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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1110**

February 19, 2007

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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

relating to elections; changing certain definitions, voter registration procedures and requirements, filing requirements, voting procedures, election day prohibitions, and ballot preparation requirements; establishing a complaint and resolution process; requiring certain notices; providing for assessment of certain costs; changing a petition requirement; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 200.02, subdivisions 7, 23; 201.056; 201.061, subdivision 1, by adding a subdivision; 201.071, subdivision 1; 201.091, by adding a subdivision; 201.121, by adding a subdivision; 201.171; 204B.06, subdivision 1; 204B.09, subdivision 1; 204B.11, subdivision 2; 204B.27, by adding a subdivision; 204B.45, subdivision 1; 204C.06, subdivision 8; 204D.09, subdivision 2; 204D.16; 205.16, subdivisions 2, 3; 205A.07, subdivision 2; 206.89, subdivision 1; 211A.05; 211B.37; 325L.03; 410.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7.

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

Section 1. Minnesota Statutes 2006, section 200.02, subdivision 7, is amended to read:

Subd. 7. **Major political party.** (a) "Major political party" means a political party that maintains a party organization in the state, political division, or precinct in question and that has presented at least one candidate for election to the office of:

(1) governor and lieutenant governor, secretary of state, state auditor, or attorney general at the last preceding state general election for those offices; or

(2) presidential elector or U.S. senator at the last preceding state general election for presidential electors; and

whose candidate received votes in each county in that election and received votes from not less than five percent of the total number of individuals who voted in that election.

(b) "Major political party" also means a political party that maintains a party organization in the state, political subdivision, or precinct in question and that has

2.1 presented at least 45 candidates for election to the office of state representative, 23  
 2.2 candidates for election to the office of state senator, four candidates for election to  
 2.3 the office of representative in Congress, and one candidate for election to each of the  
 2.4 following offices: governor and lieutenant governor, attorney general, secretary of state,  
 2.5 and state auditor, at the last preceding state general election for those offices.

2.6 (c) "Major political party" also means a political party that maintains a party  
 2.7 organization in the state, political subdivision, or precinct in question and whose members  
 2.8 present to the secretary of state ~~at any time before the close of filing for the state partisan~~  
 2.9 ~~primary ballot~~ at least six weeks before the start of the filing period a petition for a place  
 2.10 on the state partisan primary ballot, which petition contains signatures of a number of  
 2.11 the party members equal to at least five percent of the total number of individuals who  
 2.12 voted in the preceding state general election. The petition may be circulated at any time  
 2.13 after January 1 and prior to six weeks before the start of the filing period in the year  
 2.14 the petition is submitted.

2.15 (d) A political party whose candidate receives a sufficient number of votes at a state  
 2.16 general election described in paragraph (a) or a political party that presents candidates at  
 2.17 an election as required by paragraph (b) becomes a major political party as of January  
 2.18 1 following that election and retains its major party status for at least two state general  
 2.19 elections even if the party fails to present a candidate who receives the number and  
 2.20 percentage of votes required under paragraph (a) or fails to present candidates as required  
 2.21 by paragraph (b) at subsequent state general elections.

2.22 (e) A major political party whose candidates fail to receive the number and  
 2.23 percentage of votes required under paragraph (a) and that fails to present candidates as  
 2.24 required by paragraph (b) at each of two consecutive state general elections described by  
 2.25 paragraph (a) or (b), respectively, loses major party status as of December 31 following  
 2.26 the later of the two consecutive state general elections.

2.27 Sec. 2. Minnesota Statutes 2006, section 200.02, subdivision 23, is amended to read:

2.28 Subd. 23. **Minor political party.** (a) "Minor political party" means a political party  
 2.29 that has adopted a state constitution, designated a state party chair, held a state convention  
 2.30 in the last two years, filed with the secretary of state no later than December 31 following  
 2.31 the most recent state general election a certification that the party has met the foregoing  
 2.32 requirements, and met the requirements of paragraph (b) or (e), as applicable.

2.33 (b) To be considered a minor party in all elections statewide, the political party must  
 2.34 have presented at least one candidate for election to the office of:

3.1 (1) governor and lieutenant governor, secretary of state, state auditor, or attorney  
 3.2 general, at the last preceding state general election for those offices; or

3.3 (2) presidential elector or U.S. senator at the preceding state general election for  
 3.4 presidential electors; and

3.5 who received votes in each county that in the aggregate equal at least one percent  
 3.6 of the total number of individuals who voted in the election, or its members must have  
 3.7 presented to the secretary of state ~~at any time before the close of filing for the state~~  
 3.8 ~~partisan primary ballot~~ at least six weeks before the start of the filing period a nominating  
 3.9 petition in a form prescribed by the secretary of state containing the signatures of party  
 3.10 members in a number equal to at least one percent of the total number of individuals who  
 3.11 voted in the preceding state general election. The petition may be circulated at any time  
 3.12 after January 1 and prior to six weeks before the start of the filing period in the year  
 3.13 the petition is submitted.

3.14 (c) A political party whose candidate receives a sufficient number of votes at a  
 3.15 state general election described in paragraph (b) becomes a minor political party as of  
 3.16 January 1 following that election and retains its minor party status for at least two state  
 3.17 general elections even if the party fails to present a candidate who receives the number  
 3.18 and percentage of votes required under paragraph (b) at subsequent state general elections.

3.19 (d) A minor political party whose candidates fail to receive the number and  
 3.20 percentage of votes required under paragraph (b) at each of two consecutive state general  
 3.21 elections described by paragraph (b) loses minor party status as of December 31 following  
 3.22 the later of the two consecutive state general elections.

3.23 (e) A minor party that qualifies to be a major party loses its status as a minor party  
 3.24 at the time it becomes a major party. Votes received by the candidates of a major party  
 3.25 must be counted in determining whether the party received sufficient votes to qualify as  
 3.26 a minor party, notwithstanding that the party does not receive sufficient votes to retain  
 3.27 its major party status. To be considered a minor party in an election in a legislative  
 3.28 district, the political party must have presented at least one candidate for a legislative  
 3.29 office in that district who received votes from at least ten percent of the total number of  
 3.30 individuals who voted for that office, or its members must have presented to the secretary  
 3.31 of state a nominating petition in a form prescribed by the secretary of state containing the  
 3.32 signatures of party members in a number equal to at least ten percent of the total number  
 3.33 of individuals who voted in the preceding state general election for that legislative office.

3.34 Sec. 3. Minnesota Statutes 2006, section 201.056, is amended to read:

3.35 **201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.**

4.1 An individual who is unable to write the individual's name who registers to vote  
 4.2 using a paper registration application shall be required to sign ~~a registration card~~ by  
 4.3 making the individual's mark. If the individual registers in person, the clerk or election  
 4.4 judge accepting the registration shall certify the mark by signing the individual's name. If  
 4.5 the individual registers by mail, the mark shall be certified by having a voter registered in  
 4.6 the individual's precinct sign the individual's name and the voter's own name and give the  
 4.7 voter's own address. If the individual registers online using the Web site maintained by the  
 4.8 secretary of state, no signature is required.

4.9 Sec. 4. Minnesota Statutes 2006, section 201.061, subdivision 1, is amended to read:

4.10 Subdivision 1. **Prior to election day.** At any time except during the 20 days  
 4.11 immediately preceding any regularly scheduled election, an eligible voter or any  
 4.12 individual who will be an eligible voter at the time of the next election may register to  
 4.13 vote in the precinct in which the voter maintains residence by completing a paper voter  
 4.14 registration application as described in section 201.071, subdivision 1, and submitting it in  
 4.15 person or by mail to the county auditor of that county or to the Secretary of State's Office.  
 4.16 If the individual has a Minnesota driver's license, identification card, or learner's permit,  
 4.17 the individual may register online using the Web site maintained by the secretary of state.  
 4.18 A registration that is received no later than 5:00 p.m. on the 21st day preceding any  
 4.19 election shall be accepted. An improperly addressed or delivered registration application  
 4.20 shall be forwarded within two working days after receipt to the county auditor of the  
 4.21 county where the voter maintains residence. A state or local agency or an individual that  
 4.22 accepts completed voter registration applications from a voter must submit the completed  
 4.23 applications to the secretary of state or the appropriate county auditor within ten days  
 4.24 after the applications are dated by the voter.

4.25 For purposes of this section, mail registration is defined as a voter registration  
 4.26 application delivered to the secretary of state, county auditor, or municipal clerk by the  
 4.27 United States Postal Service or a commercial carrier.

4.28 Sec. 5. Minnesota Statutes 2006, section 201.061, is amended by adding a subdivision  
 4.29 to read:

4.30 Subd. 1b. **Prohibited methods of compensation; penalty.** (a) No individual  
 4.31 may be compensated for the solicitation, collection, or acceptance of voter registration  
 4.32 applications from voters for submission to the secretary of state, a county auditor, or other  
 4.33 local election official in a manner in which payment is calculated by multiplying (1)

5.1 either a set or variable payment rate, by (2) the number of voter registration applications  
 5.2 solicited, collected, or accepted.

5.3 (b) No individual may be deprived of compensation or have compensation  
 5.4 automatically reduced exclusively for failure to solicit, collect, or accept a minimum  
 5.5 number of voter registration applications and no individual may receive additional  
 5.6 compensation for reaching or exceeding a minimum number of voter registration  
 5.7 applications.

5.8 (c) A person who violates this subdivision is guilty of a petty misdemeanor.

5.9 Sec. 6. Minnesota Statutes 2006, section 201.071, subdivision 1, is amended to read:

5.10 Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and~~  
 5.11 ~~weight for mailing and~~ contain spaces for the following required information: voter's first  
 5.12 name, middle name, and last name; voter's previous name, if any; voter's current address;  
 5.13 voter's previous address, if any; voter's date of birth; voter's municipality and county of  
 5.14 residence; voter's telephone number, if provided by the voter; date of registration; current  
 5.15 and valid Minnesota driver's license number or Minnesota state identification number,  
 5.16 or if the voter has no current and valid Minnesota driver's license or Minnesota state  
 5.17 identification, and the last four digits of the voter's Social Security number; ~~and voter's~~  
 5.18 ~~signature.~~ The registration application may include the voter's e-mail address, if provided  
 5.19 by the voter, and the voter's interest in serving as an election judge, if indicated by the  
 5.20 voter. The application must also contain the following certification of voter eligibility:

5.21 "I certify that I:

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

5.23 (2) am a citizen of the United States;

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

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

5.26 (5) am not under court-ordered guardianship in which the court order revokes my  
 5.27 right to vote;

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

5.29 (7) have the right to vote because, if I have been convicted of a felony, my felony  
 5.30 sentence has expired (been completed) or I have been discharged from my sentence; and

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

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

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

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

6.3 And the instruction:

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

6.5 The form of the voter registration application and the certification of voter eligibility  
6.6 must be as provided in this subdivision and approved by the secretary of state. Voter  
6.7 registration forms authorized by the National Voter Registration Act must also be accepted  
6.8 as valid. The federal postcard application form must also be accepted as valid if it is not  
6.9 deficient and the voter is eligible to register in Minnesota.

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

6.12 A paper voter registration application must include space for the voter's signature  
6.13 and be of suitable size and weight for mailing.

6.14 Sec. 7. Minnesota Statutes 2006, section 201.091, is amended by adding a subdivision  
6.15 to read:

6.16 Subd. 5a. **Registration verification to registered voter.** The secretary of state  
6.17 must provide for voter registration verification to a registered voter on the secretary of  
6.18 state's Web site. An individual must provide the individual's name, address, and date of  
6.19 birth when requesting registration verification. If the verification information provided  
6.20 completely matches an active registration record in the statewide registration system, the  
6.21 individual must be informed that the individual is a registered voter and provided with  
6.22 the individual's polling place location. If the verification information provided does not  
6.23 completely match an active registration record in the statewide registration system, the  
6.24 individual must be informed that a registration record at the name and address provided  
6.25 cannot be retrieved and advised to contact the county auditor or secretary of state for  
6.26 further information.

6.27 Sec. 8. Minnesota Statutes 2006, section 201.121, is amended by adding a subdivision  
6.28 to read:

6.29 Subd. 4. **Biennial verification.** Not more than 14 days nor less than seven days  
6.30 before the state general election, the secretary of state shall mail a notice about the  
6.31 upcoming election to every household in the state. The notice must include the voter's  
6.32 polling place location and the legislative, congressional, county commissioner, and school  
6.33 district in which the voter resides. It must also include information on voting eligibility  
6.34 and how to register to vote on election day.

7.1 Sec. 9. Minnesota Statutes 2006, section 201.171, is amended to read:

7.2 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**  
7.3 **REGISTRATION REMOVED.**

7.4 Within six weeks after every election, the county auditor shall post the voting  
7.5 history for every person who voted in the election. After the close of the calendar year, the  
7.6 secretary of state shall determine if any registrants have not voted during the preceding  
7.7 ~~four~~ six years. The secretary of state shall perform list maintenance by changing the status  
7.8 of those registrants to "inactive" in the statewide registration system. The list maintenance  
7.9 performed must be conducted in a manner that ensures that the name of each registered  
7.10 voter appears in the official list of eligible voters in the statewide registration system.  
7.11 A voter must not be removed from the official list of eligible voters unless the voter is  
7.12 not eligible or is not registered to vote. List maintenance must include procedures for  
7.13 eliminating duplicate names from the official list of eligible voters.

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

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

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

7.21 Sec. 10. Minnesota Statutes 2006, section 204B.06, subdivision 1, is amended to read:

7.22 Subdivision 1. **Form of affidavit.** An affidavit of candidacy shall state the name of  
7.23 the office sought and, except as provided in subdivision 4, shall state that the candidate:

7.24 (1) is an eligible voter;

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

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

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

8.4 An affidavit of candidacy for partisan office shall also state the name of the  
 8.5 candidate's political party or political principle, stated in three words or less. The affidavit  
 8.6 of candidacy must include an original signature of the candidate.

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

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

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

8.17 (c) This provision does not apply to candidates for presidential elector nominated  
 8.18 by major political parties. Major party candidates for presidential elector are certified  
 8.19 under section 208.03. Other candidates for presidential electors may file petitions on or  
 8.20 before the state primary day pursuant to section 204B.07, but no earlier than 70 days  
 8.21 before the state primary. Nominating petitions to fill vacancies in nominations shall be  
 8.22 filed as provided in section 204B.13. No affidavit or petition shall be accepted later than  
 8.23 5:00 p.m. on the last day for filing.

8.24 (d) Affidavits and petitions for county offices ~~to be voted on in only one county shall~~  
 8.25 must be filed with the county auditor of that county. Affidavits and petitions for federal  
 8.26 ~~offices to be voted on in more than one county shall~~ must be filed with the secretary of  
 8.27 state. Affidavits and petitions for state offices must be filed with the secretary of state or  
 8.28 with the county auditor of the county in which the candidate resides.

8.29 Sec. 12. Minnesota Statutes 2006, section 204B.11, subdivision 2, is amended to read:

8.30 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of  
 8.31 candidacy, a candidate may present a petition in place of the filing fee. The petition may  
 8.32 be circulated during the 90 days preceding the first day to file affidavits of candidacy and  
 8.33 during the filing period. The petition may be signed by any individual eligible to vote  
 8.34 for the candidate. A nominating petition filed pursuant to section 204B.07 or 204B.13,

9.1 subdivision 4, is effective as a petition in place of a filing fee if the nominating petition  
 9.2 includes a prominent statement informing the signers of the petition that it will be used for  
 9.3 that purpose.

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

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

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

9.8 (c) for a county or legislative office, or for the office of district judge, 500; and

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

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

9.15 Sec. 13. Minnesota Statutes 2006, section 204B.27, is amended by adding a  
 9.16 subdivision to read:

9.17 Subd. 12. **Information to naturalized citizens.** Each month, the secretary of state  
 9.18 shall obtain a list of the name and residential address of each citizen newly naturalized in  
 9.19 this state during the previous month and shall mail to each person on the list information  
 9.20 on registering to vote and serving as an election judge.

9.21 Sec. 14. **[204B.445] VOTER COMPLAINT AND RESOLUTION PROCESS.**

9.22 Subdivision 1. **Scope.** An eligible voter may file a complaint to seek the resolution  
 9.23 of any of the following conditions that have occurred or are about to occur:

9.24 (1) a voting system, including an electronic ballot marker, meeting the requirements  
 9.25 of section 206.80 is not available for use by voters either casting an absentee ballot in  
 9.26 person at the locations designated by the county auditor or local election official, or for  
 9.27 voting at any polling place on election day;

9.28 (2) voter records in the statewide registration system are not maintained by the  
 9.29 secretary of state or a county auditor in the manner provided in chapter 201;

9.30 (3) voters are unable to register to vote in the manner provided by section 201.061; or

9.31 (4) the secretary of state, county auditor, or local election official has failed to carry  
 9.32 out a duty required by Title III of the Help America Vote Act of 2002.

9.33 Complaints against a municipal or school district clerk must be filed with the county  
 9.34 auditor of the county in which the action has or is about to occur. Complaints against a

10.1 county auditor must be filed with the secretary of state. Complaints against the secretary of  
 10.2 state must be filed with the Office of Administrative Hearings. The secretary of state shall  
 10.3 provide a standard form for all complaints filed under this section. The form must provide  
 10.4 space for the person filing the complaint to specify the legal basis for the complaint. The  
 10.5 proceedings authorized by this section are not subject to the requirements of chapter 14.

10.6 Subd. 2. **Notice of complaint.** The official of the jurisdiction against which the  
 10.7 complaint has been filed must receive written notice of the complaint, including a copy of  
 10.8 the complaint filed, within seven days after the date on which the complaint is filed.

10.9 Subd. 3. **Resolution of complaint.** Within 14 days after a copy of the complaint has  
 10.10 been received, the official of the jurisdiction against which the complaint was filed must  
 10.11 respond in writing to the person filing the complaint and state the manner in which the  
 10.12 official proposes to resolve the issue stated in the complaint.

10.13 Subd. 4. **Request for hearing.** If the person filing the complaint believes that the  
 10.14 response provided in subdivision 3 does not resolve the issue, a request for hearing may  
 10.15 be filed with the official receiving the original complaint. The person requesting the  
 10.16 hearing must state the objection to the response and propose an alternate course of action  
 10.17 to resolve the issue that is consistent with the provisions of the Minnesota Election Law.  
 10.18 A ruling must be made within 14 days of the hearing.

10.19 Subd. 5. **Appeal.** No later than 30 days after a ruling is made, the person filing  
 10.20 the complaint may appeal the ruling. If the complaint is filed against a municipal clerk,  
 10.21 school district clerk, or county auditor, the appeal must be filed with the secretary of state.  
 10.22 If the complaint is filed against the secretary of state, the appeal must be filed with the  
 10.23 Ramsey County District Court. The appeal must be heard within 14 days. Upon hearing  
 10.24 the appeal, the secretary of state or district court may affirm, reverse, or modify the ruling  
 10.25 and give appropriate instructions, as needed, to the secretary of state, county auditor, or  
 10.26 local election official to resolve the issue stated in the original complaint.

10.27 **EFFECTIVE DATE.** This section is effective January 1, 2008.

10.28 Sec. 15. Minnesota Statutes 2006, section 204B.45, subdivision 1, is amended to read:

10.29 Subdivision 1. **Authorization.** A municipality having fewer than ~~400~~ 1,000  
 10.30 registered voters on June 1 of an election year and not located in a metropolitan county as  
 10.31 defined by section 473.121 may provide balloting by mail at any municipal, county, or  
 10.32 state election with no polling place other than the office of the auditor or clerk or other  
 10.33 locations designated by the auditor or clerk. The governing body may apply to the county  
 10.34 auditor for permission to conduct balloting by mail. The county board may provide for  
 10.35 balloting by mail in unorganized territory. The governing body of any municipality may

11.1 designate for mail balloting any precinct having fewer than 50 registered voters, subject to  
 11.2 the approval of the county auditor.

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

11.5 Sec. 16. Minnesota Statutes 2006, section 204C.06, subdivision 8, is amended to read:

11.6 Subd. 8. **Access for news media.** A news media representative may enter a polling  
 11.7 place during voting hours only to observe the voting process. A media representative must  
 11.8 present photo identification to the head election judge upon arrival at the polling place,  
 11.9 along with either a recognized media credential or written statement from a local election  
 11.10 official attesting to the media representative's credentials. A media representative must not:

- 11.11 (1) approach within six feet of a voter;
- 11.12 (2) converse with a voter while in the polling place;
- 11.13 (3) make a list of persons voting or not voting; ~~or~~
- 11.14 (4) photograph a voter without the voter's consent; or
- 11.15 (5) interfere with the voting process.

11.16 Sec. 17. Minnesota Statutes 2006, section 204D.09, subdivision 2, is amended to read:

11.17 Subd. 2. **Sample ballot.** At least two weeks before the state primary the county  
 11.18 auditor shall prepare ~~a sample state partisan primary ballot~~ ballots and ~~a sample state and~~  
 11.19 ~~county nonpartisan primary ballot~~ ballots showing the offices and questions to be voted on  
 11.20 in each precinct in the county and make them available for public inspection at the county  
 11.21 auditor's office. ~~The names of all of the candidates to be voted for in the county shall be~~  
 11.22 ~~placed on the sample ballots, with the names of the candidates for each office arranged~~  
 11.23 ~~alphabetically according to the surname. Only one sample state partisan primary ballot~~  
 11.24 ~~and one sample state and county nonpartisan ballot shall be prepared for any county. The~~  
 11.25 ~~county auditor shall post the sample ballots in a conspicuous place in the auditor's office~~  
 11.26 ~~and shall cause them to be published at least one week before the state primary in at least~~  
 11.27 ~~one newspaper of general circulation in the county. The county auditor must also either~~  
 11.28 post the sample ballot for each precinct electronically on the county's Web site or publish a  
 11.29 single sample ballot in at least one newspaper of general circulation in the county. The  
 11.30 published sample ballot must list the candidates in base rotation order for every office on  
 11.31 the ballot and include all questions that will appear on the ballot.

12.1 Sec. 18. Minnesota Statutes 2006, section 204D.16, is amended to read:

12.2 **204D.16 SAMPLE GENERAL ELECTION BALLOTS; POSTING;**  
 12.3 **PUBLICATION.**

12.4 Two weeks before the state general election the county auditor shall prepare sample  
 12.5 copies of the white and canary ballots ~~and shall post copies of these sample ballots and a~~  
 12.6 ~~sample of the pink ballot in the auditor's office for public inspection. No earlier than 15~~  
 12.7 ~~days and no later than two~~ for each precinct in the county and make them available for  
 12.8 public inspection in the county auditor's office. At least 15 days before the state general  
 12.9 election the county auditor shall ~~cause the sample white and canary ballots to be published~~  
 12.10 also either post the sample ballot for each precinct electronically on the county's Web site  
 12.11 or publish a single sample ballot in at least one newspaper of general circulation in the  
 12.12 county; no later than one week before the general election. The published sample ballot  
 12.13 must list the candidates in base rotation order for every office on the ballot and include all  
 12.14 questions that will appear on the ballot.

12.15 Sec. 19. Minnesota Statutes 2006, section 205.16, subdivision 2, is amended to read:

12.16 Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal  
 12.17 clerk shall, at least ~~one week~~ two weeks before the election, either post the sample ballot  
 12.18 for each precinct electronically on the municipality's Web site or publish a single sample  
 12.19 ballot in the official at least one newspaper of the municipality, except that general  
 12.20 circulation no later than one week before the election. The published sample ballot must  
 12.21 list the candidates in base rotation order for every municipal office on the ballot and  
 12.22 include all municipal questions that will appear on the ballot. The governing body of a  
 12.23 fourth class city or a town not located within a metropolitan county as defined in section  
 12.24 473.121 may dispense with publication.

12.25 Sec. 20. Minnesota Statutes 2006, section 205.16, subdivision 3, is amended to read:

12.26 Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk  
 12.27 shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot for each  
 12.28 precinct in the municipality, make them available for public inspection in the clerk's office  
 12.29 ~~for public inspection~~, and post a sample ballot in each polling place on election day.

12.30 Sec. 21. Minnesota Statutes 2006, section 205A.07, subdivision 2, is amended to read:

12.31 Subd. 2. **Sample ballot, posting.** For every school district primary, general, or  
 12.32 special election, the school district clerk shall at least ~~four days~~ two weeks before the  
 12.33 primary, general, or special election, either post a the sample ballot in the administrative

13.1 ~~offices of the school district for public inspection, and~~ ballots for each precinct  
 13.2 electronically on the school district's Web site or publish a single sample ballot in at  
 13.3 least one newspaper of general circulation in the school district no later than one week  
 13.4 before the election. The published sample ballot must list the candidates in base rotation  
 13.5 order for every school district office on the ballot and include all school district questions  
 13.6 that will appear on the ballot. The school district clerk shall also post a sample ballot in  
 13.7 each polling place on election day.

13.8 Sec. 22. Minnesota Statutes 2006, section 206.89, subdivision 1, is amended to read:

13.9 Subdivision 1. **Definition.** For purposes of this section "postelection review official"  
 13.10 means the ~~election administration official who is responsible for the conduct of elections~~  
 13.11 ~~in a precinct selected for review under this section;~~ county auditor. The county auditor  
 13.12 may designate the municipal clerk as the "postelection review official" within 24 hours of  
 13.13 the canvass of the state general election.

13.14 Sec. 23. Minnesota Statutes 2006, section 211A.05, is amended to read:

13.15 **211A.05 FAILURE TO FILE STATEMENT.**

13.16 Subdivision 1. **Penalty.** A candidate who intentionally fails to file a report required  
 13.17 by section 211A.02 or this section is guilty of a misdemeanor. The treasurer of a  
 13.18 committee formed to promote or defeat a ballot question who intentionally fails to file  
 13.19 a report required by section 211A.02 or this section is guilty of a misdemeanor. Each  
 13.20 candidate or treasurer of a committee formed to promote or defeat a ballot question shall  
 13.21 certify to the filing officer that all reports required by section 211A.02 have been submitted  
 13.22 to the filing officer or that the candidate or committee has not received contributions  
 13.23 or made disbursements exceeding \$750 in the calendar year. The certification shall be  
 13.24 submitted to the filing officer no later than seven days after the general or special election.  
 13.25 The secretary of state shall prepare blanks for this certification. An officer who issues a  
 13.26 certificate of election to a candidate who has not certified that all reports required by  
 13.27 section 211A.02 have been filed is guilty of a misdemeanor.

13.28 Subd. 2. **Notice of failure to file; penalty.** ~~If a candidate or committee fails to file~~  
 13.29 ~~a report on the date it is due, the filing officer shall immediately notify the candidate or~~  
 13.30 ~~committee of the failure to file. If a report is not filed within ten days after the notification~~  
 13.31 ~~is mailed, the filing officer shall file a complaint under section 211B.32. No later than four~~  
 13.32 business days after the date on which a report is due, the filing officer must send a notice  
 13.33 by certified mail to any individual who fails to file a statement required by this chapter. If  
 13.34 an individual fails to file a statement within ten business days after the notice of failure to

14.1 file was sent, the filing officer must impose a late filing fee of \$10 per day, not to exceed  
 14.2 \$200, commencing with the 11th day after the notice was sent. If the individual fails to  
 14.3 file the statement within 30 days after the notice was sent, the filing officer must file a  
 14.4 complaint under section 211B.32 and the late filing fee must be made payable to the Office  
 14.5 of Administrative Hearings in lieu of any payment that would otherwise be assessed to the  
 14.6 county from which the complaint was filed.

14.7 Sec. 24. Minnesota Statutes 2006, section 211B.37, is amended to read:

14.8 **211B.37 COSTS ASSESSED.**

14.9 Subdivision 1. State offices and questions Except as otherwise provided in  
 14.10 section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost  
 14.11 of considering complaints filed under section 211B.32 as provided in this section. Costs  
 14.12 of complaints relating to a statewide ballot question or an election for a statewide or  
 14.13 legislative office must be assessed against the appropriation from the general fund to the  
 14.14 general account of the state elections campaign fund in section 10A.31, subdivision 4.  
 14.15 ~~Costs of complaints relating to any other ballot question or elective office must be assessed~~  
 14.16 ~~against the county or counties in which the election is held. Where the election is held in~~  
 14.17 ~~more than one county, the chief administrative law judge shall apportion the assessment~~  
 14.18 ~~among the counties in proportion to their respective populations within the election district~~  
 14.19 ~~to which the complaint relates according to the most recent decennial federal census.~~

14.20 Subd. 2. Local offices and questions. If a complaint relating to an election  
 14.21 for a county, municipal, school district, or special district office or ballot question is  
 14.22 dismissed, the chief administrative law judge must assess the costs to the complainant. If  
 14.23 the complaint results in one of the actions provided in section 211B.35, subdivision 2,  
 14.24 paragraphs (b) to (e), the chief administrative law judge must assess the costs to the person  
 14.25 named in the complaint. If the person named in the complaint was named in the person's  
 14.26 capacity as an employee of the local jurisdiction, the costs must be assessed to the local  
 14.27 jurisdiction. If the chief administrative law judge determines that a complaint resulting  
 14.28 in one of the actions provided in section 211B.35, subdivision 2, paragraphs (b) to (e),  
 14.29 was the consequence of an error or omission on the part of an election official, the costs  
 14.30 must be assessed to the official.

14.31 Sec. 25. Minnesota Statutes 2006, section 325L.03, is amended to read:

14.32 **325L.03 SCOPE.**

14.33 (a) Except as otherwise provided in paragraphs (b) and (e), this chapter applies to  
 14.34 electronic records and electronic signatures relating to a transaction.

15.1 (b) This chapter does not apply to a transaction to the extent it is governed by:

15.2 (1) the Uniform Commercial Code other than section 336.1-306, article 2, and  
15.3 article 2A; and

15.4 (2) section 145C.03, subdivision 1, relating to requirements for creation of a health  
15.5 care directive; section 507.24, relating to requirements for recording any conveyance,  
15.6 power of attorney, or other instrument affecting real estate; section 523.23, subdivision  
15.7 3, relating to requirements for creation of a statutory short form power of attorney; and  
15.8 section 253B.03, subdivision 6b, relating to requirements for creation of a declaration of  
15.9 preferences or instructions regarding intrusive mental health treatment.

15.10 (c) This chapter applies to an electronic record or electronic signature otherwise  
15.11 excluded from the application of this chapter under paragraph (b) to the extent it is  
15.12 governed by a law other than those specified in paragraph (b).

15.13 (d) A transaction subject to this chapter is also subject to other applicable substantive  
15.14 law.

15.15 (e) This chapter does not apply to the creation and execution of wills, codicils, or  
15.16 trusts other than trusts relating to the conduct of business, commercial, or governmental  
15.17 purposes.

15.18 (f) This chapter does not apply to affidavits of candidacy relating to the conduct of  
15.19 elections.

15.20 Sec. 26. Minnesota Statutes 2006, section 410.12, subdivision 1, is amended to read:

15.21 Subdivision 1. **Proposals.** The charter commission may propose amendments to  
15.22 such charter and shall do so upon the petition of voters equal in number to five percent of  
15.23 the total votes cast at the last previous state general election in the city. Proposed charter  
15.24 amendments must be submitted at least 12 weeks before the general election. Petitions  
15.25 may be signed no earlier than 26 weeks before the general election. Only registered  
15.26 voters are eligible to sign the petition. All petitions circulated with respect to a charter  
15.27 amendment shall be uniform in character and shall have attached thereto the text of the  
15.28 proposed amendment in full; except that in the case of a proposed amendment containing  
15.29 more than 1,000 words, a true and correct copy of the same may be filed with the city  
15.30 clerk, and the petition shall then contain a summary of not less than 50 nor more than 300  
15.31 words setting forth in substance the nature of the proposed amendment. Such summary  
15.32 shall contain a statement of the objects and purposes of the amendment proposed and an  
15.33 outline of any proposed new scheme or frame work of government and shall be sufficient  
15.34 to inform the signers of the petition as to what change in government is sought to be  
15.35 accomplished by the amendment. The summary, together with a copy of the proposed

16.1 amendment, shall first be submitted to the charter commission for its approval as to form  
16.2 and substance. The commission shall within ten days after such submission to it, return  
16.3 the same to the proposers of the amendment with such modifications in statement as it  
16.4 may deem necessary in order that the summary may fairly comply with the requirements  
16.5 above set forth.

16.6 Sec. 27. **APPROPRIATION.**

16.7 \$..... in fiscal year 2008 and \$..... in fiscal year 2009 are appropriated from the  
16.8 general fund to the secretary of state for the purpose of implementing sections 1 to 27.

16.9 Sec. 28. **REPEALER.**

16.10 Minnesota Statutes 2006, sections 200.04; and 201.061, subdivision 7, are repealed.