information, such as gender, race, ethnicity,
74.26 and age.

74.27 (d) The following persons are not eligible to serve as a commissioner:

74.28 (1) a person who is not eligible to vote;

74.29 (2) a person under a contract with, or who serves as a consultant or staff to, or who has
74.30 an immediate family relationship with the governor, a member of the legislature, or a member
74.31 of congress; and

75.1 (3) a person, or member of the person's immediate family, who has done any of the
75.2 following during the ten years immediately preceding the date of application:

75.3 (i) has been appointed to, elected to, or a candidate for federal or state office;

75.4 (ii) served as an officer, employee, or paid consultant of a political party or of the
75.5 campaign committee of a candidate for elective federal or state office;

75.6 (iii) served as an elected or appointed member of a political party state central committee;

75.7 (iv) registered as a federal, state, or local lobbyist or principal;

75.8 (v) served as paid congressional or legislative staff; or

75.9 (vi) violated the candidate contribution limits in section 10A.27.

75.10 (e) For purposes of this subdivision, a member of a person's immediate family means a
75.11 sibling, spouse, parent or stepparent, child or stepchild, or in-law.

75.12 (f) The secretary of state shall process applications as they are received and remove from
75.13 the applicant pool any person not eligible to serve as a commissioner and notify the person
75.14 of the reason they were removed. To be considered, applications must be received by
75.15 September 15 of the year ending in zero. An applicant must provide with the application
75.16 two positive references from community leaders or groups that promote civic engagement
75.17 with whom the applicant has worked and demonstrate that the applicant:

75.18 (1) has experience with outreach to community groups to encourage civic participation
75.19 with an emphasis on historically disenfranchised groups; or

75.20 (2) has an interest in or experience with government, elections, or civic life.

75.21 (g) The secretary of state shall, based on a review of the applications, prepare a list of
75.22 120 applicant finalists who have demonstrated based on their application an ability to be
75.23 impartial and respect the diversity of this state's many communities. The list must, to the
75.24 extent practicable, reflect the gender, socioeconomic, age, racial, language, ethnic, and
75.25 geographic diversity of the state.

75.26 (h) The list must include:

75.27 (1) 40 applicant finalists identifying with the largest major political party in Minnesota;

75.28 (2) 40 applicant finalists identifying with the second largest major political party in
75.29 Minnesota; and

75.30 (3) 40 applicant finalists identifying their political party preference as belonging to a
75.31 party not described in clause (1) or (2) or to no party.

76.1 For purposes of this paragraph, the two largest political parties are the parties whose
76.2 candidates received the greatest and second greatest number of votes at the most recent two
76.3 gubernatorial elections.

76.4 (i) By December 15 of the year ending in zero, the secretary of state shall give the list
76.5 of finalists and their applications to the majority and minority leaders of the senate, the
76.6 speaker of the house, and the minority leader of the house of representatives. At an open
76.7 meeting, each of the four leaders shall remove 21 applicant finalists from the list: seven
76.8 applicant finalists identifying their political party preference with the majority party in the
76.9 house of representatives, seven applicant finalists identifying their political party preference
76.10 with the minority party in the house of representatives, and seven applicant finalists who
76.11 identified their political party preference with a party different than the majority party in
76.12 the house of representatives and the minority party of the house of representatives or with
76.13 no party. The leaders shall remove applicants one at a time in the order listed above, unless
76.14 the leaders agree to a different order.

76.15 (j) By January 15 of each year ending in one, after the process of removing applicants
76.16 from the list is completed, each of the four leaders of the house of representatives and senate
76.17 shall give the list of finalists and their applications to the secretary of state. The secretary
76.18 of state shall randomly draw four names from the remaining applicants identifying their
76.19 political party preference as belonging to the majority party of the house of representatives,
76.20 four identifying their political party preference as belonging to the minority party of the
76.21 house of representatives, and four identifying their political party preference as belonging
76.22 to a different party than the majority party in the house of representatives and the minority
76.23 party of the house of representatives or to no party. These 12 persons shall serve as public
76.24 member commissioners.

76.25 (k) The secretary of state's actions under this subdivision are not subject to chapter 14.

76.26 Subd. 3. **Retired judges; appointment.** By January 15 of each year ending in one, the
76.27 four leaders of the house of representatives and senate shall each appoint one retired judge,
76.28 after consulting with each other in an effort to attain geographic balance in their
76.29 appointments. If the legislative leaders do not make the appointment by the deadline, the
76.30 chief justice of the supreme court shall make the appointment by January 22 of that year.
76.31 The director of the Legislative Coordinating Commission shall convene a meeting of the
76.32 four retired judges by January 29 of that year. The four retired judges shall then appoint the
76.33 fifth retired judge by a vote of at least three judges.

77.1 Subd. 4. **Code of conduct.** (a) In performing their duties, the five retired judges serving
77.2 as commissioners shall abide by the Code of Judicial Conduct and are considered judicial
77.3 officers as defined in section 609.415.

77.4 (b) Public members of the commission exercise the function of a public officer as defined
77.5 in section 609.415.

77.6 Subd. 5. **Removal; filling vacancies.** (a) A commissioner can be removed with two-thirds
77.7 vote of the commission after notice and a hearing for reasons that would justify recall of a
77.8 state official under section 211C.02.

77.9 (b) The commission must remove a commissioner who participates in a communication
77.10 that violates subdivision 8.

77.11 (c) Except for vacancies filled by the chief justice, vacancies on the commission must
77.12 be filled by the appointing authority that made the initial appointment within 30 days after
77.13 the vacancy occurs. The appointing authority for public members is the secretary of state
77.14 and must be filled by drawing from the same partisan pool as the vacant position. If no
77.15 applicants in the pool are available for service, the secretary of state shall establish a new
77.16 pool, as provided in subdivision 2.

77.17 Subd. 6. **Open records.** The commission is subject to chapter 13, except that a plan is
77.18 not public data until it has been submitted to the commission for its consideration.

77.19 Subd. 7. **Open meetings.** The commission is subject to chapter 13D.

77.20 Subd. 8. **Certain communications prohibited.** (a) Commissioners and commission
77.21 staff must not communicate with anyone except other commissioners or staff regarding the
77.22 content of a plan. The prohibition under this paragraph does not apply to open meetings of
77.23 the commission.

77.24 (b) A commissioner may not direct, request, suggest, or recommend an interpretation
77.25 of a districting principle or a change to a district boundary to commission staff except during
77.26 open meetings of the commission. Commission staff shall report to the commission attempts
77.27 made to exert influence over the staff's role in the drafting of plans.

77.28 Subd. 9. **Lobbyist registration.** Action of the commission to submit a redistricting plan
77.29 to the legislature is an administrative action for purposes of section 10A.01, subdivision
77.30 21, requiring certain persons to register as a lobbyist.

77.31 Subd. 10. **Compensation and expenses.** Commissioners must be compensated for their
77.32 commission activity as provided in section 15.059, subdivision 3.

Subd. 11. **Plans submitted to commission.** The commission shall adopt a schedule for interested persons to submit proposed plans and to respond to plans proposed by others. The commission shall also adopt standards to govern the format of plans submitted. The schedule and standards adopted by the commission under this subdivision are not rules. Chapter 14 and section 14.386 do not apply to this section.

Subd. 12. **Public hearings.** The commission shall hold at least one public hearing in each congressional district before adopting the first congressional and legislative district plans. The commission must ask for input on defining communities of interest for consideration. The commission must publish on its website preliminary drafts of the congressional and legislative district plans and each preliminary draft's accompanying reports at least one week before a hearing required under this subdivision and allow the public at least 30 days to submit comments after publication.

Subd. 13. **Deadlines.** (a) By April 30 of each year ending in one, the commission shall submit plans to the legislature for congressional and legislative districts. Each plan must be accompanied by a report summarizing information and testimony received by the commission in the course of the hearings and including any comments and conclusions the commissioners deem appropriate on the information and testimony received at the hearings or otherwise presented. Any plan submitted to the legislature must be approved by an affirmative vote of at least 13 members of the commission.

(b) The legislature intends that a bill be introduced to enact each plan and that the bill be brought to a vote in either the senate or the house of representatives under a procedure or rule permitting no amendments except those of a purely corrective nature, not less than one week after the report of the commission was received and made available to the members of the legislature. The legislature further intends that the bill be brought to a vote in the second body within one week after final passage in the first body under a similar procedure or rule. If either the senate or the house of representatives fails to approve a first plan submitted by the commission, within one week after the failure the secretary of the senate or the chief clerk of the house of representatives must notify the commission of the failure, including any information that the senate or house of representatives may direct by resolution regarding reasons why the plan was not approved. If the governor vetoes a plan, the veto message serves as the notice.

(c) The commission shall submit a second plan within two weeks after the commission received the notice, unless by then the legislature has adjourned the regular session in the year ending in one, in which case the second plan must be submitted to the legislature at the opening of its regular session in the year ending in two. The legislature intends that a

79.1 second plan be considered by the legislature under the same procedure as provided for a
79.2 first plan under paragraph (b).

79.3 (d) If the commission fails to submit a plan by either of these two deadlines, the legislature
79.4 may proceed to enact a plan in place of the missing plan without waiting for the commission
79.5 to submit a plan.

79.6 (e) If the secretary of the senate or the chief clerk of the house of representatives notifies
79.7 the commission that a second plan has failed, or the governor vetoes a second plan, the
79.8 commission shall submit a third plan within two weeks after the commission received the
79.9 notice, unless by then the legislature has adjourned the regular session in the year ending
79.10 in one, in which case the third plan must be submitted to the legislature at the opening of
79.11 its regular session in the year ending in two. The third plan is subject to the same procedure
79.12 as provided for first and second plans under paragraph (b).

79.13 Final approval of all plans, whether enacted by the legislature or as provided by order
79.14 of the court, must take place no later than the date provided in section 204B.14, subdivision
79.15 1a.

79.16 Subd. 14. **Data used.** (a) To draw congressional and legislative districts, the commission
79.17 shall use, at a minimum, census data representing the entire population of Minnesota.

79.18 (b) The commission shall use redistricting population data that includes data for persons
79.19 who are incarcerated reflecting their residence to be their last known residential address
79.20 before incarceration.

79.21 Subd. 15. **Expiration.** (a) The commission expires when both congressional and
79.22 legislative redistricting plans have been enacted into law or adopted by order of the court
79.23 and any legal challenges to the plans have been resolved.

79.24 (b) If use of a plan is enjoined after the commission expires, the court enjoining the plan
79.25 may direct that a new commission be appointed under this section to draft a remedial plan
79.26 for presentation to the legislature in accordance with deadlines established by order of the
79.27 court.

79.28 Sec. 2. **[2.035] DISTRICTING PRINCIPLES.**

79.29 Subdivision 1. **Application.** The principles in this section apply to congressional and
79.30 legislative districts.

79.31 Subd. 2. **Prohibited information.** (a) No plan shall be drawn to purposefully favor or
79.32 disfavor a political party or candidate.

(b) Information regarding registered voters, political affiliation, voting history, and demographics shall be sequestered from the Redistricting Commission for the initial phase of the process, but may be used to test for compliance with the goals in subdivision 3 and reports described in section 2.036, subdivision 4.

Subd. 3. **Priority of principles.** Redistricting commissioners appointed under section 2.032 shall adhere to the principles in subdivisions 4 to 12 when drawing congressional and legislative districts. Where it is not possible to fully comply with the principles contained below, a redistricting plan shall give priority to those principles in the order in which they are listed, except to the extent that doing so would violate federal or state law.

Subd. 4. **Population equality.** (a) Congressional districts must be as nearly equal in population as practicable.

(b) Legislative districts must be substantially equal in population. The population of a legislative district must not deviate from the ideal by more than one percent.

Subd. 5. **Contiguity.** The districts must be contiguous allowing for easy travel throughout the district. Contiguity by water is sufficient if the water is not a serious obstacle to travel within the district. Districts with areas that touch only at a point are not contiguous.

Subd. 6. **Minority representation.** (a) Each district must be drawn in compliance with all state and federal laws. A district must not be drawn with either the purpose or effect of diluting, denying, or abridging the right of any citizen of the United States to vote on account of race, ethnicity, or membership in a language minority group, whether by themselves or when voting in concert with other people.

(b) Racial, ethnic, and language minorities must have an equal opportunity to participate in the political process and elect candidates of their choice. Racial, ethnic, and language minorities who constitute less than a voting-age majority of a district must have an opportunity to substantially influence the outcome of an election.

Subd. 7. **Communities of interest.** District boundaries shall recognize communities of interest. A community of interest is a contiguous population sharing common social and economic interests that should be included within a single district for purposes of the community's effective and fair representation. Communities of interest include but are not limited to geographic areas where there are clearly recognizable similarities of social, cultural, ethnic, economic, or other interests. Examples of shared interests are those common to an urban area, rural area, industrial area, or agricultural area and those common to areas in which the people share similar living standards, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities

81.1 of interest shall not include relationships with political parties, incumbents, or political
81.2 candidates.

81.3 Subd. 8. **Political subdivisions.** Counties, cities, and municipalities should be preserved
81.4 to the greatest extent possible and in compliance with the other principles to preserve rather
81.5 than divide them among multiple districts.

81.6 Subd. 9. **Incumbents.** The residence of incumbents shall not be taken into consideration
81.7 in the development or approval of a proposed plan.

81.8 Subd. 10. **Compactness.** Compactness must be measured by using one or more statistical
81.9 tests and must be compact.

81.10 Subd. 11. **Partisan symmetry and bias.** A district must not be drawn in a manner that
81.11 unduly favors or disfavors any political party. The commission shall use judicial standards
81.12 and the best available scientific and statistical methods to assess whether a plan unduly
81.13 favors or disfavors a political party.

81.14 Subd. 12. **Numbering.** (a) Congressional district numbers must begin with district one
81.15 in the southeast corner of the state and end with the district with the highest number in the
81.16 northeast corner of the state.

81.17 (b) Legislative districts must be numbered in a regular series, beginning with house
81.18 district 1A in the northwest corner of the state and proceeding across the state from west to
81.19 east, north to south. In a county that includes more than one whole senate district, the districts
81.20 must be numbered consecutively.

81.21 Sec. 3. **[2.036] LEGISLATIVE COORDINATING COMMISSION;**
81.22 **REDISTRICTING.**

81.23 Subdivision 1. **Administrative support.** The Legislative Coordinating Commission
81.24 shall provide administrative support to the Redistricting Commission.

81.25 Subd. 2. **Database.** The geographic areas and population counts used in maps, tables,
81.26 and legal descriptions of congressional and legislative districts considered by the legislature
81.27 must be those used by the Geographic Information Services (GIS) Office of the Legislative
81.28 Coordinating Commission. The population counts shall be the block population counts
81.29 provided to the state under Public Law 94-171 after each decennial census, subject to
81.30 correction of any errors acknowledged by the United States Census Bureau. The GIS Office
81.31 must make the database available to the public on the GIS Office website.

Subd. 3. **Publication; consideration of plans.** A redistricting plan must not be considered for adoption by the senate or house of representatives until the redistricting plan's block equivalency file has been submitted to the GIS Office in a form prescribed by the GIS Office. The block equivalency file must show the district to which each census block has been assigned. The GIS Office shall publish each plan submitted to it on the GIS Office website.

Subd. 4. **Reports.** Publication of a plan must include the following reports:

(1) a population equality report, listing each district in the plan, its population as the total number of persons, and deviations from the ideal as both a number of persons and as a percentage of the population. The report must also show the populations of the largest and smallest districts and the overall range of deviations of the districts;

(2) a contiguity report, listing each district that is noncontiguous either because two areas of a district do not touch or because they are linked by a point;

(3) a minority voting-age population report, listing for each district the voting age population of each racial or language minority and the total minority voting age population, according to the categories recommended by the United States Department of Justice. The report must also highlight each district with 30 percent or more total minority population;

(4) a communities of interest report, if the chief author of a plan asserts that it preserves a community of interest, maps of the plan must include a layer identifying the census blocks within the community of interest. Publication of the plan must also include a report that lays out the research and process used to identify the communities of interest and lists the district or districts to which the community of interest has been assigned. The report must include the number of communities of interest that are split and the number of times the communities were split;

(5) a political subdivision splits report, listing the split counties, cities, towns, unorganized territories, and precincts, and the district to which each portion of a split subdivision is assigned. The report must also show the number of subdivisions split and the number of times a subdivision is split;

(6) a plan components report, listing for each district the names and populations of the counties within it and, where a county is split between or among districts, the names and populations of the portion of the split county and each of the split county's whole or partial cities, townships, unorganized territories, and precincts within each district.

(7) a measures of compactness report, listing for each district at least the results of the Reock, Polsby-Popper, Minimum Convex Hull, Population Polygon, Population Circle, Ehrenburg, Length-Width, measures of compactness. The report must also state for all the districts in a plan the sum of its perimeters and the mean of its other measurements. The commission may consider other tests of compactness; and

(8) a partisan bias report, listing multiple measures of partisan symmetry or other measures of partisan bias as accepted in political science literature and the best available scientific and statistical methods.

Sec. 4. **[204B.136] REDISTRICTING OF LOCAL ELECTION DISTRICTS.**

Subdivision 1. **Redistricting plan standards; Redistricting Commission.** The principles provided in section 2.035 must be applied to the redistricting of:

(1) county commissioner districts, county park districts, and soil and water conservation supervisor districts in counties with a population greater than 100,000; and

(2) wards in cities with a population greater than 75,000.

Subd. 2. **Population variance.** The minimum population variance permitted for county districts and wards may be up to 1.5 percent of the mean population for all districts or wards in a redistricting plan adopted as provided in this section.

Subd. 3. **Procedure.** Redistricting plans required by this section shall be prepared and adopted by the charter commission, or where such a commission does not exist, by a redistricting commission of no fewer than seven and no more than 15 members appointed by the chief judge of the district court in which a majority of the population of the affected jurisdiction reside. Members of a commission appointed under this subdivision must meet the qualification standards for a public member of the Redistricting Commission as described in section 2.032, subdivision 2, paragraph (d).

Sec. 5. **ACCESS TO MULTIUNIT FACILITIES BY UNITED STATES CENSUS EMPLOYEES.**

Subdivision 1. **Access required.** It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways, to an employee of the United States Census who displays a current, valid census credential and who is engaged in official census business. An employee granted access under this section must be permitted to leave census materials

84.1 for residents at their doors, except that the manager of a nursing home may direct that the
84.2 materials be left at a central location within the facility. The materials must be left in an
84.3 orderly manner.

84.4 Subd. 2. **Limitations.** This section does not prohibit:

84.5 (1) denial of admittance into a particular apartment, room, manufactured home, or
84.6 personal residential unit;

84.7 (2) in the case of a nursing home or a registered housing with services establishment
84.8 providing assisted living services meeting the requirements of Minnesota Statutes, section
84.9 144G.03, subdivision 2, denial of permission to visit certain persons for valid health reasons;

84.10 (3) limiting visits to a reasonable number of census employees or reasonable hours;

84.11 (4) requiring a prior appointment to gain access to the facility; or

84.12 (5) denial of admittance to or expulsion of an individual employee from a multiple unit
84.13 dwelling for good cause.

84.14 Subd. 3. **Compliance with federal law.** A person in compliance with United States
84.15 Code, title 13, section 223, and any guidance or rules adopted by the United States
84.16 Department of Commerce, Bureau of the Census, governing access to a facility described
84.17 in subdivision 1 is considered to be in compliance with the requirements of this section.

84.18 Subd. 4. **Applicability.** This section is effective from January 1 to July 1 in any year
84.19 during which a decennial census is conducted under the authority of the United States
84.20 Constitution, article 1, section 2.

84.21 Sec. 6. **APPROPRIATIONS.**

84.22 Subdivision 1. **Legislative Coordinating Commission.** \$..... in fiscal year 2020 and
84.23 \$..... in fiscal year 2021 are appropriated from the general fund to the Legislative
84.24 Coordinating Commission for costs associated with implementing this article. These are
84.25 onetime appropriations.

84.26 Subd. 2. **Secretary of State.** \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are
84.27 appropriated from the general fund to the secretary of state for costs associated with
84.28 implementing this article. These are onetime appropriations.