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Senate

State of Minnesota

S.F. No. 1389 - State Primary in June

Author: Senator Linda Higgins

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

Date: March 7, 2005

S.F. No. 1389 moves the date of the primary from September to the first Tuesday in June.

Sections 1 to 5 make conforming amendments to change the deadlines for filing certain campaign finance reports and affidavits and the notice of the opening of filings for office.

Section 1 changes from September 1 to one week before the state primary the date when the Commissioner of Revenue must certify the amount of available funds in each party account for distribution to party candidates who survive the primary.

Section 2 advances from July 1 to one week before the first day for filing for office the deadline for the Commissioner of Revenue to estimate the amount each candidate will be eligible to receive from the general account and the party account and the state elections campaign fund. It also advances from August 15 to two weeks after the last day for filing for office, the deadline for the Campaign Finance and Public Disclosure Board to notify candidates of the estimated amounts they will be eligible to receive in public subsidies.

Section 3 changes the deadline for candidates to file spending limit agreements from September 1 to one week before the candidate's state primary.

Section 4 changes the deadline for candidates to submit affidavits of matching contributions from September 1 to one week before the state primary.

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Section 5 changes the deadline for the Secretary of State to notify each county auditor of the offices to be voted on in that county at the next state general election from the month of June to no later than 15 weeks before the state primary. In 2006, if the state primary is the first Tuesday in June, this deadline will be February 21.

Section 6 changes the date of the state primary to the first Tuesday in June.

Section 7 moves the date of the municipal primary to the first Tuesday in June in even-numbered years, but leaves it in September in odd-numbered years.

Section 8 does likewise for the school district primary.

Section 9 makes the act effective for the state primary in 2006 and thereafter.

PSW:ph

cc: Kelly Wolfe ✓

Senators Higgins, Marko, Ourada, Scheid and Hottinger introduced--
S.F. No. 1389: Referred to the Committee on Elections.

1

A bill for an act

2

relating to elections; moving the state primary from
September to June and making conforming changes;
amending Minnesota Statutes 2004, sections 10A.31,
subdivision 6; 10A.321; 10A.322, subdivision 1;
10A.323; 204B.33; 204D.03, subdivision 1; 205.065,
subdivision 1; 205A.03, subdivision 2.

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

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Section 1. Minnesota Statutes 2004, section 10A.31,

subdivision 6, is amended to read:

11

Subd. 6. [DISTRIBUTION OF PARTY ACCOUNTS.] As soon as the

12

board has obtained from the secretary of state the results of

13

the primary election, but no later than one week after

14

certification by the State Canvassing Board of the results of

15

the primary, the board must distribute the available money in

16

each party account, as certified by the commissioner of revenue

17

~~on-September-1~~ one week before the state primary, to the

18

candidates of that party who have signed a spending limit

19

agreement under section 10A.322 and filed the affidavit of

20

contributions required by section 10A.323, who were opposed in

21

either the primary election or the general election, and whose

22

names are to appear on the ballot in the general election,

23

according to the allocations set forth in subdivisions 5 and

24

5a. The public subsidy from the party account may not be paid

25

in an amount greater than the expenditure limit of the candidate

26

or the expenditure limit that would have applied to the

1 candidate if the candidate had not been freed from expenditure
2 limits under section 10A.25, subdivision 10. If a candidate
3 files the affidavit required by section 10A.323 ~~after-September~~
4 ~~1-of-the-general-election-year~~ less than one week before the
5 state primary, the board must pay the candidate's allocation to
6 the candidate at the next regular payment date for public
7 subsidies for that election cycle that occurs at least 15 days
8 after the candidate files the affidavit.

9 Sec. 2. Minnesota Statutes 2004, section 10A.321, is
10 amended to read:

11 10A.321 [ESTIMATES OF MINIMUM AMOUNTS TO BE RECEIVED.]

12 Subdivision 1. [CALCULATION AND CERTIFICATION OF
13 ESTIMATES.] The commissioner of revenue must calculate and
14 certify to the board one week before ~~July-1~~ the first day for
15 filing for office in each election year an estimate of the total
16 amount in the state general account of the state elections
17 campaign fund and the amount of money each candidate who
18 qualifies, as provided in section 10A.31, subdivisions 6 and 7,
19 may receive from the candidate's party account in the state
20 elections campaign fund. This estimate must be based upon the
21 allocations and formulas in section 10A.31, subdivisions 5 and
22 5a, any necessary vote totals provided by the secretary of state
23 to apply the formulas in section 10A.31, subdivisions 5 and 5a,
24 and the amount of money expected to be available after 100
25 percent of the tax returns have been processed.

26 Subd. 2. [PUBLICATION, CERTIFICATION, AND NOTIFICATION
27 PROCEDURES.] Before the first day of filing for office, the
28 board must publish and forward to all filing officers the
29 estimates calculated and certified under subdivision 1 along
30 with a copy of section 10A.25, subdivision 10. Within seven
31 days one week after the last day for filing for office, the
32 secretary of state must certify to the board the name, address,
33 office sought, and party affiliation of each candidate who has
34 filed with that office an affidavit of candidacy or petition to
35 appear on the ballot. The auditor of each county must certify
36 to the board the same information for each candidate who has

1 filed with that county an affidavit of candidacy or petition to
2 appear on the ballot. ~~By-August-15~~ Within two weeks after the
3 last day for filing for office, the board must notify all
4 candidates of their estimated minimum amount. The board must
5 include with the notice a form for the agreement provided in
6 section 10A.322 along with a copy of section 10A.25, subdivision
7 10.

8 Sec. 3. Minnesota Statutes 2004, section 10A.322,
9 subdivision 1, is amended to read:

10 Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a
11 condition of receiving a public subsidy, a candidate must sign
12 and file with the board a written agreement in which the
13 candidate agrees that the candidate will comply with sections
14 10A.25; 10A.27, subdivision 10; 10A.31, subdivision 7, paragraph
15 (c); and 10A.324.

16 (b) Before the first day of filing for office, the board
17 must forward agreement forms to all filing officers. The board
18 must also provide agreement forms to candidates on request at
19 any time. The candidate must file the agreement with the board
20 ~~by-September-1-preceding-the-candidate's-general-election-or-a~~
21 ~~special-election-held-at-the-general-election~~ at least one week
22 before the candidate's state primary. An agreement may not be
23 filed after that date. An agreement once filed may not be
24 rescinded.

25 (c) The board must notify the commissioner of revenue of
26 any agreement signed under this subdivision.

27 (d) Notwithstanding paragraph (b), if a vacancy occurs that
28 will be filled by means of a special election and the filing
29 period does not coincide with the filing period for the general
30 election, a candidate may sign and submit a spending limit
31 agreement not later than the day after the candidate files the
32 affidavit of candidacy or nominating petition for the office.

33 Sec. 4. Minnesota Statutes 2004, section 10A.323, is
34 amended to read:

35 10A.323 [AFFIDAVIT OF CONTRIBUTIONS.]

36 In addition to the requirements of section 10A.322, to be

1 eligible to receive a public subsidy under section 10A.31 a
2 candidate or the candidate's treasurer must file an affidavit
3 with the board stating that during that calendar year the
4 candidate has accumulated contributions from persons eligible to
5 vote in this state in at least the amount indicated for the
6 office sought, counting only the first \$50 received from each
7 contributor:

8 (1) candidates for governor and lieutenant governor running
9 together, \$35,000;

10 (2) candidates for attorney general, \$15,000;

11 (3) candidates for secretary of state and state auditor,
12 separately, \$6,000;

13 (4) candidates for the senate, \$3,000; and

14 (5) candidates for the house of representatives, \$1,500.

15 The affidavit must state the total amount of contributions
16 that have been received from persons eligible to vote in this
17 state, disregarding the portion of any contribution in excess of
18 \$50.

19 The candidate or the candidate's treasurer must submit the
20 affidavit required by this section to the board in writing by
21 September 1 of the general election year at least one week
22 before the state primary.

23 A candidate for a vacancy to be filled at a special
24 election for which the filing period does not coincide with the
25 filing period for the general election must submit the affidavit
26 required by this section to the board within five days after
27 filing the affidavit of candidacy.

28 Sec. 5. Minnesota Statutes 2004, section 204B.33, is
29 amended to read:

30 204B.33 [NOTICE OF FILING.]

31 (a) Between June 1 and July 1 in each even-numbered year At
32 least 15 weeks before the state primary, the secretary of state
33 shall notify each county auditor of the offices to be voted for
34 in that county at the next state general election for which
35 candidates file with the secretary of state. The notice shall
36 include the time and place of filing for those offices. Within

1 ten days after notification by the secretary of state, each
2 county auditor shall notify each municipal clerk in the county
3 of all the offices to be voted for in the county at that
4 election and the time and place for filing for those offices.
5 The county auditors and municipal clerks shall promptly post a
6 copy of that notice in their offices.

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

14 Sec. 6. Minnesota Statutes 2004, section 204D.03,
15 subdivision 1, is amended to read:

16 Subdivision 1. [STATE PRIMARY.] The state primary shall be
17 held on the first Tuesday ~~after-the-second-Monday~~ in
18 ~~September~~ June in each even-numbered year to select the nominees
19 of the major political parties for partisan offices and the
20 nominees for nonpartisan offices to be filled at the state
21 general election, other than presidential electors.

22 Sec. 7. Minnesota Statutes 2004, section 205.065,
23 subdivision 1, is amended to read:

24 Subdivision 1. [ESTABLISHING PRIMARY.] A municipal primary
25 for the purpose of nominating elective officers may be held in
26 any city on the first Tuesday after the second Monday in
27 September of any an odd-numbered year or on the date of the
28 state primary in an even-numbered year. The municipal primary
29 must be held in the same year in which a municipal general
30 election is to be held for the purpose of electing officers.

31 Sec. 8. Minnesota Statutes 2004, section 205A.03,
32 subdivision 2, is amended to read:

33 Subd. 2. [DATE.] The school district primary must be held
34 on the first Tuesday after the second Monday in September of an
35 odd-numbered year or on the date of the state primary in an
36 even-numbered year. The primary must be held in the year when

1 the school district general election is held. The clerk shall
2 give notice of the primary in the manner provided in section
3 205A.07.

4 Sec. 9. [EFFECTIVE DATE.]

5 This act is effective for the state primary in 2006 and
6 thereafter.

1 Senator moves to amend S.F. No. 1389 as follows:

2 Page 5, after line 30, insert:

3 "Sec. 8. Minnesota Statutes 2004, section 205.13,
4 subdivision 1a, is amended to read:

5 Subd. 1a. [FILING PERIOD.] In municipalities nominating
6 candidates at a municipal primary, an affidavit of candidacy for
7 a city office or town office voted on in November must be filed
8 not more than 70 days nor less than 56 days before ~~the-first~~
9 ~~Tuesday-after-the-second-Monday-in-September-preceding~~ the
10 municipal ~~general-election~~ primary. In all other
11 municipalities, an affidavit of candidacy must be filed not more
12 than 70 days and not less than 56 days before the municipal
13 general election."

14 Page 6, after line 3, insert:

15 "Sec. 10. Minnesota Statutes 2004, section 205A.06,
16 subdivision 1a, is amended to read:

17 Subd. 1a. [FILING PERIOD.] Affidavits of candidacy must be
18 filed with the school district clerk no earlier than the 70th
19 day and no later than the 56th day before the first Tuesday
20 after the second Monday in September ~~in-the-year~~ when the school
21 district general election is held in an odd-numbered year or
22 before the state primary when the school district general
23 election is held in an even-numbered year.

24 Sec. 11. Minnesota Statutes 2004, section 447.32,
25 subdivision 4, is amended to read:

26 Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A
27 person who wants to be a candidate for the hospital board shall
28 file an affidavit of candidacy for the election either as member
29 at large or as a member representing the city or town where the
30 candidate resides. The affidavit of candidacy must be filed
31 with the city or town clerk not more than ten weeks nor less
32 than eight weeks before the ~~Tuesday-after-the-second-Monday-in~~
33 ~~September-of-the-year-in-which-the-general-election-is-held~~
34 state primary. The city or town clerk must forward the
35 affidavits of candidacy to the clerk of the hospital district
36 or, for the first election, the clerk of the most populous city

1 or town immediately after the last day of the filing period. A
2 candidate may withdraw from the election by filing an affidavit
3 of withdrawal with the clerk of the district no later than 5:00
4 p.m. two days after the last day to file affidavits of candidacy.

5 Voting must be by secret ballot. The clerk shall prepare,
6 at the expense of the district, necessary ballots for the
7 election of officers. Ballots must be printed on tan paper and
8 prepared as provided in the rules of the secretary of state.
9 The ballots must be marked and initialed by at least two judges
10 as official ballots and used exclusively at the election. Any
11 proposition to be voted on may be printed on the ballot provided
12 for the election of officers. The hospital board may also
13 authorize the use of voting systems subject to chapter 206.
14 Enough election judges may be appointed to receive the votes at
15 each polling place. The election judges shall act as clerks of
16 election, count the ballots cast, and submit them to the board
17 for canvass.

18 After canvassing the election, the board shall issue a
19 certificate of election to the candidate who received the
20 largest number of votes cast for each office. The clerk shall
21 deliver the certificate to the person entitled to it in person
22 or by certified mail. Each person certified shall file an
23 acceptance and oath of office in writing with the clerk within
24 30 days after the date of delivery or mailing of the
25 certificate. The board may fill any office as provided in
26 subdivision 1 if the person elected fails to qualify within 30
27 days, but qualification is effective if made before the board
28 acts to fill the vacancy."

29 Renumber the sections in sequence and correct the internal
30 references

31 Amend the title accordingly

Commentary

A forum for opinions, reactions, dialogue and disagreement

Let's act to create a Super Tuesday of the North

By Mike Erlandson
and Annette Meeks

Ten years ago Secretary of State Joan Grove led a bipartisan commission to develop ideas that could strengthen and improve the health of Minnesota's democracy. The report of that very successful commission urged moving Minnesota's primary elections from their current mid-September date to June.

Legislation on a June primary, often referred to as the "Grove Commission" proposal, has passed the state Senate several times, including in 1996, 1997 and 2000. Similar reform legislation, which proposed moving precinct caucuses from March to February to give Minnesota a stronger voice in selecting presidential nominees, passed the Senate in 2003 but was not taken up in the House.

Both the DFL and Republican parties of Minnesota, Gov. Tim Pawlenty and legislative leaders agreed two years ago that the time had come to move forward with the Grove Commission proposals. Both of us

personally have worked in a nonpartisan manner lobbying for this legislation over the last several years. The time has come to take this positive step forward and improve the democratic process in our great state.

At present, we have a seven-week general election campaign preceded by intraparty primary battles that often last two years. Most voters are not interested in intraparty competitions, where the differences between candidates on the issues are all but imperceptible to many voters. It is in the general election where clear policy differences arise and a robust debate about the future course of our state and nation occurs.

A June primary would benefit our democracy in many ways, but a profound and important improvement that would occur is that candidates would spend more time talking to voters about their positions on the broad issues that affect all Minnesotans. It would improve political discourse by giving more time for the dissemination of information about the policy positions and beliefs of the political

parties and their candidates.

Candidates would spend more time talking to voters about their positions on the myriad issues that affect Minnesota, in contrast to the current long primary and party endorsement campaigns in which intraparty policy debates take precedence.

We'll be holding state and federal elections 20 months from now. Under the current timetable for a primary election, candidates will spend 18 of those 20 months on internal party caucuses, debates, and primaries. Minnesota voters would be better served by hearing the policy differences between the parties' candidates rather than confining this debate to 6,000 party faithful representing the two major parties.

Another democracy-enhancing reform would move the date of precinct caucuses — the organizational meetings that form the structure of both of our parties — from the first Tuesday of March to the third Tuesday in February. What benefit would come from moving the caucus date only a few weeks? Much

In 2004 nearly 60,000 attended DFL caucuses — up substantially from previous years. This was due to years of effort by party leaders to speed up and simplify the caucus process for new participants and the incredible energy that comes with a competitive presidential campaign.

Minnesota Republicans experienced a similar surge in caucus attendance in 2000 when a vigorous campaign between then-Gov. George Bush and Sen. John McCain captured our attention. Both parties believe that much of this renewed electoral enthusiasm came from the thousands of college students who attended caucuses for their first time, energized by their respective presidential candidates.

By moving caucuses to the third week of February — just four weeks after the first presidential test in Iowa — Minnesota would join with Wisconsin to create a "Super Tuesday of the North" — sort of a frozen version of the presidential sweepstakes. With this change, in 2008, our presidential preference "straw

ballots" would take on new and heightened relevance. And Minnesotans of all political stripes would be able to hear from and ask questions of presidential contenders — one heck of an improvement over the hurried airport rallies and presidential surrogates that we've settled for in the past. Such a move would give Minnesotans a much stronger voice over whom the political parties select as their nominees and would be an important factor in increasing awareness and public participation in the nominating process.

This benefit of having presidential aspirants campaigning in person — not just purchasing paid political advertising — would be transformative. Both of us learned from the 2004 presidential election one very important lesson — Minnesotans are eager, willing and able to volunteer at the grassroots level.

Currently, thousands of Minnesotans Democrats and Republicans head down to Iowa every four years to volunteer for presidential campaigns. The unprecedented level of interest

generated by both the Minnesota Bush and Kerry campaigns should propel the Legislature to move the caucuses to February to ensure that this energy isn't exported once again to Iowa.

But most importantly and contrary to popular notion, a longer period between the primary and the November general should serve to heighten the political debate. A more thoughtful and inclusive approach to selecting our political leaders at all levels will surely occur if a less frantic general election season becomes law.

A battle is on in our state — a battle that, in future elections, will determine the public policy direction of Minnesota. We would be well-served to make these changes — changes we believe will strengthen and improve our democracy in Minnesota.

Mike Erlandson is chair of the DFL Party in Minnesota and an aide to Rep. Martin Sabo, D-Minn.; Annette Meeks is a vice chair of the Republican Party of Minnesota and CEO of the Center of the American Experiment.

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As predictably as elections themselves, calls come every other year for moving Minnesota's primary election from the second Tuesday in September to an earlier date, say in June.

But those calls tend to come during even-numbered years, when the Legislature is adjourned, campaigns are in full swing and the opportunity to change that year's calendar has passed. By the following year, the politicians who survived the mid-September primary are happily tucked into office, thinking mostly positive thoughts about the process that got them there. The primary's unfortunate timing is allowed to slip quietly out of public attention.

We're calling it back into focus early this year. Recent political developments have created a rare moment of opportunity for political calendar change. Seldom has there been more reason for both Republicans and DFLers to get serious about scheduling an earlier primary and improving the process by which candidates are chosen for statewide office.

Sen. Mark Dayton's surprise decision two weeks ago not to seek reelection has both big parties scrambling to settle on a nominee for his seat as quickly as democratically possible. In each party, early coalescence around a single candidate is essential to raising the millions of dollars needed to wage an effective campaign. A primary fight that would keep a Senate nomination in doubt until Sept. 12, 2006 -- just eight weeks before the general election -- is a threat the leaders of both camps must be desperate to avoid.

They would do well to dust off a 10-year-old set of recommendations crafted by a bipartisan commission headed by then-Secretary of State Joan Growe. It called for an earlier primary -- initially favoring August, later opting for June -- and for giving party organizations more say over which candidates' names land on primary ballots.

The two changes would complement each other to preserve the healthy balance in Minnesota's existing candidate selection process. This state gives party folks -- the people who donate their time and talent to building effective grass-roots organizations -- an extra measure of



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influence, through the endorsement process. But it puts final power to nominate in the hands of rank-and-file voters, who have sometimes served to correct a party convention process gone awry.

The Grove Commission would strengthen party activists' hands by making it difficult -- though not impossible -- for a candidate to file for office if he or she did not pass muster with at least 20 percent of a convention's delegates. With that change, serious candidates would feel compelled to turn out their supporters at precinct caucuses and conventions.

But compressing the party convention season and moving the primary to June would also compel candidates to appeal to the public at the same time they ask delegates for support. Candidates would be less able to sell separate messages, one for party activists, another for voters. Delegates would be allowed to judge campaigns in progress, rather than guessing about candidates' ability to communicate well with the masses. Voters would have reason to follow endorsing conventions more closely, and could be lured into participating themselves.

Then, nominees would have months rather than weeks to mount effective general election campaigns. They would have more time for fundraising, to be sure, but also more time to build grass-roots organizations and convey positive messages.

The Grove Commission reforms came within a few hours of passage by the 1995 Legislature. Since then, they've sat on the shelf, admired by reformers but neglected by change-averse legislators. This year, the timing imperative of an open Senate seat should bring the commission's sound ideas back into legislative consciousness, and into law.

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State Primaries by Month:

March

California
Illinois
Maryland
Missouri
Ohio
Texas

April

Pennsylvania

May

Arkansas
Indiana
Kentucky
Nebraska
Oregon
West Virginia

June

Alabama
Iowa
Maine
Montana
New Jersey
New Mexico
North Dakota
South Carolina
South Dakota
Utah
Virginia

July

Georgia
North Carolina
Oklahoma

August

Alaska
Colorado
Florida
Kansas
Michigan

Missouri
Tennessee
Wyoming

September

Arizona
Connecticut
Delaware
District of Columbia
Guam
Hawaii
Idaho
Louisiana
Minnesota
Nevada
New Hampshire
New York
Rhode Island
Vermont
Washington
Wisconsin

Senators Hottinger, Higgins, Limmer, Kiscaden and Johnson, D.E. introduced--
S.F. No. 1051: Referred to the Committee on Elections.

1 A bill for an act
2 relating to elections; providing for ongoing status as
3 an absentee voter; amending Minnesota Statutes 2004,
4 section 203B.04, by adding a subdivision.

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

6 Section 1. Minnesota Statutes 2004, section 203B.04, is
7 amended by adding a subdivision to read:

8 Subd. 6. [ONGOING ABSENTEE STATUS; TERMINATION.] (a) An
9 eligible voter may apply to a county auditor or municipal clerk
10 for status as an ongoing absentee voter. Each applicant must
11 automatically be provided with an absentee ballot for each
12 ensuing election other than an election by mail conducted under
13 section 204B.45; and must have the status of ongoing absentee
14 voter indicated on the voter's registration card.

15 (b) Ongoing absentee voter status ends on:

16 (1) the voter's written request;

17 (2) the voter's death;

18 (3) return of an ongoing absentee ballot as undeliverable;

19 (4) a change in the voter's status so that the voter is not

20 eligible to vote under section 201.15 or 201.155; or

21 (5) placement of the voter's registration on inactive
22 status under section 201.171.

23 (c) The secretary of state shall adopt rules governing
24 procedures under this section.

SF 1051 Reference Sheet

SF 1051 refers to three existing sections of Minnesota Statute - 201B.15, 201B.155, 201B.171 - reproduced below. Also below is MS 203B.02 which specifies existing criteria for absentee balloting.

203B.02 General eligibility requirements.

Subdivision 1. **Unable to go to polling place.** Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of *absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct* may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

201.15 District judge, report guardianships and commitments.

Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall *report monthly by electronic means to the secretary of state the name, address, and date of birth* of each individual 18 years of age or over, who during the month preceding the date of the report:

(a) was placed under a guardianship of the person in which the court order provides that the ward does not retain the right to vote; or

(b) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a) or (b). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. **Restoration to capacity.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, and date of birth of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

201.155 Report on felony convictions.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, *the state court administrator shall report monthly by electronic means to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored.* The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

EARLY VOTING

By Kae Warnock

Early voters are not required to give a reason.

Early voting was created to encourage more people to vote.

Early voting is the latest twist on absentee voting in the states. Traditionally, voting absentee was a choice for those who were planning to be outside the state or had health problems that would preclude their voting on election day. Unlike traditional absentee voting, those choosing to vote early are not required to give a reason for it, they merely need to be eligible to vote. In some early voting states, satellite voting locations are made available or extended hours are offered.

Early voting was created to encourage more people to go to the polls and to offer an alternative to the long lines and hassles on election day. The method varies from filing unrestricted in-person absentee ballots in OKLAHOMA to opening special polling places in TEXAS. ARIZONA, COLORADO, IOWA, NEVADA, OKLAHOMA, TENNESSEE and TEXAS have enacted some type of early voting law.

Advocates for early voting cite increases in voter turnout and convenience. Other advantages include reduction in the paperwork required for regular absentee voting and greater accessibility for elderly and disabled voters as well as those who might not ordinarily be able to go to the polls on election day or during regular hours.

Provisions for Early Voting

State	Satellite Polling Place	Voting Period
Arizona	Yes	33 days before election to the Friday before election
Colorado	No	24 days before election to the Friday before election
Iowa	Yes	40 days before election up through the election
Nevada	Yes	Third Saturday before election to the Friday before election
Oklahoma	No	Thursday, Friday and Monday before election
Tennessee	No	20 days before election to 5 days before election
Texas	Yes	20 days before election to 4 days before election

Temporary polling places can result in significant costs.

Setting up and operating temporary polling places for as long as three weeks can result in significant costs, however. Also, some candidates fear that if early voting becomes popular, they may have to change their campaign methods to accommodate a longer voting period.

One of the biggest concerns regarding traditional absentee ballots has been the problem of voter fraud. With early voting, voters must sign in and signatures can be checked on site. In early voting states, polling places have a list or database of registered voters in order to ensure that no one votes twice. And, voters may have to show a voting card or official identification at the polling place.

Several states report increased voter turnout.

TEXAS opened the first early voting polling places in 1987. In 1992, data from 15 of the most populous counties indicated that early votes constituted approximately 33 percent of the votes cast in those counties during that election. Texas estimates that in some counties early voting accounted for 50 percent of voters. COLORADO allowed early voting in the 1992 election, but the only figures available are for total absentee voters. Colorado's absentee voters accounted for 13.45 percent of the total in that election. In the 1992 election, OKLAHOMA absentee voters accounted for 3.44 percent of

the total vote. In ARIZONA, Yavapai County showed an increase of four times as many early voters in 1992 as absentee voters in 1988. Data are still limited, however, and it will take several elections before accurate comparative information exists for the states with newer early voting laws.

Although most states have not collected data on the costs of early voting, some counties in TEXAS have. The combined cost of in-person and mail-in early voting in Dallas County for the 1992 general election was an estimated \$2.07 per vote and estimated election day voting costs were 84 cents per vote. In the 1992 Republican primary election, total early voting cost an estimated, \$3.74 per vote while election day voting cost 74 cents per vote. And in the 1994 Republican primary, election costs rose to \$11.81 per vote versus an election day cost of \$2.07. In Travis County, in-person early voting cost an estimated 78 cents per vote in 1992, and mail-in early votes cost an estimated \$2.74 per vote. Tarrant County estimates that in the 1992 primary early voting cost \$12.14 per vote; in the 1992 November election it cost 88 cents per vote; and in the 1994 primary it cost \$17.92 per vote.

For in-person absentee voting to qualify as early voting, there must be some significant difference between it and standard absentee voting. ARIZONA, IOWA and OKLAHOMA all have variations of in-person absentee voting. Although all three states require voters to fill out an application, voters are not required to give a reason for voting early. Oklahoma accepts in-person absentee ballots at county election commission offices. COLORADO residents may vote at precinct polling places or at special early voting polling places. In Arizona, voters in some counties have satellite offices available in addition to the main offices of the county recorders. Iowa counties are still experimenting with locations for absentee voting sites. Some counties have tried government buildings, schools, shopping malls, senior citizen centers and a library.

Because many of its polling places are temporary, TEXAS has opened stations in some unlikely places. Some of the counties have mobile polling stations that move from location to location much like the bookmobiles of the 1960s. Other counties have opened polling stations at malls and retail outlets such as Wal-Mart. Early voters in TENNESSEE will cast their ballots at county election commission offices. Those in NEVADA will have permanent polling places in county election offices and temporary branch polling places.

Selected References

- Committee on Elections, Texas House of Representatives. *Interim Report to the Legislature*. Austin, Texas, 1992.
- Florida House of Representatives, Committee on Ethics and Elections. *Early Voting*. Tallahassee, Fla., 1993.
- National Clearinghouse on Election Administration, Federal Election Commission. *Innovations in Election Administration 9, Early Voting*. Washington, D.C., 1994.

- Ariz. Rev. Stat. Ann. §16-541 to 16-552 (West 1993)*
- Colo. Rev. Stat. Ann. §1-8-101 to 1-8-128 (West 1993)*
- Iowa Code Ann. §53.1 to 53.50 (West 1994)*
- Nev. Rev. Stat. Ann. §293.356 to 293.361 (1993)*
- Okla. Stat. Ann. tit. 26, §14-115.4 (West 1994)*
- Tenn. Code Ann. §2-6-101 to 111 (1994)*
- Tex. Elec. Code Ann. tit. 7 §81.001 to 85.072 (Vernon 1994)*

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*A final
verdict on
costs is not in
yet.*

*Polling places
vary from
state to state.*





NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

**Early Voting
Selected State Statutes**

Arizona	Ariz. Rev. Stat. Ann. §16-541 to 16-552 See http://www.azleg.state.az.us/ars/16/title16.htm
Arkansas	Arkansas Code §7-5-418 See http://www.arkleg.state.ar.us/data/ar_code.asp
Colorado	Colo. Rev. Stat. Ann. §1-8-1010 to 1-8-128 See http://statute.intellinetusa.com/stat99/
Iowa	Iowa Code Ann. §53.1 to 53.50 See http://www.legis.state.ia.us/IACODE/1999SUPPLEMENT/titles.html
Kansas	K.S.A. §25-1114 to 1140 See http://www.ink.org/public/legislative/statutes/statutes.cgi
Nevada	Nev. Rev. Stat. §293.356 to 293.361 See http://www.leg.state.nv.us/NRS/index.htm
New Mexico	N.M. Stat. Ann. §3-8-85 to 3-8-95 See http://www.law.cornell.edu/states/nm.html
North Carolina	N.C. Gen. Stat. §163-227.2 See http://www.ncga.state.nc.us/Statutes/Statutes.html
Oklahoma	Okla. Stat. Ann. Tit. 26, §14-115.4 See http://oklegal.onenet.net/statutes.basic.html
Tennessee	Tenn. Code Ann. §2-6-101 to 111 See http://www.law.cornell.edu/states/tennessee.html
Texas	Tex. Elec. Code Ann. Tit. 7, §81.001 to 85.072 See http://www.capitol.state.tx.us/statutes/eltoc.html

Source: National Conference of State Legislatures

December 2000

For more information contact Jennie Drape Bowser or Tim Storey at 303-364-7700.



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Early Voting

Early/In-person/Onsite Absentee-- Voter completes the ballot in person at a county office or other designated polling site or ballot drop site prior to election day.

	Early/ Onsite Voting	Location/Duration of Early/Onsite Absentee Voting	Statute Cite
Alabama	No	Courthouse/8 am-5 pm Saturday 10 days before the election and 8 am-5 pm on the Tuesday before the election	17-10-3, 17-10-12
Alaska	Yes	Election supervisor offices/15 days before the election through the day of the election	15.20.010, 15.20.048, 15.20.060, 15.20.071, 15.20.080
Arizona	Yes	The county recorder may establish on-site early voting locations at the recorder's office or any other locations in the county the recorder deems necessary	16.541,16.542, 16.548
Arkansas	Yes	Office of the county clerk/15 days prior to election, ending on day before election during regular hours of the county clerk	7-5-402, 7-5-403, 7-5-418
California	Yes	Office of elections, officials or satellite locations/Not later than 14 days prior to voting at the satellite locations	Elections Code 3018(b)
Colorado	Yes	Established by county clerk and recorder/during regular business hours for 10 days before the presidential primary election, the primary election, and a special legislative election and for 15days before any general election or other November election conducted by the county clerk and recorder	1-8-104, 1-8-202
Connecticut	No		9-31a, 9-135
Delaware	No		15-5502, 15-5503, 15-5504
Florida	Yes (voter technically votes an absentee ballot)	Main or branch office of the supervisor of elections/at the office of the SOE	97.021, 101.62, 101.657

	Early/ Onsite Voting	Location/Duration of Early/Onsite Absentee Voting	Statute Cite
Georgia	Yes	County office at least 45 days prior to election to day prior to election if disabled or over 75 years old. No excuse, in-person voting at county office seven days prior to election day (enacted 6-03).	21-2-381
Hawaii	Yes	Absentee polling places shall be established at the office of the county clerks or as otherwise designated/10 working days before election and all Saturdays within that time period	15-2,15-4
Idaho	No		34-1001, 34-1002
Illinois	Yes;** electors entitled to vote by absentee ballot may vote in person at office of municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners; or at the office of the township clerk or; in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality	**Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections; municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 am to 4:30 pm or 9:00 am to 5:00 pm, weekdays, and 9:00 am to noon on Saturdays, but not during such hours as the office of the election authority is closed	5/19-1,5/19-2, 5/19-2.1
Indiana	Yes		3-11-4, 3-11-4-3
Iowa	Yes	Commissioner's office or at a place designated by Commissioner or petitioned for/40 days before election	53.1, 53.2, 53.11
Kansas	Yes	Office of the county election officer and by mail/during the times established by the election officer up to 20 days before election	25-1119, 25-1122, 25-1123
Kentucky	No		117.085
Louisiana	No		

Source: National Conference of State Legislatures

August 2004

For more information, please contact Jennie Drape Bowser or Tina Storey at 303-364-7700.

	Early/ Onsite Voting	Location/Duration of Early/Onsite Absentee Voting	Statute Cite
Maine	Yes	Clerk's office/three months up to election day	21A-9-751, 21A-9-753-B
Maryland	No		9-304, 9-305
Massachusetts	No		54:86,54:89, 54:91
Michigan	No		
Minnesota	No		203B.02, 203B.04
Mississippi	No		23-15-629, 23-15-713, 23-15-715
Missouri	No		
Montana	Yes	As soon as the official ballots are available, the election administrator shall permit an elector to mark the ballot before election day before the election administrator	13-13-212, 13-13-222, 13-13-229
Nebraska	Yes	Office of the election commissioner or county clerk/day that absentee ballots are available to election day	32-938, 32-942
Nevada	Yes	County clerk's office/ M-F 8 am-6 pm, Sat. 10 am-6 pm, begins 3rd Sat preceding a primary or general election and extends through Fri. before election day	293.309, 293.313, 293.315, 293.356 through 293.361
New Hampshire	No		657:1
New Jersey	No		19:57-1,19:57-4
New Mexico	Yes	County clerk's office or alternative location/8 am on the 40th day preceding election up until 5 pm on the Sat. immediately prior to the date of election	1-6-3, 1-6-5
New York	No		8-400
North Carolina	Yes	Office of the county board of elections or other designated site/ Not earlier than the first business day after the 18 th day before an election to 5:00 pm on Fri. prior to election	163-226, 163-227.2, 163.230.1
North Dakota	Yes	Board of county commissioners may conduct early voting during the 15 days prior to an election.	16.1-07-01, 16.1-07-04, 16.1-07-05,
Ohio	No		3509.02, 3509.03
Oklahoma	Yes	Location designated by the secretary of the county election board. Available 8am to 6pm on Fri. and Mon. immediately preceding any election and 8am to 1pm on Saturday prior to election.	14-103, 14-115.4

Source: National Conference of State Legislatures

August 2004

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	Early/ Onsite Voting	Location/Duration of Early/Onsite Absentee Voting	Statute Cite
Oregon	Oregon elections all are conducted by mail-in ballot		253.015, 253.030
Pennsylvania	No		§1301, 3146.1, 3146.2, 3146.2a
Rhode Island	No		17-20-2, 17-20-8, 17-20-9 to 17-20-9.3
South Carolina	No		7-15-320, 7-15-330
South Dakota	No		12-19-1, 12-19-2, 12-19-2.1
Tennessee	Yes	County election commission office/during posted hours not more than 20 days nor less than five days before the day of the election	2-6-102, 2-6-201, 2-6-202
Texas	Yes	Main early voting polling place/ regular business hours of the county clerk, beginning on the 17th day before election day and continues through the fourth day before election day	82.001 to 82.004, 84.007, 85.001, 85.002, 85.005
Utah	Yes	Office of the election officer/ballot must be cast no later than day before election	20A-3-304, 20A-3-306.5, 20A-3-305, 20A-3-306
Vermont	Yes	Office of the town clerk /time not specified in statute	2531, 2532, 2537
Virginia	No	Vote absentee in-person but need an excuse. On the two Saturday's prior to the election. At the main registrar's office.	
Washington	No		29.36.010, 29.36.013
West Virginia	Yes	Office of the clerk of the circuit court/ beginning on the 15th day before the election and continuing through the Sat. before the election for any election held on a Tues. or continuing through the third day before the election for any election held on another day	3-3-1, 3-3-2b, 3-3-5
Wisconsin	No		6.20, 6.86
Wyoming	No		22-9-102, 22-9-105,

Source: National Conference of State Legislatures

August 2004

For more information, please contact Jennie Drape Bowser or Tim Storey at 303-364-7700.

1 Senator moves to amend S.F. No. 1051 as
2 follows:

3 Page 1, line 9, after "voter" insert "who, ~~due to~~
4 employment or other good cause, reasonably expects to meet the
5 requirements of section 203B.02, subdivision 1, on an ongoing
6 basis,"

COMMITTEE REPORT - WITH AMENDMENTS

Committee on ELECTIONS

S.F. No. 1051

Resolution
 Re-referred (from another committee)

Amendments:

A-5 amendment (see attached)
Page 1, line 20, delete "or"
Page 1, line 22, before the period, insert "; or
(b) the voter ceasing to meet the requirements
of paragraph (a)"

Committee recommendation:

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

March 14, 2005 (date of committee recommendation)

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

3 S.F. No. 1051: A bill for an act relating to elections;
4 providing for ongoing status as an absentee voter; amending
5 Minnesota Statutes 2004, section 203B.04, by adding a
6 subdivision.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Page 1, line 9, after "voter" insert "who reasonably
10 expects to meet the requirements of section 203B.02, subdivision
11 1, on an ongoing basis,"

12 Page 1, line 20, delete the second "or"

13 Page 1, line 22, before the period, insert "; or

14 (6) the voter ceasing to meet the requirements of paragraph
15 (a)"

16 And when so amended the bill do pass. Amendments adopted.
17 Report adopted.

.....
(Committee Chair)

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

Senators Jungbauer and Kleis introduced--

S.F. No. 1249: Referred to the Committee on Elections.

1 A bill for an act

2 proposing an amendment to the Minnesota Constitution,
3 article VIII, section 6; eliminating the specified
4 list of grounds for recall; making conforming
5 statutory amendments; amending Minnesota Statutes
6 2004, sections 211C.03; 211C.06; repealing Minnesota
7 Statutes 2004, sections 211C.01, subdivisions 2, 3, 4;
8 211C.02; 211C.04; 211C.05.

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

10 ARTICLE 1

11 PROPOSED AMENDMENT

12 Section 1. [CONSTITUTIONAL AMENDMENT.]

13 An amendment to the Minnesota Constitution, article VIII,
14 section 6, is proposed to the people. If the amendment is
15 adopted, the section will read:

16 Sec. 6. A member of the senate or the house of
17 representatives, an executive officer of the state identified in
18 section 1 of article V of the constitution, or a judge of the
19 supreme court, the court of appeals, or a district court is
20 subject to recall from office by the voters. ~~The grounds for~~
21 ~~recall of a judge shall be established by the supreme court.~~
22 ~~The grounds for recall of an officer other than a judge are~~
23 ~~serious malfeasance or nonfeasance during the term of office in~~
24 ~~the performance of the duties of the office or conviction during~~
25 ~~the term of office of a serious crime.~~ A petition for recall
26 must set forth the specific conduct that may warrant recall. A
27 ~~petition may not be issued until the supreme court has~~

1 ~~determined-that-the-facts-alleged-in-the-petition-are-true-and~~
 2 ~~are-sufficient-grounds-for-issuing-a-recall-petition.~~ A
 3 petition must be signed by a number of eligible voters who
 4 reside in the district where the officer serves and who number
 5 not less than 25 percent of the number of votes cast for the
 6 office at the most recent general election. Upon a
 7 determination by the secretary of state that a petition has been
 8 signed by at least the minimum number of eligible voters, a
 9 recall election must be conducted in the manner provided by
 10 law. A recall election may not occur less than six months
 11 before the end of the officer's term. An officer who is removed
 12 from office by a recall election or who resigns from office
 13 after a petition for recall issues may not be appointed to fill
 14 the vacancy that is created.

15 Sec. 2. [SUBMISSION TO VOTERS.]

16 The proposed amendment must be submitted to the people at
 17 the 2006 general election. The question submitted must be:

18 "Shall the Minnesota Constitution be amended to allow the
 19 voters to determine grounds for recall of state officials?

20 Yes

21 No"

22 ARTICLE 2

23 CONFORMING AMENDMENTS

24 Section 1. Minnesota Statutes 2004, section 211C.03, is
 25 amended to read:

26 211C.03 [PETITION FOR RECALL; FORM AND CONTENT.]

27 The secretary of state shall prescribe by rule the form
 28 required for a recall petition. Each page of the petition must
 29 contain the following information:

30 (1) the name and office held by the state officer who is
 31 the subject of the recall petition and, in the case of a
 32 representative, senator, or district judge, the district number
 33 in which the state officer serves;

34 (2) ~~the-specific-grounds-upon-which-the-state-officer-is~~
 35 ~~sought-to-be-recalled-and~~ a concise, accurate, and complete
 36 synopsis of the specific facts that are alleged to warrant

1 recall ~~on-those-grounds~~;

2 (3) a statement that a recall election, if conducted, will
3 be conducted at public expense;

4 (4) a statement that persons signing the petition:

5 (i) must be eligible voters residing within the district
6 where the state officer serves or, in the case of a statewide
7 officer, within the state;

8 (ii) must know the purpose and content of the petition; and

9 (iii) must sign of their own free will and may sign only
10 once; and

11 (5) a space for the signature and signature date; printed
12 first, middle, and last name; residence address, including
13 municipality and county; and date of birth of each signer.

14 The secretary of state shall make available sample recall
15 petition forms upon request.

16 Sec. 2. Minnesota Statutes 2004, section 211C.06, is
17 amended to read:

18 211C.06 [ISSUING, CIRCULATING, AND VERIFYING PETITION.]

19 ~~Upon receipt of the order from the Supreme Court,~~ The
20 petition must be submitted to the secretary of state in the
21 manner and form prescribed by the secretary of state and must be
22 accompanied by a fee of \$100, in which case the secretary of
23 state shall issue a recall petition. When the required number
24 of signatures on the petition have been secured, the petition
25 may be filed with the secretary of state. The petition must be
26 filed within 90 days after the date of issuance. Upon the
27 filing of the petition, the secretary of state shall verify the
28 number and eligibility of signers in the manner provided by the
29 secretary of state. If the secretary of state determines that a
30 petition has been signed by a sufficient number of eligible
31 voters, the secretary of state shall certify the petition and
32 immediately notify in writing the governor, the petitioners, and
33 the state officer named in the petition. If the petition is not
34 signed by a sufficient number of eligible voters, the secretary
35 of state shall dismiss the petition.

36 After the secretary of state issues a petition to recall a

1 state officer, the secretary of state may not accept another
2 petition to recall the same officer until either the earlier
3 petition is dismissed by the secretary of state for a deficiency
4 of signatures, or the recall election brought about by the
5 earlier petition results in the officer retaining the office.

6 Sec. 3. [REPEALER.]

7 Minnesota Statutes 2004, sections 211C.01, subdivisions 2,
8 3, and 4; 211C.02; 211C.04; and 211C.05, are repealed.

9 Sec. 4. [EFFECTIVE DATE.]

10 Sections 1 to 3 are effective the day following approval by
11 the people of the amendment to the Minnesota Constitution
12 proposed in article 1.

Article 1 PROPOSED AMENDMENT..... page 1
Article 2 CONFORMING AMENDMENTS..... page 2

APPENDIX
Repealed Minnesota Statutes for 05-2856

211C.01 DEFINITIONS.

Subd. 2. **Malfeasance.** "Malfeasance" means the intentional commission of an unlawful or wrongful act by a state officer other than a judge in the performance of the officer's duties that is substantially outside the scope of the authority of the officer and that substantially infringes on the rights of any person or entity.

Subd. 3. **Nonfeasance.** "Nonfeasance" means the intentional, repeated failure of a state officer other than a judge to perform specific acts that are required duties of the officer.

Subd. 4. **Serious crime.** (a) "Serious crime" means a crime that is punished as a gross misdemeanor, as defined in section 609.02, and that involves assault, intentional injury or threat of injury to person or public safety, dishonesty, stalking, aggravated driving while intoxicated, coercion, obstruction of justice, or the sale or possession of controlled substances.

(b) "Serious crime" also means a crime that is punished as a misdemeanor, as defined in section 609.02, and that involves assault, intentional injury or threat of injury to person or public safety, dishonesty, coercion, obstruction of justice, or the sale or possession of controlled substances.

211C.02 GROUNDS.

The grounds for recall of a judge shall be established by the Supreme Court. A state officer other than a judge may be subject to recall for serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office for a serious crime.

211C.04 PROPOSED PETITION; SUBMITTAL.

A petition to recall a state officer may be proposed by 25 or more persons, who must be eligible to sign and shall sign the proposed petition for the recall of the officer. The persons submitting the petition must designate in writing no more than three individuals among them to represent all petitioners in matters relating to the recall. The proposed petition must be submitted to the secretary of state in the manner and form required by the secretary of state and be accompanied by a fee of \$100. After the secretary of state issues a petition to recall a state officer under section 211C.06, the secretary of state may not accept a proposed petition to recall the same officer until either the earlier petition is dismissed by the secretary of state for a deficiency of signatures under section 211C.06, or the recall election brought about by the earlier petition results in the officer retaining the office. Upon receiving a proposed petition that satisfies the requirements of this section, the secretary of state shall immediately notify in writing the state officer named and forward the proposed petition to the clerk of the appellate courts for action under section 211C.05.

211C.05 SUPREME COURT REVIEW OF PROPOSED PETITION.

Subdivision 1. **Assignment for hearing.** Upon receiving a proposed petition from the secretary of state, the clerk of the appellate courts shall submit it immediately to the chief justice of the Supreme Court, or, if the chief justice is the subject of the proposed petition, to the most senior associate justice of the Supreme Court. The persons proposing the petition shall provide to the reviewing judge any materials

APPENDIX
Repealed Minnesota Statutes for 05-2856

supporting the petition. The officer who is named in the proposed petition may submit materials in opposition. The justice, or a designee if the justice has a conflict of interest or is unable to conduct the review in a timely manner, shall review the proposed petition to determine whether it alleges specific facts that, if proven, would constitute grounds for recall of the officer under the Minnesota Constitution, article VIII, section 6, and section 211C.02. If it does not, the justice shall immediately issue an order dismissing the petition and indicating the reason for dismissal. If the proposed petition does allege specific facts that, if proven, would constitute grounds for recall, the justice shall assign the case to a special master for a public hearing. The special master must be an active or retired judge. The justice shall complete the review under this section and dismiss the proposed petition or assign the case for hearing within ten days.

Subd. 2. Hearing; report. A public hearing on the allegations of a proposed petition must be held within 21 days after issuance of the order of the justice assigning the case to a special master. The special master shall report to the court within seven days after the end of the public hearing. In the report, the special master shall determine:

(1) whether the persons proposing the petition have shown by a preponderance of the evidence that the factual allegations supporting the petition are true; and

(2) if so, whether the persons proposing the petition have shown that the facts found to be true are sufficient grounds for issuing a recall petition.

If the special master determines that these standards have been met, the report must include a statement of the specific facts and grounds for the recall petition.

Subd. 3. Supreme Court; decision. The Supreme Court shall review the report of the special master and make a decision on the petition within 20 days. If the court decides that the standard expressed in subdivision 2 has not been met, the court shall dismiss the petition. If the court decides that the standard for decision expressed in subdivision 2 has been met, the court shall prescribe, by order to the secretary of state, the statement of the specific facts and grounds that must appear on the petition for recall issued under section 211C.06. If the court dismisses a petition under this section because the persons proposing the petition have acted in bad faith in violation of section 211C.09, the court may assess the persons proposing the petition for reasonable costs of conducting the proceeding.

Current Minnesota Method for Recall of an Elected Official

START

The elected official must have committed serious malfeasance or nonfeasance while performing the duties of their office or be convicted of a serious crime.

At least 25 people need to sign a proposed petition.

The proposed petition, along with \$100, must be submitted to the Secretary of State.



The proposed petition for recall is then forwarded to the Supreme Court for review.

The Chief Justice has 10 days to review the proposed petition to determine that the alleged grounds, if proven, are proper grounds for recall. If not, the petition is dismissed.

If the proposed petition alleges proper grounds, the Chief Justice assigns the matter to a Special Master.

The Special Master must, within 21 days, conduct a public hearing on the allegations.



Within seven days after the end of the public hearing, the Special Master must make a report determining that the grounds are sufficient for recall and that the persons proposing the petition have shown by a preponderance of the evidence that the allegations are true.

The Supreme Court, within 20 days, reviews the report of the Special Master and determines if the petition should go forward or be dismissed.

If the Supreme Court allows the petition to go forward, it issues an order to the Secretary of State stating the specific facts and grounds that must appear in the petition.



The petition must be signed by eligible voters in that district who number no less than 25 percent of the number of votes cast for that office in the last general election.

The petition, with enough signatures, must be filed with the Secretary of State within 90 days after issuance.

The Secretary of State must verify the number and eligibility of the signees.



If there are enough eligible signators, the Secretary of State certifies the petition and notifies the Governor, petitioners, and subject of the recall.

Within the next five days, the Governor issues a writ calling for a recall election.

The recall election must be held. If a majority of the votes cast favor the removal of the officer, the officer is removed from office.



FINISH!

Senator Jungbauer's Proposed Recall Reform

Start

After an elected official's poor performance, a citizen within the elected official's district must file a recall petition and pay a \$100 filing fee to the Secretary of State. The Secretary of State then issues the recall petition.



Citizens must collect signatures from 25 percent of the number of people who voted for that office in the last general election.



The petition must be returned to the Secretary of State within 90 days of the issuance of the petition, signed only by eligible voters who reside in the elected official's district. The Secretary of State must verify the petition has been signed by eligible voters and has a sufficient number of signatures. If so, the Governor is notified of the certified recall petition.



Within five days of being notified of the signatures by the Secretary of State, the Governor must issue a writ calling for a recall election of the official.



The election is held and if the majority of the votes support recall, the official is removed from office.

Finish!

Senator Nienow introduced--

S.F. No. 1493: Referred to the Committee on Elections.

1

A bill for an act

2

relating to elections; campaign finance; requiring an
3 additional report by a principal campaign committee in
4 a year when the candidate's name is on the ballot;
5 amending Minnesota Statutes 2004, section 10A.20,
6 subdivision 2.

7

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

8

Section 1. Minnesota Statutes 2004, section 10A.20,

9

subdivision 2, is amended to read:

10

Subd. 2. [TIME FOR FILING.] (a) The reports must be filed

11

with the board on or before January 31 of each year and

12

additional reports must be filed as required and in accordance

13

with paragraphs (b) and (c).

14

(b) In each year in which the name of the candidate is on

15

the ballot, the report of the principal campaign committee must

16

be filed 15 days before a primary and ten days before a general

17

election, 30 days after a general election, seven days before a

18

special primary and a special election, and ten days after a

19

special election cycle.

20

(c) In each general election year, a political committee,

21

political fund, or party unit must file reports 15 days before a

22

primary and ten days before a general election.

Senator Nienow introduced--

S.F. No. 1494: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; campaign finance; providing
3 that certain costs of a suggestion solicitation and
4 postage are constituent services; amending Minnesota
5 Statutes 2004, section 10A.01, subdivision 26.

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

7 Section 1. Minnesota Statutes 2004, section 10A.01,
8 subdivision 26, is amended to read:

9 Subd. 26. [NONCAMPAIGN DISBURSEMENT.] "Noncampaign
10 disbursement" means a purchase or payment of money or anything
11 of value made, or an advance of credit incurred, or a donation
12 in kind received, by a principal campaign committee for any of
13 the following purposes:

14 (1) payment for accounting and legal services;

15 (2) return of a contribution to the source;

16 (3) repayment of a loan made to the principal campaign
17 committee by that committee;

18 (4) return of a public subsidy;

19 (5) payment for food, beverages, entertainment, and
20 facility rental for a fund-raising event;

21 (6) services for a constituent by a member of the
22 legislature or a constitutional officer in the executive branch,
23 including the costs of preparing and mailing a suggestion
24 solicitation postcard to constituents, performed from the
25 beginning of the term of office to adjournment sine die of the

1 legislature in the election year for the office held, and half
2 the cost of services for a constituent by a member of the
3 legislature or a constitutional officer in the executive branch
4 performed from adjournment sine die to 60 days after adjournment
5 sine die;

6 (7) payment for food and beverages provided to campaign
7 volunteers while they are engaged in campaign activities;

8 (8) payment of expenses incurred by elected or appointed
9 leaders of a legislative caucus in carrying out their leadership
10 responsibilities;

11 (9) payment by a principal campaign committee of the
12 candidate's expenses for serving in public office, other than
13 for personal uses;

14 (10) costs of child care for the candidate's children when
15 campaigning;

16 (11) fees paid to attend a campaign school;

17 (12) costs of a postelection party during the election year
18 when a candidate's name will no longer appear on a ballot or the
19 general election is concluded, whichever occurs first;

20 (13) interest on loans paid by a principal campaign
21 committee on outstanding loans;

22 (14) filing fees;

23 (15) post-general election thank-you notes or
24 advertisements in the news media;

25 (16) the cost of campaign material purchased to replace
26 defective campaign material, if the defective material is
27 destroyed without being used;

28 (17) contributions to a party unit; and

29 (18) other purchases or payments specified in board rules
30 or advisory opinions as being for any purpose other than to
31 influence the nomination or election of a candidate or to
32 promote or defeat a ballot question.

33 The board must determine whether an activity involves a
34 noncampaign disbursement within the meaning of this subdivision.

35 A noncampaign disbursement is considered to be made in the
36 year in which the candidate made the purchase of goods or

02/09/05

[REVISOR] CEL/JK 05-2545

1 services or incurred an obligation to pay for goods or services.

Senate Elections Committee
Monday, March 14, 2005
Room 307, Capital, 3-5:30pm

Testimony of Frank Wright in opposition to SF 1494:
Suggestion solicitation and postage are constituent services.

Chairman Wiger and members of the Senate Elections Committee. My name is Frank Wright and I live in Lanesboro, Minnesota. I am here to testify in opposition to SF 1494. This bill is an end-run around campaign committee spending limits. It converts what is now a campaign expenditure subject to spending limits into a constituent service for which there are no limits. It is not about constituent services. It is about an incumbent being able to spend even more money on self-promotion to gain re-election. My objections are two-fold:

First. This bill radically corrodes the intentionally narrow interpretation of constituent services in current law. For example, in Opinion 275, the Campaign Finance Board concluded that "advertising your availability to answer questions is not the provision of a constituent service." The true purpose of SF1494 is to overrule the recent **Findings Regarding A Complaint Against Representative Greg Davids**. The Board found that "suggestion solicitation postcards" did not meet the definition of a constituent service as provided in Minnesota Rules (4503.0100, subp. 6.) and must be reported as a campaign expenditure subject to limits. Incumbents already can and do solicit constituent views in legislative surveys and on legislative web-sites. They simply cannot bombard them with endless solicitations, be they cards, ads or radio spots. Keep the definition and interpretation of constituent services narrow. The purpose of political committee funds is campaigns, not constituent services.

Second. This bill creates a huge loophole in campaign committee spending limits. There are no spending limits for constituent services and therefore there would be no limit on the number and variety of "suggestion solicitation postcards" an incumbent might send. If SF1494 passes, only incumbents will have access to this spending limits loophole which they could drive an armored car of cash through if they so desired. Minnesota campaign finance law is supposed to create at least a somewhat level playing field between incumbents and challengers. SF1494 is a ham-handed attempt to blow up the playing field, not level it. Do not undermine the evenhandedness in current campaign finance law. Political committee funds are for competitive campaigns, not constituent services.

Thank you for your consideration.

State Representative
Greg Davids,

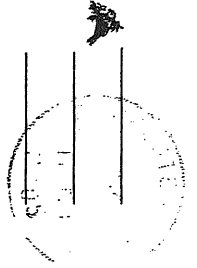
I have an idea for you....

Count me in as
one who would
hope enough would
protest the shooting
of the "mourning
Doves" They
are such nice
birds & what a
shame to hunt
them - Is it
possible to receive
a list of who did
vote for that bill?
A shame that all the
2004 legislators really
accomplished.

Name Margie Snyder
Address R-3 Box 98
City/Zip Spring Valley, MN. 55975
Telephone # 507-378-2482

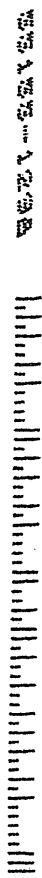


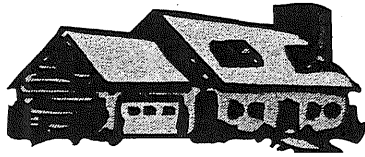
Margie Snyder
Box 98
RR 3
Spring Valley, MN 55975



State Representative Greg Davids

367 State Office Building,
100 Constitution Avenue,
St. Paul, Minnesota 55155-1298





Property Taxes Go Up? You May Be Eligible for A Special Refund

Dear Homeowner,

Minnesota has two property tax refund programs for homeowners: the regular refund, and the special property tax refund. You may be eligible for one or both, depending on your income and the size of your property tax bill.

If your property taxes went up significantly during 2004, you may be eligible for a special Minnesota property tax refund – even if you don't qualify for Minnesota's regular property tax refund program.

Be sure to save your Statement of Property Taxes Payable in 2005, and check the information on the other side to see if you qualify.

Greg Davids
State Representative
District 31B

State Representative
Greg Davids

477 State Office Building, St. Paul, MN 55155
(800) 551-9145 • rep.greg.davids@house.mn

Minnesota's Property Tax Refund Program

Regular property tax refund

The regular property tax refund is for people who own and reside in their home on January 2, 2005. You are eligible if your household income is under \$85,210 for a household with no dependents. The income limit increases with family size, up to \$101,690 for households with five or more dependents.

How much can you get?

The size of your refund will depend on your household income, the number of your dependents and how much property tax you paid. The maximum anyone can receive is \$1,590.

Special property tax refund

The special property tax refund is for people whose 2005 property taxes increased by more than 12 percent and be at least \$100 over your 2004 taxes. The increase must not be attributable to new improvements.

How much can you get?

The maximum special refund a homeowner can receive is \$1,000. The refund is 60 percent of your property tax increase in excess of the greater of 12 percent or \$100.

How to apply

To apply for either or both of these refunds, use Form M1PR, Minnesota Property Tax Refund. You will also find the forms and instructions at many libraries or you can order them by calling the department's 24-hour forms order service: 651-296-4444. Filing deadline is August 15, 2005. Returns can be filed up to a year after the due date. You'll receive your refund by the end of September if you file by August 2, or 60 days after you file, whichever is later.

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Prepared and paid for by People for Davids Committee, Preston, MN 55965

Minnesota State Representative Greg Davids



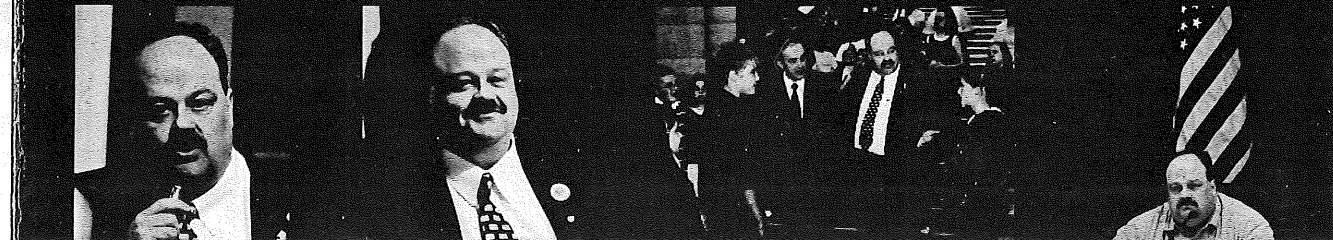
Rep. Davids met with students from Spring Grove during "Spring Grove Pop Day" at the Capitol. Davids shared cases of the locally made pop with other House members.

- ✓ Supported constitutional amendment defining marriage as a union between a man and woman
- ✓ Supported funding for nursing homes to cover high liability costs
- ✓ Supported relief for counties to help cover costs of methamphetamine lab cleanup
- ✓ Supported life sentences for convicted Level III sex offenders
- ✓ Supported lowering DWI limit to .08
- ✓ Supported increasing tuition benefits for Minnesota National Guard members
- ✓ Supported proposal to provide more road and bridge funds to Greater Minnesota
- ✓ Supported legislation to help dairy producers secure financing for operation upgrades
- ✓ Authored legislation to provide funding to Rushford Institute for Nanotechnology
- ✓ Authored legislation to require diesel fuel sold in the state to contain not less than two percent biodiesel fuel

- ✓ Authored legislation to require ovarian cancer screenings in health insurance policies
- ✓ Authored legislation to create a school district employee statewide health insurance pool to reduce health care costs
- ✓ Authored legislation to fund Lower Mississippi River CREP land conservation program
- ✓ Carried legislation to fund a regional jail facility shared by Houston, Winona, Fillmore and Wabasha Counties



2004 Legislative Report

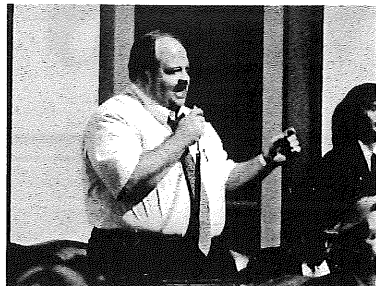


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Rep. Greg Davids
379 State Office Building
St. Paul, MN 55155

State Representative Greg Davids • 2004 Legislative Report



LOWERING HEALTH CARE COSTS

Rising health care costs affect all Minnesotans' quality of life. That's why Rep. Davids supported health care reforms in 2004 that tackle high medical costs, including efforts to reduce state mandates that drive up the cost of family insurance premiums. Rep. Davids supported reforms that give small businesses greater flexibility in choosing affordable health insurance for their employees, and he voted for a tax break for those considering lower-cost Health Savings Accounts. Rep. Davids also supported reforms that would allow for-profit health insurance plans to compete in Minnesota, thus lowering medical insurance costs for everyone. Rep. Davids feels we can all play a role in lowering medical bills – eat right, exercise, and avoid non-healthy activities such as smoking. Government can play a role too, by reducing costly and often unnecessary regulations that drive up health care costs for everyone.



INVESTING IN CHILDREN & SCHOOLS

Rep. Davids supported policies in 2003-2004 that shielded Minnesota's K-12 schools from funding reductions in light of the state's huge \$4.5 billion budget deficit and which brought more equity to rural schools. He voted for legislation to redistribute metro area integration aid to provide more funding to schools in District 31B. He feels we must continue to invest in education and in our children, but that we must invest wisely. That's why he's hopeful about a governor's task force exploring alternative ways of funding education, because schools shouldn't have to move from budget crisis to budget crisis when enrollment declines.

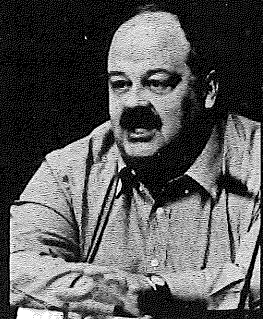


GROWING JOBS & OPPORTUNITY

Rep. Davids supported Gov. Tim Pawlenty's Job Opportunity Building Zone (JOBZ) program which is already showing dramatic results – 300 jobs at a turkey processing plant in Marshall, 200 jobs in Albert Lea at a pork processing plant, and 150 jobs in Luverne at a card processing facility. In Spring, more than 1,500 additional jobs were projected as a result of JOBZ zones. Communities in Fillmore and Houston Counties have many acres designated under this initiative. Rep. Davids also supported policies – including not raising state taxes – that allow more businesses and entrepreneurs to start up companies and grow jobs in Minnesota.

EXPANDING TOURISM

Rep. Davids led efforts to create a stand-alone state tourism bureau – “Explore Minnesota Tourism” – that combines both public and private resources to expand and enhance tourism marketing in Minnesota. “Minnesota tourism promotion will get a shot in the arm. Creating a public-private partnership will attract more private dollars and marketing expertise and allow us to better promote the attractiveness of Minnesota as a vacation destination.”



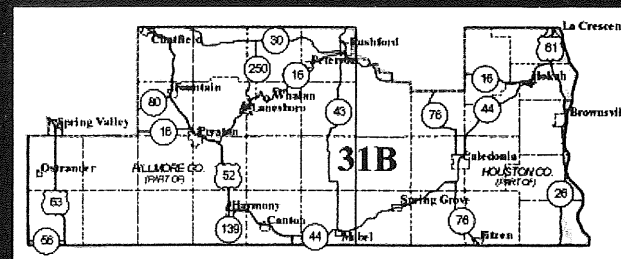
ETHANOL & AGRICULTURE

Rep. Davids is a leading advocate at the Legislature for continued investment in the state's ethanol and biodiesel industry. “Ethanol and biodiesel have provided our farmers with a profitable market for their corn and beans. The industry is growing as demand increases for cleaner-burning fuel alternatives. The environment is cleaner because of our support for ethanol.”



Rep. Greg Davids

Rep. Davids serves on these House Committees:
Commerce, Jobs and Economic Development (Chair);
Economic Development and Tourism Division; Ethics;
Jobs and Economic Development Finance; and
Regulated Industries.



**HOME – P.O. Box 32, Preston, MN 55965
(507) 765-2790**

**LEGISLATURE – 379 State Office Bldg.,
St. Paul, MN 55155 • (651) 296-9278**

E-MAIL – rep.greg.davids@house.mn

FORESTVILLE TRAIL

Rep. Davids worked to secure funding to further develop the Forestville Trail within the Root River Valley. “The trails here in southeastern Minnesota are some of the most beautiful in Minnesota. They're a state natural resource worth protecting and expanding.” Davids also sought funding to keep open Historic Forestville.

Dear Neighbor,

I am committed to open communication with you. To help make this possible, I hope that you will take a few minutes to jot down your comments and concerns on this card and mail it to me. You can also check the boxes beside the topics that are of interest to you. Please retain the business card below and keep me informed about those issues of concern to you.

I am interested in receiving more information on the following issues:

- | | |
|--|---|
| <input type="checkbox"/> Senior Issues | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Education | <input type="checkbox"/> Budget Issues |

Your name: _____

Address: _____

City/Zip: _____

Phone: _____

E-mail Address: _____

I would like to receive e-mail updates.

Not printed at government expense.

Place
Stamp
Here

State Representative Lynn Wardlow
491 State Office Building
St. Paul, MN 55155-1298



State Representative
Lynn Wardlow

491 State Office Building
St. Paul, MN 55155
(651) 296-4128

rep.lynn.wardlow@house.mn

State Representative
Lynn Wardlow

Serving District 38B
Eagan, Minnesota

*Committees: Civil Law,
Education Finance, Education Policy*



Dear Neighbor,

All too often you only hear from public officials right before an election. I want to make sure you know how to contact me to tell me what's on your mind.

Please feel free to write your comments on this postcard and send it to my home. You can also tear off my business card to keep as a reference. I care about what you think. Please write me today!

Michelle Rifenberg



Minnesota
House of Representatives
Michelle Rifenberg
State Representative
State Office Building
Saint Paul, MN 55155
(612)296-1069

State Representative Michelle Rifenberg
407 North Fourth Street
La Crescent, MN 55947

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(612) 296-1069
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2005 Legislative Survey



Representative Greg Davids Appreciates Your Opinion!

In order to better represent you at the Capitol, I would appreciate your thoughts and opinions on some issues that will likely be discussed during the 2005 legislative session. Please mark your responses and then fold, seal and return the survey to me with my address label facing out. If you have additional comments, please enclose a separate sheet. Thank you for the privilege of representing you!

1. Do you feel lawmakers should increase the state's transportation improvement budget, and if so, how should we raise funds?

- | "Voter 1" | | "Voter 2" | |
|--------------------------|--------------------------|---|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 5-cent state-wide gas tax increase | |
| <input type="checkbox"/> | <input type="checkbox"/> | Increased license tab fees | |
| <input type="checkbox"/> | <input type="checkbox"/> | A one-half cent increase in the Minnesota sales tax | |
| <input type="checkbox"/> | <input type="checkbox"/> | I do not think we should increase the road improvement budget | |

2. Do you support state efforts that will require cleaner burning domestically produced biodiesel fuel in the spring of 2005?

- | | | |
|--------------------------|--------------------------|-----|
| <input type="checkbox"/> | <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | <input type="checkbox"/> | No |

3. In an effort to boost ethanol's percentage at the retail pump, would you support increasing the usage of renewable fuels in state fleet vehicles?

- | | | |
|--------------------------|--------------------------|-----|
| <input type="checkbox"/> | <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | <input type="checkbox"/> | No |

4. Given the fact that K-12 education currently accounts for over 40% of the entire state budget, which of the following statements best describes your beliefs about this level of funding:

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | The current level of funding is sufficient, and we have appropriate measures of educational accountability. |
| <input type="checkbox"/> | <input type="checkbox"/> | The current level of funding is insufficient, but there should be greater accountability for student achievement if we are going to increase funding. |
| <input type="checkbox"/> | <input type="checkbox"/> | The current level of funding is already too high. |

5. In order to balance the state's budget, do you support:

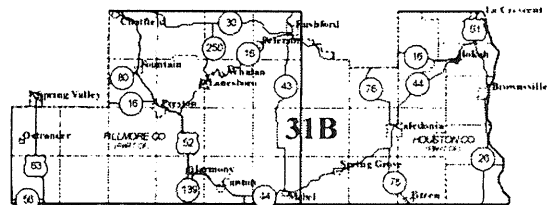
- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Reducing government spending |
| <input type="checkbox"/> | <input type="checkbox"/> | Expanding the sales tax to clothing and services |
| <input type="checkbox"/> | <input type="checkbox"/> | Increasing taxes on businesses |
| <input type="checkbox"/> | <input type="checkbox"/> | Raising the income tax |
| <input type="checkbox"/> | <input type="checkbox"/> | Raising the gas tax |
| <input type="checkbox"/> | <input type="checkbox"/> | A combination of tax increases and spending reductions |

6. Do you support a statewide smoking ban in public places such as bars and restaurants?

- | | | |
|--------------------------|--------------------------|-----|
| <input type="checkbox"/> | <input type="checkbox"/> | Yes |
| <input type="checkbox"/> | <input type="checkbox"/> | No |

7. Of the following issues, which is most important to you? (Please choose only one)

- | | | |
|--------------------------|--------------------------|---------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Jobs/economic development |
| <input type="checkbox"/> | <input type="checkbox"/> | Taxes |
| <input type="checkbox"/> | <input type="checkbox"/> | Abortion |
| <input type="checkbox"/> | <input type="checkbox"/> | Education |
| <input type="checkbox"/> | <input type="checkbox"/> | Transportation |
| <input type="checkbox"/> | <input type="checkbox"/> | Health care |



8. Regarding health care, what is most important to you?

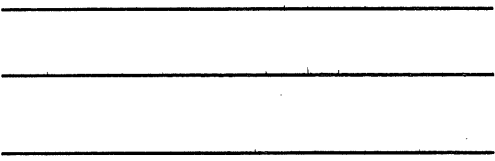
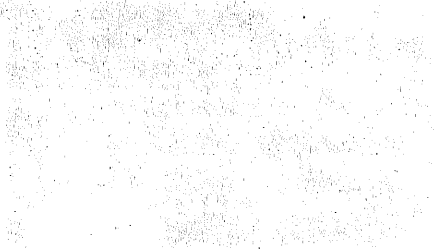
- | | | |
|--------------------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Cost of health insurance |
| <input type="checkbox"/> | <input type="checkbox"/> | Cost of prescription drugs |
| <input type="checkbox"/> | <input type="checkbox"/> | Privacy of medical records |
| <input type="checkbox"/> | <input type="checkbox"/> | Choice of health care provider |

Name(s): _____

Address: _____

City, Zip: _____

Rep. Greg Davids
477 State Office Building
100 Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1298
(800) 551-9145



Place
Stamp
Here

***State Rep. Greg Davids
477 State Office Building
100 Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1298***