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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 216

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The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2006, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

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

Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

An amendment to the Minnesota Constitution, adding a section to article IV, is proposed to the people. If the amendment is adopted the section will read as follows:

Sec. 27. The enactment of a law may be initiated by the petition of registered voters. A referendum of the people to repeal existing law may be proposed by petition of registered voters.

An initiative of the people that proposes a law shall be placed on the ballot at the state general election if petitions for it are signed by registered voters in each of the congressional districts of the state, and of the state as a whole, in a number equal to or greater than five percent of the number of persons who voted for governor at the last election of a governor in each of such districts respectively and in the state as a whole.

The legislature may provide by law a procedure for determining the fiscal impact of initiated measures and for making that information public.

A referendum of the people whose purpose is only to repeal existing law shall be placed on the ballot at the state general election if petitions for it are signed by registered voters in each of the congressional districts of the state, and of the state as a whole, in a number not less than five percent of the number of persons who voted for governor at the last election of a governor. If the law whose repeal is proposed has not gone into

2.1 effect at the time that completed petitions are filed, the law shall remain suspended until
2.2 the question is voted on.

2.3 An initiated law or the repeal of a law by referendum of the people shall be enacted
2.4 30 days after the affirmative vote of a majority of those voting on the question. An initiated
2.5 law may not be amended or repealed nor may a law repealed by referendum be enacted
2.6 again, either under this section or by enactment by the legislature, before the next state
2.7 general election after the vote on the initiated or referred law. The governor may not veto
2.8 an initiated law or a referendum of the people. If a law that is similar to a pending initiated
2.9 law is enacted by the legislature, the sponsor of the initiative may abandon it. The similar
2.10 law may provide that, if the sponsor of the initiative declines to abandon it, the similar law
2.11 will also be placed on the ballot to be voted on like the initiated law. If both receive the
2.12 affirmative vote of a majority, only that which has the greater vote shall take effect.

2.13 An amendment to the constitution may be initiated by a petition signed by registered
2.14 voters in each of the congressional districts of the state, and of the state as a whole, in
2.15 a number not less than eight percent of the number of persons who voted for governor
2.16 at the last election of a governor in each of such districts respectively and in the state as
2.17 a whole. The amendment shall be placed on the ballot at the state general election and
2.18 becomes part of this constitution 30 days after the affirmative vote of a majority of those
2.19 voting at the election.

2.20 The legislature may, by a law enacted under the other provisions of article IV, refer a
2.21 law to a vote of the people. No more than three laws may be referred by the legislature to
2.22 a vote of the people at the same state general election. A law referred by the legislature
2.23 shall be enacted 30 days after the affirmative vote of a majority of those voting on the
2.24 question. The governor may not veto a law referred by the legislature.

2.25 No proposal for an initiated law, a referendum of the people to repeal existing law,
2.26 an amendment to the constitution initiated by petition, or a law referred by the legislature
2.27 to a vote of the people may embrace more than one general subject.

2.28 The legislature shall, by law, provide procedures to facilitate this section.

2.29 **Sec. 2. SUBMISSION TO VOTERS.**

2.30 The amendment must be submitted to the people at the 2008 general election. The
2.31 question proposed must be:

2.32 "Shall the Minnesota Constitution be amended to provide for initiative and
2.33 referendum?

2.34 Yes
2.35 No"

3.1 Sec. 3. **[3B.31] CITATION.**

3.2 Sections 3B.31 to 3B.57 may be cited as the "Initiative and Referendum
 3.3 Implementation Act."

3.4 Sec. 4. **[3B.32] DEFINITIONS.**

3.5 Subdivision 1. **Scope.** The definitions in this section apply to sections 3B.31
 3.6 to 3B.57.

3.7 Subd. 2. **Ballot measure.** "Ballot measure" means a law proposed by an initiative
 3.8 or a referendum of the people.

3.9 Ballot measure also includes a law referred by the legislature for purposes of
 3.10 sections 3B.43, 3B.44, 3B.45, 3B.48, 3B.50, 3B.51, subdivision 1, clause (2), and
 3.11 subdivision 2, 3B.52, 3B.53, subdivision 1, clauses (2), (3), and (7), and subdivision 2,
 3.12 3B.55, 3B.56, and 3B.57.

3.13 Subd. 3. **Petition drive.** "Petition drive" means the organized process by which the
 3.14 sponsor and the authorized agents solicit registered voters to sign ballot measure petitions.

3.15 Subd. 4. **Sponsor.** "Sponsor" means a political committee as defined by section
 3.16 10A.01, subdivision 27, whose major purpose is to promote or defeat a ballot measure.

3.17 Sec. 5. **[3B.33] PREPARATION FOR PETITIONING.**

3.18 Subdivision 1. **Filing of declaration.** Before circulating petitions to have a
 3.19 ballot measure placed on the ballot at the state general election, the sponsor shall file a
 3.20 declaration with the secretary of state not earlier than January 1 of an odd-numbered year.

3.21 Subd. 2. **Contents.** The declaration must:

3.22 (1) state the name, mailing address, chair, and treasurer of the sponsor;

3.23 (2) give a description of the intent or purpose of the ballot measure;

3.24 (3) state a short title by which the sponsor wants the ballot measure to be identified;

3.25 and

3.26 (4) state the name, address, and telephone number of the person who is designated by
 3.27 the sponsor to work on the final form and wording of the ballot measure and is authorized
 3.28 to approve its final form and wording.

3.29 Subd. 3. **Changes.** Upon notification by the sponsor, the secretary of state shall
 3.30 amend information listed in the declaration.

3.31 Subd. 4. **Sample.** The secretary of state shall provide a sample declaration form.

3.32 Subd. 5. **Filing fee.** The sponsor shall pay to the secretary of state a filing fee
 3.33 of \$100.

4.1 Sec. 6. **[3B.34] ADVICE BY REVISOR OF STATUTES.**

4.2 Subdivision 1. Secretary of state's duties. The secretary of state shall immediately
4.3 forward one copy of each declaration to the revisor of statutes. The secretary of state shall
4.4 also advise the sponsor to consult with the revisor.

4.5 Subd. 2. Revisor's duties. The revisor of statutes shall, within 14 days of the
4.6 filing of a declaration, prepare a final draft of a ballot measure. The intent and purpose
4.7 may be amplified or refined by the person authorized by the declaration to approve the
4.8 form and wording of the measure. The revisor shall advise the sponsor as to the measure's
4.9 constitutionality, and the best form of the measure to accomplish the sponsor's intent
4.10 and purpose. However, if the revisor and the sponsor disagree as to the best form and
4.11 content of the measure to accomplish the sponsor's intent and purpose, or disagree as to
4.12 constitutionality, the directions of the sponsor must prevail. All discussions by the revisor
4.13 with the sponsor must be treated by the revisor as confidential. If, after consulting the
4.14 revisor, the sponsor does not desire the revisor's assistance, the chair shall sign a written
4.15 waiver of assistance. The waiver must then be filed with the secretary of state and the
4.16 revisor, together with a final draft of the ballot measure prepared by the sponsor. Together
4.17 with the final draft prepared by the revisor, or within seven days after receiving the waiver
4.18 and final draft prepared by the sponsor, the revisor shall furnish the sponsor and the
4.19 secretary of state with a summary of the measure to be proposed to the people.

4.20 Subd. 3. Form. The form of ballot measures must conform to the form of bills
4.21 considered by the legislature. The enacting clause must be "BE IT ENACTED BY THE
4.22 PEOPLE OF THE STATE OF MINNESOTA:" No ballot measure may embrace more
4.23 than one general subject. The ballot measure may not provide for the form of the ballot
4.24 question by which it would be submitted to the voters.

4.25 Within 14 days after receiving the final draft of the ballot measure and the revisor's
4.26 summary, the secretary of state must state the wording of the question to be placed on
4.27 the ballot. The ballot question must be a true and impartial statement of the intent and
4.28 purpose of the measure. It must be in similar form as a ballot question for a legislative
4.29 proposal of a constitutional amendment.

4.30 Sec. 7. **[3B.35] PETITIONS FOR BALLOT MEASURE.**

4.31 Subdivision 1. Contents. Each official ballot measure petition form must be printed
4.32 on only one side of a sheet of paper and contain the following:

4.33 (1) in not less than 24-point bold type at the top of the front page, the printed words
4.34 "OFFICIAL BALLOT MEASURE PETITION";

4.35 (2) the ballot question prepared by the secretary of state and the name of the sponsor;

5.1 (3) the summary of the ballot measure prepared by the revisor;

5.2 (4) a statement that a verbatim copy of the ballot measure is available for public
 5.3 examination at the office of the secretary of state or any county auditor and on the
 5.4 secretary of state's Web site;

5.5 (5) space for registered voters to sign the petition including space for the signature,
 5.6 printed name, telephone number, mailing address, county of residence, and an indication
 5.7 of status as a registered voter; and

5.8 (6) a statement that some of the circulators of the petition may have been paid
 5.9 to circulate it.

5.10 Subd. 2. **Secretary of state to prepare.** The secretary of state shall prepare the
 5.11 official ballot measure petition form as required by subdivision 1 and shall provide a copy
 5.12 to the sponsor to duplicate and circulate within 14 days after receiving the final draft of the
 5.13 ballot measure and the revisor's summary.

5.14 Subd. 3. **Copy to county auditor.** The secretary of state shall, within seven
 5.15 calendar days after completing the official ballot measure petition form, send to the county
 5.16 auditor in each county a verbatim copy of the ballot measure as on file in the secretary of
 5.17 state's office.

5.18 **Sec. 8. [3B.36] INTERNET SITE.**

5.19 Upon preparing ballot measure petition forms under section 3B.35, the secretary of
 5.20 state shall maintain a Web site containing information about the proposed ballot measure.

5.21 **Sec. 9. [3B.37] TIME AND PLACE OF CIRCULATION OF PETITIONS;**
 5.22 **VOLUNTARY ABANDONMENT.**

5.23 Subdivision 1. **Circulation dates.** Ballot measure petitions may be circulated upon
 5.24 receipt of the official ballot measure petition form from the secretary of state.

5.25 Subd. 2. **Circulating prohibited near polling place.** Ballot measure petitions
 5.26 must not be circulated within a polling place or within 100 feet of the building in which
 5.27 a polling place is situated, or anywhere on public property on which a polling place is
 5.28 situated, on primary or election day.

5.29 Subd. 3. **Abandonment of petition drive.** The sponsor may abandon the petition
 5.30 drive at any time before the petition is certified by the secretary of state as provided in
 5.31 section 3B.41. To abandon the drive, a declaration to that effect must be filed with the
 5.32 secretary of state. The filing of the declaration does not prevent another sponsor from
 5.33 beginning a similar or identical petition drive. All petitions signed before the declaration

6.1 are void upon the filing of the declaration and may not subsequently be used by a new
6.2 sponsor.

6.3 Subd. 4. **Void petitions.** Petitions that are signed but never filed or that are filed
6.4 but have a number of signatures that is later determined to be insufficient are void after
6.5 the deadline in section 3B.39, subdivision 4. The petitions may not be used for similar or
6.6 identical petition circulation efforts in subsequent years.

6.7 Sec. 10. **[3B.38] PETITION FILING DEADLINE.**

6.8 The sponsor shall file the signed petitions with the secretary of state not later than
6.9 July 1 of an even-numbered year.

6.10 Sec. 11. **[3B.39] VERIFICATION OF PETITIONS.**

6.11 Subdivision 1. **Deadline; methods; challenges.** Within 30 days after a petition
6.12 is filed under section 3B.38 but not later than July 31 of an even-numbered year, the
6.13 secretary of state shall determine whether a sufficient number of valid signatures has been
6.14 obtained. The secretary of state may verify signatures by the random sampling method
6.15 provided in section 3B.40. County auditors, at the secretary of state's request, shall assist
6.16 the secretary of state in verifying signatures.

6.17 Subd. 2. **Validity.** A signature is valid if:

6.18 (1) it is voluntarily signed by the person named;

6.19 (2) the signatory is a registered voter; and

6.20 (3) the signature is identifiable.

6.21 Subd. 3. **Protest; contest.** Any eligible voter may challenge the number or validity
6.22 of signatures on the petition. The secretary of state shall determine the contest of the
6.23 number or validity of signatures by an eligible voter. An eligible voter contesting the
6.24 sufficiency or validity of signatures shall file a protest within the time provided in
6.25 subdivision 1 for the secretary of state to verify the petitions or within seven days of the
6.26 determination of the secretary of state under subdivision 1, whichever occurs earlier. The
6.27 protest must include a brief statement of the evidence of insufficiency or invalidity. If an
6.28 eligible voter contests the sufficiency or validity of signatures in bad faith, the voter may
6.29 be assessed costs of the contest up to a maximum of \$2,000. The secretary of state shall
6.30 hear evidence and determine contests within 14 days after the protest is filed.

6.31 Subd. 4. **Insufficient signatures.** If the secretary of state determines that the number
6.32 of valid signatures is fewer than the number required, the secretary shall so notify the
6.33 sponsor, and petitions for additional signatures may be circulated for an additional period
6.34 of 14 days in the case of a determination of an actual or estimated number deficiency,

7.1 commencing from the date of notification. The secretary shall verify a random sample
7.2 of the additional signatures within ten days of receiving them. If the verification from
7.3 the random sample of the additional signatures does not show that the total number of
7.4 valid signatures on the additional petitions is 100 percent or more of the deficiency, the
7.5 secretary shall notify the sponsor. No further action shall then be taken on the petitions,
7.6 and the petitions may not be used for similar or identical petition circulation efforts in
7.7 subsequent years.

7.8 Sec. 12. **[3B.40] DETERMINATION OF SUFFICIENT VALID SIGNATURES.**

7.9 Subdivision 1. **Random sampling method of signature verification.** A sample
7.10 of signatures to be verified must be drawn in such a manner that every signature filed
7.11 with the secretary of state is given an equal opportunity to be included in the sample.
7.12 The sample must include five percent of the signatures. The number of valid signatures
7.13 must be determined by taking the total number of signatures filed and multiplying it by
7.14 the percentage of signatures in the statistical sample which were found to be valid. In
7.15 calculating the number of valid signatures, any fractions must be rounded up to one.

7.16 Subd. 2. **Sufficient valid signatures.** If the verification from the statistical sample
7.17 shows that the total number of valid signatures on all the petitions is 100 percent or more
7.18 of the minimum number of signatures needed to declare the number of petition signatures
7.19 to be sufficient, the secretary of state shall certify the sufficiency of the petitions under
7.20 section 3B.41.

7.21 Subd. 3. **Insufficient valid signatures.** If the verification from the statistical sample
7.22 shows that the number of valid signatures is less than 100 percent of the minimum number
7.23 of signatures needed to declare the number of petition signatures to be sufficient, the
7.24 secretary of state shall determine that the number of petition signatures is insufficient. The
7.25 secretary shall give the sponsor written notice of what percentage of the signatures is valid.

7.26 Sec. 13. **[3B.41] CERTIFICATION BY SECRETARY OF STATE.**

7.27 If the number of petition signatures meets the minimum number required, the
7.28 secretary of state shall promptly certify the sufficiency of the petitions to the sponsor and
7.29 all county auditors. The question of adoption or repeal of the law proposed by a ballot
7.30 measure proposed by the petition must then be placed on the ballot for the state general
7.31 election.

7.32 Sec. 14. **[3B.42] PLACEMENT OF LAW ON BALLOT.**

8.1 If a petition has been certified so that a ballot measure will appear on the ballot at
8.2 the next state general election and the legislature enacts a law with a scope and purpose
8.3 similar to that of the ballot measure during its regular session in that state general election
8.4 year, the legislature may place that law on the ballot as well.

8.5 **Sec. 15. [3B.43] NUMBERING OF BALLOT MEASURES.**

8.6 The secretary of state shall number in consecutive order each initiative or referendum
8.7 ballot measure with the wording "INITIATIVE NUMBER" or "REFERENDUM
8.8 NUMBER" After the effective date of this section, initiatives and referenda must
8.9 be numbered starting with the number one. In subsequent years, ballot measures must
8.10 be numbered beginning with the first number after the number of the last initiative or
8.11 referendum at the last state general election. Their order on the ballot must be assigned
8.12 by the secretary of state.

8.13 **Sec. 16. [3B.44] BALLOTS, VOTING, AND CANVASSING.**

8.14 For all ballot measures, the ballots must be prepared, voting conducted, results
8.15 canvassed, contests conducted, and results certified as provided by chapters 200 to 211B.

8.16 **Sec. 17. [3B.45] TIME OF VOTING.**

8.17 Ballot measures must be placed on the ballot only at a state general election.

8.18 **Sec. 18. [3B.46] SIMULTANEOUS PETITIONS FOR BALLOT MEASURES.**

8.19 Nothing prevents multiple simultaneous petition drives involving identical ballot
8.20 measures by the same or a different sponsor. However, certification by the secretary of
8.21 state of the sufficiency of the signatures for one such measure constitutes abandonment of
8.22 the identical petition drives as of the date of the secretary's certification.

8.23 **Sec. 19. [3B.47] RESOLUTION OF CONFLICTS BETWEEN MEASURES.**

8.24 Subdivision 1. **Conflicting petitions.** Nothing prevents petitioning for measures
8.25 which are apparently in substantial conflict.

8.26 Subd. 2. **Number of affirmative votes.** If two ballot measures which substantially
8.27 conflict are adopted by a vote of the people, the one receiving the larger number of
8.28 affirmative votes is effective. If it is finally determined that the measures received an
8.29 equal number of affirmative votes, neither becomes effective, but they must again be
8.30 placed on the ballot at the next state general election. Two or more measures substantially
8.31 conflict when any material provision in one measure is irreconcilable with a material

9.1 provision in another measure. The secretary of state shall determine whether two or more
 9.2 measures substantially conflict.

9.3 Sec. 20. **[3B.48] PUBLICATION.**

9.4 Ballot measures adopted by the people must be published by the revisor of statutes
 9.5 in Laws of Minnesota and codified in the same way as other laws.

9.6 Sec. 21. **[3B.49] ORGANIZING GUIDE.**

9.7 The secretary of state shall prepare a comprehensive guide to be made available to
 9.8 persons wishing to conduct an initiative or referendum campaign.

9.9 Sec. 22. **[3B.50] LITERATURE MUST INCLUDE NAMES.**

9.10 (a) Any person or committee who causes to be published, issued, posted, or
 9.11 circulated, other than in a newspaper as provided in section 3B.51, any literature,
 9.12 campaign material, or publication, including cards, pamphlets, flyers, signs, banners,
 9.13 leaflets, announcements, or other material tending to influence persons to sign or refuse
 9.14 to sign a ballot measure petition or to influence the voting at an election on a ballot
 9.15 measure, that fails to prominently display the name and mailing address of the person or
 9.16 committee causing the material to be published, issued, posted, circulated, or broadcast, is
 9.17 guilty of a misdemeanor.

9.18 (b) This section does not apply to an individual who acts independently of an
 9.19 association, political committee, political fund, or sponsor of a ballot measure and spends
 9.20 only from the individual's own resources a sum that is less than \$500 in the aggregate to
 9.21 produce or distribute material described in this section at least seven days before the
 9.22 election at which the proposed ballot measure would be voted on.

9.23 Sec. 23. **[3B.51] PAID ADVERTISEMENTS IN NEWS.**

9.24 Subdivision 1. **Required disclaimer.** No publisher of a newspaper, periodical, or
 9.25 magazine shall insert in that newspaper, periodical, or magazine, and no radio or television
 9.26 station shall broadcast, any matter paid or to be paid for which tends or is intended to
 9.27 influence directly or indirectly:

9.28 (1) persons to sign or refuse to sign a ballot measure petition; or

9.29 (2) voting at an election on a ballot measure unless it is prominently indicated that it
 9.30 is a paid advertisement.

9.31 Subd. 2. **Charges allowed.** To the extent that any person sells either advertising
 9.32 space or broadcast time used on behalf of any measure, the charges made must not exceed

10.1 the charges made for any other comparable purpose or use according to the seller's rate
 10.2 schedule.

10.3 **Sec. 24. [3B.52] CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD.**

10.4 The following are political committees for purposes of chapter 10A:

10.5 (1) the sponsor of a ballot measure; and

10.6 (2) an association whose major purpose is to promote or defeat a ballot measure.

10.7 **Sec. 25. [3B.53] PROHIBITIONS.**

10.8 Subdivision 1. **Acts prohibited.** No person may:

10.9 (1) be paid compensation for signing a ballot measure petition;

10.10 (2) publish any literature, campaign material, or publication including cards,
 10.11 pamphlets, flyers, signs, banners, leaflets, announcements, or other material or any radio
 10.12 or television broadcast regarding a ballot measure that does not bear the identification
 10.13 required by law;

10.14 (3) publish in any newspaper, periodical, or magazine any paid advertising matter
 10.15 relating to a ballot measure that does not contain the identification required by law;

10.16 (4) file a petition for a ballot measure with the secretary of state without the written
 10.17 authorization of the sponsor;

10.18 (5) induce a person to sign a petition by fraud, force, or the threat of force;

10.19 (6) pay compensation for signing a ballot measure petition;

10.20 (7) publish or broadcast any information regarding a ballot measure with knowledge
 10.21 that it is false and which tends to substantially affect adoption or rejection of the measure
 10.22 when the publication or broadcast is undertaken primarily for the purpose of influencing
 10.23 adoption or rejection;

10.24 (8) sign a petition with a name other than the person's own name; or

10.25 (9) intentionally sign the same petition more than once.

10.26 Subd. 2. **Penalty.** Any person violating any provision of subdivision 1, clauses (1)
 10.27 to (4), is guilty of a misdemeanor. Any person violating any provision of subdivision 1,
 10.28 clauses (5) to (9), is guilty of a gross misdemeanor.

10.29 **Sec. 26. [3B.54] ACTION BY AND NOTIFICATIONS TO SPONSORS.**

10.30 Subdivision 1. **Authorized filers.** Only the sponsor, or those authorized by the
 10.31 sponsor in writing, may file any required document or statement regarding ballot measure
 10.32 petitions, measures, or campaigns including election contests or petition signature count
 10.33 or validity contests.

11.1 Subd. 2. **Sufficiency of authorization.** The signature of the chair or a person
 11.2 authorized in writing by the chair is sufficient to authorize the filing of any statement or
 11.3 document required by law. If the chair authorizes another person to file any statement or
 11.4 document, a copy of the authorization must be attached to the filed statement or document.

11.5 Subd. 3. **Recipients of notice.** A notice required to be given to the sponsor must be
 11.6 given to those persons in subdivision 2 who may authorize any filing.

11.7 **Sec. 27. [3B.55] JUDICIAL REVIEW.**

11.8 Subdivision 1. **Jurisdiction.** The district court has original jurisdiction of any
 11.9 suit involving:

11.10 (1) the sufficiency of the number or the validity of signatures on petitions after the
 11.11 administrative determinations by the secretary of state have been exhausted;

11.12 (2) resolution of conflicts between ballot measures as provided by section 3B.47; or

11.13 (3) any suit alleging the unconstitutionality of an adopted ballot measure.

11.14 Subd. 2. **Venue.** Venue for all suits and criminal prosecutions involving ballot
 11.15 measures is in the district court in Ramsey County.

11.16 **Sec. 28. [3B.56] COPIES.**

11.17 The secretary of state shall provide the election officials in each county with copies
 11.18 of each measure proposed by initiative or referendum which must be made available
 11.19 to the public.

11.20 **Sec. 29. [3B.57] INTERNET VOTER GUIDE.**

11.21 Not later than 60 days before a state general election at which a ballot measure will
 11.22 be voted on, the secretary of state must publish on the secretary of state's official Web site
 11.23 an electronic voter guide to each ballot measure. The voter guide must contain:

11.24 (1) the text and the ballot question for each ballot measure certified under section
 11.25 3B.41 or referred by the legislature under the Minnesota Constitution, article IV, section
 11.26 27; and

11.27 (2) the mailing address for the sponsor of each ballot measure.

11.28 Upon the written request of a sponsor or of the chair of a political committee registered
 11.29 under chapter 10A whose major purpose is to promote or defeat a ballot measure that will
 11.30 be voted on at the state general election, the voter guide also must include links to Web
 11.31 sites maintained by the sponsor or by such political committee.

11.32 **Sec. 30. Minnesota Statutes 2006, section 204C.33, subdivision 1, is amended to read:**

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

12.6 ~~(a)~~ (1) the number of individuals voting at the election in the county and in each
 12.7 precinct;

12.8 ~~(b)~~ (2) the number of individuals registering to vote on election day and the number
 12.9 of individuals registered before election day in each precinct;

12.10 ~~(c)~~ (3) the names of the candidates for each office and the number of votes received
 12.11 by each candidate in the county and in each precinct, including write-in candidates for
 12.12 state and federal office who have requested under section 204B.09 that votes for those
 12.13 candidates be tallied;

12.14 ~~(d)~~ (4) the number of votes counted for and against a proposed change of county
 12.15 lines or county seat; ~~and~~

12.16 ~~(e)~~ (5) the number of votes counted for and against a constitutional amendment or
 12.17 other question in the county and in each precinct; and

12.18 (6) the number of votes counted for and against each initiative and referendum.

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

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

12.34 Sec. 31. Minnesota Statutes 2006, section 204C.33, subdivision 3, is amended to read:

13.1 Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of
 13.2 state's office on the second Tuesday following the state general election to canvass the
 13.3 certified copies of the county canvassing board reports received from the county auditors
 13.4 and shall prepare a report that states:

13.5 ~~(a)~~ (1) the number of individuals voting in the state and in each county;

13.6 ~~(b)~~ (2) the number of votes received by each of the candidates, specifying the
 13.7 counties in which they were cast; ~~and~~

13.8 ~~(c)~~ (3) the number of votes counted for and against each constitutional amendment,
 13.9 specifying the counties in which they were cast; and

13.10 (4) the number of votes counted for and against each initiative and referendum.

13.11 All members of the State Canvassing Board shall sign the report and certify its
 13.12 correctness. The State Canvassing Board shall declare the result within three days after
 13.13 completing the canvass.

13.14 Sec. 32. Minnesota Statutes 2006, section 204D.11, is amended by adding a
 13.15 subdivision to read:

13.16 Subd. 3a. **Initiative and referendum ballot.** All initiative or referendum ballot
 13.17 questions must be on the pink ballot. The order of the questions must be the order assigned
 13.18 under section 3B.43.

13.19 Sec. 33. **EFFECTIVE DATE.**

13.20 Sections 3 to 32 take effect the day after approval by the people of the constitutional
 13.21 amendment proposed by section 1.