

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **312**

January 25, 2007

Authored by Hornstein, Scalze, Mariani, Slawik, Swails and others

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs

March 8, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

A bill for an act

1.1 relating to metropolitan government; providing for the election of the
1.2 Metropolitan Council; amending Minnesota Statutes 2006, sections 10A.01,
1.3 subdivision 10; 10A.09, subdivision 6a; 10A.25, subdivision 2; 10A.27,
1.4 subdivision 1; 10A.315; 10A.323; 10A.324, subdivision 1; 15.0597, subdivision
1.5 1; 204B.06, subdivision 4a; 204B.09, subdivisions 1, 1a; 204B.11; 204B.135,
1.6 subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08,
1.7 subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1;
1.8 211A.01, subdivision 3; 211B.01, subdivision 3; 290.06, subdivision 23;
1.9 353D.01, subdivision 2; 473.123, subdivisions 1, 4, 7, by adding a subdivision;
1.10 proposing coding for new law in Minnesota Statutes, chapters 10A; 204D; 473;
1.11 repealing Minnesota Statutes 2006, section 473.123, subdivisions 2a, 3, 3a, 3d;
1.12 Laws 1994, chapter 628, article 1, section 8.
1.13

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

1.15 Section 1. Minnesota Statutes 2006, section 10A.01, subdivision 10, is amended to
1.16 read:

1.17 Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or
1.18 election as a state constitutional officer, legislator, or judge. An individual is deemed
1.19 to seek nomination or election if the individual has taken the action necessary under
1.20 the law of this state to qualify for nomination or election, has received contributions or
1.21 made expenditures in excess of \$100, or has given implicit or explicit consent for any
1.22 other person to receive contributions or make expenditures in excess of \$100, for the
1.23 purpose of bringing about the individual's nomination or election. A candidate remains a
1.24 candidate until the candidate's principal campaign committee is dissolved as provided in
1.25 section 10A.24. "Candidate" also means an individual who seeks nomination or election
1.26 to the Metropolitan Council.

1.27 Sec. 2. Minnesota Statutes 2006, section 10A.09, subdivision 6a, is amended to read:

2.1 Subd. 6a. **Local officials.** A local official required to file a statement under this
2.2 section must file it with the governing body of the official's political subdivision, except
2.3 that a candidate for or member of the Metropolitan Council must file the statement
2.4 with the board. The governing body must maintain statements filed with it under this
2.5 subdivision as public data.

2.6 Sec. 3. Minnesota Statutes 2006, section 10A.25, subdivision 2, is amended to read:

2.7 Subd. 2. **Amounts.** (a) In a year in which an election is held for an office sought by
2.8 a candidate, the principal campaign committee of the candidate must not make campaign
2.9 expenditures nor permit approved expenditures to be made on behalf of the candidate that
2.10 result in aggregate expenditures in excess of the following:

2.11 (1) for governor and lieutenant governor, running together, \$2,393,800;

2.12 (2) for attorney general, \$399,000;

2.13 (3) for secretary of state and state auditor, separately, \$199,500;

2.14 (4) for state senator, \$59,900;

2.15 (5) for state representative, \$30,100; and

2.16 (6) for Metropolitan Council member, \$47,000.

2.17 (b) In addition to the amount in paragraph (a), clause (1), a candidate for
2.18 endorsement for the office of lieutenant governor at the convention of a political party
2.19 may make campaign expenditures and approved expenditures of five percent of that
2.20 amount to seek endorsement.

2.21 (c) If a special election cycle occurs during a general election cycle, expenditures by
2.22 or on behalf of a candidate in the special election do not count as expenditures by or on
2.23 behalf of the candidate in the general election.

2.24 (d) The expenditure limits in this subdivision for an office are increased by ten
2.25 percent for a candidate who is running for that office for the first time and who has not run
2.26 previously for any other office whose territory now includes a population that is more than
2.27 one-third of the population in the territory of the new office.

2.28 Sec. 4. Minnesota Statutes 2006, section 10A.27, subdivision 1, is amended to read:

2.29 Subdivision 1. **Contribution limits.** (a) Except as provided in subdivision 2,
2.30 a candidate must not permit the candidate's principal campaign committee to accept
2.31 aggregate contributions made or delivered by any individual, political committee, or
2.32 political fund in excess of the following:

2.33 (1) to candidates for governor and lieutenant governor running together, \$2,000 in
2.34 an election year for the office sought and \$500 in other years;

3.1 (2) to a candidate for attorney general, \$1,000 in an election year for the office
3.2 sought and \$200 in other years;

3.3 (3) to a candidate for the office of secretary of state or state auditor, \$500 in an
3.4 election year for the office sought and \$100 in other years;

3.5 (4) to a candidate for state senator, \$500 in an election year for the office sought and
3.6 \$100 in other years; and

3.7 (5) to a candidate for state representative or Metropolitan Council member, \$500 in
3.8 an election year for the office sought and \$100 in ~~the other~~ a nonelection year.

3.9 (b) The following deliveries are not subject to the bundling limitation in this
3.10 subdivision:

3.11 (1) delivery of contributions collected by a member of the candidate's principal
3.12 campaign committee, such as a block worker or a volunteer who hosts a fund-raising
3.13 event, to the committee's treasurer; and

3.14 (2) a delivery made by an individual on behalf of the individual's spouse.

3.15 (c) A lobbyist, political committee, political party unit, or political fund must not
3.16 make a contribution a candidate is prohibited from accepting.

3.17 **Sec. 5. [10A.313] METROPOLITAN COUNCIL PUBLIC SUBSIDY.**

3.18 **Subdivision 1. Funding.** The Metropolitan Council must provide sufficient money
3.19 to pay the public subsidy provided for in this section.

3.20 **Subd. 2. Eligibility.** A candidate is eligible to receive a public subsidy in the amount
3.21 of \$20,000 if the candidate has filed with the board a spending limit agreement under
3.22 section 10A.322 and an affidavit of contributions under section 10A.323, the candidate
3.23 was opposed in the primary election or will be opposed in the general election, and the
3.24 candidate's name will appear on the ballot in the general election.

3.25 **Subd. 3. Certification.** Within one week after the last day for filing a spending limit
3.26 agreement under section 10A.322 and an affidavit of contributions under section 10A.323,
3.27 the board must certify to the Metropolitan Council the maximum number of candidates
3.28 eligible to receive the public subsidy if they survive the primary election. Within one
3.29 week after receiving the certification, the Metropolitan Council must pay the board the
3.30 amount necessary to fund the public subsidy for that number of candidates. The amount
3.31 received must be deposited in the state treasury and credited to a Metropolitan Council
3.32 public subsidy account in the special revenue fund. Money in the fund is appropriated
3.33 to the board for purposes of the public subsidy program.

3.34 **Subd. 4. Payment.** The board shall pay the public subsidy to the eligible candidates
3.35 as soon as the board has obtained from the secretary of state the results of the primary

4.1 election but not later than one week after certification by the State Canvassing Board of
4.2 the results of the primary. Amounts not paid to candidates, or returned by them to the
4.3 board, must be returned by the board to the Metropolitan Council.

4.4 Sec. 6. Minnesota Statutes 2006, section 10A.315, is amended to read:

4.5 **10A.315 SPECIAL ELECTION SUBSIDY.**

4.6 Subdivision 1. **Legislative office.** (a) Each eligible candidate for a legislative office
4.7 in a special election must be paid a public subsidy equal to the sum of:

4.8 (1) the party account money at the last general election for the candidate's party
4.9 for the office the candidate is seeking; and

4.10 (2) the general account money paid to a candidate for the same office at the last
4.11 general election.

4.12 (b) A candidate who wishes to receive this public subsidy must submit a signed
4.13 agreement under section 10A.322 to the board and must meet the contribution
4.14 requirements of section 10A.323. The special election subsidy must be distributed in the
4.15 same manner as money in the party and general accounts is distributed to legislative
4.16 candidates in a general election.

4.17 (c) The amount necessary to make the payments required by this section is
4.18 appropriated from the general fund to the board.

4.19 Subd. 2. **Metropolitan Council office.** Each eligible candidate for Metropolitan
4.20 Council office in a special election must be paid a public subsidy equal to the subsidy paid
4.21 in a general election. To be eligible to receive this public subsidy, a candidate must file a
4.22 spending limit agreement under section 10A.322 and meet the contribution requirements
4.23 of section 10A.323, except that the candidate may count contributions received during
4.24 the two months immediately preceding the special election, other than contributions the
4.25 candidate has previously included on an affidavit for another election, and the amount
4.26 required is one-quarter of the amount stated in section 10A.323. To receive the subsidy,
4.27 the candidate must be opposed in either the primary or the general election. The special
4.28 election subsidy must be distributed in the same manner as the public subsidy in a general
4.29 election.

4.30 Sec. 7. Minnesota Statutes 2006, section 10A.323, is amended to read:

4.31 **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

4.32 In addition to the requirements of section 10A.322, to be eligible to receive a public
4.33 subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit
4.34 with the board stating that during that calendar year the candidate has accumulated

5.1 contributions from persons eligible to vote in this state in at least the amount indicated for
5.2 the office sought, counting only the first \$50 received from each contributor:

5.3 (1) candidates for governor and lieutenant governor running together, \$35,000;

5.4 (2) candidates for attorney general, \$15,000;

5.5 (3) candidates for secretary of state and state auditor, separately, \$6,000;

5.6 (4) candidates for the senate, \$3,000; ~~and~~

5.7 (5) candidates for the house of representatives, \$1,500; and

5.8 (6) candidates for the Metropolitan Council, \$2,500.

5.9 The affidavit must state the total amount of contributions that have been received
5.10 from persons eligible to vote in this state, disregarding the portion of any contribution in
5.11 excess of \$50.

5.12 The candidate or the candidate's treasurer must submit the affidavit required by this
5.13 section to the board in writing by September 1 of the general election year.

5.14 A candidate for a vacancy to be filled at a special election for which the filing period
5.15 does not coincide with the filing period for the general election must submit the affidavit
5.16 required by this section to the board within five days after filing the affidavit of candidacy.

5.17 Sec. 8. Minnesota Statutes 2006, section 10A.324, subdivision 1, is amended to read:

5.18 Subdivision 1. **When return required.** A candidate must return all or a portion of
5.19 the public subsidy received from the state elections campaign fund or the public subsidy
5.20 received under section 10A.313 or 10A.315, under the circumstances in this section or
5.21 section 10A.257, subdivision 1.

5.22 To the extent that the amount of public subsidy received exceeds the aggregate of:

5.23 (1) actual expenditures made by the principal campaign committee of the candidate; and

5.24 (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's
5.25 principal campaign committee must return an amount equal to the difference to the board.

5.26 The cost of postage that was not used during an election cycle and payments that created
5.27 credit balances at vendors at the close of an election cycle are not considered expenditures
5.28 for purposes of determining the amount to be returned. Expenditures in excess of the
5.29 candidate's spending limit do not count in determining aggregate expenditures under
5.30 this paragraph.

5.31 Sec. 9. Minnesota Statutes 2006, section 15.0597, subdivision 1, is amended to read:

5.32 Subdivision 1. **Definitions.** As used in this section, the following terms shall have
5.33 the meanings given them.

6.1 (a) "Agency" means (1) a state board, commission, council, committee, authority,
6.2 task force, including an advisory task force created under section 15.014 or 15.0593, a
6.3 group created by executive order of the governor, or other similar multimember agency
6.4 created by law and having statewide jurisdiction; and (2) ~~the Metropolitan Council~~, a
6.5 metropolitan agency, Capitol Area Architectural and Planning Board, and any agency with
6.6 a regional jurisdiction created in this state pursuant to an interstate compact.

6.7 (b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing
6.8 agency, or (2) a new, unfilled agency position. Vacancy includes a position that is to
6.9 be filled through appointment of a nonlegislator by a legislator or group of legislators;
6.10 vacancy does not mean (1) a vacant position on an agency composed exclusively of
6.11 persons employed by a political subdivision or another agency, or (2) a vacancy to be filled
6.12 by a person required to have a specific title or position.

6.13 (c) "Secretary" means the secretary of state.

6.14 Sec. 10. Minnesota Statutes 2006, section 204B.06, subdivision 4a, is amended to read:

6.15 Subd. 4a. **State and local offices.** Candidates who seek nomination for the
6.16 following offices shall state the following additional information on the affidavit:

6.17 (1) for governor or lieutenant governor, that on the first Monday of the next January
6.18 the candidate will be 25 years of age or older and, on the day of the state general election,
6.19 a resident of Minnesota for not less than one year;

6.20 (2) for Supreme Court justice, Court of Appeals judge, or district court judge, that
6.21 the candidate is learned in the law;

6.22 (3) for Metropolitan Council, county, municipal, school district, or special district
6.23 office, that the candidate meets any other qualifications for that office prescribed by law;

6.24 (4) for senator or representative in the legislature, that on the day of the general or
6.25 special election to fill the office the candidate will have resided not less than one year in
6.26 the state and not less than six months in the legislative district from which the candidate
6.27 seeks election.

6.28 Sec. 11. Minnesota Statutes 2006, section 204B.09, subdivision 1, is amended to read:

6.29 Subdivision 1. **Candidates in state and county general elections.** (a) Except as
6.30 otherwise provided by this subdivision, affidavits of candidacy and nominating petitions
6.31 for county, Metropolitan Council, state, and federal offices filled at the state general
6.32 election shall be filed not more than 70 days nor less than 56 days before the state primary.
6.33 The affidavit may be prepared and signed at any time between 60 days before the filing
6.34 period opens and the last day of the filing period.

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

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

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

7.13 Sec. 12. Minnesota Statutes 2006, section 204B.09, subdivision 1a, is amended to read:

7.14 Subd. 1a. **Absent candidates.** A candidate for special district, county, Metropolitan
7.15 Council, state, or federal office who will be absent from the state during the filing period
7.16 may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any
7.17 necessary petitions in person to the filing officer. The candidate shall state in writing the
7.18 reason for being unable to submit the affidavit during the filing period. The affidavit, filing
7.19 fee, and petitions must be submitted to the filing officer during the seven days immediately
7.20 preceding the candidate's absence from the state. Nominating petitions may be signed
7.21 during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

7.22 Sec. 13. Minnesota Statutes 2006, section 204B.11, is amended to read:

7.23 **204B.11 CANDIDATES; FILING FEES; PETITION IN PLACE OF FILING**
7.24 **FEE.**

7.25 Subdivision 1. **Amount; dishonored checks; consequences.** Except as provided
7.26 by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of
7.27 candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing
7.28 fee shall vary with the office sought as follows:

7.29 (a) for the office of governor, lieutenant governor, attorney general, state auditor,
7.30 secretary of state, representative in Congress, judge of the Supreme Court, judge of the
7.31 Court of Appeals, or judge of the district court, \$300;

7.32 (b) for the office of senator in Congress, \$400;

7.33 (c) for office of senator or representative in the legislature, \$100;

7.34 (d) for a Metropolitan Council or county office, \$50; and

8.1 (e) for the office of soil and water conservation district supervisor, \$20.

8.2 For the office of presidential elector, and for those offices for which no compensation
8.3 is provided, no filing fee is required.

8.4 The filing fees received by the county auditor shall immediately be paid to the
8.5 county treasurer. The filing fees received by the secretary of state shall immediately
8.6 be paid to the commissioner of finance.

8.7 When an affidavit of candidacy has been filed with the appropriate filing officer and
8.8 the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's
8.9 filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient
8.10 funds are not available or that is dishonored, notice to the candidate of the worthless
8.11 instrument must be sent by the filing officer via registered mail no later than immediately
8.12 upon the closing of the filing deadline with return receipt requested. The candidate will
8.13 have five days from the time the filing officer receives proof of receipt to issue a check
8.14 or other instrument for which sufficient funds are available. The candidate issuing the
8.15 worthless instrument is liable for a service charge pursuant to section 604.113. If adequate
8.16 payment is not made, the name of the candidate must not appear on any official ballot and
8.17 the candidate is liable for all costs incurred by election officials in removing the name
8.18 from the ballot.

8.19 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of
8.20 candidacy, a candidate may present a petition in place of the filing fee. The petition may
8.21 be signed by any individual eligible to vote for the candidate. A nominating petition filed
8.22 pursuant to section 204B.07 or 204B.13, subdivision 4, is effective as a petition in place of
8.23 a filing fee if the nominating petition includes a prominent statement informing the signers
8.24 of the petition that it will be used for that purpose.

8.25 The number of signatures on a petition in place of a filing fee shall be as follows:

8.26 (a) for a state office voted on statewide, or for president of the United States, or
8.27 United States senator, 2,000;

8.28 (b) for a congressional office, 1,000;

8.29 (c) for a county, Metropolitan Council, or legislative office, or for the office of
8.30 district judge, 500; and

8.31 (d) for any other office which requires a filing fee as prescribed by law, municipal
8.32 charter, or ordinance, the lesser of 500 signatures or five percent of the total number of
8.33 votes cast in the municipality, ward, or other election district at the preceding general
8.34 election at which that office was on the ballot.

8.35 An official with whom petitions are filed shall make sample forms for petitions in
8.36 place of filing fees available upon request.

9.1 Sec. 14. Minnesota Statutes 2006, section 204B.135, subdivision 2, is amended to read:

9.2 Subd. 2. **Other election districts.** For purposes of this subdivision, "local
9.3 government election district" means a county district, park and recreation district, school
9.4 district, Metropolitan Council district, or soil and water conservation district. Local
9.5 government election districts, other than city wards covered by subdivision 1, may not be
9.6 redistricted until precinct boundaries are reestablished under section 204B.14, subdivision
9.7 3, paragraph (c). Election districts covered by this subdivision must be redistricted within
9.8 80 days of the time when the legislature has been redistricted or at least 15 weeks before
9.9 the state primary election in the year ending in two, whichever comes first.

9.10 Sec. 15. Minnesota Statutes 2006, section 204B.32, subdivision 2, is amended to read:

9.11 Subd. 2. **Allocation of election expenses.** The secretary of state shall develop
9.12 procedures for the allocation of election expenses among counties, municipalities, ~~and~~
9.13 school districts, and the Metropolitan Council for elections that are held concurrently.
9.14 The following expenses must be included in the procedures: salaries of election judges;
9.15 postage for absentee ballots and applications; preparation of polling places; preparation
9.16 and testing of electronic voting systems; ballot preparation; publication of election notices
9.17 and sample ballots; transportation of ballots and election supplies; and compensation for
9.18 administrative expenses of the county auditor, municipal clerk, or school district clerk.

9.19 Sec. 16. Minnesota Statutes 2006, section 204D.02, subdivision 1, is amended to read:

9.20 Subdivision 1. **Officers.** All elective state, Metropolitan Council, and county
9.21 officers, justices of the Supreme Court, judges of the Court of Appeals and district court,
9.22 state senators and state representatives, and senators and representatives in Congress shall
9.23 be elected at the state general election held in the year before their terms of office expire.
9.24 Presidential electors shall be chosen at the state general election held in the year before the
9.25 expiration of a term of a president of the United States.

9.26 Sec. 17. Minnesota Statutes 2006, section 204D.08, subdivision 6, is amended to read:

9.27 Subd. 6. **State and county nonpartisan primary ballot.** The state and county
9.28 nonpartisan primary ballot shall be headed "State and County Nonpartisan Primary
9.29 Ballot." It shall be printed on canary paper. The names of candidates for nomination to the
9.30 Supreme Court, Court of Appeals, district court, and all Metropolitan Council and county
9.31 offices shall be placed on this ballot.

10.1 No candidate whose name is placed on the state and county nonpartisan primary
10.2 ballot shall be designated or identified as the candidate of any political party or in any
10.3 other manner except as expressly provided by law.

10.4 Sec. 18. **[204D.265] VACANCY IN OFFICE OF METROPOLITAN COUNCIL**
10.5 **MEMBER.**

10.6 Subdivision 1. **Election in 30 to 60 days.** Except as provided in subdivision 3, a
10.7 vacancy in the office of Metropolitan Council member must be filled at a special election
10.8 scheduled by the Metropolitan Council on a date not less than 30 nor more than 60 days
10.9 after the vacancy occurs. The special primary or special election may be held on the
10.10 same day as a regular primary or regular election, but the special election must be held
10.11 not less than 14 days after the special primary. The person elected at the special election
10.12 must take office immediately after receipt of the certificate of election and upon taking the
10.13 oath of office and must serve the remainder of the unexpired term. If the Metropolitan
10.14 Council districts have been redrawn since the beginning of the term of the vacant office,
10.15 the election must be based on the district as redrawn.

10.16 Subd. 2. **When victor seated immediately.** If a vacancy for which a special
10.17 election is required occurs less than 60 days before the general election preceding the
10.18 end of the term, the vacancy must be filled by the person elected at that election for the
10.19 ensuing term and that person must take office immediately after receiving the certificate
10.20 of election and taking the oath of office.

10.21 Subd. 3. **Inability or refusal to serve.** In addition to when the events specified in
10.22 section 351.02 happen, a vacancy in the office of Metropolitan Council member may be
10.23 declared by the Metropolitan Council when a member is unable to serve in the office or
10.24 attend council meetings for a 90-day period because of illness, or absence from or refusal
10.25 to attend council meetings for a 90-day period. If any of the conditions described or
10.26 referred to in this subdivision occur, the council may, after the council by resolution has
10.27 declared a vacancy to exist, appoint someone to fill the vacancy at a regular or special
10.28 meeting for the remainder of the unexpired term or until the ill or absent member is again
10.29 able to resume duties and attend council meetings, whichever is earlier. If the council
10.30 determines that the original member is again able to resume duties and attend council
10.31 meetings, the council must say so in a resolution and remove the appointed officeholder
10.32 and restore the original member to office.

10.33 Sec. 19. Minnesota Statutes 2006, section 204D.27, is amended by adding a
10.34 subdivision to read:

11.1 Subd. 12. **Special Metropolitan Council election.** (a) **State Canvassing Board.**

11.2 Except as provided in subdivision 4, the State Canvassing Board shall complete its canvass
11.3 of a special election for Metropolitan Council member and declare the results within four
11.4 days after the returns of the county canvassing boards are certified to the secretary of
11.5 state, excluding Sundays and legal holidays.

11.6 (b) **Election contest.** In case of a contest of a special election for Metropolitan
11.7 Council member, the notice of contest must be filed within two days after the canvass is
11.8 completed, excluding Sundays and legal holidays. In other respects, the contest must
11.9 proceed in the manner provided by law for contesting elections.

11.10 (c) **Certificate of election.** A certificate of election in a special election for
11.11 Metropolitan Council member must be issued by the county auditor or the secretary of
11.12 state to the individual declared elected by the county or State Canvassing Board two days,
11.13 excluding Sundays and legal holidays, after the appropriate canvassing board finishes
11.14 canvassing the returns for the election. In case of a contest, the certificate must not be
11.15 issued until the district court decides the contest.

11.16 Sec. 20. Minnesota Statutes 2006, section 209.02, subdivision 1, is amended to read:

11.17 Subdivision 1. **General.** Any eligible voter, including a candidate, may contest in
11.18 the manner provided in this chapter: (1) the nomination or election of any person for
11.19 whom the voter had the right to vote if that person is declared nominated or elected to the
11.20 senate or the house of representatives of the United States, or to a statewide, Metropolitan
11.21 Council, county, legislative, municipal, school, or district court office; or (2) the declared
11.22 result of a constitutional amendment or other question voted upon at an election. The
11.23 contest may be brought over an irregularity in the conduct of an election or canvass of
11.24 votes, over the question of who received the largest number of votes legally cast, over
11.25 the number of votes legally cast in favor of or against a question, or on the grounds of
11.26 deliberate, serious, and material violations of the Minnesota Election Law.

11.27 Sec. 21. Minnesota Statutes 2006, section 211A.01, subdivision 3, is amended to read:

11.28 Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination
11.29 or election to a county, municipal, school district, or other political subdivision
11.30 office. This definition does not include an individual seeking a judicial office or a
11.31 seat on the Metropolitan Council. For purposes of sections 211A.01 to 211A.05 and
11.32 211A.07, "candidate" also includes a candidate for the United States Senate or House
11.33 of Representatives.

12.1 Sec. 22. Minnesota Statutes 2006, section 211B.01, subdivision 3, is amended to read:

12.2 Subd. 3. **Candidate.** "Candidate" means an individual who seeks nomination or
12.3 election to a federal, statewide, Metropolitan Council, legislative, judicial, or local office
12.4 including special districts, school districts, towns, home rule charter and statutory cities,
12.5 and counties, except candidates for president and vice-president of the United States.

12.6 Sec. 23. Minnesota Statutes 2006, section 290.06, subdivision 23, is amended to read:

12.7 Subd. 23. **Refund of contributions to political parties and candidates.** (a) A
12.8 taxpayer may claim a refund equal to the amount of the taxpayer's contributions made
12.9 in the calendar year to candidates and to a political party. The maximum refund for
12.10 an individual must not exceed \$50 and for a married couple, filing jointly, must not
12.11 exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form
12.12 required by the commissioner and attaches to the form a copy of an official refund receipt
12.13 form issued by the candidate or party and signed by the candidate, the treasurer of the
12.14 candidate's principal campaign committee, or the chair or treasurer of the party unit, after
12.15 the contribution was received. The receipt forms must be numbered, and the data on the
12.16 receipt that are not public must be made available to the campaign finance and public
12.17 disclosure board upon its request. A claim must be filed with the commissioner no sooner
12.18 than January 1 of the calendar year in which the contribution was made and no later
12.19 than April 15 of the calendar year following the calendar year in which the contribution
12.20 was made. A taxpayer may file only one claim per calendar year. Amounts paid by the
12.21 commissioner after June 15 of the calendar year following the calendar year in which the
12.22 contribution was made must include interest at the rate specified in section 270C.405.

12.23 (b) No refund is allowed under this subdivision for a contribution to a candidate
12.24 unless the candidate:

12.25 (1) has signed an agreement to limit campaign expenditures as provided in section
12.26 10A.322;

12.27 (2) is seeking an office for which voluntary spending limits are specified in section
12.28 10A.25; and

12.29 (3) has designated a principal campaign committee.

12.30 This subdivision does not limit the campaign expenditures of a candidate who does
12.31 not sign an agreement but accepts a contribution for which the contributor improperly
12.32 claims a refund.

12.33 (c) For purposes of this subdivision, "political party" means a major political party as
12.34 defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion
12.35 on the income tax or property tax refund form under section 10A.31, subdivision 3a.

13.1 A "major party" or "minor party" includes the aggregate of that party's organization
13.2 within each house of the legislature, the state party organization, and the party organization
13.3 within congressional districts, counties, legislative districts, municipalities, and precincts.

13.4 "Candidate" means a candidate as defined in section 10A.01, subdivision 10, except
13.5 a candidate for judicial office or the Metropolitan Council.

13.6 "Contribution" means a gift of money.

13.7 (d) The commissioner shall make copies of the form available to the public and
13.8 candidates upon request.

13.9 (e) The following data collected or maintained by the commissioner under this
13.10 subdivision are private: the identities of individuals claiming a refund, the identities
13.11 of candidates to whom those individuals have made contributions, and the amount of
13.12 each contribution.

13.13 (f) The commissioner shall report to the campaign finance and public disclosure
13.14 board by each August 1 a summary showing the total number and aggregate amount of
13.15 political contribution refunds made on behalf of each candidate and each political party.
13.16 These data are public.

13.17 (g) The amount necessary to pay claims for the refund provided in this section is
13.18 appropriated from the general fund to the commissioner of revenue.

13.19 (h) For a taxpayer who files a claim for refund via the Internet or other electronic
13.20 means, the commissioner may accept the number on the official receipt as documentation
13.21 that a contribution was made rather than the actual receipt as required by paragraph (a).

13.22 Sec. 24. Minnesota Statutes 2006, section 353D.01, subdivision 2, is amended to read:

13.23 Subd. 2. **Eligibility.** (a) Eligibility to participate in the defined contribution plan
13.24 is available to:

13.25 (1) elected local government officials of a governmental subdivision who elect to
13.26 participate in the plan under section 353D.02, subdivision 1, and who, for the elected
13.27 service rendered to a governmental subdivision, are not members of the Public Employees
13.28 Retirement Association within the meaning of section 353.01, subdivision 7;

13.29 (2) physicians who, if they did not elect to participate in the plan under section
13.30 353D.02, subdivision 2, would meet the definition of member under section 353.01,
13.31 subdivision 7;

13.32 (3) basic and advanced life support emergency medical service personnel employed
13.33 by any public ambulance service that elects to participate under section 353D.02,
13.34 subdivision 3;

14.1 (4) members of a municipal rescue squad associated with Litchfield in Meeker
 14.2 County, or of a county rescue squad associated with Kandiyohi County, if an independent
 14.3 nonprofit rescue squad corporation, incorporated under chapter 317A, performing
 14.4 emergency management services, and if not affiliated with a fire department or ambulance
 14.5 service and if its members are not eligible for membership in that fire department's or
 14.6 ambulance service's relief association or comparable pension plan;

14.7 (5) employees of the Port Authority of the city of St. Paul who elect to participate in
 14.8 the plan under section 353D.02, subdivision 5, and who are not members of the Public
 14.9 Employees Retirement Association under section 353.01, subdivision 7;

14.10 (6) city managers who elected to be excluded from the general employees retirement
 14.11 plan of the Public Employees Retirement Association under section 353.028 and who
 14.12 elected to participate in the public employees defined contribution plan under section
 14.13 353.028, subdivision 3, paragraph (b); and

14.14 (7) volunteer or emergency on-call firefighters serving in a municipal fire department
 14.15 or an independent nonprofit firefighting corporation who are not covered by the public
 14.16 employees police and fire retirement plan and who are not covered by a volunteer
 14.17 firefighters relief association and who elect to participate in the public employees defined
 14.18 contribution plan.

14.19 (b) For purposes of this chapter, an elected local government official includes a
 14.20 person appointed to fill a vacancy in an elective office and a member of the Metropolitan
 14.21 Council. Service as an elected local government official only includes service for the
 14.22 governmental subdivision for which the official was elected by the public-at-large. Service
 14.23 as an elected local government official ceases and eligibility to participate terminates
 14.24 when the person ceases to be an elected official. An elected local government official
 14.25 does not include an elected county sheriff.

14.26 (c) Individuals otherwise eligible to participate in the plan under this subdivision
 14.27 who are currently covered by a public or private pension plan because of their employment
 14.28 or provision of services are not eligible to participate in the public employees defined
 14.29 contribution plan.

14.30 (d) A former participant is a person who has terminated eligible employment or
 14.31 service and has not withdrawn the value of the person's individual account.

14.32 Sec. 25. Minnesota Statutes 2006, section 473.123, subdivision 1, is amended to read:

14.33 Subdivision 1. **Creation.** A Metropolitan Council with jurisdiction in the
 14.34 metropolitan area is established as a public corporation and political subdivision of the

15.1 state. It shall be under the supervision and control of ~~17~~ members, ~~all of whom shall be~~
 15.2 ~~residents of the metropolitan area~~ elected from districts as provided in section 473.124.

15.3 Sec. 26. Minnesota Statutes 2006, section 473.123, subdivision 4, is amended to read:

15.4 Subd. 4. **Chair; appointment, officers, selection; duties and compensation.** (a)
 15.5 The chair of the Metropolitan Council shall be ~~appointed by the governor as the 17th~~
 15.6 ~~voting member thereof by and with the advice and consent of the senate to serve at the~~
 15.7 ~~pleasure of the governor to represent the metropolitan area at large. Senate confirmation~~
 15.8 ~~shall be as provided by section 15.066~~ elected by, and from among, the members of the
 15.9 council to serve a one-year term.

15.10 The chair of the Metropolitan Council shall, if present, preside at meetings of the
 15.11 council, have the primary responsibility for meeting with local elected officials, serve as
 15.12 the principal legislative liaison, present to the governor and the legislature, after council
 15.13 approval, the council's plans for regional governance and operations, serve as the principal
 15.14 spokesperson of the council, and perform other duties assigned by the council or by law.

15.15 (b) The Metropolitan Council shall elect other officers as it deems necessary for the
 15.16 conduct of its affairs for a one-year term. A secretary and treasurer need not be members
 15.17 of the Metropolitan Council. Meeting times and places shall be fixed by the Metropolitan
 15.18 Council and special meetings may be called by a majority of the members of the
 15.19 Metropolitan Council or by the chair. ~~The chair and each Metropolitan Council member~~
 15.20 ~~shall be reimbursed for actual and necessary expenses. The annual budget of the council~~
 15.21 ~~shall provide as a separate account anticipated expenditures for compensation, travel, and~~
 15.22 ~~associated expenses for the chair and members, and compensation or reimbursement shall~~
 15.23 ~~be made to the chair and members only when budgeted.~~

15.24 (c) Each member of the council shall attend and participate in council meetings
 15.25 and meet regularly with local elected officials and legislative members from the council
 15.26 member's district. Each council member shall serve on at least one division committee for
 15.27 transportation, environment, or community development.

15.28 (d) In the performance of its duties the Metropolitan Council may adopt policies
 15.29 and procedures governing its operation, establish committees, and, when specifically
 15.30 authorized by law, make appointments to other governmental agencies and districts.

15.31 Sec. 27. Minnesota Statutes 2006, section 473.123, is amended by adding a subdivision
 15.32 to read:

15.33 Subd. 4a. **Compensation.** Each Metropolitan Council member must be paid as
 15.34 authorized by the Metropolitan Council. The chair and each Metropolitan Council member

16.1 must be reimbursed for actual and necessary expenses. The annual budget of the council
 16.2 must provide, as a separate account, anticipated expenditures for compensation, travel,
 16.3 and associated expenses for the chair and members, and compensation or reimbursement
 16.4 must be made to the chair and members only when budgeted.

16.5 Sec. 28. Minnesota Statutes 2006, section 473.123, subdivision 7, is amended to read:

16.6 Subd. 7. **Performance and budget analyst.** The council, ~~other than the chair,~~
 16.7 may hire a performance and budget analyst to assist the ~~16~~ council members with
 16.8 policy and budget analysis and evaluation of the council's performance. The analyst
 16.9 may recommend and the council may hire up to two additional analysts to assist the
 16.10 council with performance evaluation and budget analysis. The analyst and any additional
 16.11 analysts hired shall serve at the pleasure of the council members. The ~~16 members of the~~
 16.12 council may prescribe all terms and conditions for the employment of the analyst and
 16.13 any additional analysts hired, including, but not limited to, the fixing of compensation,
 16.14 benefits, and insurance. The analyst shall prepare the budget for the provisions of this
 16.15 ~~section~~ subdivision and submit the budget for council approval and inclusion in the
 16.16 council's overall budget.

16.17 Sec. 29. **[473.124] METROPOLITAN COUNCIL ELECTIONS.**

16.18 Subdivision 1. **Number of members.** The Metropolitan Council consists of 16
 16.19 members.

16.20 Subd. 2. **Districts.** (a) After the federal decennial census in 2010, and after each
 16.21 federal decennial census thereafter, the Metropolitan Council must divide the metropolitan
 16.22 area into as many districts as there are members. Each district is entitled to elect one
 16.23 member. The districts must be bounded by town, municipal, ward, or precinct lines.
 16.24 The districts must be composed of compact, convenient, and contiguous territory and
 16.25 must be substantially equal in population. The population of the largest district must not
 16.26 exceed the population of the smallest district by more than ten percent, unless the result
 16.27 would force a voting precinct to be split. A Metropolitan Council district must not include
 16.28 territory in more than one county unless necessary to meet equal-population requirements.
 16.29 The districts must be numbered in a regular series.

16.30 (b) The districts must be redrawn within the time provided in section 204B.135,
 16.31 subdivision 2. Before acting to redistrict, the council must publish in newspapers of
 16.32 general circulation three weeks' notice of its purpose, stating the time and place of the
 16.33 meeting where the matter will be considered. The council must file a map of the new
 16.34 districts with the secretary of state.

17.1 Subd. 3. **Terms.** Members serve a term of four years, except to fill a vacancy.
17.2 There must be a new election of all members at the first election after each decennial
17.3 redistricting and the members elected at that election from districts with odd numbers
17.4 serve for an initial term of two years.

17.5 Sec. 30. **INITIAL SALARY.**

17.6 Notwithstanding section 27, the salary of members elected to the Metropolitan
17.7 Council at the general election in 2010 must not exceed \$40,000.

17.8 Sec. 31. **APPLICATION.**

17.9 This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
17.10 Scott, and Washington.

17.11 Sec. 32. **REPEALER.**

17.12 (a) Minnesota Statutes 2006, section 473.123, subdivisions 2a, 3, 3a, and 3d, are
17.13 repealed.

17.14 (b) Laws 1994, chapter 628, article 1, section 8, is repealed.

17.15 Sec. 33. **EFFECTIVE DATE.**

17.16 This act is effective for the state primary in 2010 and thereafter, except that the
17.17 repeal of Minnesota Statutes 2006, section 473.123, subdivision 3d, is effective for the
17.18 state primary in 2012 and thereafter.