

Senate Counsel & Research

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S.F. No. 959 - Audit of Election Returns

Author: Senator Linda Higgins

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *PSW*

Date: February 14, 2005

S.F. No. 959 limits the audit of election returns required by Laws 2004, ch. 293, art. 2, § 30, coded as Minn. Stat. § 204C.50, to exclude state judicial races. It also makes the requirement of a “postelection security and certification review” (an audit of the election returns) permanent.

Section 1 limits the audit of election returns, which subdivision 2 of the current law limits to “federal and state races” to omit races for state judicial office.

Section 2 repeals Minn. Stat. § 204C.50, subd. 7, which says the section requiring audits of the election returns expires January 1, 2008.

PSW:ph

cc: Kelly Wolfe ✓

Senators Higgins, Wiger and Lourey introduced--
S.F. No. 959: Referred to the Committee on Elections.

1 A bill for an act
2 relating to elections; providing for the postelection
3 security and certification review to apply to federal
4 constitutional and legislative offices; amending
5 Minnesota Statutes 2004, section 204C.50, subdivision
6 1; repealing Minnesota Statutes 2004, section 204C.50,
7 subdivision 7.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
9 Section 1. Minnesota Statutes 2004, section 204C.50,
10 subdivision 1, is amended to read:
11 Subdivision 1. [SELECTION FOR REVIEW; NOTICE.] (a)
12 Postelection review under this section must be conducted only on
13 the election for president, senator or representative in
14 Congress, constitutional offices, and legislative offices.

15 (b) The Office of the Secretary of State shall, within
16 three days after each state general election beginning in 2006,
17 randomly select 80 precincts for postelection review as defined
18 in this section. The precincts must be selected so that an
19 equal number of precincts are selected in each congressional
20 district of the state. Of the precincts in each congressional
21 district, at least five must have had more than 500 votes cast,
22 and at least two must have had fewer than 500 votes cast. The
23 secretary of state must promptly provide notices of which
24 precincts are chosen to the election administration officials
25 who are responsible for the conduct of elections in those
26 precincts.

1 ~~(b)~~ (c) One week before the state general election
2 beginning in 2006, the secretary of state must post on the
3 office Web site the date, time, and location at which precincts
4 will be randomly chosen for review under this section. The
5 chair of each major political party may appoint a designee to
6 observe the random selection process.

7 Sec. 2. [REPEALER.]

8 Minnesota Statutes 2004, section 204C.50, subdivision 7, is
9 repealed.

APPENDIX
Repealed Minnesota Statutes for 05-2363

204C.50 POSTELECTION SECURITY AND CERTIFICATION REVIEW.
Subd. 7. Expiration. This section expires January 1,
2008.

COMMITTEE REPORT - NO AMENDMENTS

Committee on Elections

S. F. No. 959

Resolution

Re-referred (from another committee)

Committee recommendation:

do pass.

OR

do pass and be placed on the Consent Calendar.

OR

do pass and be re-referred to the Committee on

No recommendation:

(be re-referred to the Committee on _____)

OR

(be reported to the Senate) .

February 14, 2005 (date of committee recommendation)

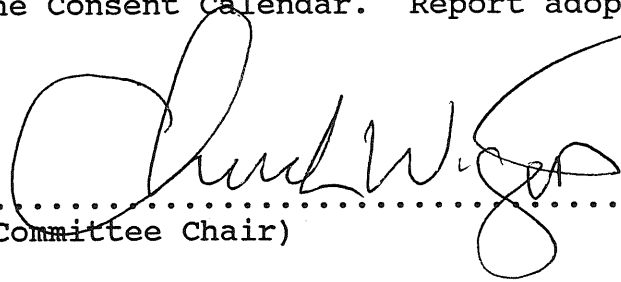
1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 959: A bill for an act relating to elections;
4 providing for the postelection security and certification review
5 to apply to federal constitutional and legislative offices;
6 amending Minnesota Statutes 2004, section 204C.50, subdivision
7 1; repealing Minnesota Statutes 2004, section 204C.50,
8 subdivision 7.

9 Reports the same back with the recommendation that the bill
10 do pass and be placed on the Consent Calendar. Report adopted.

11

12



13

.....
(Committee Chair)

14

15

16

February 14, 2005.....
(Date of Committee recommendation)

17

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S.F. No. 852 - Voter Registration for College Students

Author: Senator Linda Higgins

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) *PJW*

Date: February 11, 2005

S.F. No. 852 attempts to facilitate voter registration by college students by making it easier for them to register to vote on election day.

Section 1 makes mandatory the current option for a postsecondary educational institution to provide the county auditor with a list of the names and addresses of its students who reside in the county. It also clarifies that the institution must include on the list not only those students who reside in housing owned by the institution but also students who reside in private housing within ten miles of the institution's campus.

Section 2 adds to the list of documents that may be used to prove a voter's residence for purposes of registering on election day a number of documents specifically mentioned in § 303(b)(2)(A) of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (Oct. 29, 2002), as sufficient to identify at the polling place a person who has registered to vote by mail: "a current and valid photo identification; or . . . a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter"

It also conforms the statute on student identification to the rules of the Secretary of State, Minn. Rules, part 8200.5100, subpart 1(A)(3), which says that a person may prove residence on election day by presenting "a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct" It adds

S.F. No. 852
February 11, 2005
Page 2

“a current student monthly rental statement that contains the student’s valid address in the precinct
....”

The section also strikes the current language limiting the use of a tribal identification card to band members living on a reservation. This limit was declared unconstitutional by Judge James M. Rosenbaum of federal district court in *ACLU v. Kiffmeyer*, No. 04-CV-4653 (JMR/FLN) (D. Minn. Oct. 29, 2004).

PSW:vs

cc: Kelly Wolfe

Senators Higgins, Sams, Kleis, Marty and Pogemiller introduced—

S. F. No. 852 Referred to the Committee on Elections

1 A bill for an act
2 relating to elections; facilitating voter registration
3 by college students; amending Minnesota Statutes 2004,
4 sections 135A.17, subdivision 2; 201.061, subdivision
5 3.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 2004, section 135A.17,
8 subdivision 2, is amended to read:
9 Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary
10 institutions that enroll students accepting state or federal
11 financial aid may shall prepare a current list of students
12 enrolled in the institution and residing in the institution's
13 housing or in other housing within ten miles of the
14 institution's campus. The list shall include each student's
15 current address. The list shall be certified and sent to the
16 appropriate county auditor or auditors for use in election day
17 registration as provided under section 201.061, subdivision 3.
18 Sec. 2. Minnesota Statutes 2004, section 201.061,
19 subdivision 3, is amended to read:
20 Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is
21 eligible to vote may register on election day by appearing in
22 person at the polling place for the precinct in which the
23 individual maintains residence, by completing a registration
24 application, making an oath in the form prescribed by the
25 secretary of state and providing proof of residence. An

1 individual may prove residence for purposes of registering by:

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

4 (2) presenting a current and valid photo identification;

5 (3) presenting a current utility bill, wireless telephone
6 bill, bank statement, government check, paycheck, or other
7 government document that shows the name and address of the
8 voter;

9 (4) presenting any document approved by the secretary of
10 state as proper identification;

11 ~~(3)~~ (5) presenting one of the following:

12 (i) a current valid student identification card from a
13 postsecondary educational institution in Minnesota, if a list of
14 students from that institution has been prepared under section
15 135A.17 and certified to the county auditor in the manner
16 provided in rules of the secretary of state; or

17 (ii) a current student fee statement that contains the
18 student's valid address in the precinct ~~together-with-a-picture~~
19 ~~identification-card;~~

20 (iii) a copy of a current student registration card that
21 contains the student's valid address in the precinct; or

22 (iv) a current student monthly rental statement that
23 contains the student's valid address in the precinct; or

24 ~~(4)~~ (6) having a voter who is registered to vote in the
25 precinct sign an oath in the presence of the election judge
26 vouching that the voter personally knows that the individual is
27 a resident of the precinct. A voter who has been vouched for on
28 election day may not sign a proof of residence oath vouching for
29 any other individual on that election day.

30 For tribal band members ~~living-on-an-Indian-reservation~~, an
31 individual may prove residence for purposes of registering by
32 presenting an identification card issued by the tribal
33 government of a tribe recognized by the Bureau of Indian
34 Affairs, United States Department of the Interior, that contains
35 the name, street address, signature, and picture of the
36 individual. The county auditor of each county having territory

1 within the reservation shall maintain a record of the number of .
2 election day registrations accepted under this section.

3 A county, school district, or municipality may require that
4 an election judge responsible for election day registration
5 initial each completed registration application.

1 Senator moves to amend S.F. No. 852 as follows:
2 Page 1, delete section 1 and insert:
3 "Section 1. Minnesota Statutes 2004, section 135A.17,
4 subdivision 2, is amended to read:
5 Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary
6 institutions that enroll students accepting state or federal
7 financial aid ~~may~~ shall prepare a current list of ~~students~~ the
8 name and address of each student enrolled in the institution and
9 residing in the institution's housing or in other housing within
10 ~~ten-miles-of~~ the county, or a county contiguous to the county,
11 where the institution's campus is located. The list
12 shall ~~include-each-student's-current~~ be based on the most recent
13 residence address the student has provided to the institution.
14 If the student gives the institution, before the list is sent to
15 the county auditor or auditors, a written request that the
16 student's name and residence address be omitted from the list,
17 the institution must honor the request. The list shall be
18 certified and sent to the appropriate county auditor or auditors
19 for use in election day registration as provided under section
20 201.061, subdivision 3."

FACILITATING VOTER REGISTRATION BY COLLEGE STUDENTS

TO: MEMBERS OF THE MINNESOTA SENATE ELECTIONS COMMITTEE
FROM: LOREN DEJONGE, GRADUATE AND PROFESSIONAL STUDENT ASSEMBLY, DAN MILLER,
GRADUATE AND PROFESSIONAL STUDENT ASSEMBLY, UNIVERSITY OF MINNESOTA
SUBJECT: SF 852
DATE: 2/14/2005

Problems in the 2004 Election for Students

2004 saw the highest electoral turnout for students in Minnesota in years. At the University of Minnesota, the new polling place in Coffman Union and others across campus saw student participation increase almost 65% from the 2000 election. Overall, nearly 60% of 18-29 year olds voted in Minnesota, far higher than the national average. However, there are still some limitations to voter registration that prohibit student turnout, particularly when it comes to same day registration. Minnesota has created a few special guidelines for student registration that has made the process easier for some, but still limits thousands of students statewide from a relatively easy and fair election process.

Minnesota Election Rules

According to current election rules, students may use the following to register to vote:

- *Student ID, registration, or fee statement with your current address:* Student registration statements typically list parent/home addresses, not current addresses.
- *Student photo ID with utility bill:* A plurality of private student housing includes all or most utility bills in the cost of rent; students often receive no utility bills at all. In addition, on Election Day there was some controversy over whether cell phone bills (something many students receive) could considered a utility bill and thus proof of address for registration purposes.
- *Student ID if you are on a student housing list on file at the polling place:* This option was incredibly useful to students who live on campus. However, the rule excludes students who live in large private dorms, rented houses or apartments; the list is only required to include students who live in campus housing
- *Someone who is registered in the precinct where you live who will vouch for your residence:* For many students registering to vote on Election Day, this was the only option available to them.

These options are all useful, widely used, and much appreciated. However, because of the nature of student housing, not all students are able to take advantage of the wide variety of

options and are limited to the voucher system if they choose to vote in the University precinct. There are a variety of options available through the Help America Vote Act or small changes in Minnesota election rules that could better enable student voter turnout.

SF 852 Ensures Students Will Not Be Turned Away

The changes in Minnesota Statute 201.061, Subdivision 3 (3) broadens the list of identification usable as proof of address to all options available in the Help America Vote Act: bank statements, government checks, paychecks, or other government documents that shows the name and address of the voter, as well as wireless telephone bills.

The addition of subd. 3 (5) (iv) updates Minnesota Election law to account for the nature of current rental agreements that students utilize widely by allowing monthly rental statements to be used as proof of address. Many students do not pay utilities directly; they are included in rent or tallied by their landlord in a monthly rental statement. These documents list name, address and payments, just like a utility bill.

Updating Minnesota Statutes 2004, section 135A.17, subdivision 2 will allow universities—with student permission—to provide a list of enrolled students and their addresses to election officials regardless of whether they live on university property. This will facilitate same day registration in university precincts and ensure students are not turned away because they lack paperwork students do not typically have.

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S.F. No. 733 - Campaign Finance Board Housekeeping

Author: Senator Charles W. Wiger

Prepared by: Peter S. Wattson, Senate Counsel (651/296-3812) 

Date: February 11, 2005

S.F. No. 733 contains the 2005 recommendations of the Campaign Finance and Public Disclosure Board that are expected to be noncontroversial. The Board's more substantive recommendations for 2005 will be considered in one or more separate bills.

Section 1 amends the definition of "associated business" (which is used in determining sources of income to list on a public official's statement of economic interest) to include specific types of business organizations, such as corporations, partnerships, limited liability companies, and limited liability partnerships.

Section 2 defines "immediate family" (which is used in determining whether a group of persons is an "association" and in determining whose assets must be disclosed on a statement of economic interest) to include only an individual's spouse, children, parents, and siblings.

Section 3 authorizes reports to be filed with the Board electronically and requires the Board to adopt rules to keep the filing process secure.

Section 4 adds to the gift ban that applies to public officials at the state and metropolitan area level the same exception for gifts given by an organization of public officials as was added for local officials by Laws 2001, ch. 93, § 1.

Section 5 authorizes the Board to impose a penalty of up to \$1,000 on a public official who represents a client for a fee in a rulemaking proceeding and does not disclose that fact to the Board within 14 days after the appearance.

Section 6 authorizes certain reports of contributions that must be sent to the Board within 48 hours after the contributions were received to be sent by electronic means.

Section 7 adds political party units and lobbyists to the list of those who must not make a contribution a candidate is prohibited from accepting.

Section 8 adds lobbyists and political party units to those who are subject to a civil penalty of up to four times the amount by which a contribution exceeded the contribution limits.

Section 9 clarifies that the \$65,000 of state candidate public subsidy money that is set aside to pay the costs of the Office of Administrative Hearings in considering complaints of unfair campaign practices should be limited to nonfrivolous complaints. Under Minn. Stat. § 211B.36, subd. 3, costs of frivolous complaints may be assessed against the complainant.

Section 10 repeals various obsolete or duplicative rules of the Campaign Finance and Public Disclosure Board.

Minnesota Rules, part 4501.0300, subpart 1, requires an original signature on any document filed with the Board.

Part 4501.0300, subpart 4, provides that a candidate may sign any report or other document that the treasurer or deputy treasurer of the candidate's principal committee may sign.

Part 4501.0500, subpart 4, requires that any submission or disclosure to the Board must be in the form of a written document.

Part 4501.0600 provides that a certified letter that is returned by the Post Office to the Board as refused is considered to have been received by the addressee on the date refused.

Part 4503.0200, subpart 4, provides that the treasurer of a political committee or political fund must file with the Board a written notice of any change of officers within ten business days after the change occurs.

Part 4503.0300, subpart 2, says that a principal campaign committee that makes a transfer or contribution to another principal campaign committee in anticipation of termination must complete its termination by the end of the reporting period in which the transfer or contribution was made.

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Page 3

Part 4503.0400, subpart 2, requires the reporting of last-minute contributions to a candidate for district court judge.

Part 4503.0500, subpart 9, provides that contributions between principal campaign committees of the same candidate are prohibited except when the contributing committee intends to terminate its registration and completes the termination by the end of the reporting period in which the contribution was made.

Part 4503.0800, subpart 1, provides that every approved expenditure is a donation in kind of the goods or services purchased with the expenditure.

PSW:vs

cc: Kelly Wolfe

Senators Wiger and Kleis introduced--

S.F. No. 733: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; changing certain campaign
3 finance and public disclosure provisions; clarifying
4 terminology; providing for electronic filing;
5 reconciling certain prohibitions and civil penalties;
6 equalizing certain contribution provisions; limiting
7 certain assessments; repealing obsolete rules;
8 amending Minnesota Statutes 2004, sections 10A.01,
9 subdivision 5, by adding a subdivision; 10A.025, by
10 adding a subdivision; 10A.071, subdivision 3; 10A.08;
11 10A.20, subdivision 5; 10A.27, subdivision 1; 10A.28,
12 subdivision 2; 10A.31, subdivision 4; repealing
13 Minnesota Rules, parts 4501.0300, subparts 1, 4;
14 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4;
15 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500,
16 subpart 9; 4503.0800, subpart 1.

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

18 Section 1. Minnesota Statutes 2004, section 10A.01,
19 subdivision 5, is amended to read:

20 Subd. 5. [ASSOCIATED BUSINESS.] "Associated business"
21 means an association, corporation, partnership, limited
22 liability company, limited liability partnership, or other
23 organized legal entity from which the individual receives
24 compensation in excess of \$50, except for actual and reasonable
25 expenses, in any month as a director, officer, owner, member,
26 partner, employer or employee, or whose securities the
27 individual holds worth \$2,500 or more at fair market value.

28 Sec. 2. Minnesota Statutes 2004, section 10A.01, is
29 amended by adding a subdivision to read:

30 Subd. 17c. [IMMEDIATE FAMILY.] "Immediate family" means an
31 individual and the individual's spouse, children, parents, and

1 siblings.

2 Sec. 3. Minnesota Statutes 2004, section 10A.025, is
3 amended by adding a subdivision to read:

4 Subd. 1a. [ELECTRONIC FILING.] A report or statement
5 required to be filed under this chapter may be filed
6 electronically. The board shall adopt rules to regulate
7 electronic filing and to ensure that the electronic filing
8 process is secure.

9 Sec. 4. Minnesota Statutes 2004, section 10A.071,
10 subdivision 3, is amended to read:

11 Subd. 3. [EXCEPTIONS.] (a) The prohibitions in this
12 section do not apply if the gift is:

13 (1) a contribution as defined in section 10A.01,
14 subdivision 11;

15 (2) services to assist an official in the performance of
16 official duties, including but not limited to providing advice,
17 consultation, information, and communication in connection with
18 legislation, and services to constituents;

19 (3) services of insignificant monetary value;

20 (4) a plaque or similar memento recognizing individual
21 services in a field of specialty or to a charitable cause;

22 (5) a trinket or memento of insignificant value;

23 (6) informational material of unexceptional value; or

24 (7) food or a beverage given at a reception, meal, or

25 meeting away from the recipient's place of work by an

26 organization before whom the recipient appears to make a speech

27 or answer questions as part of a program.

28 (b) The prohibitions in this section do not apply if the
29 gift is given:

30 (1) because of the recipient's membership in a group, a
31 majority of whose members are not officials, and an equivalent
32 gift is given to the other members of the group; or

33 (2) by a lobbyist or principal who is a member of the
34 family of the recipient, unless the gift is given on behalf of
35 someone who is not a member of that family; or

36 (3) by a national or multistate organization of

1 governmental organizations or public officials, if a majority of
2 the dues to the organization are paid from public funds, to
3 attendees at a conference sponsored by that organization, if the
4 gift is food or a beverage given at a reception or meal and an
5 equivalent gift is given or offered to all other attendees.

6 Sec. 5. Minnesota Statutes 2004, section 10A.08, is
7 amended to read:

8 10A.08 [REPRESENTATION DISCLOSURE.]

9 A public official who represents a client for a fee before
10 an individual, board, commission, or agency that has rulemaking
11 authority in a hearing conducted under chapter 14, must disclose
12 the official's participation in the action to the board within
13 14 days after the appearance. The board must send a notice by
14 certified mail to any public official who fails to disclose the
15 participation within 14 days after the appearance. If the
16 public official fails to disclose the participation within ten
17 business days after the notice was sent, the board may impose a
18 late filing fee of \$5 per day, not to exceed \$100, starting on
19 the 11th day after the notice was sent. The board must send an
20 additional notice by certified mail to a public official who
21 fails to disclose the participation within 14 days after the
22 first notice was sent by the board that the public official may
23 be subject to a civil penalty for failure to disclose the
24 participation. A public official who fails to disclose the
25 participation within seven days after the second notice was sent
26 by the board is subject to a civil penalty imposed by the board
27 of up to \$1,000.

28 Sec. 6. Minnesota Statutes 2004, section 10A.20,
29 subdivision 5, is amended to read:

30 Subd. 5. [PREELECTION REPORTS.] In a statewide election
31 any loan, contribution, or contributions from any one source
32 totaling \$2,000 or more, or in any judicial district or
33 legislative election totaling more than \$400, received between
34 the last day covered in the last report before an election and
35 the election must be reported to the board in one of the
36 following ways:

- 1 (1) in person within 48 hours after its receipt;
- 2 (2) by telegram or mailgram within 48 hours after its
- 3 receipt; or
- 4 (3) by certified mail sent within 48 hours after its
- 5 receipt; or
- 6 (4) by electronic means sent within 48 hours after its
- 7 receipt.

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

10 The 48-hour notice requirement does not apply with respect
11 to a primary in which the statewide or legislative candidate is
12 unopposed.

13 Sec. 7. Minnesota Statutes 2004, section 10A.27,
14 subdivision 1, is amended to read:

15 Subdivision 1. [CONTRIBUTION LIMITS.] (a) Except as
16 provided in subdivision 2, a candidate must not permit the
17 candidate's principal campaign committee to accept aggregate
18 contributions made or delivered by any individual, political
19 committee, or political fund in excess of the following:

20 (1) to candidates for governor and lieutenant governor
21 running together, \$2,000 in an election year for the office
22 sought and \$500 in other years;

23 (2) to a candidate for attorney general, \$1,000 in an
24 election year for the office sought and \$200 in other years;

25 (3) to a candidate for the office of secretary of state or
26 state auditor, \$500 in an election year for the office sought
27 and \$100 in other years;

28 (4) to a candidate for state senator, \$500 in an election
29 year for the office sought and \$100 in other years; and

30 (5) to a candidate for state representative, \$500 in an
31 election year for the office sought and \$100 in the other year.

32 (b) The following deliveries are not subject to the
33 bundling limitation in this subdivision:

34 (1) delivery of contributions collected by a member of the
35 candidate's principal campaign committee, such as a block worker
36 or a volunteer who hosts a fund-raising event, to the

1 committee's treasurer; and

2 (2) a delivery made by an individual on behalf of the
3 individual's spouse.

4 (c) A lobbyist, political committee, political party unit,
5 or political fund must not make a contribution a candidate is
6 prohibited from accepting.

7 Sec. 8. Minnesota Statutes 2004, section 10A.28,
8 subdivision 2, is amended to read:

9 Subd. 2. [EXCEEDING CONTRIBUTION LIMITS.] A lobbyist,
10 political committee, political fund, political party unit, or
11 principal campaign committee that makes a contribution, or a
12 candidate who permits the candidate's principal campaign
13 committee to accept contributions, in excess of the limits
14 imposed by section 10A.27 is subject to a civil penalty of up to
15 four times the amount by which the contribution exceeded the
16 limits.

17 Sec. 9. Minnesota Statutes 2004, section 10A.31,
18 subdivision 4, is amended to read:

19 Subd. 4. [APPROPRIATION.] (a) The amounts designated by
20 individuals for the state elections campaign fund, less three
21 percent, are appropriated from the general fund, must be
22 transferred and credited to the appropriate account in the state
23 elections campaign fund, and are annually appropriated for
24 distribution as set forth in subdivisions 5, 5a, 6, and 7. The
25 remaining three percent must be kept in the general fund for
26 administrative costs.

27 (b) In addition to the amounts in paragraph (a), \$1,500,000
28 for each general election is appropriated from the general fund
29 for transfer to the general account of the state elections
30 campaign fund.

31 Of this appropriation, \$65,000 each fiscal year must be set
32 aside to pay assessments made by the Office of Administrative
33 Hearings under section 211B.37 for nonfrivolous complaints.

34 Amounts remaining after all assessments have been paid must be
35 canceled to the general account.

36 Sec. 10. [REPEALER.]

12/15/04.

[REVISOR] CEL/JK 05-0561

- 1 Minnesota Rules, parts 4501.0300, subparts 1 and 4;
- 2 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4;
- 3 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart
- 4 9; and 4503.0800, subpart 1, are repealed.

COMMITTEE REPORT - WITH AMENDMENTS

Committee on Elections

S.F. No. 733

Resolution

Re-referred (from another committee)

Amendments:

Pg. 2 & 3 delete section 4
renumber the sections in sequence

Amend the title as follows:

pg. 1 line 10, delete "10A.071 subdivision 3;"

Committee recommendation:

And when so amended the bill do pass. OR

And when so amended the bill do pass and be placed on the Consent Calendar. OR

And when so amended the bill do pass and be re-referred to the Committee on

No recommendation: And when so amended the bill be

(re-referred to the Committee on . OR

(reported to the Senate).

February 14, 2005 (date of committee recommendation)

1 Senator Wiger from the Committee on Elections, to which was
2 referred

3 S.F. No. 733: A bill for an act relating to elections;
4 changing certain campaign finance and public disclosure
5 provisions; clarifying terminology; providing for electronic
6 filing; reconciling certain prohibitions and civil penalties;
7 equalizing certain contribution provisions; limiting certain
8 assessments; repealing obsolete rules; amending Minnesota
9 Statutes 2004, sections 10A.01, subdivision 5, by adding a
10 subdivision; 10A.025, by adding a subdivision; 10A.071,
11 subdivision 3; 10A.08; 10A.20, subdivision 5; 10A.27,
12 subdivision 1; 10A.28, subdivision 2; 10A.31, subdivision 4;
13 repealing Minnesota Rules, parts 4501.0300, subparts 1, 4;
14 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4;
15 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart
16 9; 4503.0800, subpart 1.

17 Reports the same back with the recommendation that the bill
18 be amended as follows:

19 Pages 2 and 3, delete section 4

20 Renumber the sections in sequence

21 Amend the title as follows:

22 Page 1, line 10, delete "10A.071, subdivision 3;"

23 And when so amended the bill do pass and be placed on the
24 Consent Calendar. Amendments adopted. Report adopted.

25

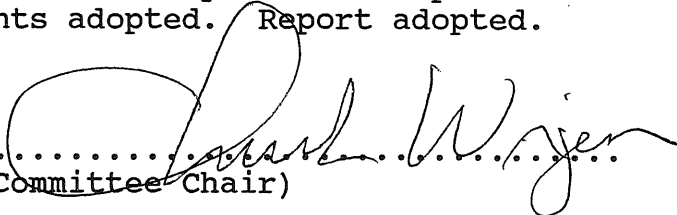
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..........
(Committee Chair)

February 14, 2005.....
(Date of Committee recommendation)

HAMLIN
UNIVERSITY

*Graduate School
of Public Administration
and Management*

*David Schultz,
Attorney, Professor
Graduate School,
School of Law,
Criminal Justice and
Forensic Science*

February 14, 2005

Re: Testimony in Opposition to SF 733

Dear Chairman Chuck Wiger
and Members of the Senate Elections Committee:

My name is David Schultz and I am a professor at Hamline University where I teach classes on government ethics and election law. I am writing this letter to urge rejection of SF733, a bill which would make changes to MINN. STAT. §10A.01, "The Gift Ban Law."

Because of teaching duties, I cannot appear before the Elections Committee today. I therefore ask that this letter be considered part of the record and testimony before this committee and that you consider it as you debate SF 733.

My specific objection to SF 733 is to an amendment to MINN. STAT. §10A.01, section 3, sub. 4, (b), which would add new section (3) as a new exception to the Gift Ban Law. Specifically, beginning at line 2.36, the gift of food or a beverage at a reception or meal would be permitted if given:

(3) by a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

As I read this amendment, it would loosen some of the current restrictions upon the Minnesota Gift Ban Law and make it easier for lobbyists to provide some types of gifts to Minnesota Legislators at out of town conferences.

Briefly, there are four reasons why I oppose this amendment.

There is no compelling public policy justification for the change. There is no evidence that Minnesotans wish to change the Gift Ban Law. Moreover, there is no indication that the current law needs to be amended or changed to make it easier for lobbyists to provide food and drinks for state legislators. In addition, there is no evidence that the current ban is unworkable or that it has failed to secure the objections the original law sought,—*i.e.*, weaken the inappropriate relationships fostered between lobbyists and legislators that can be created by the exchange of gifts. Overall, there is no legitimate public policy need for this change.

Weakening the Gift Ban Law with this amendment creates a slippery slope for further changes. Many will argue that the new exception to the Gift Ban Law that is proposed here is innocuous or trivial and that it will not lead to an increase in inappropriate lobbyist influence over legislators. However, since the adoption of the Gift Ban Law in 1994, there have been repeated and recurrent attempts to weaken the law or otherwise create other exceptions to it. Thus far these attempts have failed, preserving a law that is simple and clear in its directive that creates a zero tolerance rule for gifts. For legislators who have either been elected since the ban became law, or for those who have decided to comply with it, they have learned how to perform their duties without accepting lobbyist gifts. Were the new exception in SF733 to become law, it would set a precedent for further changes in Gift Ban Law that are also unnecessary. Thus, weakening the law through this amendment is only the first stage in what could be other attacks on a policy that does not need to be changed.

Furthermore, while I am not arguing that this change to the law will make it easier for lobbyists to achieve influence over state legislators, there is no way that one can argue that such a change will weaken such a relationship. Minnesotans already are concerned that lobbyists exert too much influence at the legislature, or that some relationships between lobbyists and legislators are inappropriate. Making it easier for the former to give the latter gifts does nothing to ameliorate that impression. Given that lobbyists and PAC giving already constitutes 79% of the money given to the Senate DFL Caucus and 53% of the money given to the Senate GOP caucus (2003 data), allowing lobbyists another new opportunity to leverage influence is inappropriate.

Lack of civility and cooperation among legislators is not rooted in their inability to take gifts from lobbyists. This year the newest line employed to attack the gift ban law is the claim that the lack of cooperation or incivility among legislators last year is rooted in their inability to socialize with one another and therefore the Gift Ban Law needs to be weakened. The logic of this argument escapes me and the general public.

What does the inability to take gifts from lobbyists have to do with incivility across political parties? The answer should be obvious. States that do not have gift ban laws are no more likely to be civil than those that do not. Incivility across party lines may be rooted in ideological differences, party competition, or immaturity. But surely to argue that the only way legislators can be civil to one another is to allow them to accept gifts from lobbyists is absurd. Either this

argument amounts to extortion ("I will be uncivil unless someone feeds me") or infantile ("Feed me or I will throw a temper tantrum") behavior.

Easing laws to make it easier for lobbyists to give legislators gifts is out of sync with the new standards of conduct in a post-Enron world. As a result of the abuses on Wall Street with Enron and many of the dot.coms, Congress passed Sarbanes-Oxley. Among the new provisions in the law is recognition that many types of behavior once considered acceptable are no longer so viewed. Among the types of behavior now looked at with more suspicion in the corporate world is the exchange of gifts in certain circumstances.

My point is that at a time when the ethical standards about gift giving in the corporate and now the non-profit world are changing, with recognition that this practice is problematic in that it creates conflicts of interests, the proposed changes in SF733 are a move backwards in ethical standards that are evolving with regards to gifts. In 1994 Minnesota was at the leading ethical edge regarding gifts, the changes in SF 733 represent a retreat from that moral high ground.

For the reasons noted above, I oppose the weakening of the Gift Ban Law along the lines proposed in SF733 and urge you to vote the amendment down.

Thank you.

Sincerely,

/s David Schultz, Professor

cc: Media

Senate Elections Committee

*Thank you for your participation!
Please sign in!*

Name	Organization	Address	Phone	Bill of Interest
<i>Testifiers</i>				
<i>Loren DeJonge</i>	<i>Graduate and Professional Student Assembly</i>	<i>300 Washington Ave SE Suite 234 Minneapolis, 55455</i>	<i>612-625-2982</i>	<i>852</i>
<i>Dan Miller</i>	<i>Graduate and Professional Student Assembly</i>	<i>11</i>	<i>612-414-8789</i>	<i>852</i>

Date: February 14, 2005

Senate Elections Committee

Thank you for your participation!
Please sign in!

Name	Organization	Address	Phone	Testifying Bill #
Brad Kragaway	MSUSA	106 Como Ave St. Paul MN 55105	651-224- 1518	852
Travis Reese	MSUSA	106 [↑] above		852
Justin Pahl	MSCSA	505 Como Ave St. Paul MN 55107	651 587 7480	852
Jeanne Orr	CF Board	190 COB	61721	733

Date: February 14, 2005