A bill for an act

relating to elections; changing certain election administration provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.056; 201.061, subdivision 1; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 204B.09, subdivision 3; 204B.14, subdivisions 2, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivision 2; 204B.33; 204B.38; 204B.40; 204C.02; 204C.06, subdivision 1; 204C.08, subdivisions 1a, 3; 204C.13, subdivision 2; 204C.15, subdivision 1; 204C.17; 204C.30, by adding a subdivision; 204C.33, subdivision 1; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.28, subdivision 5; 205.065, subdivision 2; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.03, subdivision 1; 205A.05, subdivisions 1, 2; 205A.07, subdivision 2; 206.57, subdivision 6; 206.61, subdivision 5; 211A.02, subdivisions 1, 2; 211A.05, subdivision 2; 211B.11, by adding a subdivision; 211B.12; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivision 4; 414.033, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 204B; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 201.096; 206.805, subdivision 2.

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

Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice to any voter who the county auditor can determine has unintentionally voted in a precinct other than the precinct in which the voter maintains residence. The notice must be in the form provided by the secretary of state.

(b) The county auditor shall mail a violation notice to any voter who intentionally voted in a precinct in which the voter did not maintain residence on election day. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next

election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

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

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

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

Sec. 2. Minnesota Statutes 2008, section 201.056, is amended to read:

201.056 SIGNATURE OF REGISTERED VOTER; MARKS ALLOWED.

An individual who is unable to write the individual's name shall be required to sign a registration application in the manner provided by section 645.44, subdivision 14. If the individual registers in person and signs by making a mark, the clerk or election judge accepting the registration shall certify the mark by signing the individual's name. If the individual registers by mail and signs by making a mark, the mark shall be certified by having a voter registered in the individual's precinct sign the individual's name and the voter's own name and give the voter's own address. An individual who has power of attorney for another person may not sign election-related documents for that person, except as provided by this section.

Sec. 3. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

Subdivision 1. **Prior to election day.** At any time except during the 20 days immediately preceding any regularly scheduled election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed

applications to the secretary of state or the appropriate county auditor within ten business days after the applications are dated by the voter.

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

Sec. 4. Minnesota Statutes 2008, section 201.11, is amended to read:

201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESSES CHANGED, CHANGE OF FILES.

Subdivision 1. **Precinct boundaries changed.** When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the statewide voter registration system to accurately reflect those changes.

Subd. 2. **House number or street address changed.** If a municipality administratively changes the number or name of a street address of an existing residence, the municipal clerk shall promptly notify the county auditor and the county auditor shall immediately update the voter records of registered voters in the statewide voter registration system to accurately reflect that change. A municipality must not make a change to the number or name of a street address of an existing residence effective during the 45 days prior to any election in a jurisdiction which includes the affected residence.

Sec. 5. Minnesota Statutes 2008, section 201.12, is amended to read:

201.12 PROPER REGISTRATION; VERIFICATION BY MAIL; CHALLENGES.

Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate excess names, the county auditor may mail to any registered voter a notice stating the voter's name and address as they appear in the registration files. The notice shall request the voter to notify the county auditor if there is any mistake in the information.

Subd. 2. **Moved within state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address in this state, the county auditor may change the voter's status to "inactive" in the statewide registration system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to occur in the precinct in which the voter resides in the next 47 days, the county auditor shall promptly update the voter's address in the statewide voter registration system ~~and~~. If there is not an election scheduled, the auditor may wait to update the voter's address until after the next list of address changes is received from the secretary of state. Once updated, the

county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the notice is not received by the deadline, ~~the county auditor shall change~~ the voter's status shall be changed to "inactive" in the statewide voter registration system.

Subd. 4. **Challenges.** If any nonforwardable mailing from an election official is returned as undeliverable but with no forwarding address, the county auditor shall change the registrant's status to "challenged" in the statewide voter registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a notice mailed at least 60 days after the return of the first nonforwardable mailing is also returned by the postal service, the county auditor shall change the registrant's status to "inactive" in the statewide voter registration system.

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

Sec. 6. Minnesota Statutes 2008, section 201.13, is amended to read:

201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER RECORDS.

Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased." Notice must be in the form of a printed obituary or a written statement signed by a registered voter ~~of the county~~.

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. However, the secretary of state shall not obtain this list within the 47 days before the state primary or 47 days before a November general election.

(b) If the address is changed to another address in this state, the secretary of state shall locate the precinct in which the voter resides, if possible. If the secretary of state is able to locate the precinct in which the voter resides, the secretary must transmit the information about the changed address by electronic means to the county auditor of the county in which the new address is located. As long as the voter has not voted or submitted a voter registration application since the address change, upon receipt of the information, the county auditor shall update the voter's address in the statewide voter registration system ~~and~~. The county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, unless the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, in which case a notice shall not be mailed. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

~~(b)~~ (c) If the change of permanent address is to an address outside this state, the secretary of state shall notify by electronic means the auditor of the county where the voter formerly resided that the voter has moved to another state. As long as the voter has not voted or submitted a voter registration application since the address change, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, a notice must not be mailed. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Subd. 4. **Request for removal of voter record.** If a voter makes a written request for removal of the voter's record, the county auditor shall remove the record of the voter from the statewide voter registration system.

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

Sec. 7. Minnesota Statutes 2008, section 202A.14, subdivision 3, is amended to read:

Subd. 3. **Notice.** The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus~~, and~~. The state party chair shall deliver the same information to the ~~municipal clerk and county auditor~~ secretary of state in an electronic format designated by the secretary of state at least ~~20~~ 30 days before the precinct caucus. The ~~county auditor~~ secretary of state shall make this information available in electronic format via the secretary of state Web site at least ten days before the date of the caucuses ~~to persons who request it~~.

Sec. 8. Minnesota Statutes 2008, section 203B.02, is amended by adding a subdivision to read:

Subd. 4. **Persons who cannot write; power of attorney.** An individual who is unable to write the individual's name is required to sign election-related documents in the manner provided by section 645.44, subdivision 14. An individual who has power of attorney for another person may not sign election-related documents for that person, except as provided by this section.

Sec. 9. Minnesota Statutes 2008, section 204B.09, subdivision 3, is amended to read:

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

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

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

(d) A candidate who files a request under this subdivision must also pay the filing fee for that office or submit a petition in place of a filing fee, as provided in section 204B.11. The fee for a candidate for president of the United States is equal to that of the office of senator in Congress.

Sec. 10. Minnesota Statutes 2008, section 204B.14, subdivision 2, is amended to read:

Subd. 2. **Separate precincts; combined polling place.** (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) No precinct may have more than 3,500 registered voters as of March 1 of each even-numbered year.

(c) A single, accessible, combined polling place may be established no later than June 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality that have a combined total of fewer than 500 registered voters;

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 200.02, subdivision 24, that are contained in the same county; or

(4) for noncontiguous precincts located in one or more counties.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A polling place combined under clause (4) must be approved by the governing body of each participating municipality and the secretary of state and may be located outside any of the noncontiguous precincts. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under

clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

EFFECTIVE DATE. This section is effective for precincts established after redistricting following the 2010 federal census.

Sec. 11. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Administrative boundary change procedure.** Any change in the boundary of an election precinct ~~shall~~ must be adopted at least 90 days before the date of the next election and, for the state primary and general election, no later than June 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state.

Sec. 12. Minnesota Statutes 2008, section 204B.14, is amended by adding a subdivision to read:

Subd. 4a. **Municipal boundary adjustment procedure.** Any change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made pursuant to chapter 414 which is effective more than 21 days preceding any scheduled election shall take effect at the scheduled election.

Any change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made pursuant to chapter 414 which is effective less than 21 days preceding any scheduled election shall not take effect until the day after the scheduled election.

Sec. 13. Minnesota Statutes 2008, section 204B.16, subdivision 1, is amended to read:

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or

resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a city ~~or in a school district located in whole or in part in the metropolitan area defined by section 200.02, subdivision 24,~~ shall be located within the boundaries of the precinct or within one mile of one of those boundaries unless a single polling place is designated for a city pursuant to section 204B.14, subdivision 2, or a school district pursuant to section 205A.11. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within a town or within a school district located outside the metropolitan area defined by section 200.02, subdivision 24, then the polling place for a town or school district may be located outside the town or school district within five miles of one of the boundaries of the town or school district.

EFFECTIVE DATE. This section is effective June 1, 2010.

Sec. 14. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. **Booths; voting stations.** Each polling place must contain a number of voting booths or voting stations in proportion to the number of individuals eligible to vote in the precinct. Each booth or station must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. The booth or station shall permit the voter to vote privately and independently. Each polling place must have at least one accessible voting booth or other accessible voting station and beginning with federal and state elections held after December 31, 2005, and county, municipal, and school district elections held after December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help America Vote Act, Public Law 107-252. Local officials must make accessible voting stations purchased with funds provided from the Help America Vote Act account available to other local jurisdictions holding stand-alone elections. Local officials who purchased the equipment may charge the other local jurisdictions for the costs of programming the equipment, as well as a prorated cost of maintenance on the equipment. All booths or stations must be constructed so that a voter is free from observation while marking ballots. During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. A chair must be provided for elderly voters and voters with disabilities to use while voting or waiting to vote. Stable flat writing surfaces must also be made available to voters who are completing election-related forms.

All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

Sec. 15. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

Subd. 2. **Election law and instructions.** The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this volume so that each county auditor and municipal clerk will have at least one copy. On or before July 1 of every even-numbered year, the secretary of state shall prepare and make an electronic copy available on the office's Web site. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

Sec. 16. Minnesota Statutes 2008, section 204B.33, is amended to read:

204B.33 NOTICE OF FILING.

(a) Between June 1 and July 1 in each even-numbered year, the secretary of state shall notify each county auditor of the offices to be voted for in that county at the next state general election for which candidates file with the secretary of state. The notice shall include the time and place of filing for those offices. Within ten days after notification by the secretary of state, each county auditor shall notify each municipal clerk in the county of all the offices to be voted for in the county at that election and the time and place for filing for those offices. The county auditors and municipal clerks shall promptly either post a copy of that notice in their offices or post a notice of the offices that will be on the ballot on their Web site.

(b) At least two weeks before the first day to file an affidavit of candidacy, the county auditor shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the county auditor's office and the closing time for filing on the last day for filing. The county auditor shall post a similar notice at least ten days before the first day to file affidavits of candidacy.

Sec. 17. **[204B.335] ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.**

For state primary and general elections, the county auditor must enter the offices and questions to be voted on in the county and the list of candidates for each office into the election results reporting system provided by the secretary of state no later than 46 days prior to the election.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 18. Minnesota Statutes 2008, section 204B.38, is amended to read:

204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.

When the similarity of surnames of two or more candidates for the same office at the same election may cause confusion to voters because the candidates also have identical first names, up to three additional words may be printed on the ballot after each surname to indicate the candidate's occupation, office, residence or any combination of them if the candidate furnishes the identifying words to the filing officer by the last day for withdrawal of candidacy.

Sec. 19. Minnesota Statutes 2008, section 204B.40, is amended to read:

204B.40 BALLOTS; ELECTION RECORDS AND OTHER MATERIALS; DISPOSITION; INSPECTION OF BALLOTS.

The county auditors, municipal clerks, and school district clerks shall retain all election materials returned to them after any election for at least 22 months from the date of that election. All election materials involved in a contested election must be retained for 22 months or until the contest has been finally determined, whichever is later. Abstracts filed by canvassing boards shall be retained permanently by any officer with whom those abstracts are filed. Election materials no longer required to be retained pursuant to this section shall be disposed of in accordance with sections 138.163 to 138.21. Sealed envelopes containing voted ballots must be retained unopened, except as provided in this section, in a secure location. The county auditor, municipal clerk, or school district clerk shall not permit any voted ballots to be tampered with or defaced.

After the time for filing a notice of contest for an election has passed, the secretary of state may, for the purpose of monitoring and evaluating election procedures: (1) open the sealed ballot envelopes and inspect the ballots for that election maintained by the county auditors, municipal clerks, or school district clerks; (2) inspect the polling

place rosters and completed voter registration applications; or (3) examine other forms required in the Minnesota election laws for use in the polling place. No inspected ballot or document may be marked or identified in any manner. After inspection, all ballots must be returned to the ballot envelope and the ballot envelope must be securely resealed. Any other election materials inspected or examined must be secured or resealed. No polling place roster may be inspected until the voting history for that precinct has been posted. No voter registration application may be inspected ~~until the information on it has been entered into the statewide registration system~~.

Sec. 20. Minnesota Statutes 2008, section 204C.02, is amended to read:

204C.02 APPLICATION.

This chapter applies to all elections held in this state except as otherwise provided by law.

An individual who is unable to write the individual's name shall be required to sign election-related documents in the manner provided by section 645.44, subdivision 14. An individual who has power of attorney for another person may not sign election-related documents for that person, except as provided by this section.

Sec. 21. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

Subdivision 1. **Lingering near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote or a representative of the press or an academic institution who is conducting exit polling shall stand within 100 feet of the building in which a polling place is located. "Exit polling" is defined as approaching voters in a predetermined pattern as they leave the polling place after they have voted and asking voters to fill out an anonymous questionnaire.

Sec. 22. Minnesota Statutes 2008, section 204C.08, subdivision 1a, is amended to read:

Subd. 1a. **Voter's Bill of Rights.** The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting without reduction to your pay, personal leave, or vacation time during the morning of election day.

(2) If you are in line at your polling place any time ~~between 7:00 a.m. and~~ before 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

EFFECTIVE DATE. This section is effective for the state primary in 2010 and thereafter.

Sec. 23. Minnesota Statutes 2008, section 204C.08, subdivision 3, is amended to read:

Subd. 3. **Locking of ballot boxes.** Immediately before the time when voting is scheduled to begin, one of the election judges shall open the ballot boxes in the presence of the individuals assembled at the polling place, turn the boxes upside down to empty them, lock them, and deliver the key to another election judge. Except as provided by this subdivision, the boxes shall not be reopened ~~except to count the ballots~~ until after the hours for voting have ended and all voting has been concluded. The boxes shall be

kept in public view at all times during voting hours. After locking the ballot boxes, the election judges shall proclaim that voting may begin, and shall post outside the polling place conspicuous written or printed notices of the time when voting is scheduled to end.

Notwithstanding Minnesota Rules, part 8230.4365, subpart 5, two election judges of different major political parties may open the ballot boxes as needed to straighten the ballots or remove voted ballots to prevent the boxes from becoming overfull. The election judges shall not count or inspect the ballots.

If removing the ballots from the box, the election judges shall put the ballots into containers and seal them. The judges shall put any ballots taken from the ballot box's write-in compartment into containers separate from the other ballots and seal them. The judges shall label the ballot containers and secure them.

The judges shall note on the incident report that the ballot box was opened, the time the box was opened, and, if ballots were removed, the number of any seals used to seal the ballot containers.

Sec. 24. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the proper method of marking and folding the ballots and, during a primary election, the effect of attempting to vote in more than one party's primary. Except as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and~~ or, at the voter's discretion, the voter may choose to use another writing surface. The voter shall mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Sec. 25. Minnesota Statutes 2008, section 204C.15, subdivision 1, is amended to read:

Subdivision 1. **Physical assistance in marking ballots.** A voter who claims a need for assistance because of inability to read English or physical inability to mark a ballot may obtain the aid of two election judges who are members of different major political parties. The election judges shall mark the ballots as directed by the voter and in as secret a manner as circumstances permit. If the voter is deaf or cannot speak English or understand it when it is spoken, the election judges may select two individuals who are members of different major political parties to provide assistance. The individuals ~~shall~~ may assist the voter in marking the ballots. A voter in need of assistance may alternatively obtain the assistance of any individual the voter chooses. Only the following persons may not provide assistance to a voter: the voter's employer, an agent of the voter's

employer, an officer or agent of the voter's union, or a candidate for election. The person who assists the voter shall, unaccompanied by an election judge, retire with that voter to a booth and, at the voter's request, shall mark the ballot as directed by the voter. No person who assists another voter as provided in the preceding sentence shall mark the ballots of more than three voters at one election. Before the ballots are deposited, the voter may show them privately to an election judge to ascertain that they are marked as the voter directed. An election judge or other individual assisting a voter shall not in any manner request, persuade, induce, or attempt to persuade or induce the voter to vote for any particular political party or candidate. The election judges or other individuals who assist the voter shall not reveal to anyone the name of any candidate for whom the voter has voted or anything that took place while assisting the voter.

Sec. 26. Minnesota Statutes 2008, section 204C.17, is amended to read:

204C.17 VOTING; SECRECY.

Except as authorized by section 204C.15, a voter shall not reveal to anyone in the polling place the name of any candidate for whom the voter intends to vote or has voted. A voter shall not ask for or receive assistance in the marking of a ballot from anyone within the polling place except as authorized by section 204C.15. If a voter, after marking a ballot, shows it to anyone except as authorized by law, the election judges shall refuse to deposit the ballot in any ballot box and shall place it among the spoiled ballots. Unless the showing of the ballot was clearly intentional, the voter shall receive another ballot as provided in section 204C.13, subdivision 3, ~~clause~~ paragraph (d). Voters may not take pictures or video within the polling place.

Sec. 27. Minnesota Statutes 2008, section 204C.30, is amended by adding a subdivision to read:

Subd. 3. **Election results reporting; state primary and general elections.** For state primary and general elections, the county auditor shall enter the votes in each precinct for the questions and offices voted on into the election results reporting system provided by the secretary of state.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 28. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

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

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

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

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

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

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for federal, state, or ~~federal~~ county office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process. The county auditor must prepare a separate report of votes received by precinct for write-in candidates for federal, state, and county offices who have requested under section 204B.09 that votes for those candidates be tallied.

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

Sec. 29. Minnesota Statutes 2008, section 204C.37, is amended to read:

204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

~~Two copies~~ A copy of the ~~reports~~ report required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail or delivered to the secretary of state. If ~~neither~~ the copy is not received by the secretary of state within ten days following the applicable election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 30. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates and for layout of the ballot.

(b) Except as provided in paragraph (c), the instructions shall be approved by the legal advisor of the official before delivery to the printer.

(c) The legal advisor of a town official is not required to approve instructions regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

(d) Before a contract exceeding $1,000 is awarded for printing ballots, the printer shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, conditioned on printing the ballots in conformity with the Minnesota Election Law and the instructions delivered. The official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

Sec. 31. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

Subd. 2. **Sample ballot.** At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of the candidates for each office arranged ~~alphabetically according to the surname~~ in the base rotation as determined by section 206.61, subdivision 5. Only one sample state partisan

primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

Sec. 32. Minnesota Statutes 2008, section 204D.28, subdivision 5, is amended to read:

Subd. 5. **Regular state primary.** "Regular state primary" means:

(a) the state primary at which candidates are nominated for offices elected at the state general election; or

(b) a primary held ~~four weeks before~~ on the first Tuesday after the ~~first~~ second Monday in ~~November~~ September of odd-numbered years.

Sec. 33. **[204D.29] CONTINUITY OF CONGRESS.**

Subdivision 1. **In general.** (a) If the speaker of the United States House of Representatives announces that vacancies in the representation from the states in the House of Representatives exceed 100 and one of those vacancies is in this state, the governor shall issue a writ of election to fill such vacancy by special election.

(b) As used in this section, "speaker" means the speaker of the United States House of Representatives.

Subd. 2. **Timing of special election.** A special election held under this section to fill a vacancy shall take place not later than 49 days after the speaker announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy:

(1) a regularly scheduled general election for the office involved is to be held; or

(2) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the governor prior to the date of the announcement of the vacancy by the speaker.

Subd. 3. **Nominations by parties.** If a special election is to be held under this section, the chairs of the major political parties of the state shall, not later than ten days after the speaker announces that the vacancy exists, certify to the secretary of state the name of the person nominated to fill this vacancy.

Subd. 4. **Nominating petitions.** Other candidates must file an affidavit of candidacy and a nominating petition under section 204B.07 not later than ten days after the speaker announces that the vacancy exists.

Subd. 5. **Protecting ability of absent military and overseas voters to participate in special elections.** (a) **Deadline for transmittal of absentee ballots.** In conducting

a special election held under this section to fill a vacancy in its representation, the state shall ensure to the greatest extent practicable that absentee ballots for the election are transmitted to voters who vote under the procedure outlined in sections 203B.16 to 203B.27 not later than 15 days after the speaker announces that the vacancy exists.

(b) **Period for ballot transit time.** Notwithstanding the other deadlines in this section, in the case of voters who vote under the procedure outlined in sections 203B.16 to 203B.27, any otherwise valid ballot or other election material must be processed and accepted so long as the ballot or other material is received by the county auditor not later than 45 days after the ballot or other material was transmitted to the voter.

Sec. 34. Minnesota Statutes 2008, section 205.065, subdivision 2, is amended to read:

Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or resolution adopted at least ~~three~~ six months before the next municipal general election, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.

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

Sec. 35. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk. Candidates for a special election to fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit of candidacy for the specific office to fill the unexpired portion of the term. Subject to the approval of the county auditor, the town clerk may authorize candidates for township offices to file affidavits of candidacy with the county auditor. The affidavit shall be in substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation.

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

Sec. 36. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

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

Sec. 37. **[205.135] ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.**

Subdivision 1. **Even-numbered year.** For regularly scheduled municipal elections held in an even-numbered year, the municipal clerk must provide the offices and questions to be voted on in the municipality and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election. Upon mutual agreement, the county auditor may delegate the duty to enter the information into the system to the municipal clerk.

Subd. 2. **Odd-numbered year.** For regularly scheduled municipal elections held in an odd-numbered year, the county auditor and municipal clerk may mutually decide to use the election reporting system for the election. If so, the county auditor must notify the secretary of state of the intent to use the election reporting system at least 90 days before the election, of who will be entering the data, and, if the municipal clerk will be entering the data, that the office of the municipal clerk has the technological capacity to enter the data. The county auditor, or, by mutual agreement, the municipal clerk, must enter the offices and questions to be voted on in the municipality and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 38. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the official newspaper of the municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 may dispense with publication.

Sec. 39. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

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

Sec. 40. **[205.187] ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.**

For regularly scheduled municipal elections held in November of an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the municipal election into the election results reporting system provided by the secretary of state.

If a county auditor has notified the secretary of state of intent to use the election results reporting system for a municipal election pursuant to section 205.135, subdivision 2, the county auditor, or by mutual agreement, the municipal clerk, must enter the votes in each precinct for the offices and questions voted on in the municipality into the election results reporting system.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 41. Minnesota Statutes 2008, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Resolution requiring primary in certain circumstances.** The school board of a school district may, by resolution adopted by June 1 of any year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions

available, the school district must hold a primary. When a number equal to or less than twice the number of individuals to be elected to a school board office file for nomination for the office, the names of the candidates shall be placed upon the general election ballot.

Sec. 42. **[205A.045] SCHOOL DISTRICT TRANSITIONS.**

Subdivision 1. **Odd year to even.** The governing body of a school district that determines to change from an odd-numbered year election to an even-numbered year election may do so by adoption of a new resolution or ordinance that contains an orderly plan for the transition.

The governing body of the school district shall select by lot the board members whose terms will expire in January of the next odd-numbered year or January of the following odd-numbered year. To the extent practicable, one-half of the members must be elected in one of those years to establish staggered terms. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in which this will take effect.

Subd. 2. **Even year to odd.** The governing body of a school district that determines to change from an even-numbered year election to an odd-numbered year election may do so by adoption of a new resolution or ordinance that contains an orderly plan for the transition.

The governing body of the school district shall select by lot the board members whose terms will expire in January of the next even-numbered year or January of the following even-numbered year. To the extent practicable, one-half of the members must be elected in one of those years to establish staggered terms. The governing body of the school district must complete the selection required by this paragraph no later than 30 days before the first day to file affidavits of candidacy for the election in which this will take effect.

Sec. 43. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **Questions.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition of 50 or more voters of the school district or five percent of the number of voters voting at the preceding school district general election, whichever is greater, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with

the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the ~~30~~ 45 days before and the ~~30~~ 45 days after the state primary, during the ~~30~~ 45 days before and the 40 days after the state general election. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled March election or within 45 days before and the 30 days after any regularly scheduled November election of a municipality wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 44. Minnesota Statutes 2008, section 205A.05, subdivision 2, is amended to read:

Subd. 2. **Vacancies in school district offices.** Special elections shall be held in school districts in conjunction with school district primary and general elections to fill vacancies in elective school district offices. When filling multiple at-large vacancies at the same election, the candidates shall file for the multiple seats of the same office, voters will be instructed to "Vote for up to..." and the candidates receiving the most votes up to the number to be elected will be elected to fill the vacancies.

Sec. 45. Minnesota Statutes 2008, section 205A.07, subdivision 2, is amended to read:

Subd. 2. **Sample ballot, posting.** For every school district primary, general, or special election, the school district clerk shall at least ~~four days~~ two weeks before the primary, general, or special election, post a sample ballot in the administrative offices of the school district for public inspection, and shall post a sample ballot in each polling place on election day.

Sec. 46. **[205A.075] ELECTION RESULTS REPORTING SYSTEM; CANDIDATE FILING.**

Subdivision 1. **Even-numbered year.** For regularly scheduled school district elections held in an even-numbered year, the school district clerk must provide the offices and questions to be voted on in the school district and the list of candidates for each office to the county auditor for entry into the election results reporting system provided by the secretary of state no later than 46 days prior to the election.

Subd. 2. **Odd-numbered year.** For regularly scheduled school district elections held in an odd-numbered year, the county auditor and school district clerk may mutually decide to use the election reporting system for the election. If so, the county auditor must notify the secretary of state of intent to use the election reporting system at least 90 days before the election. The county auditor must enter the offices and questions to be voted on in the school district and the list of candidates for each office into the election results reporting system no later than 46 days prior to the election.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 47. **[205A.076] ELECTION RESULTS REPORTING SYSTEM; PRECINCT VOTES.**

For regularly scheduled school district elections held in an even-numbered year, the county auditor shall enter the votes in each precinct for the questions and offices voted on in the school district election into the election results reporting system provided by the secretary of state.

If a county auditor has notified the secretary of state of intent to use the election results reporting system for a school district election pursuant to section 205A.075, subdivision 2, the county auditor must enter the votes in each precinct for the offices and questions voted on in the school district into the election results reporting system.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the election reporting system has been tested and shown to properly allow for the entry of candidate names and for election results to be uploaded, and to be able to handle the expected volume of use.

Sec. 48. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority ~~approved~~ accredited by the ~~secretary of state and conform to current standards for voting equipment~~ Election Assistance Commission at the time of submission of the application required by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the ~~Federal Election Commission or its successor,~~ the Election Assistance Commission. A vendor must either:

(1) certify that the vendor has placed a copy of the source code for the voting system in escrow with the Election Assistance Commission; or

(2) provide a copy of the source code for the voting system to an independent third-party evaluator selected by the vendor, the secretary of state, and the chairs of the major political parties. The evaluator must examine the source code and certify to the secretary of state that the voting system will record and count votes as represented by the vendor. Source code that is trade secret information must be treated as nonpublic information, in accordance with section 13.37. Each major political party may designate an agent to examine the source code to verify that the voting system will record and count votes as represented by the vendor. The agent must not disclose the source code to anyone else.

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

Sec. 49. Minnesota Statutes 2008, section 206.61, subdivision 5, is amended to read:

Subd. 5. **Alternation.** The provisions of the election laws requiring the alternation of names of candidates must be observed as far as practicable by changing the order of the names on an electronic voting system in the various precincts so that each name appears on the machines or marking devices used in a municipality substantially an equal number of times in the first, last, and in each intermediate place in the list or group in which they belong. However, the arrangement of candidates' names must be the same on all voting systems used in the same precinct. ~~If the number of names to be alternated exceeds the number of precincts~~ For state primary and state general elections, the election official responsible for providing the ballots, in accordance with subdivision 1, shall determine ~~by lot the alternation of names~~ the base rotation of candidate names by assigning the initial order of the candidates' names by random generation using the statewide election reporting system.

If an electronic ballot marker is used with a paper ballot that is not an optical scan ballot card, the manner of alternation of candidate names on the paper ballot must be as prescribed for optical scan ballots in this subdivision.

Sec. 50. Minnesota Statutes 2008, section 211A.02, subdivision 1, is amended to read:

Subdivision 1. **When and where filed by committees.** (a) A committee or a candidate who receives contributions or makes disbursements of more than $750 in a calendar year shall submit an initial report to the filing officer within 14 days after the candidate or committee receives or makes disbursements of more than $750 and shall continue to make the reports listed in paragraph (b) until a final report is filed.

(b) The committee or candidate must file a report by January 31 of each year following the year when the initial report was filed and in a year when the candidate's name or a ballot question appears on the ballot, the candidate or committee shall file a report:

(1) ~~ten days~~ two weeks before the primary or special primary;

(2) ~~ten days~~ two weeks before the general election or special election; and

(3) 30 days after a general or special election.

EFFECTIVE DATE. This section is effective June 1, 2010.

Sec. 51. Minnesota Statutes 2008, section 211A.02, subdivision 2, is amended to read:

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

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

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

(3) the total cash on hand;

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

~~(4)~~ (5) the amount, date, and purpose for each expenditure; and

~~(5)~~ (6) the name, address, and employer, or occupation if self-employed, of any individual or committee that during the year has made one or more contributions that in the aggregate exceed $100, and the amount and date of each contribution. The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds $100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual's address from the financial report is required for the safety of the individual or the individual's family.

EFFECTIVE DATE. This section is effective June 1, 2010.

Sec. 52. Minnesota Statutes 2008, section 211A.05, subdivision 2, is amended to read:

Subd. 2. **Notice of failure to file.** If a candidate or committee has filed an initial report, but fails to file a subsequent report on the date it is due, the filing officer shall immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the filing officer shall file a complaint under section 211B.32.

Sec. 53. Minnesota Statutes 2008, section 211B.11, is amended by adding a subdivision to read:

Subd. 3a. **Labels prohibited.** Voters must not affix labels to optical scan ballots in precincts in which ballots are tabulated by precinct or central count optical scan tabulators. Write-in candidates must not distribute labels to voters to be affixed to optical scan ballots in precincts in which ballots are tabulated by precinct or central count optical scan tabulators. A violation of this subdivision by a candidate is subject to a fine of up to $5,000 per precinct in the district. The fine is payable to the jurisdiction that owns the ballot tabulators for use in election equipment repair and maintenance.

Sec. 54. Minnesota Statutes 2008, section 211B.12, is amended to read:

211B.12 LEGAL EXPENDITURES.

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

(1) salaries, wages, and fees;

(2) communications, mailing, transportation, and travel;

(3) campaign advertising;

(4) printing;

(5) office and other space and necessary equipment, furnishings, and incidental supplies;

(6) charitable contributions of not more than $100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed by a principal campaign committee or from the campaign fund of a candidate for political subdivision office that dissolves within one year after the contribution is made is not limited by this clause; and

(7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

Sec. 55. Minnesota Statutes 2008, section 412.02, subdivision 2a, is amended to read:

Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment.

(1) If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election. If, because of a vacancy, more than one council member is to be chosen at the same election, candidates for council member shall file for either a two-year or a four-year term. If more than one candidate is to be elected for the same length term, the ballot must instruct voters to "Vote for up to ..." up to the number of candidates to be elected for the two-year or four-year term.

(2) If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. ~~The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.~~

Sec. 56. Minnesota Statutes 2008, section 414.02, subdivision 4, is amended to read:

Subd. 4. **Effective date of incorporation.** The incorporation shall be effective upon the election and qualification of new municipal officers or on such later date as is fixed by the director's order. The effective date must not fall within the 21 days before a state primary or state general election.

Sec. 57. Minnesota Statutes 2008, section 414.031, subdivision 6, is amended to read:

Subd. 6. **Effective date of annexation.** The annexation shall be effective as of the date fixed in the annexation order or on a later date fixed in the annexation order. The effective date must not fall within the 21 days before a state primary or state general election.

Sec. 58. Minnesota Statutes 2008, section 414.0325, subdivision 4, is amended to read:

Subd. 4. **Effective date of annexation.** The chief administrative law judge's order shall be effective upon the issuance of the order or at such later time as is provided

in the order. The effective date must not fall within the 21 days before a state primary or state general election.

Sec. 59. Minnesota Statutes 2008, section 414.033, subdivision 7, is amended to read:

Subd. 7. **Filing; effective date; copy to auditors.** Any annexation ordinance provided for in this section must be filed with the chief administrative law judge, the township, the county auditor and the secretary of state and is final on the date the ordinance is approved by the chief administrative law judge. The effective date must not fall within the 21 days before a state primary or state general election. A copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditors.

Sec. 60. **REPEALER.**

Minnesota Statutes 2008, sections 201.096; and 206.805, subdivision 2, are repealed.