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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

March 15, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

A bill for an act

1.1 relating to elections; changing certain definitions, voter registration procedures  
1.2 and requirements, filing requirements, voting procedures, election day  
1.3 prohibitions, and ballot preparation requirements; establishing a complaint  
1.4 and resolution process; requiring certain notices; providing for assessment of  
1.5 certain costs; changing a petition requirement; imposing penalties; appropriating  
1.6 money; amending Minnesota Statutes 2006, sections 10A.14, subdivision  
1.7 1; 10A.20, subdivision 5; 200.02, subdivisions 7, 23; 201.016, subdivision  
1.8 1a; 201.056; 201.061, subdivisions 1, 3, by adding a subdivision; 201.071,  
1.9 subdivision 1; 201.091, by adding a subdivision; 201.121, by adding a  
1.10 subdivision; 201.171; 203B.07, subdivision 2; 203B.081; 203B.12, subdivision  
1.11 4; 203B.13, subdivisions 1, 2; 204B.06, subdivision 1; 204B.09, subdivisions  
1.12 1, 3; 204B.11, subdivision 2; 204B.16, subdivision 1; 204B.27, by adding  
1.13 a subdivision; 204B.45, subdivision 2; 204C.06, subdivision 1; 205.10, by  
1.14 adding a subdivision; 205.13, by adding a subdivision; 205.16, subdivisions  
1.15 3, 4; 205A.05, by adding a subdivision; 205A.07, subdivisions 3, 3a; 206.57,  
1.16 subdivision 5; 206.89, subdivisions 1, 5; 211A.02, subdivision 2; 211A.05;  
1.17 211B.03; 211B.11, subdivision 1; 325L.03; 375.101, subdivision 1, by adding  
1.18 a subdivision; 410.12, subdivision 1; 447.32, subdivision 4; proposing coding  
1.19 for new law in Minnesota Statutes, chapter 204B; repealing Minnesota Statutes  
1.20 2006, sections 200.04; 201.061, subdivision 7; 201.096; 203B.02, subdivision  
1.21 1a; 203B.13, subdivision 3a.

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

1.23 Section 1. Minnesota Statutes 2006, section 10A.14, subdivision 1, is amended to read:

1.24 Subdivision 1. **First registration.** The treasurer of a political committee, political  
1.25 fund, principal campaign committee, or party unit must register with the board by filing a  
1.26 statement of organization no later than 14 days after the committee, fund, or party unit has  
1.27 made a contribution, received contributions, or made expenditures in excess of \$100, or  
1.28 within 24 hours after it has received a loan or contribution that must be reported under  
1.29 section 10A.20, subdivision 5, whichever is earlier. The 24-hour registration requirement  
1.30

2.1 does not apply to the principal campaign committee of a legislative candidate seeking to  
2.2 fill an unexpired term in a special election.

2.3 Sec. 2. Minnesota Statutes 2006, section 10A.20, subdivision 5, is amended to read:

2.4 Subd. 5. **Preelection reports.** Any loan, contribution, or contributions to a political  
2.5 committee, political fund, or party unit from any one source totaling \$800 or more, or  
2.6 in a statewide election any loan, contribution, or contributions to a candidate from any  
2.7 one source totaling ~~\$2,000~~ \$800 or more, or to a candidate in any judicial district or  
2.8 legislative election totaling more than \$400, received between the last day covered in the  
2.9 last report before an election and the election must be reported to the board in one of  
2.10 the following ways:

- 2.11 (1) in person within ~~48~~ 24 hours after its receipt;
- 2.12 ~~(2) by telegram or mailgram within 48 hours after its receipt;~~
- 2.13 ~~(3) by certified mail sent within 48 hours after its receipt; or~~
- 2.14 ~~(4)~~ (2) by electronic means sent within ~~48~~ 24 hours after its receipt.

2.15 These loans and contributions must also be reported in the next required report.

2.16 The ~~48-hour~~ 24-hour notice requirement does not apply with respect to a primary in  
2.17 which the statewide or legislative candidate is unopposed. The 24-hour notice requirement  
2.18 also does not apply to principal campaign committees for legislative candidates seeking to  
2.19 fill an unexpired term in a special election.

2.20 The board must post the report on its Web site within 24 hours after it is received.

2.21 Sec. 3. Minnesota Statutes 2006, section 200.02, subdivision 7, is amended to read:

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

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

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

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

2.31 (b) "Major political party" also means a political party that maintains a party  
2.32 organization in the state, political subdivision, or precinct in question and that has  
2.33 presented at least 45 candidates for election to the office of state representative, 23  
2.34 candidates for election to the office of state senator, four candidates for election to

3.1 the office of representative in Congress, and one candidate for election to each of the  
3.2 following offices: governor and lieutenant governor, attorney general, secretary of state,  
3.3 and state auditor, at the last preceding state general election for those offices.

3.4 (c) "Major political party" also means a political party that maintains a party  
3.5 organization in the state, political subdivision, or precinct in question and whose members  
3.6 present to the secretary of state ~~at any time before the close of filing for the state partisan~~  
3.7 ~~primary ballot~~ at least six weeks before the start of the filing period a petition for a place  
3.8 on the state partisan primary ballot, which petition contains signatures of a number of  
3.9 the party members equal to at least five percent of the total number of individuals who  
3.10 voted in the preceding state general election. The petition may be circulated at any time  
3.11 after January 1 and more than six weeks before the start of the filing period in the year  
3.12 the petition is submitted.

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

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

3.25 Sec. 4. Minnesota Statutes 2006, section 200.02, subdivision 23, is amended to read:

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

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

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

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

4.3 who received votes in each county that in the aggregate equal at least one percent  
4.4 of the total number of individuals who voted in the election, or its members must have  
4.5 presented to the secretary of state ~~at any time before the close of filing for the state~~  
4.6 ~~partisan primary ballot~~ at least six weeks before the start of the filing period a nominating  
4.7 petition in a form prescribed by the secretary of state containing the signatures of party  
4.8 members in a number equal to at least one percent of the total number of individuals who  
4.9 voted in the preceding state general election. The petition may be circulated at any time  
4.10 after January 1 and more than six weeks before the start of the filing period in the year  
4.11 the petition is submitted.

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

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

4.21 (e) A minor party that qualifies to be a major party loses its status as a minor party  
4.22 at the time it becomes a major party. Votes received by the candidates of a major party  
4.23 must be counted in determining whether the party received sufficient votes to qualify as  
4.24 a minor party, notwithstanding that the party does not receive sufficient votes to retain  
4.25 its major party status. To be considered a minor party in an election in a legislative  
4.26 district, the political party must have presented at least one candidate for a legislative  
4.27 office in that district who received votes from at least ten percent of the total number of  
4.28 individuals who voted for that office, or its members must have presented to the secretary  
4.29 of state a nominating petition in a form prescribed by the secretary of state containing the  
4.30 signatures of party members in a number equal to at least ten percent of the total number  
4.31 of individuals who voted in the preceding state general election for that legislative office.

4.32 Sec. 5. Minnesota Statutes 2006, section 201.016, subdivision 1a, is amended to read:

4.33 Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a violation notice  
4.34 to any voter who the county auditor can determine has voted ~~in a precinct other than the~~  
4.35 ~~precinct in~~ using an address at which the voter ~~maintains~~ does not maintain residence on

5.1 election day. The notice must be in the form provided by the secretary of state. The  
5.2 county auditor shall also change the status of the voter in the statewide registration system  
5.3 to "challenged" and the voter shall be required to provide proof of residence to either the  
5.4 county auditor or to the election judges in the voter's precinct before voting in the next  
5.5 election. Any of the forms authorized by section 201.061 for registration at the polling  
5.6 place may be used for this purpose.

5.7 (b) A voter who votes in a precinct other than the precinct in which the voter  
5.8 maintains residence after receiving an initial violation notice as provided in this  
5.9 subdivision is guilty of a petty misdemeanor.

5.10 (c) A voter who votes in a precinct other than the precinct in which the voter  
5.11 maintains residence after having been found to have committed a petty misdemeanor  
5.12 under paragraph (b) is guilty of a misdemeanor.

5.13 (d) Reliance by the voter on inaccurate information regarding the location of the  
5.14 voter's polling place provided by the state, county, or municipality is an affirmative  
5.15 defense to a prosecution under this subdivision.

5.16 Sec. 6. Minnesota Statutes 2006, section 201.056, is amended to read:

5.17 **201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.**

5.18 An individual who is unable to write the individual's name shall be required to sign a  
5.19 registration ~~card by making the individual's mark~~ application in the manner provided by  
5.20 section 645.44, subdivision 14. If the individual registers in person and signs by making  
5.21 a mark, the clerk or election judge accepting the registration shall certify the mark by  
5.22 signing the individual's name. If the individual registers by mail and signs by making a  
5.23 mark, the mark shall be certified by having a voter registered in the individual's precinct  
5.24 sign the individual's name and the voter's own name and give the voter's own address.

5.25 Sec. 7. Minnesota Statutes 2006, section 201.061, subdivision 1, is amended to read:

5.26 Subdivision 1. **Prior to election day.** At any time except during the 20 days  
5.27 immediately preceding any regularly scheduled election, an eligible voter or any  
5.28 individual who will be an eligible voter at the time of the next election may register to  
5.29 vote in the precinct in which the voter maintains residence by completing a paper voter  
5.30 registration application as described in section 201.071, subdivision 1, and submitting it in  
5.31 person or by mail to the county auditor of that county or to the Secretary of State's Office.  
5.32 If the individual has a Minnesota driver's license, identification card, or learner's permit,  
5.33 the individual may register online using the Web site maintained by the secretary of state.  
5.34 A registration that is received no later than 5:00 p.m. on the 21st day preceding any

6.1 election shall be accepted. An improperly addressed or delivered registration application  
6.2 shall be forwarded within two working days after receipt to the county auditor of the  
6.3 county where the voter maintains residence. A state or local agency or an individual that  
6.4 accepts completed voter registration applications from a voter must submit the completed  
6.5 applications to the secretary of state or the appropriate county auditor within ten business  
6.6 days after the applications are dated by the voter.

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

6.10 Sec. 8. Minnesota Statutes 2006, section 201.061, is amended by adding a subdivision  
6.11 to read:

6.12 Subd. 1b. **Prohibited methods of compensation; penalty.** (a) No individual  
6.13 may be compensated for the solicitation, collection, or acceptance of voter registration  
6.14 applications from voters for submission to the secretary of state, a county auditor, or other  
6.15 local election official in a manner in which payment is calculated by multiplying (1)  
6.16 either a set or variable payment rate, by (2) the number of voter registration applications  
6.17 solicited, collected, or accepted.

6.18 (b) No individual may be deprived of compensation or have compensation  
6.19 automatically reduced exclusively for failure to solicit, collect, or accept a minimum  
6.20 number of voter registration applications and no individual may receive additional  
6.21 compensation for reaching or exceeding a minimum number of voter registration  
6.22 applications.

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

6.24 Sec. 9. Minnesota Statutes 2006, section 201.061, subdivision 3, is amended to read:

6.25 **Subd. 3. Election day registration.** (a) An individual who is eligible to vote may  
6.26 register on election day by appearing in person at the polling place for the precinct in  
6.27 which the individual maintains residence, by completing a registration application, making  
6.28 an oath in the form prescribed by the secretary of state and providing proof of residence.  
6.29 An individual may prove residence for purposes of registering by:

6.30 (1) presenting a driver's license or Minnesota identification card issued pursuant  
6.31 to section 171.07;

6.32 (2) presenting any document approved by the secretary of state as proper  
6.33 identification;

6.34 (3) presenting one of the following:

7.1 (i) a current valid student identification card from a postsecondary educational  
7.2 institution in Minnesota, if a list of students from that institution has been prepared under  
7.3 section 135A.17 and certified to the county auditor in the manner provided in rules of  
7.4 the secretary of state; or

7.5 (ii) a current student fee statement that contains the student's valid address in the  
7.6 precinct together with a picture identification card; or

7.7 (4) having a voter who is registered to vote in the precinct, or who is an employee  
7.8 employed by and working in a residential facility in the precinct and vouching for a  
7.9 resident in the facility, sign an oath in the presence of the election judge vouching that the  
7.10 voter or employee personally knows that the individual is a resident of the precinct. A  
7.11 voter who has been vouched for on election day may not sign a proof of residence oath  
7.12 vouching for any other individual on that election day. A voter who is registered to vote in  
7.13 the precinct may sign up to 15 proof-of-residence oaths on any election day. This limitation  
7.14 does not apply to an employee of a residential facility described in this clause. The  
7.15 secretary of state shall provide a form for election judges to use in recording the number  
7.16 of individuals for whom a voter signs proof-of-residence oaths on election day. The  
7.17 form must include space for the maximum number of individuals for whom a voter may  
7.18 sign proof-of-residence oaths. For each proof-of-residence oath, the form must include  
7.19 a statement that the voter is registered to vote in the precinct, personally knows that the  
7.20 individual is a resident of the precinct, and is making the statement on oath. The form must  
7.21 include a space for the voter's printed name, signature, telephone number, and address.

7.22 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must  
7.23 be attached to the voter registration application ~~and the information on the oath must be~~  
7.24 ~~recorded on the records of both the voter registering on election day and the voter who~~  
7.25 ~~is vouching for the person's residence, and entered into the statewide voter registration~~  
7.26 ~~system by the county auditor when the voter registration application is entered into that~~  
7.27 ~~system.~~

7.28 (b) The operator of a residential facility shall prepare a list of the names of its  
7.29 employees currently working in the residential facility and the address of the residential  
7.30 facility. The operator shall certify the list and provide it to the appropriate county auditor  
7.31 no less than 20 days before each election for use in election day registration.

7.32 (c) "Residential facility" means transitional housing as defined in section 256E.33,  
7.33 subdivision 1; a supervised living facility licensed by the commissioner of health under  
7.34 section 144.50, subdivision 6; a nursing home as defined in section 144A.01, subdivision  
7.35 5; a residence registered with the commissioner of health as a housing with services  
7.36 establishment as defined in section 144D.01, subdivision 4; a veterans home operated by

8.1 the board of directors of the Minnesota Veterans Homes under chapter 198; a residence  
8.2 licensed by the commissioner of human services to provide a residential program as  
8.3 defined in section 245A.02, subdivision 14; a residential facility for persons with a  
8.4 developmental disability licensed by the commissioner of human services under section  
8.5 252.28; group residential housing as defined in section 256I.03, subdivision 3; a shelter  
8.6 for battered women as defined in section 611A.37, subdivision 4; or a supervised  
8.7 publicly or privately operated shelter or dwelling designed to provide temporary living  
8.8 accommodations for the homeless.

8.9 (d) For tribal band members, an individual may prove residence for purposes of  
8.10 registering by:

8.11 (1) presenting an identification card issued by the tribal government of a tribe  
8.12 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that  
8.13 contains the name, address, signature, and picture of the individual; or

8.14 (2) presenting an identification card issued by the tribal government of a tribe  
8.15 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that  
8.16 contains the name, signature, and picture of the individual and also presenting one of the  
8.17 documents listed in Minnesota Rules, part 8200.5100, subpart 2, item B.

8.18 (e) A county, school district, or municipality may require that an election judge  
8.19 responsible for election day registration initial each completed registration application.

8.20 Sec. 10. Minnesota Statutes 2006, section 201.071, subdivision 1, is amended to read:

8.21 Subdivision 1. **Form.** A voter registration application must ~~be of suitable size and~~  
8.22 ~~weight for mailing and~~ contain spaces for the following required information: voter's first  
8.23 name, middle name, and last name; voter's previous name, if any; voter's current address;  
8.24 voter's previous address, if any; voter's date of birth; voter's municipality and county of  
8.25 residence; voter's telephone number, if provided by the voter; date of registration; current  
8.26 and valid Minnesota driver's license number or Minnesota state identification number,  
8.27 or if the voter has no current and valid Minnesota driver's license or Minnesota state  
8.28 identification, and the last four digits of the voter's Social Security number; ~~and voter's~~  
8.29 ~~signature.~~ The registration application may include the voter's e-mail address, if provided  
8.30 by the voter, and the voter's interest in serving as an election judge, if indicated by the  
8.31 voter. The application must also contain the following certification of voter eligibility:

8.32 "I certify that I:

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

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

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

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

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

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

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

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

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

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

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

9.14 And the instruction:

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

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

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

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

9.25 Sec. 11. Minnesota Statutes 2006, section 201.091, is amended by adding a subdivision  
9.26 to read:

9.27 Subd. 5a. **Registration verification to registered voter.** The secretary of state  
9.28 must provide for voter registration verification to a registered voter on the secretary of  
9.29 state's Web site. An individual must provide the individual's name, address, and date of  
9.30 birth when requesting registration verification. If the verification information provided  
9.31 completely matches an active registration record in the statewide registration system, the  
9.32 individual must be informed that the individual is a registered voter and provided with  
9.33 the individual's polling place location. If the verification information provided does not  
9.34 completely match an active registration record in the statewide registration system, the  
9.35 individual must be informed that a registration record at the name and address provided

10.1 cannot be retrieved and advised to contact the county auditor or secretary of state for  
10.2 further information.

10.3 Sec. 12. Minnesota Statutes 2006, section 201.121, is amended by adding a subdivision  
10.4 to read:

10.5 Subd. 4. **Biennial verification.** At least seven weeks before the state general  
10.6 election, the secretary of state shall mail a nonforwardable notice about the upcoming  
10.7 election to every registered voter in the state. The notice must include the voter's polling  
10.8 place location and the legislative, congressional, county commissioner, and school district  
10.9 in which the voter resides. It must also include information on voting eligibility and how  
10.10 to register to vote on election day.

10.11 Sec. 13. Minnesota Statutes 2006, section 201.171, is amended to read:

10.12 **201.171 POSTING VOTING HISTORY; FAILURE TO VOTE;**  
10.13 **REGISTRATION REMOVED.**

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

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

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

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

10.31 Sec. 14. Minnesota Statutes 2006, section 203B.07, subdivision 2, is amended to read:

10.32 Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size  
10.33 to conveniently enclose and contain the ballot envelope and a voter registration ~~card~~

11.1 application folded along its perforations. The return envelope shall be designed to open  
 11.2 on the left-hand end. ~~Notwithstanding any rule to the contrary, the return envelope must~~  
 11.3 ~~be designed in one of the following ways:~~

11.4 ~~(1) it must be of sufficient size to contain an additional envelope that when sealed,~~  
 11.5 ~~conceals the signature, identification, and other information; or~~

11.6 ~~(2) it must provide an additional flap that when sealed, conceals the signature,~~  
 11.7 ~~identification, and other information. Election officials may open the flap or the additional~~  
 11.8 ~~envelope at any time after receiving the returned ballot to inspect the returned certificate~~  
 11.9 ~~for completeness or to ascertain other information. A certificate of eligibility to vote by~~  
 11.10 absentee ballot shall be printed on the back of the envelope. The certificate shall contain a  
 11.11 statement to be signed and sworn by the voter indicating that the voter meets all of the  
 11.12 requirements established by law for voting by absentee ballot. The certificate shall also  
 11.13 contain a statement signed by a person who is registered to vote in Minnesota or by a  
 11.14 notary public or other individual authorized to administer oaths stating that:

11.15 (a) the ballots were displayed to that individual unmarked;

11.16 (b) the voter marked the ballots in that individual's presence without showing how  
 11.17 they were marked, or, if the voter was physically unable to mark them, that the voter  
 11.18 directed another individual to mark them; and

11.19 (c) if the voter was not previously registered, the voter has provided proof of  
 11.20 residence as required by section 201.061, subdivision 3.

11.21 The county auditor or municipal clerk shall affix first class postage to the return  
 11.22 envelopes.

11.23 Sec. 15. Minnesota Statutes 2006, section 203B.081, is amended to read:

11.24 **203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.**

11.25 An eligible voter may vote by absentee ballot during the 30 days before the election  
 11.26 in the office of the county auditor and at any other polling place designated by the county  
 11.27 auditor. The county auditor shall make such designations at least 90 days before the  
 11.28 election. At least one voting booth and at least one electronic ballot marker in each polling  
 11.29 place must be made available by the county auditor for this purpose.

11.30 Sec. 16. Minnesota Statutes 2006, section 203B.12, subdivision 4, is amended to read:

11.31 Subd. 4. **Placement in container; opening and counting of ballots.** The ballot  
 11.32 envelopes from return envelopes marked "Accepted" shall be placed by the election  
 11.33 judges in a separate absentee ballot container. The container and each ballot envelope may  
 11.34 be opened only after ~~the last regular mail delivery by the United States postal service~~

12.1 noon on election day. The ballots shall then be initialed by the election judges in the  
12.2 same manner as ballots delivered by them to voters in person and shall be deposited in  
12.3 the appropriate ballot box.

12.4 If more than one ballot of any kind is enclosed in the ballot envelope, none of the  
12.5 ballots of that kind shall be counted but all ballots of that kind shall be returned in the  
12.6 manner provided by section 204C.25 for return of spoiled ballots.

12.7 Sec. 17. Minnesota Statutes 2006, section 203B.13, subdivision 1, is amended to read:

12.8 Subdivision 1. **Establishment.** The governing body of any county ~~that has~~  
12.9 ~~established a counting center as provided in section 206.85, subdivision 2,~~ any  
12.10 municipality, or any school district may by ordinance or resolution, authorize an absentee  
12.11 ballot board. The board shall consist of a sufficient number of election judges appointed as  
12.12 provided in sections 204B.19 to 204B.22.

12.13 Sec. 18. Minnesota Statutes 2006, section 203B.13, subdivision 2, is amended to read:

12.14 Subd. 2. **Duties.** The absentee ballot board may ~~do any of the following:~~

12.15 ~~(a) receive from each precinct in the municipality or school district all ballot~~  
12.16 ~~envelopes marked "Accepted" by the election judges; provided that the governing body of~~  
12.17 ~~a municipality or the school board of a school district may authorize the board to examine~~  
12.18 all return absentee ballot envelopes and receive accept or reject absentee ballots in the  
12.19 manner provided in section 203B.12;

12.20 ~~(b) open and count the absentee ballots, tabulating the vote in a manner that indicates~~  
12.21 ~~each vote of the absentee voter and the total absentee vote cast for each candidate or~~  
12.22 ~~question in each precinct; or~~

12.23 ~~(c) report the vote totals tabulated for each precinct.~~

12.24 The absentee ballot board may begin the process of examining the return envelopes  
12.25 and marking them "accepted" or "rejected" at any time during the 30 days before the  
12.26 election. If an envelope has been rejected at least five days before the election, the  
12.27 ballots in the envelope must be considered spoiled ballots and the official in charge of the  
12.28 absentee ballot board shall provide the voter with a replacement absentee ballot and return  
12.29 envelope in place of the spoiled ballot. ~~The secretary of state shall provide samples of the~~  
12.30 ~~replacement ballot and return envelope for use by the county auditor.~~

12.31 Sec. 19. Minnesota Statutes 2006, section 204B.06, subdivision 1, is amended to read:

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

13.1 (1) is an eligible voter;

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

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

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

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

13.19 Sec. 20. Minnesota Statutes 2006, section 204B.09, subdivision 1, is amended to read:

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

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

13.29 (c) This provision does not apply to candidates for presidential elector nominated  
13.30 by major political parties. Major party candidates for presidential elector are certified  
13.31 under section 208.03. Other candidates for presidential electors may file petitions on or  
13.32 before the state primary day pursuant to section 204B.07, but no earlier than 70 days  
13.33 before the state primary. Nominating petitions to fill vacancies in nominations shall be  
13.34 filed as provided in section 204B.13. No affidavit or petition shall be accepted later than  
13.35 5:00 p.m. on the last day for filing.

14.1 (d) Affidavits and petitions for county offices ~~to be voted on in only one county shall~~  
14.2 must be filed with the county auditor of that county. Affidavits and petitions for federal  
14.3 ~~offices to be voted on in more than one county shall~~ must be filed with the secretary of  
14.4 state. Affidavits and petitions for state offices must be filed with the secretary of state or  
14.5 with the county auditor of the county in which the candidate resides.

14.6 Sec. 21. Minnesota Statutes 2006, section 204B.09, subdivision 3, is amended to read:

14.7 Subd. 3. **Write-in candidates.** (a) A candidate for county, state, or federal office  
14.8 who wants write-in votes for the candidate to be counted must file a written request with  
14.9 the filing office for the office sought no later than the ~~fifth~~ seventh day before the general  
14.10 election. The filing officer shall provide copies of the form to make the request.

14.11 (b) A candidate for president of the United States who files a request under this  
14.12 subdivision must include the name of a candidate for vice-president of the United States.  
14.13 The request must also include the name of at least one candidate for presidential elector.  
14.14 The total number of names of candidates for presidential elector on the request may not  
14.15 exceed the total number of electoral votes to be cast by Minnesota in the presidential  
14.16 election.

14.17 (c) A candidate for governor who files a request under this subdivision must include  
14.18 the name of a candidate for lieutenant governor.

14.19 Sec. 22. Minnesota Statutes 2006, section 204B.11, subdivision 2, is amended to read:

14.20 Subd. 2. **Petition in place of filing fee.** At the time of filing an affidavit of  
14.21 candidacy, a candidate may present a petition in place of the filing fee. The petition may be  
14.22 circulated from the date of precinct caucuses to the end of the period for filing affidavits of  
14.23 candidacy. The petition may be signed by any individual eligible to vote for the candidate.  
14.24 A nominating petition filed pursuant to section 204B.07 or 204B.13, subdivision 4, is  
14.25 effective as a petition in place of a filing fee if the nominating petition includes a prominent  
14.26 statement informing the signers of the petition that it will be used for that purpose.

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

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

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

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

14.32 (d) for any other office which requires a filing fee as prescribed by law, municipal  
14.33 charter, or ordinance, the lesser of 500 signatures or five percent of the total number of

15.1 votes cast in the municipality, ward, or other election district at the preceding general  
15.2 election at which that office was on the ballot.

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

15.5 Sec. 23. Minnesota Statutes 2006, section 204B.16, subdivision 1, is amended to read:

15.6 Subdivision 1. **Authority; location.** The governing body of each municipality and  
15.7 of each county with precincts in unorganized territory shall designate by ordinance or  
15.8 resolution a polling place for each election precinct. Polling places must be designated  
15.9 and ballots must be distributed so that no one is required to go to more than one polling  
15.10 place to vote in a school district and municipal election held on the same day. The polling  
15.11 place for a precinct in a city or in a school district located in whole or in part in the  
15.12 metropolitan area defined by section 200.02, subdivision 24, shall be located within the  
15.13 boundaries of the precinct or within ~~3,000 feet~~ one mile of one of those boundaries unless  
15.14 a single polling place is designated for a city pursuant to section 204B.14, subdivision  
15.15 2, or a school district pursuant to section 205A.11. The polling place for a precinct in  
15.16 unorganized territory may be located outside the precinct at a place which is convenient to  
15.17 the voters of the precinct. If no suitable place is available within a town or within a school  
15.18 district located outside the metropolitan area defined by section 200.02, subdivision 24,  
15.19 then the polling place for a town or school district may be located outside the town or  
15.20 school district within five miles of one of the boundaries of the town or school district.

15.21 Sec. 24. Minnesota Statutes 2006, section 204B.27, is amended by adding a  
15.22 subdivision to read:

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

15.27 Sec. 25. **[204B.445] VOTER COMPLAINT AND RESOLUTION PROCESS.**

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

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

15.32 (2) voters are unable to register to vote in the manner provided by section 201.061;

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

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

16.7 A complaint against a municipal or school district clerk must be filed with the county  
16.8 auditor of the county in which the action has occurred or is about to occur. A complaint  
16.9 against a county auditor must be filed with the secretary of state. A complaint against the  
16.10 secretary of state must be filed with the Office of Administrative Hearings. The secretary  
16.11 of state shall provide a standard form for a complaint under this section. The form must  
16.12 provide space for the complainant to specify the legal basis for the complaint. The  
16.13 proceedings authorized by this section are not subject to the requirements of chapter 14.

16.14 Subd. 2. **Notice of complaint.** The official with whom the complaint is filed must,  
16.15 within seven days after the complaint was filed, provide written notice of the complaint,  
16.16 including a copy of the complaint, to the official against whom the complaint has been  
16.17 made.

16.18 Subd. 3. **Response.** Within 14 days after the notice of complaint is received, the  
16.19 official complained against must respond in writing to the complainant and state the  
16.20 manner in which the respondent proposes to resolve the complaint.

16.21 Subd. 4. **Hearing.** If the complainant believes the response does not resolve the  
16.22 complaint, the complainant may file with the official with whom the complaint was  
16.23 filed a request for a hearing. The request must state the objection to the response and  
16.24 propose to resolve the complaint in a way that is consistent with the Minnesota Election  
16.25 Law. The official with whom the complaint was filed must rule on the complaint within  
16.26 14 days after the hearing.

16.27 Subd. 5. **Appeal.** No later than 30 days after the ruling, the complainant may appeal  
16.28 the ruling. If the complaint was filed against a municipal clerk, school district clerk, or  
16.29 county auditor, the appeal must be filed with the secretary of state. If the complaint was  
16.30 filed against the secretary of state, the appeal must be filed with the Ramsey County  
16.31 District Court. The appeal must be heard within 14 days. Upon hearing the appeal, the  
16.32 secretary of state or district court may affirm, reverse, or modify the ruling and give  
16.33 appropriate instructions, as needed, to the secretary of state, county auditor, or local  
16.34 election official to resolve the complaint.

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

17.1 Sec. 26. Minnesota Statutes 2006, section 204B.45, subdivision 2, is amended to read:

17.2 Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be  
17.3 given at least six weeks prior to the election. ~~No earlier~~ Not more than 20 30 days or nor  
17.4 later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable  
17.5 mail to all voters registered in the town or unorganized territory. No later than 14 days  
17.6 before the election, the auditor must make a subsequent mailing of ballots to those voters  
17.7 who register to vote after the initial mailing but before the 20th day before the election.  
17.8 Eligible voters not registered at the time the ballots are mailed may apply for ballots as  
17.9 provided in chapter 203B. Ballot return envelopes, with return postage provided, must be  
17.10 preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person  
17.11 to the office of the auditor or clerk. The auditor or clerk may appoint election judges to  
17.12 examine the return envelopes and mark them "accepted" or "rejected" during the 30 days  
17.13 before the election. If an envelope has been rejected at least five days before the election,  
17.14 the ballots in the envelope must be considered spoiled ballots and the auditor or clerk shall  
17.15 provide the voter with a replacement ballot and return envelope in place of the spoiled  
17.16 ballot. The costs of the mailing shall be paid by the election jurisdiction in which the voter  
17.17 resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

17.18 Sec. 27. Minnesota Statutes 2006, section 204C.06, subdivision 1, is amended to read:

17.19 Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go  
17.20 to and from the polling place for the purpose of voting without unlawful interference. No  
17.21 one except an election official or an individual who is waiting to register or to vote shall  
17.22 stand within 100 feet of the ~~entrance to a polling place. The entrance to a polling place~~  
17.23 ~~is the doorway or point of entry leading into the room or area where voting is occurring~~  
17.24 building in which a polling place is located.

17.25 Sec. 28. Minnesota Statutes 2006, section 205.10, is amended by adding a subdivision  
17.26 to read:

17.27 Subd. 6. **Cancellation.** A special election ordered by the governing body of the  
17.28 municipality on its own motion under subdivision 1 may be canceled by motion of the  
17.29 governing body, but not less than 46 days before the election.

17.30 Sec. 29. Minnesota Statutes 2006, section 205.13, is amended by adding a subdivision  
17.31 to read:

17.32 Subd. 7. **Write-in candidates.** A candidate for a city office who wants write-in  
17.33 votes for the candidate to be counted must file a written request with the filing officer for

18.1 the office sought no later than the seventh day before the general election. The filing  
18.2 officer must provide copies of the form to make the request.

18.3 Sec. 30. Minnesota Statutes 2006, section 205.16, subdivision 3, is amended to read:

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

18.8 Sec. 31. Minnesota Statutes 2006, section 205.16, subdivision 4, is amended to read:

18.9 Subd. 4. **Notice to auditor.** At least 53 days prior to every municipal election, the  
18.10 municipal clerk shall provide a written notice to the county auditor, including the date of  
18.11 the election, the offices to be voted on at the election, and the title and language for each  
18.12 ballot question to be voted on at the election. Not less than 46 days before the election, the  
18.13 municipal clerk must provide written notice to the county auditor of any special election  
18.14 canceled under section 205.10, subdivision 6.

18.15 Sec. 32. Minnesota Statutes 2006, section 205A.05, is amended by adding a  
18.16 subdivision to read:

18.17 Subd. 3. **Cancellation.** A special election ordered by the school board on its own  
18.18 motion under subdivision 1 may be canceled by motion of the school board, but not less  
18.19 than 46 days before the election.

18.20 Sec. 33. Minnesota Statutes 2006, section 205A.07, subdivision 3, is amended to read:

18.21 Subd. 3. **Notice to auditor.** At least 53 days prior to every school district election,  
18.22 the school district clerk shall provide a written notice to the county auditor of each county  
18.23 in which the school district is located. The notice must include the date of the election, the  
18.24 offices to be voted on at the election, and the title and language for each ballot question to  
18.25 be voted on at the election. For the purposes of meeting the timelines of this section, in  
18.26 a bond election, a notice, including a proposed question, may be provided to the county  
18.27 auditor prior to receipt of a review and comment from the commissioner of education and  
18.28 prior to actual initiation of the election. Not less than 46 days before the election, the  
18.29 school district clerk must provide written notice to the county auditor of any special  
18.30 election canceled under section 205A.05, subdivision 3.

18.31 Sec. 34. Minnesota Statutes 2006, section 205A.07, subdivision 3a, is amended to read:

19.1 Subd. 3a. **Notice to commissioner of education.** At least 49 days prior to every  
19.2 school district election, under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58,  
19.3 the school district clerk shall provide a written notice to the commissioner of education.  
19.4 The notice must include the date of the election and the title and language for each ballot  
19.5 question to be voted on at the election. Not less than 46 days before the election, the  
19.6 school district clerk must provide a written notice to the commissioner of education of  
19.7 any special election canceled under section 205A.05, subdivision 3. The certified vote  
19.8 totals for each ballot question shall be provided in a written notice to the commissioner  
19.9 in a timely manner.

19.10 Sec. 35. Minnesota Statutes 2006, section 206.57, subdivision 5, is amended to read:

19.11 Subd. 5. **Voting system for disabled voters.** In federal and state elections held after  
19.12 December 31, 2005, ~~and in county, municipal city, and school district elections held after~~  
19.13 ~~December 31, 2007, and in township elections held after December 31, 2009,~~ the voting  
19.14 method used in each polling place must include a voting system that is accessible for  
19.15 individuals with disabilities, including nonvisual accessibility for the blind and visually  
19.16 impaired in a manner that provides the same opportunity for access and participation,  
19.17 including privacy and independence, as for other voters.

19.18 Sec. 36. Minnesota Statutes 2006, section 206.89, subdivision 1, is amended to read:

19.19 Subdivision 1. **Definition.** For purposes of this section "postelection review official"  
19.20 means the ~~election administration official who is responsible for the conduct of elections~~  
19.21 ~~in a precinct selected for review under this section.~~ county auditor, unless the county  
19.22 auditor designates the municipal clerk as the "postelection review official" within 24 hours  
19.23 after the canvass of the state general election.

19.24 Sec. 37. Minnesota Statutes 2006, section 206.89, subdivision 5, is amended to read:

19.25 Subd. 5. **Additional review.** (a) If the postelection review in one of the reviewed  
19.26 precincts reveals a difference greater than one-half of one percent, or greater than two  
19.27 votes in a precinct where 400 or fewer voters cast ballots, the postelection review official  
19.28 must, within two days, conduct an additional review of the races indicated in subdivision 3  
19.29 in at least three precincts in the same jurisdiction where the discrepancy was discovered. If  
19.30 all precincts in that jurisdiction have been reviewed, the county auditor must immediately  
19.31 publicly select by lot at least three additional precincts for review. The postelection review  
19.32 official must complete the additional review within two days after the precincts are  
19.33 selected and report the results immediately to the county auditor. If the second review in

20.1 any of the reviewed precincts also indicates a difference in the vote totals compiled by the  
20.2 voting system that is greater than one-half of one percent from the result indicated by the  
20.3 postelection review, or greater than two votes in a precinct where 400 or fewer voters cast  
20.4 ballots, the county auditor must conduct a review of the ballots from all the remaining  
20.5 precincts in the county for the races indicated in subdivision 3. This review must be  
20.6 completed no later than six weeks after the state general election.

20.7 (b) If the results from the countywide reviews from one or more counties comprising  
20.8 in the aggregate more than ten percent of the total number of persons voting in the election  
20.9 clearly indicate that an error in vote counting has occurred, the postelection review official  
20.10 must conduct a manual recount of all the ballots in the district for the affected office. The  
20.11 recount must be completed and the results reported to the appropriate canvassing board no  
20.12 later than ten weeks after the state general election.

20.13 Sec. 38. Minnesota Statutes 2006, section 211A.02, subdivision 2, is amended to read:

20.14 Subd. 2. **Information required.** The report to be filed by a candidate or committee  
20.15 must include:

20.16 (1) the name of the candidate or ballot question;

20.17 (2) the printed name and, address, telephone number, signature, and e-mail address,  
20.18 if available, of the person responsible for filing the report;

20.19 (3) the total amount of receipts and expenditures for the period from the last previous  
20.20 report to five days before the current report is due;

20.21 (4) the amount, date, and purpose for each expenditure; and

20.22 (5) the name, address, and employer, or occupation if self-employed, of any  
20.23 individual or committee that during the year has made one or more contributions that in the  
20.24 aggregate are equal to or greater than \$100, and the amount and date of each contribution.

20.25 The filing officer must restrict public access to the address of any individual who has made  
20.26 a contribution equal to or greater than \$100 and who has filed with the filing officer a  
20.27 written statement signed by the individual that withholding the individual's address from  
20.28 the financial report is required for the safety of the individual or the individual's family.

20.29 Sec. 39. Minnesota Statutes 2006, section 211A.05, is amended to read:

20.30 **211A.05 FAILURE TO FILE STATEMENT.**

20.31 Subdivision 1. **Penalty.** A candidate who intentionally fails to file a report required  
20.32 by section 211A.02 or a certification required by this section is guilty of a misdemeanor.

20.33 The treasurer of a committee formed to promote or defeat a ballot question who

20.34 intentionally fails to file a report required by section 211A.02 or a certification required

21.1 by this section is guilty of a misdemeanor. Each candidate or treasurer of a committee  
 21.2 formed to promote or defeat a ballot question shall certify to the filing officer that all  
 21.3 reports required by section 211A.02 have been submitted to the filing officer or that the  
 21.4 candidate or committee has not received contributions or made disbursements exceeding  
 21.5 \$750 in the calendar year. The certification shall be submitted to the filing officer no  
 21.6 later than seven days after the general or special election. The secretary of state shall  
 21.7 prepare blanks for this certification. An officer who issues a certificate of election to a  
 21.8 candidate who has not certified that all reports required by section 211A.02 have been  
 21.9 filed is guilty of a misdemeanor.

21.10 Subd. 2. **Notice of failure to file; penalty.** ~~If a candidate or committee fails to file~~  
 21.11 ~~a report on the date it is due, the filing officer shall immediately notify the candidate or~~  
 21.12 ~~committee of the failure to file. If a report is not filed within ten days after the notification~~  
 21.13 ~~is mailed, the filing officer shall file a complaint under section 211B.32. No later than four~~  
 21.14 business days after the date on which a report is due, the filing officer must send a notice  
 21.15 by certified mail to any individual who fails to file a statement required by this chapter. If  
 21.16 an individual fails to file a statement within ten business days after the notice of failure to  
 21.17 file was sent, the filing officer must impose a late filing fee of \$10 per day, not to exceed  
 21.18 \$200, commencing with the 11th day after the notice was sent. If the individual fails to  
 21.19 file the statement within 30 days after the notice was sent, the filing officer must file a  
 21.20 complaint under section 211B.32 and the late filing fee must be made payable to the Office  
 21.21 of Administrative Hearings in lieu of any payment that would otherwise be assessed to the  
 21.22 county from which the complaint was filed.

21.23 Sec. 40. Minnesota Statutes 2006, section 211B.03, is amended to read:

21.24 **211B.03 USE OF THE TERM REELECT.**

21.25 (a) A person or candidate may not use the term "reelect" in a campaign for elective  
 21.26 office unless the candidate is the incumbent of that office. If the incumbent is seated in  
 21.27 that office but was not elected to the office in a general or special election, the incumbent  
 21.28 may not use the term "reelect."

21.29 (b) In the event of redistricting, a person or candidate may not, ~~in the event of~~  
 21.30 ~~redistricting,~~ use the term "reelect" in a campaign for elective office unless the candidate is  
 21.31 the incumbent of that office and the office represents any part of the new district.

21.32 (c) For purposes of this section, "incumbent" means the individual currently seated  
 21.33 in the office for which the election will be held, as of the last day of filing as a candidate  
 21.34 for election to that office.

22.1 Sec. 41. Minnesota Statutes 2006, section 211B.11, subdivision 1, is amended to read:

22.2 Subdivision 1. **Soliciting near polling places.** A person may not display campaign  
22.3 material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within  
22.4 a polling place or within 100 feet of the building in which a polling place is ~~situated, or~~  
22.5 ~~anywhere on the public property on which a polling place is situated~~ located, on primary  
22.6 or election day to vote for or refrain from voting for a candidate or ballot question. A  
22.7 person may not provide political badges, political buttons, or other political insignia to be  
22.8 worn at or about the polling place on the day of a primary or election. A political badge,  
22.9 political button, or other political insignia may not be worn at or about the polling place on  
22.10 primary or election day. This section applies to areas established by the county auditor or  
22.11 municipal clerk for absentee voting as provided in chapter 203B.

22.12 The secretary of state, county auditor, municipal clerk, or school district clerk may  
22.13 provide stickers which contain the words "I VOTED" and nothing more. Election judges  
22.14 may offer a sticker of this type to each voter who has signed the polling place roster.

22.15 Sec. 42. Minnesota Statutes 2006, section 325L.03, is amended to read:

22.16 **325L.03 SCOPE.**

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

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

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

22.22 (2) section 145C.03, subdivision 1, relating to requirements for creation of a health  
22.23 care directive; section 507.24, relating to requirements for recording any conveyance,  
22.24 power of attorney, or other instrument affecting real estate; section 523.23, subdivision  
22.25 3, relating to requirements for creation of a statutory short form power of attorney; and  
22.26 section 253B.03, subdivision 6b, relating to requirements for creation of a declaration of  
22.27 preferences or instructions regarding intrusive mental health treatment.

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

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

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

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

23.3 Sec. 43. Minnesota Statutes 2006, section 375.101, subdivision 1, is amended to read:

23.4 Subdivision 1. **Option for filling vacancies; election in 30 to 60 days.** Except as  
23.5 provided in subdivision 3, a vacancy in the office of county commissioner ~~shall~~ may be  
23.6 filled as provided in this subdivision and subdivision 2, or as provided in subdivision 4. If  
23.7 the vacancy is to be filled under this subdivision and subdivision 2, it must be filled at a  
23.8 special election not less than 30 nor more than ~~60~~ 90 days after the vacancy occurs. The  
23.9 special primary or special election may be held on the same day as a regular primary or  
23.10 regular election but the special election shall be held not less than 14 days after the special  
23.11 primary. The person elected at the special election shall take office immediately after  
23.12 receipt of the certificate of election and upon filing the bond and taking the oath of office  
23.13 and shall serve the remainder of the unexpired term. If the county has been reapportioned  
23.14 since the commencement of the term of the vacant office, the election shall be based  
23.15 on the district as reapportioned.

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

23.17 Sec. 44. Minnesota Statutes 2006, section 375.101, is amended by adding a subdivision  
23.18 to read:

23.19 **Subd. 4. Option for filling vacancies; appointment.** Except as provided in  
23.20 subdivision 3, and as an alternative to the procedure provided in subdivisions 1 and 2, any  
23.21 other vacancy in the office of county commissioner may be filled by board appointment at  
23.22 a regular or special meeting. The appointment shall be evidenced by a resolution entered  
23.23 in the minutes and shall continue until an election is held under this subdivision. All  
23.24 elections to fill vacancies shall be for the unexpired term. If the vacancy occurs before the  
23.25 first day to file affidavits of candidacy for the next county general election and more than  
23.26 two years remain in the unexpired term, a special election shall be held in conjunction  
23.27 with the county general election. The appointed person shall serve until the qualification  
23.28 of the successor elected to fill the unexpired part of the term at that special election. If the  
23.29 vacancy occurs on or after the first day to file affidavits of candidacy for the county general  
23.30 election, or when less than two years remain in the unexpired term, there shall be no special  
23.31 election to fill the vacancy and the appointed person shall serve the remainder of the  
23.32 unexpired term and until a successor is elected and qualifies at the county general election.

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

24.1 Sec. 45. Minnesota Statutes 2006, section 410.12, subdivision 1, is amended to read:

24.2 Subdivision 1. **Proposals.** The charter commission may propose amendments to  
24.3 such charter and shall do so upon the petition of voters equal in number to five percent of  
24.4 the total votes cast at the last previous state general election in the city. Proposed charter  
24.5 amendments must be submitted at least 12 weeks before the general election. Petitions  
24.6 may be signed no earlier than 26 weeks before the general election. Only registered  
24.7 voters are eligible to sign the petition. All petitions circulated with respect to a charter  
24.8 amendment shall be uniform in character and shall have attached thereto the text of the  
24.9 proposed amendment in full; except that in the case of a proposed amendment containing  
24.10 more than 1,000 words, a true and correct copy of the same may be filed with the city  
24.11 clerk, and the petition shall then contain a summary of not less than 50 nor more than 300  
24.12 words setting forth in substance the nature of the proposed amendment. Such summary  
24.13 shall contain a statement of the objects and purposes of the amendment proposed and an  
24.14 outline of any proposed new scheme or frame work of government and shall be sufficient  
24.15 to inform the signers of the petition as to what change in government is sought to be  
24.16 accomplished by the amendment. The summary, together with a copy of the proposed  
24.17 amendment, shall first be submitted to the charter commission for its approval as to form  
24.18 and substance. The commission shall within ten days after such submission to it, return  
24.19 the same to the proposers of the amendment with such modifications in statement as it  
24.20 may deem necessary in order that the summary may fairly comply with the requirements  
24.21 above set forth.

24.22 Sec. 46. Minnesota Statutes 2006, section 447.32, subdivision 4, is amended to read:

24.23 Subd. 4. **Candidates; ballots; certifying election.** A person who wants to be a  
24.24 candidate for the hospital board shall file an affidavit of candidacy for the election either  
24.25 as member at large or as a member representing the city or town where the candidate  
24.26 resides. The affidavit of candidacy must be filed with the city or town clerk not more than  
24.27 70 days nor less than 56 days before the first Tuesday after the first Monday in November  
24.28 of the year in which the general election is held. The city or town clerk must forward the  
24.29 affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk  
24.30 of the most populous city or town immediately after the last day of the filing period. A  
24.31 candidate may withdraw from the election by filing an affidavit of withdrawal with the  
24.32 clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits  
24.33 of candidacy. A candidate for a hospital district office who wants write-in votes for the  
24.34 candidate to be counted must file a written request with the filing officer for the office

25.1 sought no later than the seventh day before the general election. The filing officer must  
25.2 provide copies of the form to make the request.

25.3 Voting must be by secret ballot. The clerk shall prepare, at the expense of the  
25.4 district, necessary ballots for the election of officers. Ballots must be printed on tan paper  
25.5 and prepared as provided in the rules of the secretary of state. The ballots must be marked  
25.6 and initialed by at least two judges as official ballots and used exclusively at the election.  
25.7 Any proposition to be voted on may be printed on the ballot provided for the election  
25.8 of officers. The hospital board may also authorize the use of voting systems subject to  
25.9 chapter 206. Enough election judges may be appointed to receive the votes at each  
25.10 polling place. The election judges shall act as clerks of election, count the ballots cast,  
25.11 and submit them to the board for canvass.

25.12 After canvassing the election, the board shall issue a certificate of election to the  
25.13 candidate who received the largest number of votes cast for each office. The clerk shall  
25.14 deliver the certificate to the person entitled to it in person or by certified mail. Each person  
25.15 certified shall file an acceptance and oath of office in writing with the clerk within 30  
25.16 days after the date of delivery or mailing of the certificate. The board may fill any office  
25.17 as provided in subdivision 1 if the person elected fails to qualify within 30 days, but  
25.18 qualification is effective if made before the board acts to fill the vacancy.

25.19 Sec. 47. **APPROPRIATION.**

25.20 \$..... in fiscal year 2008 and \$..... in fiscal year 2009 are appropriated from the  
25.21 general fund to the secretary of state for the purpose of implementing sections 1 to 48.

25.22 Sec. 48. **REPEALER.**

25.23 Minnesota Statutes 2006, sections 200.04; 201.061, subdivision 7; 201.096;  
25.24 203B.02, subdivision 1a; and 203B.13, subdivision 3a, are repealed.

**200.04 HELP AMERICA VOTE ACT COMPLAINTS.**

Subdivision 1. **Procedure.** The secretary of state shall establish a procedure for the review of complaints regarding the administration of Title III of the Help America Vote Act of 2002, Public Law 107-252, including complaints about voting system standards, computerized statewide registration lists and equipment, voter registration requirements, and other features of state implementation of that act. The secretary of state shall provide a complaint form that requires the signature of the complainant, an affidavit and notarization, and the attachment of any supporting documentation. The form must indicate that any election judge, while serving, is deemed a notary public for purposes of Public Law 107-252, section 402.

Subd. 2. **Political subdivisions.** (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to a town, city, school, or county employee or official.

(b) The secretary of state must provide the town clerk, city clerk, school district clerk, or county auditor with a copy of the complaint within three business days of receiving it.

(c) The town clerk, city clerk, school district clerk, or county auditor has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the secretary of state.

(d) The secretary of state shall provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the town clerk, city clerk, school district clerk, or county auditor must be given notice and the opportunity to participate.

(f) The secretary of state shall issue a final determination, and, if necessary, a remedial plan, no later than 90 days after the filing of the complaint. If the secretary of state fails to issue the determination within 90 days, the secretary of state must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

Subd. 3. **Secretary of state.** (a) The procedure in this subdivision applies if a complaint under subdivision 1 pertains to the secretary of state.

(b) The secretary of state must forward the complaint to the Office of Administrative Hearings within three business days after receiving it.

(c) The secretary of state has 20 days to either reach an agreement with the complainant or file a written response to the complaint with the Office of Administrative Hearings.

(d) The Office of Administrative Hearings must provide the complainant with a copy of the response and an opportunity for a hearing on the record.

(e) If a hearing on the record is requested, the secretary of state must be given notice and an opportunity to participate.

(f) The Office of Administrative Hearings must issue a final determination and remedial plan if necessary no later than 90 days after the filing of the complaint. If the Office of Administrative Hearings fails to issue the determination within 90 days, it must provide alternative dispute resolution for the disposition of the complaint. That process must be completed within 60 days of its commencement.

Subd. 4. **Application of chapter 14.** Proceedings under this section are not subject to chapter 14.

Subd. 5. **Appeal.** A determination made under subdivision 2 is not an agency determination subject to appellate review. Either party may initiate an appeal from the secretary of state's final order in the district court in the county where the town, city, or county employee or official is employed.

Subd. 6. **Review.** A determination made under subdivision 3 is subject to appellate review.

**201.061 REGISTRATION ON OR BEFORE ELECTION DAY.**

Subd. 7. **Record of attempted registrations.** The election judge responsible for election day registration shall attempt to keep a record of the number of individuals who attempt to register on election day but who cannot provide proof of residence as required by this section. The record shall be forwarded to the county auditor with the election returns for that precinct.

**201.096 SCHOOL ELECTIONS; USE OF VOTER REGISTRATION SYSTEM.**

The county auditor shall allow independent or special school districts to use the necessary portions of the statewide registration system for school district elections. The county auditor may impose reasonable requirements to preserve the security and integrity of the system. The county auditor and the school district shall provide by agreement for the details of the use of the system

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by the school district. The school board may designate a member of the board or an employee as registration officer. The provisions of this chapter and chapter 203B relating to registration of voters apply to school district elections in which the statewide registration system is used.

**203B.02 GENERAL ELIGIBILITY REQUIREMENTS.**

Subd. 1a. **Experimental procedures.** A county board may authorize any eligible voter in the county to vote by absentee ballot without qualification by submitting a written request to the county auditor between August 1, 1991 and November 30, 1992, notwithstanding the provisions of subdivision 1. The county auditor shall notify the secretary of state immediately after the adoption of such a resolution of authorization by the county board.

The application for absentee ballots must include the voter's name, residence address in the county, address to which the ballots are to be mailed, the date of the request, and the voter's signature.

The county auditor shall maintain a record of the number of applications for absentee ballots submitted under this subdivision. No later than January 15, 1993, the secretary of state shall prepare a report to the legislature on the implementation of this subdivision.

Assistance to voters in marking absentee ballots is subject to section 204C.15, subdivision 1.

**203B.13 ABSENTEE BALLOT BOARDS.**

Subd. 3a. **Absentee voter list.** If the election judges of an absentee ballot board are authorized to receive, examine, validate, and count absentee ballots, the county auditor or municipal clerk shall prepare a list of all persons who have applied for absentee ballots at the election and deliver it to the election judges of the absentee ballot board along with the applications for absentee ballots. The polling place rosters must include an indicator for all persons on the absentee voter list. The county auditor may provide a supplemental list for use by the election judges after the polling place rosters have been prepared. If a person on the absentee voter list appears in the polling place, the election judges shall notify the election judges of the absentee ballot board. When notified by the precinct election judges that the voter has voted in person, the election judges of the absentee ballot board shall make a notation on the absentee voter list that the voter has voted and no absentee ballot may be counted for that voter.