

1.1 ..... moves to amend H.F. No. 4772, in conference committee, as follows:

1.2 On R4, House language, (H4772-2)

1.3 Page 4, delete sections 3 and 4 and insert:

1.4 "Sec. .... **[200.50] MINNESOTA VOTING RIGHTS ACT.**

1.5 Sections 200.50 to 200.59 may be cited as the "Minnesota Voting Rights Act."

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

1.7 Sec. .... **[200.52] DEFINITIONS.**

1.8 Subdivision 1. **Application.** As used in sections 200.50 to 200.59, the terms as defined  
1.9 in this section have the meanings given.

1.10 Subd. 2. **Government official.** "Government official" means any individual who is  
1.11 elected or appointed to an office in this state or a political subdivision or who is authorized  
1.12 to act in an official capacity on behalf of the state or a political subdivision.

1.13 Subd. 3. **Language minority group.** "Language minority group" means a language  
1.14 minority group as that term is defined in the federal Voting Rights Act of 1965, as amended,  
1.15 as of the effective date of this act.

1.16 Subd. 4. **Method of election.** (a) "Method of election" means the method by which  
1.17 candidates are elected to the legislative body of a political subdivision, and includes at-large  
1.18 method of election, district-based method of election, or any alternative method of election.  
1.19 Method of election also includes the districting or redistricting plan used to elect candidates  
1.20 to the legislative body of a political subdivision.

1.21 (b) "At-large method of election" means a method of electing candidates to the legislative  
1.22 body of a political subdivision in which candidates are voted on by all voters of the political

2.1 subdivision or that combines at-large with district-based methods of elections. At-large  
2.2 method of election does not include any alternative method of election.

2.3 (c) "District-based method of election" means a method of electing candidates to the  
2.4 legislative body of a political subdivision in which, for political subdivisions divided into  
2.5 districts, a candidate for any district is required to reside in the district and candidates  
2.6 representing or seeking to represent the district are voted on by only the voters who reside  
2.7 in the district. District-based method of election does not include any alternative method of  
2.8 election.

2.9 (d) "Alternative method of election" means a method of electing candidates to the  
2.10 legislative body of a political subdivision other than an at-large method of election or a  
2.11 district-based method of election and includes but is not limited to cumulative voting, limited  
2.12 voting, and proportional ranked choice voting.

2.13 Subd. 5. **Political subdivision.** "Political subdivision" means a county, city, town, or  
2.14 school district.

2.15 Subd. 6. **Politically cohesive.** "Politically cohesive" means that members of a group  
2.16 tend to prefer the same candidates, electoral choices, or policies.

2.17 Subd. 7. **Protected class.** "Protected class" means a class of citizens who are members  
2.18 of a racial, color, or language minority group, or who are members of a federally recognized  
2.19 Indian Tribe, including a class of two or more such groups.

2.20 Subd. 8. **Polarized voting.** "Polarized voting" means voting in which the candidate or  
2.21 electoral choice preferred by a protected class diverges from the candidate or electoral choice  
2.22 preferred by other voters.

2.23 Subd. 9. **Vote; voting.** "Vote" or "voting" includes any action necessary to cast a ballot  
2.24 and make that ballot count in any election, including but not limited to: registering to vote;  
2.25 applying for an absentee ballot; and any other action required by law as a prerequisite to  
2.26 casting a ballot and having that ballot counted, canvassed, certified, and included in the  
2.27 appropriate totals of votes cast with respect to an election.

2.28 Subd. 10. **Voting eligible population.** "Voting eligible population" means those  
2.29 individuals who are eligible to register and vote, regardless of whether the individuals are  
2.30 registered to vote.

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

2.32 On R5, House language, (H4772-2)

3.1 Page 6, delete sections 5 and 6 and insert:

3.2 "Sec. .... **[200.53] CONSTRUCTION AND USE OF AUTHORITY.**

3.3 A law, rule, local law, charter provision, local ordinance, or local code relating to the  
3.4 right to vote, or which grants authority to prescribe or maintain voting or elections policies  
3.5 and practices, must be construed or applied liberally in favor of a voter's exercise of the  
3.6 right of suffrage. To the extent a court is afforded discretion on an issue, including but not  
3.7 limited to discovery, procedure, admissibility of evidence, or remedies, the court must  
3.8 exercise that discretion and weigh other equitable discretion in favor of this right.

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

3.10 Sec. .... **[200.54] VOTER SUPPRESSION AND VOTE DILUTION PROHIBITED.**

3.11 Subdivision 1. **Voter suppression.** (a) A political subdivision or any other government  
3.12 official or entity responsible for election administration must not adopt or apply a  
3.13 qualification for eligibility to vote or other prerequisite to voting; adopt or apply any law,  
3.14 ordinance, rule, standard, practice, procedure, or policy regarding the administration of  
3.15 elections; or take any other action or fail to take any action that results in, is likely to result  
3.16 in, or is intended to result in a denial or abridgement of the right to vote by a member of a  
3.17 protected class.

3.18 (b) A violation of this subdivision may be established if it is shown that the challenged  
3.19 qualification, law, ordinance, rule, standard, practice, procedure, or policy, or action results  
3.20 in a disparate burden on members of a protected class and the burden is, under the totality  
3.21 of the circumstances, related to social and historical conditions affecting members of the  
3.22 protected class.

3.23 Subd. 2. **Vote dilution.** (a) A political subdivision or any other government official or  
3.24 entity responsible for election administration must not adopt or enforce any method of  
3.25 election, or cause an annexation, incorporation, dissolution, consolidation, or division of a  
3.26 political subdivision, that has the effect of impairing the equal opportunity or ability of  
3.27 members of a protected class to nominate or elect candidates of their choice as a result of  
3.28 diluting the vote of members of that protected class.

3.29 (b) A violation of paragraph (a) exists when it is shown that:

3.30 (1) either:

4.1 (i) elections in a political subdivision exhibit polarized voting resulting in an impairment  
4.2 of the equal opportunity or ability of protected class members to nominate or elect candidates  
4.3 of their choice; or

4.4 (ii) based on the totality of the circumstances, the equal opportunity or ability of protected  
4.5 class members to nominate or elect candidates of their choice is impaired; and

4.6 (2) one or more new methods of election or changes to the existing method of election  
4.7 exist that the court could order pursuant to section 200.58 would likely mitigate the  
4.8 impairment.

4.9 (c) To the extent that a new method of election or change to the existing method of  
4.10 election that is presented under paragraph (b), clause (2), is a proposed district-based plan  
4.11 that provides protected class members with one or more reasonably configured districts in  
4.12 which the protected class members would have an equal opportunity or ability to nominate  
4.13 or elect candidates of the protected class members' choice, it is not necessary to show that  
4.14 members of a protected class comprise a majority of the total population, voting age  
4.15 population, voting eligible population, or registered voter population in any such district or  
4.16 districts.

4.17 (d) The fact that members of a protected class are not geographically compact does not  
4.18 preclude a finding of a violation of this subdivision but may be a factor in determining  
4.19 whether an appropriate remedy exists that would likely mitigate the impairment.

4.20 (e) For claims brought on behalf of a protected class, including one consisting of two  
4.21 or more racial, color, Tribal, or language minority groups that are politically cohesive in  
4.22 the political subdivision, the court shall consider only the combined electoral preferences  
4.23 of those racial, color, Tribal, or language minority groups in determining whether voting  
4.24 by the protected class is polarized from other voters. It is not necessary to demonstrate that  
4.25 voting by members of each racial, color, Tribal, or language minority group within a protected  
4.26 class, or by any subgroup within a racial, color, or language minority group, is separately  
4.27 polarized from other voters.

4.28 (f) Evidence concerning the causes of, or the reasons for, the occurrence of polarized  
4.29 voting is not relevant to the determination of whether polarized voting occurs, or whether  
4.30 candidates or electoral choices preferred by a protected class would usually be defeated.  
4.31 Evidence concerning alternate explanations for polarized voting patterns or election  
4.32 outcomes, including but not limited to partisan explanations, must not be considered.

5.1 (g) Evidence concerning projected changes in population or demographics may only be  
5.2 considered when determining whether an appropriate remedy exists that would likely mitigate  
5.3 the impairment.

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

5.5 On R7, House language, (H4772-2)

5.6 Page 8, delete section 7 and insert:

5.7 "Sec. .... **[200.55] RELEVANT FACTORS FOR DETERMINING VIOLATION.**

5.8 Subdivision 1. **Factors established.** In determining whether, under the totality of the  
5.9 circumstances, a violation of section 200.54 has occurred with respect to a protected class,  
5.10 a court may consider any of the following factors:

5.11 (1) the history of discrimination affecting members of the protected class;

5.12 (2) the extent to which members of the protected class are disadvantaged, or otherwise  
5.13 bear the effects of past public or private discrimination, in any areas that may hinder their  
5.14 ability to participate effectively in the political process, including education, employment,  
5.15 health, criminal justice, housing, transportation, land use, or environmental protection;

5.16 (3) whether members of the protected class vote at a lower rate than other voters;

5.17 (4) the use of overt or subtle racial appeals in political campaigns or by government  
5.18 officials;

5.19 (5) the extent to which members of the protected class have been elected to office;

5.20 (6) the extent to which candidates who are members of the protected class have faced  
5.21 barriers with respect to accessing the ballot, receiving financial support, or receiving any  
5.22 other support for their candidacies for elective office;

5.23 (7) the extent to which candidates who are members of a protected class face hostility  
5.24 or barriers while campaigning due to the protected class membership;

5.25 (8) the extent of polarized voting;

5.26 (9) the use of any standard, practice, procedure, or policy that may enhance the dilutive  
5.27 effects of a challenged method of election;

5.28 (10) the lack of responsiveness by elected officials to the particularized needs of protected  
5.29 class members or a community of protected class members;

6.1 (11) whether the challenged method of election, ordinance, resolution, rule, policy,  
6.2 standard, regulation, procedure, or law was designed to advance, and does materially advance,  
6.3 a compelling state interest that is substantiated and supported by evidence; and

6.4 (12) other factors the court may deem relevant.

6.5 Subd. 2. **Necessity of factors.** No one factor in subdivision 1 is dispositive or necessary  
6.6 to establish the existence of a violation of section 200.54, nor shall any specified number  
6.7 or combination of factors be required in establishing that such a violation has occurred. The  
6.8 court shall consider a particular factor only if and to the extent evidence pertaining to that  
6.9 factor is introduced. The absence of evidence as to any particular factor does not preclude  
6.10 a finding of a violation of section 200.54.

6.11 Subd. 3. **Claims involving a political subdivision.** To the extent a claim concerns a  
6.12 political subdivision, evidence of the factors in subdivision 1 is most probative if the evidence  
6.13 relates to the political subdivision in which the alleged violation occurred, but still holds  
6.14 probative value if the evidence relates to the geographic region in which that political  
6.15 subdivision is located or to this state.

6.16 Subd. 4. **Evidence of intent.** Evidence concerning the intent of voters, elected officials,  
6.17 or the political subdivision to discriminate against members of a protected class is not  
6.18 required to find a violation of section 200.54.

6.19 Subd. 5. **Factors that must be excluded.** In determining whether a violation of section  
6.20 200.54 has occurred, a court shall not consider any of the following:

6.21 (1) the number of protected class members not burdened by the challenged qualification,  
6.22 prerequisite, standard, practice, or procedure;

6.23 (2) the degree to which the challenged qualification, prerequisite, standard, practice, or  
6.24 procedure has a long pedigree or was in widespread use at some earlier date;

6.25 (3) the use of an identical or similar qualification, prerequisite, standard, practice, or  
6.26 procedure in other states or jurisdictions;

6.27 (4) the availability of other forms of voting unimpacted by the challenged qualification,  
6.28 prerequisite, standard, practice, or procedure to all members of the electorate, including  
6.29 members of the protected class;

6.30 (5) an impact on potential criminal activity by individual voters, if those crimes have  
6.31 not occurred in the political subdivision in substantial numbers, or if the connection between  
6.32 the challenged policy and any claimed prophylactic effect is not supported by substantial  
6.33 evidence; or

7.1 (6) mere invocation of interests in voter confidence or prevention of fraud.

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

7.3 On R9, House language, (H4772-2)

7.4 Page 10, delete section 8 and insert:

7.5 "Sec. .... **[200.56] PRESUIT NOTICE.**

7.6 Subdivision 1. **Notice required.** (a) Except as provided in this section, before filing an  
7.7 action a prospective plaintiff shall send a notice letter to the political subdivision identifying  
7.8 the potential violation, the affected protected class, and the type of remedy the potential  
7.9 plaintiff believes may address the potential violation. The party may not file an action related  
7.10 to the violations described in the notice letter until its receipt of a written denial by the  
7.11 political subdivision or within 60 days after sending the letter, whichever is earlier.

7.12 (b) A notice letter required by paragraph (a) must identify a potential violation of section  
7.13 200.54 with specificity, including whether the prospective plaintiff believes the potential  
7.14 violation constitutes voter suppression under section 200.54, subdivision 1, vote dilution  
7.15 under section 200.54, subdivision 2, or both. The letter must include the relevant facts and  
7.16 evidence that the prospective plaintiff relied upon when evaluating whether a potential  
7.17 violation of section 200.54 exists.

7.18 Subd. 2. **When presuit notice is not required.** Notwithstanding subdivision 1, a notice  
7.19 letter is not required if:

7.20 (1) the party is seeking preliminary relief with respect to an upcoming election in  
7.21 accordance with section 200.57;

7.22 (2) the party is seeking to intervene in or join an existing action; or

7.23 (3) following the party's submission of a notice letter, the political subdivision enacted  
7.24 a remedy that would not remedy the violation identified in the letter.

7.25 Subd. 3. **Responsibility of parties.** The political subdivision shall respond in writing  
7.26 to a notice letter submitted under subdivision 1 within 60 days. If the political subdivision  
7.27 does not deny the potential violation, it must work in good faith with the party that submitted  
7.28 the letter to explore and implement any mutually agreed upon remedies to cure the potential  
7.29 violation. If the political subdivision adopts a resolution within 60 days of the filing of the  
7.30 letter identifying a remedy, affirming its intent to enact and implement a remedy, and  
7.31 establishing a timeline and specific steps it will take to do so, the political subdivision shall  
7.32 have 150 days from the submission of the letter to enact and implement a remedy, during

8.1 which time the party who sent the letter may not file an action related to those violations  
8.2 against that political subdivision. A statement, action, or decision of a political subdivision  
8.3 under this subdivision does not constitute an admission by the political subdivision of its  
8.4 liability or establish the existence of a violation of section 200.54.

8.5 Subd. 4. **Approval of remedies.** If the political subdivision lacks authority to enact or  
8.6 implement an identified remedy, the political subdivision may nonetheless enact and  
8.7 implement the remedy upon approval by the district court. To seek approval, the political  
8.8 subdivision must file a petition in district court that identifies with specificity the law or  
8.9 other authority that prevents the remedy from being enacted or implemented. The venue  
8.10 for a petition under this subdivision is in the district court of the county where the challenged  
8.11 act or practice occurred, or in the District Court of Ramsey County. The district court may  
8.12 authorize the political subdivision to implement or enact the identified remedy  
8.13 notwithstanding the applicable law or authority to the contrary, if the court determines that  
8.14 the prospective plaintiff is likely to succeed in a lawsuit on the merits of the alleged violation;  
8.15 that the proposed remedy would address the alleged violation; and that the proposed remedy  
8.16 is narrowly tailored to that purpose.

8.17 Subd. 5. **Cost sharing.** (a) If a political subdivision enacts or implements a remedy in  
8.18 response to a notice letter submitted under subdivision 1, the political subdivision and the  
8.19 party who sent the notice letter must mutually agree on a reimbursement amount to be paid  
8.20 by the political subdivision to that party. The reimbursement amount must reflect the  
8.21 reasonable costs associated with producing and sending the letter and any accompanying  
8.22 evidence, subject to the limitations of this subdivision.

8.23 (b) To be eligible for a reimbursement, the party who submitted the notice letter must  
8.24 submit a request to the political subdivision in writing. The request must:

8.25 (1) be received by the political subdivision within 30 days of its enactment or adoption  
8.26 of the remedy; and

8.27 (2) be substantiated with financial documentation including, as applicable, detailed  
8.28 invoices for expert analysis and reasonable attorney fees.

8.29 (c) The cumulative amount of reimbursements to all parties must not exceed \$30,000.  
8.30 Reimbursement amounts for attorney fees are limited to amounts calculated using a lodestar  
8.31 methodology.

8.32 (d) To the extent a party requests reimbursement for a purported notice letter that fails  
8.33 to comply with the requirements in subdivision 1, or the request fails to comply with this

9.1 subdivision, the political subdivision may dismiss the request. If the request is dismissed,  
 9.2 the political subdivision must notify the party in writing of the reasons for the dismissal.

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

9.4 On R10, House language, (H4772-2)

9.5 Page 11, delete section 9 and insert:

9.6 "Sec. .... **[200.57] RIGHT OF ACTION; VENUE; PRELIMINARY RELIEF.**

9.7 Subdivision 1. **Right of action.** (a) The attorney general, a county attorney, any individual  
 9.8 aggrieved by a violation of this act, any entity whose membership includes individuals  
 9.9 aggrieved by a violation of this act, any entity whose mission would be frustrated by a  
 9.10 violation of this act, or any entity that would expend resources in order to fulfill its mission  
 9.11 as a result of a violation of this act, may file an action in the district court for the county  
 9.12 where the challenged act or practice has occurred, or in the district court of Ramsey County.  
 9.13 Actions brought under this act are subject to expedited pretrial and trial proceedings and  
 9.14 must receive an automatic calendar preference. The state is a necessary party in any action  
 9.15 in which an alleged violation is based on a political subdivision's implementation of a state  
 9.16 law, if the state law does not afford discretion to the political subdivision in its  
 9.17 implementation of the law.

9.18 (b) In an action related to a districting or redistricting plan, any individual with standing  
 9.19 to challenge any single district shall be deemed to have standing to challenge the districting  
 9.20 or redistricting plan as a whole.

9.21 Subd. 2. **Preliminary relief prior to election.** In any action seeking a temporary  
 9.22 injunction or other preliminary relief under this act before an election, the court shall grant  
 9.23 relief if warranted based on the factors considered in seeking a temporary injunction or  
 9.24 preliminary relief under Minnesota law, except that if the court determines that it is possible  
 9.25 to implement appropriate relief that would address an alleged violation before an election,  
 9.26 such relief shall not be denied on the basis that the election is close in time or that the relief  
 9.27 could result in voter confusion.

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

9.29 On R11, House language, (H4772-2)

9.30 Page 12, delete sections 10 and 11 and insert:

10.1 "Sec. .... **[200.58] REMEDIES.**

10.2 Notwithstanding any other law, if the court finds a violation of any provision of section  
 10.3 200.54, the court has authority to order remedies that are tailored to best mitigate the  
 10.4 violation. Any remedy ordered by the court must be constructed liberally in favor of a voter's  
 10.5 exercise of the right of suffrage. The court may consider, among others, any remedy that  
 10.6 has been ordered by a federal court or the court of another state jurisdiction, including  
 10.7 through a court-approved consent decree or settlement adopted in the context of similar  
 10.8 facts or to remedy a similar violation. The court shall consider remedies proposed by any  
 10.9 party and may consider remedies proposed by interested nonparties. The court may not  
 10.10 provide deference or priority to a proposed remedy offered by a defendant or political  
 10.11 subdivision simply because the remedy has been proposed by the defendant or political  
 10.12 subdivision.

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

10.14 Sec. .... **[200.59] FEES AND COSTS.**

10.15 In any action brought under this act, the court, in its discretion, may allow the prevailing  
 10.16 party costs and reasonable attorney's fees. If a party prevails on only a portion of their action,  
 10.17 the court may award costs and fees attributable to that portion of the action. If the party  
 10.18 against whom the action was filed prevails in the action, the court shall not award that party  
 10.19 any costs or fees unless the court finds the action is frivolous.

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

10.21 On R23, House language, (H4772-2)

10.22 Page 24, delete section 22 and insert:

10.23 "Sec. .... Minnesota Statutes 2022, section 204B.175, is amended to read:

10.24 **204B.175 CHANGE OF POLLING PLACE IN AN EMERGENCY.**

10.25 Subdivision 1. **Application.** When an emergency occurs after the deadline to designate  
 10.26 a polling place for the purpose of absentee or early voting pursuant to section 203B.081, or  
 10.27 after the deadline to designate a polling place pursuant to section 204B.16 but before the  
 10.28 polls close on election day, a new polling place may be designated ~~for that election~~ pursuant  
 10.29 to this section. For purposes of this section, an emergency is any situation that prevents the  
 10.30 safe, secure, and full operation of a polling place, or when required to remedy a potential  
 10.31 violation of section 200.54.

11.1 Subd. 2. **Changing polling place.** If a local election official determines that an emergency  
11.2 has occurred or is imminent, the local election official must procure a polling place that is  
11.3 as near the designated polling place as possible and that complies with the requirements of  
11.4 section 204B.16, subdivisions 4 and 5. If it is not possible to locate a new polling place in  
11.5 the precinct, the polling place may be located outside of the precinct without regard to the  
11.6 distance limitations in section 204B.16, subdivision 1. If a polling place location is changed  
11.7 to remedy a potential violation of section 200.54, the location of the polling place must be  
11.8 selected to remedy the violation. The local election official must certify to the appropriate  
11.9 governing body the expenses incurred because of the change. These expenses shall be paid  
11.10 as part of the expenses of the election.

11.11 Subd. 2a. **Designation of additional polling places.** A local election official may  
11.12 designate additional polling places, notwithstanding the deadlines in section 203B.081, if  
11.13 additional designations are required to remedy a potential violation of section 200.54. The  
11.14 local election official must certify to the appropriate governing body the expenses incurred  
11.15 because of the change. These expenses shall be paid as part of the expenses of the election.

11.16 Subd. 3. **Notice.** (a) Upon making the determination to relocate a polling place, the local  
11.17 election official must immediately notify the county auditor and the secretary of state. The  
11.18 notice must include the reason for the relocation and the reason for the location of the new  
11.19 polling place. As soon as possible, the local election official must also post a notice stating  
11.20 the reason for the relocation and the location of the new polling place. The notice must also  
11.21 be posted on the website of the public body, if there is one. The local election official must  
11.22 also notify the election judges and request that local media outlets publicly announce the  
11.23 reason for the relocation and the location of the polling place. If the relocation occurs more  
11.24 than 14 days prior to the election, the local election official must mail a notice to the impacted  
11.25 voters of the reason for the relocation and the location of the polling place.

11.26 (b) On election day, the local election official must post a notice in large print in a  
11.27 conspicuous place at the polling place where the emergency occurred, if practical, stating  
11.28 the location of the new polling place. The local election official must also post the notice,  
11.29 if practical, in a location visible by voters who vote from their motor vehicles as provided  
11.30 in section 204C.15, subdivision 2. If polling place hours are extended pursuant to section  
11.31 204C.05, subdivision 2, paragraph (b), the posted notices required by this paragraph must  
11.32 include a statement that the polling place hours at the new polling place will be extended  
11.33 until the specified time."

11.34 On R46, House language, (H4772-2)

12.1 Page 43, delete sections 59 and 60 and insert:

12.2 "Sec. .... Minnesota Statutes 2022, section 412.02, subdivision 6, is amended to read:

12.3 Subd. 6. **Council increased or reduced.** The council may by ordinance adopted at least  
12.4 60 days before the next regular city election submit to the voters of the city the question of  
12.5 whether the city council should be increased or reduced to seven or five members. The  
12.6 ordinance shall include a schedule of elections and terms and ward boundary changes, if  
12.7 applicable, to accomplish the change. The proposal shall be voted on at the next city general  
12.8 election and, if approved by a majority of those voting on the question, go into effect in  
12.9 accordance with the schedule and ward boundaries, if applicable.

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

12.11 Sec. .... Minnesota Statutes 2022, section 412.02, is amended by adding a subdivision to  
12.12 read:

12.13 Subd. 7. **Wards.** (a) A city may adopt an ordinance to elect its city council members by  
12.14 ward in the following circumstances:

12.15 (1) if the ordinance is submitted to the voters of the city for approval at a regular or  
12.16 special election, and the ordinance is adopted at least 180 days before that election; or

12.17 (2) when approved or ordered to do so by a court of competent jurisdiction acting in  
12.18 response to a challenge to the city's method of conducting elections.

12.19 (b) If the city is petitioned by at least 15 percent of the electors voting at the last previous  
12.20 city election asking that the question of city council member election by ward be put to the  
12.21 voters of the city, the city must adopt an ordinance for that purpose and submit the ordinance  
12.22 to the voters of the city for approval at a regular or special election.

12.23 (c) An ordinance must designate the boundaries of the wards. The ordinance must also  
12.24 state whether the city will otherwise operate as a statutory standard plan city or statutory  
12.25 optional plan city, subject to voter approval as may be required under this chapter. If  
12.26 submitted to the voters by ballot question, the ordinance shall go into effect at the next  
12.27 regular city election if it is approved by a majority of those voting on the question. Except  
12.28 as provided by this subdivision, section 205.10 applies to a ballot question submitted to the  
12.29 voters at a special election under this subdivision.

12.30 (d) A city that elects its council members by ward is subject to the requirements of  
12.31 sections 204B.135 and 205.84.

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

13.2 On R51, House language, (H4772-2)

13.3 Page 46, delete section 67 and insert:

13.4 "Sec. .... **LEGISLATIVE FINDINGS.**

13.5 (a) The legislature finds that election practices, procedures, and methods that deny or  
13.6 impair the equal opportunity of racial, color, or language minority groups and Tribal  
13.7 communities to participate in the political process or elect candidates of their choice are  
13.8 inconsistent with the fundamental right to vote, and the rights and privileges guaranteed by  
13.9 the Minnesota Constitution as well as protections found in the Fourteenth and Fifteenth  
13.10 Amendments to the United States Constitution.

13.11 (b) The legislature finds that there is a history in Minnesota, as in the United States  
13.12 overall, of discrimination based on race, color, language-minority status, and Tribal  
13.13 membership, including in access to the political process. For example, that:

13.14 (1) the state constitution of 1857 limited the right to vote to white residents and Native  
13.15 American voters "who have adopted the customs and habits of civilization," and invoked a  
13.16 cultural purity test for Native American residents, requiring only Native American applicants  
13.17 to appear before a district court to determine whether each individual was "capable of  
13.18 enjoying the rights of citizenship within the State";

13.19 (2) Minnesota voters twice rejected expanding suffrage to Black residents, voting down  
13.20 proposed constitutional amendments to do so in 1865 and again in 1867, and only granted  
13.21 nonwhite men the right to vote in 1868, three years after the end of the Civil War;

13.22 (3) civil rights plaintiffs and the federal government have filed litigation and taken other  
13.23 action against political subdivisions in Minnesota under the Federal Voting Rights Act of  
13.24 1965, as amended, alleging violations of section 2 of that act;

13.25 (4) individuals who are members of racial, color, or language minority groups have  
13.26 faced voter intimidation and disinformation in Minnesota, and that, for example, voters of  
13.27 color in 2020 in the cities of Minneapolis and St. Paul were targeted by a plan to hire and  
13.28 deploy armed paramilitia to polling locations, an attempt that was enjoined by a federal  
13.29 district court judge; and

13.30 (5) the history of discrimination in Minnesota further includes but is not limited to  
13.31 discrimination in housing, including the use of redlining, racially restrictive covenants on  
13.32 housing deeds, and predatory lending practices; education; employment; health; criminal

14.1 justice; public works; transportation; land use; environmental protection; and other areas  
14.2 of life.

14.3 (c) As a result of this history and persistent discrimination and socioeconomic inequities  
14.4 that bear on the right to vote, members of racial, color, or language minority groups and  
14.5 Tribal communities continue to face unequal barriers in exercising the franchise and  
14.6 participating effectively in the political process.

14.7 (d) In light of these conditions, it is the legislature's intent by this act to encourage  
14.8 participation in the elective franchise by all eligible voters and to provide voters in this state  
14.9 with a means to secure their constitutional right to vote free from discrimination.

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

14.11 Renumber the sections in sequence and correct the internal references