

CHAPTER 200

GENERAL PROVISIONS; DEFINITIONS

200.01	CITATION, MINNESOTA ELECTION LAW.	200.53	CONSTRUCTION AND USE OF AUTHORITY.
200.015	APPLICATION.	200.54	VOTER SUPPRESSION AND VOTE DILUTION PROHIBITED.
200.02	DEFINITIONS.	200.55	RELEVANT FACTORS FOR DETERMINING VIOLATION.
200.031	DETERMINATION OF RESIDENCE.	200.56	PRESUIT NOTICE.
200.039	PETITION REQUIREMENTS FOR BALLOT QUESTIONS.	200.57	RIGHT OF ACTION; VENUE; PRELIMINARY RELIEF.
200.04	HELP AMERICA VOTE ACT COMPLAINTS.	200.58	REMEDIES.
	MINNESOTA VOTING RIGHTS ACT	200.59	FEES AND COSTS.
200.50	MINNESOTA VOTING RIGHTS ACT.	200.60	VOTING RIGHTS ACT COST SHARING ACCOUNT.
200.52	DEFINITIONS.		

200.01 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

200.01 CITATION, MINNESOTA ELECTION LAW.

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 208, 209, 211A, 211B, and 211C shall be known as the "Minnesota Election Law."

History: 1959 c 675 art 1 s 1; 1981 c 29 art 1 s 1; 1987 c 266 art 1 s 1; 1988 c 578 art 1 s 1; 1996 c 469 art 2 s 1

200.015 APPLICATION.

The Minnesota Election Law applies to all elections held in this state unless otherwise specifically provided by law.

History: 1981 c 29 art 1 s 2; 1987 c 266 art 1 s 2

200.02 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

200.02 DEFINITIONS.

Subdivision 1. **Application.** The terms defined in this section apply to the Minnesota Election Law.

Subd. 2. **General election.** "General election" means an election held at regular intervals on a day determined by law or charter at which the voters of the state or any of its subdivisions choose by ballot public officials or presidential electors.

Subd. 3. **Primary.** "Primary" means an election at which the voters of the state or any of its subdivisions choose by ballot the nominees for the offices to be filled at a general election.

Subd. 4. **Special election.** "Special election" means:

- (1) an election held at any time to fill vacancies in state or federal offices; or
- (2) an election for a special purpose held by a subdivision of the state on a date authorized by section 205.10, subdivision 3a, or 205A.05, subdivision 1a.

Subd. 5. **Special primary.** "Special primary" means an election held to choose the nominees for vacant public offices to be filled at a special election.

Subd. 6. **Political party.** "Political party" means an association of individuals under whose name a candidate files for partisan office.

Subd. 7. **Major political party.** (a) "Major political party" means a political party that maintains a party organization in the state; has complied with the party's constitution and rules; is in compliance with the requirements of sections 202A.12 and 202A.13; files with the secretary of state no later than December 1 of each odd-numbered year a certification that the party has met the foregoing requirements, including a list of the dates and locations of each convention held; and meets all other qualification requirements of this subdivision.

(b) A political party qualifies as a major political party by:

(1) presenting at least one candidate for election to the office of:

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

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

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

(2) presenting at least 45 candidates for election to the office of state representative, 23 candidates for election to the office of state senator, four candidates for election to the office of representative in Congress, and one candidate for election to each of the following offices: governor and lieutenant governor, attorney general, secretary of state, and state auditor, at the last preceding state general election for those offices; or

(3) presenting to the secretary of state at any time before the close of filing for the state partisan primary ballot a petition for a place on the state partisan primary ballot, which petition contains valid signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed.

(c) A political party whose candidate receives a sufficient number of votes at a state general election described in paragraph (b), clause (1), or a political party that presents candidates at an election as required by paragraph (b), clause (2), becomes a major political party as of January 1 following that election. A political party that complies with paragraph (a) retains its major party status for at least two state general elections even if the party fails to present a candidate who receives the number and percentage of votes required under paragraph (b), clause (1), or fails to present candidates as required by paragraph (b), clause (2), at subsequent state general elections.

(d) A major political party whose candidates fail to receive the number and percentage of votes required under paragraph (b), clause (1), and that fails to present candidates as required by paragraph (b), clause (2), at each of two consecutive state general elections described by paragraph (b), clause (1) or (2), respectively, loses major party status as of December 31 following the later of the two consecutive state general elections.

(e) A major political party that does not submit the certification required by this subdivision loses major party status on December 31 of the year in which the party did not file the certification.

(f) The secretary of state must notify the chair of the major political party, the commissioner of revenue, and the Campaign Finance and Public Disclosure Board if the political party's status is changed pursuant to this section.

Subd. 8. **City.** "City" means a home rule charter or statutory city.

Subd. 9. MS 1971 [Repealed, 1973 c 123 art 3 s 7]

Subd. 9. **Municipality.** "Municipality" means any city or town.

Subd. 10. **Governing body.** "Governing body" means the board of commissioners of a county, the elected council of a city, or the board of supervisors of a town.

Subd. 11. **Precinct.** "Precinct" means a geographical area the boundaries of which are established for election purposes in accordance with section 204B.14.

Subd. 12. **Polling place.** "Polling place" means the place of voting.

Subd. 13. **Convention.** "Convention" means an organized body of delegates assembled for the purpose of transacting the business of a major political party.

Subd. 14. **Election board.** "Election board" means the election judges serving in a precinct.

Subd. 15. **Eligible voter.** "Eligible voter" means an individual who is eligible to vote under section 201.014.

Subd. 16. **County auditor.** "County auditor" means the county auditor or, in counties where that office does not exist, the principal county officer charged with duties relating to elections.

Subd. 17. **Member of a major political party.** "Member of a major political party" means an individual who:

- (1) supports the general principles of that party's constitution;
- (2) voted for a majority of that party's candidates in the last general election; or
- (3) intends to vote for a majority of that party's candidates in the next general election.

Subd. 18. **Oath, swear, sworn.** "Oath" means an oath or affirmation, as the conscience of the individual dictates. If an affirmation is given instead of an oath, "swear" means to affirm and "sworn" means affirmed.

Subd. 19. **School district.** "School district" means an independent, special, or county school district.

Subd. 20. **Statewide registration system.** "Statewide registration system" means the computerized central statewide voter registration system and database developed and maintained by the secretary of state pursuant to section 201.022.

Subd. 21. **Local election official.** "Local election official" means the municipal clerk or principal officer charged with duties relating to elections.

Subd. 22. [Expired]

Subd. 23. **Minor political party.** (a) "Minor political party" means a political party that has adopted a state constitution, designated a state party chair, held a state convention in the last two years, filed with the secretary of state no later than December 31 following the most recent state general election a certification

that the party has met the foregoing requirements, and met the requirements of paragraph (b) or (e), as applicable.

(b) To be considered a minor party in all elections statewide, the political party must have presented at least one candidate:

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

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

(3) who received votes in each county that in the aggregate equal at least one percent of the total number of individuals who voted in the election, or its members must have presented to the secretary of state at any time before the close of filing for the state partisan primary ballot a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least one percent of the total number of individuals who voted in the preceding state general election. A signature is valid only if signed no more than one year prior to the date the petition was filed.

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

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

(e) A minor party that qualifies to be a major party loses its status as a minor party at the time it becomes a major party. Votes received by the candidates of a major party must be counted in determining whether the party received sufficient votes to qualify as a minor party, notwithstanding that the party does not receive sufficient votes to retain its major party status. To be considered a minor party in an election in a legislative district, the political party must have presented at least one candidate for a legislative office in that district who received votes from at least ten percent of the total number of individuals who voted for that office, or its members must have presented to the secretary of state a nominating petition in a form prescribed by the secretary of state containing the valid signatures of party members in a number equal to at least ten percent of the total number of individuals who voted in the preceding state general election for that legislative office. A signature is valid only if signed no more than one year prior to the date the petition was filed.

Subd. 24. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

Subd. 25. **Polling place roster.** "Polling place roster" or "roster" refers to a roster in (1) printed format; or (2) electronic format as permitted by section 201.225.

Subd. 26. **Voter signature certificate.** "Voter signature certificate" means a printed form or label generated from an electronic polling place roster that contains the voter's name, address of residence, date of birth, voter identification number, the oath required by section 204C.10, and a space for the voter's original signature. A voter signature certificate is not a "voter certificate" under section 204C.12.

Subd. 27. **Partisan offices.** "Partisan offices" means federal offices, presidential electors, constitutional offices, and legislative offices.

Subd. 28. **Nonpartisan offices.** "Nonpartisan offices" means all judicial, county, municipal, school district, and special district offices.

Subd. 29. **Original signature.** "Original signature" does not include an electronic signature.

History: 1959 c 675 art 1 s 2; Ex1961 c 10 s 1; 1973 c 123 art 3 s 1; art 5 s 7; 1973 c 576 s 1; 1973 c 676 s 1,2; 1973 c 725 s 37; 1978 c 725 s 2; 1981 c 29 art 1 s 3; 1984 c 560 s 1; 1987 c 266 art 1 s 3; 1990 c 585 s 1; 1991 c 227 s 3; 1996 c 419 s 2,3,10; 1999 c 220 s 48; 1Sp2001 c 10 art 18 s 4,5; 1Sp2003 c 9 art 2 s 41,42; 1Sp2003 c 17 s 1; 2005 c 156 art 6 s 11-13; 2014 c 288 art 2 s 1,2; 2015 c 70 art 1 s 4-7; 2016 c 158 art 1 s 77; 2017 c 92 art 1 s 9; art 2 s 7; 2023 c 62 art 4 s 9; 2024 c 112 art 2 s 3

200.03 [Repealed, 1959 c 675 art 13 s 1]

200.031 DETERMINATION OF RESIDENCE.

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(1) The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return.

(2) An individual does not lose residence if the individual leaves home to live temporarily in another state or precinct.

(3) An individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home.

(4) If an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct.

(5) If an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time.

(6) Except as otherwise provided in this section, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily.

(7) If an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family.

(8) The residence of a single individual is in the precinct where the individual lives and usually sleeps.

(9) The mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there.

(10) The residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located.

(11) The residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located.

(12) If an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located.

(13) If an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

History: 1981 c 29 art 1 s 4; 1986 c 444; 1997 c 147 s 1; 1999 c 132 s 2

200.039 PETITION REQUIREMENTS FOR BALLOT QUESTIONS.

If a statute:

(1) provides that a ballot question may or must be placed on the ballot when a specified number of individuals have signed a petition; and

(2) specifies the number of individuals required under the statute as a percentage of the individuals who voted in a previous election,

the statute must be construed to mean that the petition must be signed by a number of current voters equal to the required percentage specified in the statute. The statute must not be construed to restrict the eligibility to sign the petition to only those individuals who were eligible to cast ballots or who did cast ballots in the previous election.

History: 1Sp2001 c 10 art 18 s 6

200.04 [Repealed, 1959 c 675 art 13 s 1]

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.

History: *1Sp2003 c 7 s 2*

200.05 [Repealed, 1959 c 675 art 13 s 1]

200.06 [Repealed, 1959 c 675 art 13 s 1]

200.07 [Repealed, 1959 c 675 art 13 s 1]

200.08 [Repealed, 1959 c 675 art 13 s 1]

200.09 [Repealed, 1959 c 675 art 13 s 1]

200.10 [Repealed, 1959 c 675 art 13 s 1]

200.11 [Repealed, 1959 c 675 art 13 s 1]

200.12 [Repealed, 1959 c 675 art 13 s 1]

200.13 [Repealed, 1959 c 675 art 13 s 1]

200.14 [Repealed, 1959 c 675 art 13 s 1]

200.15 [Repealed, 1959 c 675 art 13 s 1]

200.16 [Repealed, 1959 c 675 art 13 s 1]

200.17 [Repealed, 1959 c 675 art 13 s 1]

200.18 [Repealed, 1959 c 675 art 13 s 1]

200.19 [Repealed, 1959 c 675 art 13 s 1]

200.20 [Repealed, 1959 c 675 art 13 s 1]

200.21 [Repealed, 1959 c 675 art 13 s 1]

200.22 [Repealed, 1959 c 675 art 13 s 1]

200.23 [Repealed, 1959 c 675 art 13 s 1]

200.24 [Repealed, 1959 c 675 art 13 s 1]

200.25 [Repealed, 1959 c 675 art 13 s 1]

200.26 [Repealed, 1959 c 675 art 13 s 1]

200.27 [Repealed, 1959 c 675 art 13 s 1]

200.28 [Repealed, 1959 c 675 art 13 s 1]

200.29 [Repealed, 1959 c 675 art 13 s 1]

200.30 [Repealed, 1959 c 675 art 13 s 1]

200.31 [Repealed, 1959 c 675 art 13 s 1]

200.32 [Repealed, 1959 c 675 art 13 s 1]

200.33 [Repealed, 1959 c 675 art 13 s 1]

200.34 [Repealed, 1959 c 675 art 13 s 1]

200.35 [Repealed, 1959 c 675 art 13 s 1]

200.36 [Repealed, 1959 c 675 art 13 s 1]

200.37 [Repealed, 1959 c 675 art 13 s 1]

200.38 [Repealed, 1959 c 675 art 13 s 1]

MINNESOTA VOTING RIGHTS ACT

200.50 MINNESOTA VOTING RIGHTS ACT.

Sections 200.50 to 200.59 may be cited as the "Minnesota Voting Rights Act."

History: *2024 c 112 art 3 s 1*

200.52 DEFINITIONS.

Subdivision 1. **Application.** As used in sections 200.50 to 200.59, the terms as defined in this section have the meanings given.

Subd. 2. **Government official.** "Government official" means any individual who is elected or appointed to an office in this state or a political subdivision or who is authorized to act in an official capacity on behalf of the state or a political subdivision.

Subd. 3. **Language minority group.** "Language minority group" means a language minority group as that term is defined in the federal Voting Rights Act of 1965, as amended, as of the effective date of this act.

Subd. 4. **Method of election.** (a) "Method of election" means the method by which candidates are elected to the legislative body of a political subdivision, and includes at-large method of election, district-based method of election, or any alternative method of election. Method of election also includes the districting or redistricting plan used to elect candidates to the legislative body of a political subdivision.

(b) "At-large method of election" means a method of electing candidates to the legislative body of a political subdivision in which candidates are voted on by all voters of the political subdivision or that combines at-large with district-based methods of elections. At-large method of election does not include any alternative method of election.

(c) "District-based method of election" means a method of electing candidates to the legislative body of a political subdivision in which, for political subdivisions divided into districts, a candidate for any district is required to reside in the district and candidates representing or seeking to represent the district are voted on by only the voters who reside in the district. District-based method of election does not include any alternative method of election.

(d) "Alternative method of election" means a method of electing candidates to the legislative body of a political subdivision other than an at-large method of election or a district-based method of election and includes but is not limited to cumulative voting, limited voting, and proportional ranked choice voting.

Subd. 5. **Political subdivision.** "Political subdivision" means a county, city, town, or school district.

Subd. 6. **Politically cohesive.** "Politically cohesive" means that members of a group tend to prefer the same candidates, electoral choices, or policies.

Subd. 7. **Protected class.** "Protected class" means a class of citizens who are members of a racial, color, or language minority group, or who are members of a federally recognized Indian Tribe, including a class of two or more such groups.

Subd. 8. **Polarized voting.** "Polarized voting" means voting in which the candidate or electoral choice preferred by a protected class diverges from the candidate or electoral choice preferred by other voters.

Subd. 9. **Vote; voting.** "Vote" or "voting" includes any action necessary to cast a ballot and make that ballot count in any election, including but not limited to: registering to vote; applying for an absentee ballot; and any other action required by law as a prerequisite to casting a ballot and having that ballot counted, canvassed, certified, and included in the appropriate totals of votes cast with respect to an election.

Subd. 10. **Voting eligible population.** "Voting eligible population" means those individuals who are eligible to register and vote, regardless of whether the individuals are registered to vote.

History: 2024 c 112 art 3 s 2

200.53 CONSTRUCTION AND USE OF AUTHORITY.

A law, rule, local law, charter provision, local ordinance, or local code relating to the right to vote, or which grants authority to prescribe or maintain voting or elections policies and practices, must be construed or applied liberally in favor of a voter's exercise of the right of suffrage. To the extent a court is afforded discretion on an issue, including but not limited to discovery, procedure, admissibility of evidence, or remedies, the court must exercise that discretion and weigh other equitable discretion in favor of this right.

History: 2024 c 112 art 3 s 3

200.54 VOTER SUPPRESSION AND VOTE DILUTION PROHIBITED.

Subdivision 1. **Voter suppression.** (a) A political subdivision or any other government official or entity responsible for election administration must not adopt or apply a qualification for eligibility to vote or other prerequisite to voting; adopt or apply any law, ordinance, rule, standard, practice, procedure, or policy regarding the administration of elections; or take any other action or fail to take any action that results in, is likely to result in, or is intended to result in a denial or abridgement of the right to vote by a member of a protected class.

(b) A violation of this subdivision may be established if it is shown that the challenged qualification, law, ordinance, rule, standard, practice, procedure, policy, or action results in a disparate burden on members of a protected class and the burden is, under the totality of the circumstances, related to social and historical conditions affecting members of the protected class.

Subd. 2. **Vote dilution.** (a) A political subdivision or any other government official or entity responsible for election administration must not adopt or enforce any method of election, or cause an annexation, incorporation, dissolution, consolidation, or division of a political subdivision, that has the effect of impairing the equal opportunity or ability of members of a protected class to nominate or elect candidates of their choice as a result of diluting the vote of members of that protected class.

(b) A violation of paragraph (a) exists when it is shown that:

(1) either:

(i) elections in a political subdivision exhibit polarized voting resulting in an impairment of the equal opportunity or ability of protected class members to nominate or elect candidates of their choice; or

(ii) based on the totality of the circumstances, the equal opportunity or ability of protected class members to nominate or elect candidates of their choice is impaired; and

(2) one or more new methods of election or changes to the existing method of election exist that the court could order pursuant to section 200.58 would likely mitigate the impairment.

(c) To the extent that a new method of election or change to the existing method of election that is presented under paragraph (b), clause (2), is a proposed district-based plan that provides protected class members with one or more reasonably configured districts in which the protected class members would have an equal opportunity or ability to nominate or elect candidates of the protected class members' choice, it is

not necessary to show that members of a protected class comprise a majority of the total population, voting age population, voting eligible population, or registered voter population in any such district or districts.

(d) The fact that members of a protected class are not geographically compact does not preclude a finding of a violation of this subdivision but may be a factor in determining whether an appropriate remedy exists that would likely mitigate the impairment.

(e) For claims brought on behalf of a protected class, including one consisting of two or more racial, color, Tribal, or language minority groups that are politically cohesive in the political subdivision, the court shall consider only the combined electoral preferences of those racial, color, Tribal, or language minority groups in determining whether voting by the protected class is polarized from other voters. It is not necessary to demonstrate that voting by members of each racial, color, Tribal, or language minority group within a protected class, or by any subgroup within a racial, color, or language minority group, is separately polarized from other voters.

(f) Evidence concerning the causes of, or the reasons for, the occurrence of polarized voting is not relevant to the determination of whether polarized voting occurs, or whether candidates or electoral choices preferred by a protected class would usually be defeated. Evidence concerning alternate explanations for polarized voting patterns or election outcomes, including but not limited to partisan explanations, must not be considered.

(g) Evidence concerning projected changes in population or demographics may only be considered when determining whether an appropriate remedy exists that would likely mitigate the impairment.

History: 2024 c 112 art 3 s 4

200.55 RELEVANT FACTORS FOR DETERMINING VIOLATION.

Subdivision 1. **Factors established.** In determining whether, under the totality of the circumstances, a violation of section 200.54 has occurred with respect to a protected class, a court may consider any of the following factors:

- (1) the history of discrimination affecting members of the protected class;
- (2) the extent to which members of the protected class are disadvantaged, or otherwise bear the effects of past public or private discrimination, in any areas that may hinder their ability to participate effectively in the political process, including education, employment, health, criminal justice, housing, transportation, land use, or environmental protection;
- (3) whether members of the protected class vote at a lower rate than other voters;
- (4) the use of overt or subtle racial appeals in political campaigns or by government officials;
- (5) the extent to which members of the protected class have been elected to office;
- (6) the extent to which candidates who are members of the protected class have faced barriers with respect to accessing the ballot, receiving financial support, or receiving any other support for their candidacies for elective office;
- (7) the extent to which candidates who are members of a protected class face hostility or barriers while campaigning due to the protected class membership;
- (8) the extent of polarized voting;

(9) the use of any standard, practice, procedure, or policy that may enhance the dilutive effects of a challenged method of election;

(10) the lack of responsiveness by elected officials to the particularized needs of protected class members or a community of protected class members;

(11) whether the challenged method of election, ordinance, resolution, rule, policy, standard, regulation, procedure, or law was designed to advance, and does materially advance, a compelling state interest that is substantiated and supported by evidence; and

(12) other factors the court may deem relevant.

Subd. 2. **Necessity of factors.** No one factor in subdivision 1 is dispositive or necessary to establish the existence of a violation of section 200.54, nor shall any specified number or combination of factors be required in establishing that such a violation has occurred. The court shall consider a particular factor only if and to the extent evidence pertaining to that factor is introduced. The absence of evidence as to any particular factor does not preclude a finding of a violation of section 200.54.

Subd. 3. **Claims involving a political subdivision.** To the extent a claim concerns a political subdivision, evidence of the factors in subdivision 1 is most probative if the evidence relates to the political subdivision in which the alleged violation occurred, but still holds probative value if the evidence relates to the geographic region in which that political subdivision is located or to this state.

Subd. 4. **Evidence of intent.** Evidence concerning the intent of voters, elected officials, or the political subdivision to discriminate against members of a protected class is not required to find a violation of section 200.54.

Subd. 5. **Factors that must be excluded.** In determining whether a violation of section 200.54 has occurred, a court shall not consider any of the following:

(1) the number of protected class members not burdened by the challenged qualification, prerequisite, standard, practice, or procedure;

(2) the degree to which the challenged qualification, prerequisite, standard, practice, or procedure has a long pedigree or was in widespread use at some earlier date;

(3) the use of an identical or similar qualification, prerequisite, standard, practice, or procedure in other states or jurisdictions;

(4) the availability of other forms of voting unimpacted by the challenged qualification, prerequisite, standard, practice, or procedure to all members of the electorate, including members of the protected class;

(5) an impact on potential criminal activity by individual voters, if those crimes have not occurred in the political subdivision in substantial numbers, or if the connection between the challenged policy and any claimed prophylactic effect is not supported by substantial evidence; or

(6) mere invocation of interests in voter confidence or prevention of fraud.

History: 2024 c 112 art 3 s 5

200.56 PRESUIT NOTICE.

Subdivision 1. **Notice required.** (a) Except as provided in this section, before filing an action a prospective plaintiff shall send a notice letter to the political subdivision identifying the potential violation, the affected

protected class, and the type of remedy the potential plaintiff believes may address the potential violation. The party may not file an action related to the violations described in the notice letter until its receipt of a written denial by the political subdivision or within 60 days after sending the letter, whichever is earlier.

(b) A notice letter required by paragraph (a) must identify a potential violation of section 200.54 with specificity, including whether the prospective plaintiff believes the potential violation constitutes voter suppression under section 200.54, subdivision 1, vote dilution under section 200.54, subdivision 2, or both. The letter must include the relevant facts and evidence that the prospective plaintiff relied upon when evaluating whether a potential violation of section 200.54 exists.

Subd. 2. When presuit notice is not required. Notwithstanding subdivision 1, a notice letter is not required if:

(1) the party is seeking preliminary relief with respect to an upcoming election in accordance with section 200.57;

(2) the party is seeking to intervene in or join an existing action; or

(3) following the party's submission of a notice letter, the political subdivision enacted a remedy that would not remedy the violation identified in the letter.

Subd. 3. Responsibility of parties. The political subdivision shall respond in writing to a notice letter submitted under subdivision 1 within 60 days. If the political subdivision does not deny the potential violation, it must work in good faith with the party that submitted the letter to explore and implement any mutually agreed upon remedies to cure the potential violation. If the political subdivision adopts a resolution within 60 days of the filing of the letter identifying a remedy, affirming its intent to enact and implement a remedy, and establishing a timeline and specific steps it will take to do so, the political subdivision shall have 150 days from the submission of the letter to enact and implement a remedy, during which time the party who sent the letter may not file an action related to those violations against that political subdivision. A statement, action, or decision of a political subdivision under this subdivision does not constitute an admission by the political subdivision of its liability or establish the existence of a violation of section 200.54.

Subd. 4. Approval of remedies. If the political subdivision lacks authority to enact or implement an identified remedy, the political subdivision may nonetheless enact and implement the remedy upon approval by the district court. To seek approval, the political subdivision must file a petition in district court that identifies with specificity the law or other authority that prevents the remedy from being enacted or implemented. The venue for a petition under this subdivision is in the district court of the county where the challenged act or practice occurred, or in the District Court of Ramsey County. The district court may authorize the political subdivision to implement or enact the identified remedy notwithstanding the applicable law or authority to the contrary, if the court determines that the prospective plaintiff is likely to succeed in a lawsuit on the merits of the alleged violation; that the proposed remedy would address the alleged violation; and that the proposed remedy is narrowly tailored to that purpose.

Subd. 5. Cost sharing. (a) If a political subdivision enacts or implements a remedy in response to a notice letter submitted under subdivision 1, the political subdivision and the party who sent the notice letter must mutually agree on a reimbursement amount to be paid by the political subdivision to that party. The reimbursement amount must reflect the reasonable costs associated with producing and sending the letter and any accompanying evidence, subject to the limitations of this subdivision.

(b) To be eligible for a reimbursement, the party who submitted the notice letter must submit a request to the political subdivision in writing. The request must:

(1) be received by the political subdivision within 30 days of its enactment or adoption of the remedy; and

(2) be substantiated with financial documentation including, as applicable, detailed invoices for expert analysis and reasonable attorney fees.

(c) The cumulative amount of reimbursements to all parties must not exceed \$30,000. Reimbursement amounts for attorney fees are limited to amounts calculated using a lodestar methodology.

(d) To the extent a party requests reimbursement for a purported notice letter that fails to comply with the requirements in subdivision 1, or the request fails to comply with this subdivision, the political subdivision may dismiss the request. If the request is dismissed, the political subdivision must notify the party in writing of the reasons for the dismissal.

History: 2024 c 112 art 3 s 6

200.57 RIGHT OF ACTION; VENUE; PRELIMINARY RELIEF.

Subdivision 1. **Right of action.** (a) The attorney general, a county attorney, any individual aggrieved by a violation of this act, any entity whose membership includes individuals aggrieved by a violation of this act, any entity whose mission would be frustrated by a violation of this act, or any entity that would expend resources in order to fulfill its mission as a result of a violation of this act, may file an action in the district court for the county where the challenged act or practice has occurred, or in the district court of Ramsey County. Actions brought under this act are subject to expedited pretrial and trial proceedings and must receive an automatic calendar preference. The state is a necessary party in any action in which an alleged violation is based on a political subdivision's implementation of a state law, if the state law does not afford discretion to the political subdivision in its implementation of the law.

(b) In an action related to a districting or redistricting plan, any individual with standing to challenge any single district shall be deemed to have standing to challenge the districting or redistricting plan as a whole.

Subd. 2. **Preliminary relief prior to election.** In any action seeking a temporary injunction or other preliminary relief under this act before an election, the court shall grant relief if warranted based on the factors considered in seeking a temporary injunction or preliminary relief under Minnesota law, except that if the court determines that it is possible to implement appropriate relief that would address an alleged violation before an election, such relief shall not be denied on the basis that the election is close in time or that the relief could result in voter confusion.

History: 2024 c 112 art 3 s 7

200.58 REMEDIES.

Notwithstanding any other law, if the court finds a violation of any provision of section 200.54, the court has authority to order remedies that are tailored to best mitigate the violation. Any remedy ordered by the court must be constructed liberally in favor of a voter's exercise of the right of suffrage. The court may consider, among others, any remedy that has been ordered by a federal court or the court of another state jurisdiction, including through a court-approved consent decree or settlement adopted in the context of similar facts or to remedy a similar violation. The court shall consider remedies proposed by any party and may consider remedies proposed by interested nonparties. The court may not provide deference or priority

to a proposed remedy offered by a defendant or political subdivision simply because the remedy has been proposed by the defendant or political subdivision.

History: *2024 c 112 art 3 s 8*

200.59 FEES AND COSTS.

In any action brought under sections 200.50 to 200.59, the court, in its discretion, may allow the prevailing party costs and reasonable attorney fees. If a party prevails on only a portion of their action, the court may award costs and attorney fees attributable to that portion of the action. If the party against whom the action was filed prevails in the action, the court shall not award that party any costs or attorney fees unless the court finds the action is frivolous.

History: *2024 c 112 art 3 s 9*

200.60 VOTING RIGHTS ACT COST SHARING ACCOUNT.

Subdivision 1. **Special revenue fund account established.** A Voting Rights Act cost sharing account is established in the special revenue fund. Money in the account is appropriated to the secretary of state for the purpose of reimbursing political subdivisions for presuit notice cost sharing expenses agreed to under section 200.56, subdivision 4, as authorized by this section. The secretary of state may retain up to five percent of the total cost of a reimbursement for administrative costs associated with processing the reimbursement.

Subd. 2. **Eligibility for reimbursement; application and approval.** (a) A political subdivision that implements a remedy in response to a presuit notice letter submitted under section 200.56 and pays a cost sharing amount under that section may apply to the secretary of state for reimbursement of the paid amount.

(b) The secretary of state must establish a form to be used by a political subdivision when applying for the reimbursement. The secretary of state must approve a submitted application, so long as the information provided by the political subdivision demonstrates that the expenses paid are eligible under section 200.56 and that sufficient funds are available in the Voting Rights Act cost sharing account to make the reimbursement payment. The secretary of state must review, approve, and distribute a reimbursement to an eligible political subdivision within 45 days of receiving its application.

History: *2024 c 112 art 3 s 10*