

CHAPTER 379—S.F.No. 2629

An act relating to operations of the secretary of state; regulating filings with the secretary of state; appropriating money for grants to counties for voting equipment and vote-counting equipment; specifying grant terms and procedures; amending Minnesota Statutes 2008, sections 318.02, subdivision 1; 557.01; repealing Laws 2005, chapter 162, section 34, subdivision 2, as amended.

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

Section 1. Minnesota Statutes 2008, section 318.02, subdivision 1, is amended to read:

Subdivision 1. **Definition.** The term "declaration of trust" as used in this section means the declaration of trust, business trust instrument, trust indenture, contract of custodianship, or other instrument pursuant to which such association is organized. Every such association organized after April 20, 1961, for the purpose of transacting business in this state shall, prior to transacting any business in this state, file in the Office of the Secretary of State a true and correct copy of the "declaration of trust" under which the association proposes to conduct its business. The copy shall also contain a statement that the true and correct copy of the "declaration of trust" is being filed in the Office of the Secretary of State of the state of Minnesota pursuant to this chapter and shall also include the full name and street address of an agent of the business trust in this state. That agent shall be the agent for service of process which shall be made pursuant to the provisions of section 543.08. The "declaration of trust" may provide that the duration of such association shall be perpetual. Upon the filing of the copy of the "declaration of trust," ~~and the payment of a filing fee of \$150 to the secretary of state,~~ the secretary of state shall issue to such association, or to the trustees named in the said "declaration of trust," or to the persons or parties to the "declaration of trust," a certificate showing that such "declaration of trust" has been duly filed; whereupon, such association in its name shall be authorized to transact business in this state; provided that all other applicable laws have been complied with. The "declaration of trust" may be amended as provided in the "declaration of trust" or in any amendments thereto but a true and correct copy of all amendments to the "declaration of trust," shall be filed in the Office of the Secretary of State ~~upon the payment of a filing fee of \$50 to the secretary of state~~ and all amendments shall become effective at the time of said filing. When such copy of the "declaration of trust" and any amendments thereto shall have been filed in the Office of the Secretary of State it shall constitute public notice as to the purposes and manner of the business to be engaged in by such association.

Sec. 2. Minnesota Statutes 2008, section 557.01, is amended to read:

557.01 NONRESIDENT, AGENT TO ACCEPT SERVICE.

Any nonresident person or corporation owning or claiming any interest or lien in or upon lands in the state may file with the secretary of state a writing, executed and acknowledged in the manner of a conveyance, appointing a resident agent, whose place of residence shall be stated, to accept service of process or summons in any action or

proceeding in the courts of the state concerning such interest or lien, except actions or proceedings for the collection of taxes, and consenting that service of such process or summons upon such agent shall be binding upon the person executing the same. Such writing shall be recorded by the secretary. No service by publication of summons shall be made upon any such nonresident who has complied with the provisions hereof, but in all such cases service of such process or summons, or of any writ or notice in the action or proceedings, shall be made upon such agent in the manner provided by law for such service upon residents of the state, and have the same effect as personal service within the state upon such owner or claimant; but, if such party appears by attorneys therein, the service of papers shall thereafter be upon such attorney. The authority of such agent may be revoked by writing similarly executed and acknowledged and recorded, but no revocation shall affect any action or proceeding then pending. ~~For filing and recording such papers the secretary shall be entitled to 15 cents for each folio~~ The fee for each filing made under this section is \$50.

Sec. 3. **APPROPRIATIONS; ASSISTIVE VOTING EQUIPMENT AND VOTE-COUNTING EQUIPMENT.**

Subdivision 1. **Operating grants.** \$300,000 is appropriated in fiscal year 2010 from the Help America Vote Act account to the secretary of state for grants to counties to defray operating costs of the assistive voting equipment and vote-counting equipment in each polling place. This appropriation is available until spent. Grants of up to \$300 per polling place may be made until this appropriation is exhausted. If the grant requests exceed the appropriation available, the secretary of state shall prorate the grant amounts to each eligible county to match the amount available.

Subd. 2. **Grant application.** To receive a grant under this subdivision, a county must apply to the secretary of state on forms prescribed by the secretary of state that set forth how the grant money will be spent. Grant applications for operating costs for the 2010 elections must be received by the secretary of state by August 1, 2010. Grant awards must be made to the counties by December 1, 2010. If money remains from this appropriation, the secretary may also make grants available for the 2012 election, with grant applications due by March 1, 2012, and grants made to counties by June 30, 2012.

Subd. 3. **Eligibility.** To be eligible to apply for a grant under this section, a county must have fewer than 50,000 registered voters as of January 1, 2010, and must have less than \$300 per polling place that was used in the 2008 general election as a balance, including any interest earned on the account, in its Help America Vote Act account from money distributed to it in 2005.

Subd. 4. **Report.** Each county receiving a grant under this section must include the expenditures it has made on the appropriate Help America Vote Act reports submitted to the secretary of state. If a county does not use the money it has received under this section by June 15, 2013, it must return the unused money to the secretary of state by June 30, 2013. In addition to the report required by this section, each county receiving a grant under this act must maintain financial records for each grant sufficient to satisfy federal audit standards and must transmit those records to the secretary of state upon request of the secretary of state.

Subd. 5. **Operating costs.** "Operating costs" include actual county and municipal costs for hardware maintenance, election day technical support, software licensing, system

programming, voting system testing, training of county or municipal staff in the use of voting equipment, and transportation and storage of the voting equipment.

Sec. 4. **APPROPRIATIONS; OPTICAL SCAN EQUIPMENT.**

Subdivision 1. **Optical scan voting equipment grants.** \$2,100,000 is appropriated in fiscal year 2010 from the Help America Vote Act account to the secretary of state for grants to counties to purchase optical scan voting equipment. This appropriation is available until spent. If the grant requests exceed the appropriation available, the secretary of state shall prorate the grant amounts to each eligible county to match the amount available.

Subd. 2. **Grant application.** To receive a grant under this section, a county must apply to the secretary of state on forms prescribed by the secretary of state that set forth how the grant money will be spent. Applications for grants under this section must be submitted to the secretary of state by December 1, 2010, and be for purchases made before March 31, 2014.

Subd. 3. **Eligibility.** A county is eligible to apply for a grant of up to \$4,000 per precinct to replace precinct-based optical scan vote counters if the vote counter was purchased before December 31, 2002, and the county received no federal or state money to defray the cost of that purchase. Counties must agree to provide a local match at least equal to the amount of the grant under this section.

Subd. 4. **Report.** Each county receiving a grant under this section must include the expenditures it has made on the appropriate Help America Vote Act reports submitted to the secretary of state. If a county does not use the money it has received under this section by June 15, 2014, it must return the unused money to the secretary of state by June 30, 2014. In addition to the report required by this section, each county receiving a grant under this act must maintain financial records for each grant sufficient to satisfy federal audit standards and must transmit those records to the secretary of state upon request of the secretary of state.

Sec. 5. **REPEALER.**

Laws 2005, chapter 162, section 34, subdivision 2, as amended by Laws 2009, chapter 101, article 2, section 95, is repealed.

Sec. 6. **EFFECTIVE DATE.**

Sections 3 to 5 are effective the day following final enactment.

Presented to the governor May 18, 2010

Signed by the governor May 27, 2010, 10:34 a.m.