

Senators Higgins, Wiger, Lourey and McGinn introduced--  
S.F. No. 1086: Referred to the Committee on Elections.

1                   A bill for an act  
2           relating to elections; authorizing early voting by  
3           absentee ballot at certain locations without  
4           qualification; amending Minnesota Statutes 2004,  
5           section 203B.02, by adding a subdivision.  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
7           Section 1. Minnesota Statutes 2004, section 203B.02, is  
8           amended by adding a subdivision to read:  
9           Subd. 4. [EARLY VOTING.] Any eligible voter who desires to  
10          vote in person at the office of the county auditor or municipal  
11          clerk, or at another location designated by the county auditor  
12          or municipal clerk for early voting, may vote by absentee ballot  
13          as provided in sections 203B.04 to 203B.15 at any time after  
14          absentee ballots become available.

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and Fiscal Analysis**

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**Senate**  
State of Minnesota

**S.F. No. 1086 - Early Voting  
A-1 Delete-everything Amendment**

**Author:** Senator Linda Higgins

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

**Date:** March 11, 2005

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**SCS1086A-1** permits a voter to vote by absentee ballot without an excuse and authorizes any voter to vote early in person. Early voting would be permitted at a polling place established by the county auditor during the eight days preceding a primary or general election.

**Section 1** requires the Statewide Voter Registration System (SVRS) to provide rosters, master lists, and other reports necessary for early voting.

**Section 2** authorizes any eligible voter to vote by absentee ballot. It strikes the specific reasons a voter must now give for being unable to vote in person.

**Section 3** strikes from the absentee ballot application any reference to the reason the voter will be unable to vote in person at the polling place on election day.

**Section 4** closes the offices of the county auditor and municipal clerk for absentee balloting at noon, rather than 5:00 p.m., on the day before a primary or special or general election.

**Section 5** authorizes an eligible voter to cast a ballot at the county auditor's office or at any other polling place designated for early voting by the county auditor during the eight days before a regularly scheduled primary or election. It requires a voter to sign the voting roster or register to vote, just as on election day. The voter must vote at the polling place and not take the ballot from the polling place. Election officials must mark the polling place rosters to indicate the voters who have cast ballots by early voting, and those voters may not vote on election day or have an absentee ballot counted. Vote totals from early voting may not be made public until the close of voting on election day. Early voting in a special election must begin no earlier than four days before the election.

PSW:vs

1 Senator ..... moves to amend S.F. No. 1086 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 201.022,  
4 subdivision 1, is amended to read:

5 Subdivision 1. [ESTABLISHMENT.] The secretary of state  
6 shall maintain a statewide voter registration system to  
7 facilitate voter registration and to provide a central database  
8 containing voter registration information from around the  
9 state. The system must be accessible to the county auditor of  
10 each county in the state. The system must also:

11 (1) provide for voters to submit their voter registration  
12 applications to any county auditor, the secretary of state, or  
13 the Department of Public Safety;

14 (2) provide for the definition, establishment, and  
15 maintenance of a central database for all voter registration  
16 information;

17 (3) provide for entering data into the statewide  
18 registration system;

19 (4) provide for electronic transfer of completed voter  
20 registration applications from the Department of Public Safety  
21 to the secretary of state or the county auditor;

22 (5) assign a unique identifier to each legally registered  
23 voter in the state;

24 (6) provide for the acceptance of the Minnesota driver's  
25 license number, Minnesota state identification number, and last  
26 four digits of the Social Security number for each voter record;

27 (7) coordinate with other agency databases within the  
28 state;

29 (8) allow county auditors and the secretary of state to add  
30 or modify information in the system to provide for accurate and  
31 up-to-date records;

32 (9) allow county auditors, municipal and school district  
33 clerks, and the secretary of state to have electronic access to  
34 the statewide registration system for review and search  
35 capabilities;

36 (10) provide security and protection of all information in

1 the statewide registration system and ensure that unauthorized  
2 access is not allowed;

3 (11) provide access to municipal clerks to use the system;

4 (12) provide a system for each county to identify the  
5 precinct to which a voter should be assigned for voting  
6 purposes;

7 (13) provide daily reports accessible by county auditors on  
8 the driver's license numbers, state identification numbers, or  
9 last four digits of the Social Security numbers submitted on  
10 voter registration applications that have been verified as  
11 accurate by the secretary of state; and

12 (14) provide reports on the number of absentee ballots  
13 transmitted to and returned and cast by voters under section  
14 203B.16; and

15 (15) provide rosters, master lists, and other reports  
16 necessary for early voting.

17 The appropriate state or local official shall provide  
18 security measures to prevent unauthorized access to the  
19 computerized list established under section 201.021.

20 Sec. 2. Minnesota Statutes 2004, section 203B.02,  
21 subdivision 1, is amended to read:

22 Subdivision 1. [~~UNABLE-TO-GO-TO-POLLING-PLACE~~ ELIGIBILITY  
23 FOR ABSENTEE VOTING.] Any eligible voter ~~who-reasonably-expects~~  
24 ~~to-be-unable-to-go-to-the-polling-place-on-election-day-in-the~~  
25 ~~precinct-where-the-individual-maintains-residence-because-of~~  
26 ~~absence-from-the-precinct,-illness,-disability,-religious~~  
27 ~~discipline,-observance-of-a-religious-holiday,-or-service-as-an~~  
28 ~~election-judge-in-another-precinct~~ may vote by absentee ballot  
29 as provided in sections 203B.04 to 203B.15.

30 Sec. 3. Minnesota Statutes 2004, section 203B.04,  
31 subdivision 1, is amended to read:

32 Subdivision 1. [APPLICATION PROCEDURES.] Except as  
33 otherwise allowed by subdivision 2, an application for absentee  
34 ballots for any election may be submitted at any time not less  
35 than one day before the day of that election. The county  
36 auditor shall prepare absentee ballot application forms in the

1 format provided in the rules of the secretary of state and shall  
2 furnish them to any person on request. An application submitted  
3 pursuant to this subdivision shall be in writing and shall be  
4 submitted to:

5 (a) (1) the county auditor of the county where the  
6 applicant maintains residence; or

7 (b) (2) the municipal clerk of the municipality, or school  
8 district if applicable, where the applicant maintains residence.

9 An application shall be approved if it is timely received,  
10 signed and dated by the applicant, contains the applicant's name  
11 and residence and mailing addresses, and states that the  
12 applicant is eligible to vote by absentee ballot ~~for one of the~~  
13 ~~reasons specified in section 203B.02.~~ The application may  
14 contain a request for the voter's date of birth, which must not  
15 be made available for public inspection. An application may be  
16 submitted to the county auditor or municipal clerk by an  
17 electronic facsimile device. An application mailed or returned  
18 in person to the county auditor or municipal clerk on behalf of  
19 a voter by a person other than the voter must be deposited in  
20 the mail or returned in person to the county auditor or  
21 municipal clerk within ten days after it has been dated by the  
22 voter and no later than six days before the election. The  
23 absentee ballot applications or a list of persons applying for  
24 an absentee ballot may not be made available for public  
25 inspection until the close of voting on election day.

26 An application under this subdivision may contain an  
27 application under subdivision 5 to automatically receive an  
28 absentee ballot application.

29 Sec. 4. Minnesota Statutes 2004, section 203B.085, is  
30 amended to read:

31 203B.085 [COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO  
32 REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

33 The county auditor's office in each county and the clerk's  
34 office in each city or town authorized under section 203B.05 to  
35 administer absentee balloting must be open for acceptance of  
36 absentee ballot applications and casting of absentee ballots

1 from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00  
2 ~~p.m.~~ 12:00 noon on the day immediately preceding a primary,  
3 special, or general election unless that day falls on a Saturday  
4 or Sunday. Town clerks' offices must be open for absentee  
5 voting from 10:00 a.m. to 12:00 noon on the Saturday before a  
6 town general election held in March. The school district clerk,  
7 when performing the county auditor's election duties, need not  
8 comply with this section.

9 Sec. 5. [203B.30] [EARLY VOTING.]

10 Subdivision 1. [AUTHORIZATION; POLLING PLACE DESIGNATION.]

11 An eligible voter may cast a ballot at the county auditor's  
12 office or at any other polling place designated for early voting  
13 by the county auditor during the eight days before a regularly  
14 scheduled primary or election. Early voting on the Saturday and  
15 Monday before the election must occur during the same hours  
16 provided for absentee voting. The county auditor shall  
17 designate the polling places for early voting no later than 90  
18 days before the election and publish a notice of the early  
19 voting polling place locations one week before the first day for  
20 early voting.

21 Subd. 2. [VOTING PROCEDURE.] A voter shall sign an early  
22 voting roster that must include the certification provided in  
23 section 204C.10. An individual who is not registered to vote  
24 must register in the manner provided in section 201.061,  
25 subdivision 3. After the roster has been signed, the  
26 appropriate ballot for the voter's precinct, initialed by two  
27 election judges, must be provided to the voter. The ballot must  
28 be marked by the voter and deposited in either a precinct voting  
29 system or in a sealed ballot box. A voter may not leave the  
30 polling place with the ballot.

31 Subd. 3. [RECORD OF VOTING.] The county auditor shall  
32 provide the municipal clerks with the names of individuals who  
33 have signed the early voting roster. The polling place rosters  
34 must be marked no later than 7:00 a.m. on election day to  
35 indicate the voters who have cast a ballot by early voting. The  
36 rosters may be marked either by the municipal clerk before

1 election day or by the election judges on election day. A voter  
2 who has cast a ballot by early voting must not be permitted to  
3 vote at the polling place on election day. An absentee ballot  
4 received from a voter who has cast a ballot by early voting must  
5 be rejected by the election judges.

6 Subd. 4. [COUNTING AND COMPILING VOTES.] Before election  
7 day, the county auditor shall remove the early-voted ballots  
8 from the ballot box or precinct voting system, sort the ballots  
9 by precinct, and enclose them in a sealed envelope or container.  
10 If the ballots have not been counted, they must be delivered  
11 either to the election judges at the appropriate polling place  
12 or to the counting center before the close of voting on election  
13 day. Ballots that have been counted must be securely stored by  
14 the county auditor with the balance of the ballots from each  
15 respective precinct and the vote totals from these ballots must  
16 be added to the results from the polling place.

17 Vote totals from early voting may not be made public until  
18 the close of voting on election day.

19 Subd. 5. [SPECIAL ELECTIONS.] Early voting for a special  
20 election must begin no earlier than four days before the  
21 election."

22 Delete the title and insert:

23 "A bill for an act  
24 relating to elections; authorizing early voting;  
25 making it easier to vote by absentee ballot; amending  
26 Minnesota Statutes 2004, sections 201.022, subdivision  
27 1; 203B.02, subdivision 1; 203B.04, subdivision 1;  
28 203B.085; proposing coding for new law in Minnesota  
29 Statutes, chapter 203B."

**COMMITTEE REPORT - WITH AMENDMENTS****Committee on Elections****S.F. No.** 1086 Resolution Re-referred (from another committee)**Amendments:****A-1 amendment(see attached)****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).March 21, 2005 (date of committee recommendation)

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

3 S.F. No. 1086: A bill for an act relating to elections;  
4 authorizing early voting by absentee ballot at certain locations  
5 without qualification; amending Minnesota Statutes 2004, section  
6 203B.02, by adding a subdivision.

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

9 Delete everything after the enacting clause and insert:

10 "Section 1. Minnesota Statutes 2004, section 201.022,  
11 subdivision 1, is amended to read:

12 Subdivision 1. [ESTABLISHMENT.] The secretary of state  
13 shall maintain a statewide voter registration system to  
14 facilitate voter registration and to provide a central database  
15 containing voter registration information from around the  
16 state. The system must be accessible to the county auditor of  
17 each county in the state. The system must also:

18 (1) provide for voters to submit their voter registration  
19 applications to any county auditor, the secretary of state, or  
20 the Department of Public Safety;

21 (2) provide for the definition, establishment, and  
22 maintenance of a central database for all voter registration  
23 information;

24 (3) provide for entering data into the statewide  
25 registration system;

26 (4) provide for electronic transfer of completed voter  
27 registration applications from the Department of Public Safety  
28 to the secretary of state or the county auditor;

29 (5) assign a unique identifier to each legally registered  
30 voter in the state;

31 (6) provide for the acceptance of the Minnesota driver's  
32 license number, Minnesota state identification number, and last  
33 four digits of the Social Security number for each voter record;

34 (7) coordinate with other agency databases within the  
35 state;

36 (8) allow county auditors and the secretary of state to add  
37 or modify information in the system to provide for accurate and  
38 up-to-date records;

1 (9) allow county auditors, municipal and school district  
2 clerks, and the secretary of state to have electronic access to  
3 the statewide registration system for review and search  
4 capabilities;

5 (10) provide security and protection of all information in  
6 the statewide registration system and ensure that unauthorized  
7 access is not allowed;

8 (11) provide access to municipal clerks to use the system;

9 (12) provide a system for each county to identify the  
10 precinct to which a voter should be assigned for voting  
11 purposes;

12 (13) provide daily reports accessible by county auditors on  
13 the driver's license numbers, state identification numbers, or  
14 last four digits of the Social Security numbers submitted on  
15 voter registration applications that have been verified as  
16 accurate by the secretary of state; and

17 (14) provide reports on the number of absentee ballots  
18 transmitted to and returned and cast by voters under section  
19 203B.16; and

20 (15) provide rosters, master lists, and other reports  
21 necessary for early voting.

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23 security measures to prevent unauthorized access to the  
24 computerized list established under section 201.021.

25 Sec. 2. Minnesota Statutes 2004, section 203B.02,  
26 subdivision 1, is amended to read:

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29 ~~to-be-unable-to-go-to-the-polling-place-on-election-day-in-the~~  
30 ~~precinct-where-the-individual-maintains-residence-because-of~~  
31 ~~absence-from-the-precinct,-illness,-disability,-religious~~  
32 ~~discipline,-observance-of-a-religious-holiday,-or-service-as-an~~  
33 ~~election-judge-in-another-precinct~~ may vote by absentee ballot  
34 as provided in sections 203B.04 to 203B.15.

35 Sec. 3. Minnesota Statutes 2004, section 203B.04,  
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1           Subdivision 1. [APPLICATION PROCEDURES.] Except as  
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12           (b) (2) the municipal clerk of the municipality, or school  
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15 signed and dated by the applicant, contains the applicant's name  
16 and residence and mailing addresses, and states that the  
17 applicant is eligible to vote by absentee ballot ~~for one of the~~  
18 ~~reasons specified in section 203B.02.~~ The application may  
19 contain a request for the voter's date of birth, which must not  
20 be made available for public inspection. An application may be  
21 submitted to the county auditor or municipal clerk by an  
22 electronic facsimile device. An application mailed or returned  
23 in person to the county auditor or municipal clerk on behalf of  
24 a voter by a person other than the voter must be deposited in  
25 the mail or returned in person to the county auditor or  
26 municipal clerk within ten days after it has been dated by the  
27 voter and no later than six days before the election. The  
28 absentee ballot applications or a list of persons applying for  
29 an absentee ballot may not be made available for public  
30 inspection until the close of voting on election day.

31           An application under this subdivision may contain an  
32 application under subdivision 5 to automatically receive an  
33 absentee ballot application.

34           Sec. 4. Minnesota Statutes 2004, section 203B.085, is  
35 amended to read:

36           203B.085 [COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO

1 REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

2 The county auditor's office in each county and the clerk's  
3 office in each city or town authorized under section 203B.05 to  
4 administer absentee balloting must be open for acceptance of  
5 absentee ballot applications and casting of absentee ballots  
6 from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00  
7 ~~p.m.~~ 12:00 noon on the day immediately preceding a primary,  
8 special, or general election unless that day falls on a Saturday  
9 or Sunday. Town clerks' offices must be open for absentee  
10 voting from 10:00 a.m. to 12:00 noon on the Saturday before a  
11 town general election held in March. The school district clerk,  
12 when performing the county auditor's election duties, need not  
13 comply with this section.

14 Sec. 5. [203B.30] [EARLY VOTING.]

15 Subdivision 1. [AUTHORIZATION; POLLING PLACE DESIGNATION.]

16 An eligible voter may cast a ballot at the county auditor's  
17 office or at any other polling place designated for early voting  
18 by the county auditor during the eight days before a regularly  
19 scheduled primary or election. Early voting on the Saturday and  
20 Monday before the election must occur during the same hours  
21 provided for absentee voting. The county auditor shall  
22 designate the polling places for early voting no later than 90  
23 days before the election and publish a notice of the early  
24 voting polling place locations one week before the first day for  
25 early voting.

26 Subd. 2. [VOTING PROCEDURE.] A voter shall sign an early  
27 voting roster that must include the certification provided in  
28 section 204C.10. An individual who is not registered to vote  
29 must register in the manner provided in section 201.061,  
30 subdivision 3. After the roster has been signed, the  
31 appropriate ballot for the voter's precinct, initialed by two  
32 election judges, must be provided to the voter. The ballot must  
33 be marked by the voter and deposited in either a precinct voting  
34 system or in a sealed ballot box. A voter may not leave the  
35 polling place with the ballot.

36 Subd. 3. [RECORD OF VOTING.] The county auditor shall

1 provide the municipal clerks with the names of individuals who  
 2 have signed the early voting roster. The polling place rosters  
 3 must be marked no later than 7:00 a.m. on election day to  
 4 indicate the voters who have cast a ballot by early voting. The  
 5 rosters may be marked either by the municipal clerk before  
 6 election day or by the election judges on election day. A voter  
 7 who has cast a ballot by early voting must not be permitted to  
 8 vote at the polling place on election day. An absentee ballot  
 9 received from a voter who has cast a ballot by early voting must  
 10 be rejected by the election judges.

11 Subd. 4. [COUNTING AND COMPILING VOTES.] Before election  
 12 day, the county auditor shall remove the early-voted ballots  
 13 from the ballot box or precinct voting system, sort the ballots  
 14 by precinct, and enclose them in a sealed envelope or container.  
 15 If the ballots have not been counted, they must be delivered  
 16 either to the election judges at the appropriate polling place  
 17 or to the counting center before the close of voting on election  
 18 day. Ballots that have been counted must be securely stored by  
 19 the county auditor with the balance of the ballots from each  
 20 respective precinct and the vote totals from these ballots must  
 21 be added to the results from the polling place.

22 Vote totals from early voting may not be made public until  
 23 the close of voting on election day.

24 Subd. 5. [SPECIAL ELECTIONS.] Early voting for a special  
 25 election must begin no earlier than four days before the  
 26 election."

27 Delete the title and insert:

28 "A bill for an act relating to elections; authorizing early  
 29 voting; making it easier to vote by absentee ballot; amending  
 30 Minnesota Statutes 2004, sections 201.022, subdivision 1;  
 31 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.085;  
 32 proposing coding for new law in Minnesota Statutes, chapter  
 33 203B."

34 And when so amended the bill do pass. Amendments adopted.  
 35 Report adopted.

.....  
 (Committee Chair)

March 21, 2005.....  
 (Date of Committee recommendation)

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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) *PW*

**Date:** February 11, 2005

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**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

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“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 Delete everything after the enacting clause 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. Institutions that do  
12 not consider student addresses to be public information under  
13 applicable federal and state privacy laws shall make release  
14 forms available to all students authorizing the institution to  
15 provide the addresses to the county auditor. The list  
16 shall ~~include-each-student's-current~~ be based on the most recent  
17 residence address the student has provided to the institution.  
18 If the student gives the institution, before the list is sent to  
19 the county auditor or auditors, a written request that the  
20 student's name and residence address be omitted from the list,  
21 the institution must honor the request. The list shall be  
22 certified and sent to the appropriate county auditor or auditors  
23 for use in election day registration as provided under section  
24 201.061, subdivision 3.

25 Sec. 2. Minnesota Statutes 2004, section 201.061,  
26 subdivision 3, is amended to read:

27 Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is  
28 eligible to vote may register on election day by appearing in  
29 person at the polling place for the precinct in which the  
30 individual maintains residence, by completing a registration  
31 application, making an oath in the form prescribed by the  
32 secretary of state and providing proof of residence. An  
33 individual may prove residence for purposes of registering by:

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

36 (2) presenting a current and valid photo identification

1 that shows the voter's name and address;

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

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

8 ~~(3)~~ (5) presenting one of the following:

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

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

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

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

21 ~~(4)~~ (6) having a voter who is registered to vote in the  
22 precinct sign an oath in the presence of the election judge  
23 vouching that the voter personally knows that the individual is  
24 a resident of the precinct. A voter who has been vouched for on  
25 election day may not sign a proof of residence oath vouching for  
26 any other individual on that election day.

27 For tribal band members ~~living-on-an-Indian-reservation~~, an  
28 individual may prove residence for purposes of registering by  
29 presenting an identification card issued by the tribal  
30 government of a tribe recognized by the Bureau of Indian  
31 Affairs, United States Department of the Interior, that contains  
32 the name, ~~street~~ address, signature, and picture of the  
33 individual. If the tribal identification card does not contain  
34 an address or the address is not current or is incomplete,  
35 residence may be proved by presenting the tribal identification  
36 card and one of the documents listed in clause (3). The county

1 auditor of each county having territory within the reservation  
2 shall maintain a record of the number of election day  
3 registrations accepted under this section.

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

1 Senator ..... moves to amend S.F. No. 852 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 135A.17,  
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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. Institutions that do  
12 not consider student addresses to be public information under  
13 applicable federal and state privacy laws shall make release  
14 forms available to all students authorizing the institution to  
15 provide the addresses to the county auditor. The list  
16 shall include-each-student's-current be based on the most recent  
17 residence address the student has provided to the institution.  
18 If the student gives the institution, before the list is sent to  
19 the county auditor or auditors, a written request that the  
20 student's name and residence address be omitted from the list,  
21 the institution must honor the request. The list shall be  
22 certified and sent to the appropriate county auditor or auditors  
23 for use in election day registration as provided under section  
24 201.061, subdivision 3.

25 Sec. 2. Minnesota Statutes 2004, section 201.061,  
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28 eligible to vote may register on election day by appearing in  
29 person at the polling place for the precinct in which the  
30 individual maintains residence, by completing a registration  
31 application, making an oath in the form prescribed by the  
32 secretary of state and providing proof of residence. An  
33 individual may prove residence for purposes of registering by:

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

36 (2) presenting a current and valid photo identification

1 that shows the name and address of the voter;

2 (3) presenting a copy of a current utility bill, signed  
3 residential lease, wireless telephone bill, bank statement,  
4 government check, paycheck, or other government document that  
5 shows the name and address of the voter;

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

8 ~~(3)~~ (5) presenting one of the following:

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

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

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

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

21 ~~(4)~~ (6) having a voter who is registered to vote in the  
22 precinct sign an oath in the presence of the election judge  
23 vouching that the voter personally knows that the individual is  
24 a resident of the precinct. A voter who has been vouched for on  
25 election day may not sign a proof of residence oath vouching for  
26 any other individual on that election day.

27 For tribal band members ~~living-on-an-Indian-reservation~~, an  
28 individual may prove residence for purposes of registering by  
29 presenting an identification card issued by the tribal  
30 government of a tribe recognized by the Bureau of Indian  
31 Affairs, United States Department of the Interior, that contains  
32 the name, ~~street~~ address, signature, and picture of the  
33 individual. ~~The-county-auditor-of-each-county-having-territory~~  
34 ~~within-the-reservation-shall-maintain-a-record-of-the-number-of~~  
35 ~~election-day-registrations-accepted-under-this-section.~~

36 A county, school district, or municipality may require that

1 an election judge responsible for election day registration  
2 initial each completed registration application.

3 Sec. 3. Minnesota Statutes 2004, section 201.061, is  
4 amended by adding a subdivision to read:

5 Subd. 3a. [DEFINITIONS.] (a) The definitions in this  
6 subdivision apply to subdivision 3.

7 (b) "Bank statement" includes a bank statement, investment  
8 account statement, brokerage statement, pension fund statement,  
9 dividend check, or any other notice or letter from a financial  
10 institution relating to an account or investment held by the  
11 voter at the financial institution.

12 (c) "Government check" includes a Social Security  
13 Administration check statement or a check stub or electronic  
14 deposit receipt from a public assistance payment or tax refund  
15 or credit.

16 (d) "Other government document" includes military  
17 identification; a document issued by a governmental entity that  
18 qualifies for use as identification for purposes of acquiring a  
19 driver's license in this state; a Metro Mobility card; a  
20 property tax statement; a public housing lease or rent statement  
21 or agreement, or a rent statement or agreement provided under a  
22 subsidized housing program; a document or statement provided to  
23 a voter as evidence of income or eligibility for a tax deduction  
24 or tax credit; a periodic notice from a federal, state, or local  
25 agency for a public assistance program, such as the Minnesota  
26 family investment program, food stamps, general assistance,  
27 medical assistance, general assistance medical care, Minnesota  
28 Care, unemployment benefits, or social security; an insurance  
29 card for a government administered or subsidized health  
30 insurance program; or a discharge certificate, pardon, or other  
31 official document issued to the voter in connection with the  
32 resolution of a criminal case, indictment, sentence, or other  
33 matter, in accordance with state law.

34 (e) "Paycheck" includes a check stub or electronic deposit  
35 receipt.

36 (f) "Utility bill" includes a bill for gas, electricity,

1 telephone, wireless telephone, cable television, solid waste,  
2 water, or sewer services."

3 Delete the title and insert:

4 "A bill for an act relating to elections; facilitating  
5 voter registration by college students and others; amending  
6 Minnesota Statutes 2004, sections 135A.17, subdivision 2;  
7 201.061, subdivision 3, by adding a subdivision."

# COMMITTEE REPORT - WITH AMENDMENTS

**Committee on** Elections

**S.F. No.** 852

- Resolution
- Re-referred (from another committee)

**Amendments:**

**A-6 amendment (see attached)**

**Oral amendment written on attached amendment pg. 2**

**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).

March 21, 2005 (date of committee recommendation)

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

3 S.F. No. 852: A bill for an act relating to elections;  
4 facilitating voter registration by college students; amending  
5 Minnesota Statutes 2004, sections 135A.17, subdivision 2;  
6 201.061, subdivision 3.

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

9 Delete everything after the enacting clause and insert:

10 "Section 1. Minnesota Statutes 2004, section 135A.17,  
11 subdivision 2, is amended to read:

12 Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary  
13 institutions that enroll students accepting state or federal  
14 financial aid ~~may~~ shall prepare a current list of ~~students~~ the  
15 name and address of each student enrolled in the institution and  
16 residing in the institution's housing or in other housing within  
17 ten-miles-of the county, or a county contiguous to the county,  
18 where the institution's campus is located. Institutions that do  
19 not consider student addresses to be public information under  
20 applicable federal and state privacy laws shall make release  
21 forms available to all students authorizing the institution to  
22 provide the addresses to the county auditor. The list  
23 shall include-each-student's-current be based on the most recent  
24 residence address the student has provided to the institution.  
25 If the student gives the institution, before the list is sent to  
26 the county auditor or auditors, a written request that the  
27 student's name and residence address be omitted from the list,  
28 the institution must honor the request. The list shall be  
29 certified and sent to the appropriate county auditor or auditors  
30 for use in election day registration as provided under section  
31 201.061, subdivision 3.

32 Sec. 2. Minnesota Statutes 2004, section 201.061,  
33 subdivision 3, is amended to read:

34 Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is  
35 eligible to vote may register on election day by appearing in  
36 person at the polling place for the precinct in which the  
37 individual maintains residence, by completing a registration  
38 application, making an oath in the form prescribed by the

1 secretary of state and providing proof of residence. An  
2 individual may prove residence for purposes of registering by:

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

5 (2) presenting a current and valid photo identification  
6 that shows the name and valid residential address of the voter;

7 (3) presenting a copy of a current utility bill, signed  
8 residential lease, wireless telephone bill, bank statement,  
9 government check, paycheck, or other government document that  
10 shows the name and valid residential address of the voter;

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

13 ~~(3)~~ (5) presenting one of the following:

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

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

22 (iii) a copy of a current student registration card that  
23 contains the student's valid residential address in the  
24 precinct; or

25 (iv) a current student monthly rental statement that  
26 contains the student's valid residential address in the  
27 precinct; or

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

34 For tribal band members ~~living-on-an-Indian-reservation~~, an  
35 individual may prove residence for purposes of registering by  
36 presenting an identification card issued by the tribal

1 government of a tribe recognized by the Bureau of Indian  
2 Affairs, United States Department of the Interior, that contains  
3 the name, ~~street~~ address, signature, and picture of the  
4 individual. ~~The county auditor of each county having territory~~  
5 ~~within the reservation shall maintain a record of the number of~~  
6 ~~election day registrations accepted under this section.~~

7 A county, school district, or municipality may require that  
8 an election judge responsible for election day registration  
9 initial each completed registration application.

10 Sec. 3. Minnesota Statutes 2004, section 201.061, is  
11 amended by adding a subdivision to read:

12 Subd. 3a. [DEFINITIONS.] (a) The definitions in this  
13 subdivision apply to subdivision 3.

14 (b) "Bank statement" includes a bank statement, investment  
15 account statement, brokerage statement, pension fund statement,  
16 dividend check, or any other notice or letter from a financial  
17 institution relating to an account or investment held by the  
18 voter at the financial institution.

19 (c) "Government check" includes a Social Security  
20 Administration check statement or a check stub or electronic  
21 deposit receipt from a public assistance payment or tax refund  
22 or credit.

23 (d) "Other government document" includes military  
24 identification; a document issued by a governmental entity that  
25 qualifies for use as identification for purposes of acquiring a  
26 driver's license in this state; a Metro Mobility card; a  
27 property tax statement; a public housing lease or rent statement  
28 or agreement, or a rent statement or agreement provided under a  
29 subsidized housing program; a document or statement provided to  
30 a voter as evidence of income or eligibility for a tax deduction  
31 or tax credit; a periodic notice from a federal, state, or local  
32 agency for a public assistance program, such as the Minnesota  
33 family investment program, food stamps, general assistance,  
34 medical assistance, general assistance medical care, Minnesota  
35 Care, unemployment benefits, or social security; an insurance  
36 card for a government administered or subsidized health

1 insurance program; or a discharge certificate, pardon, or other  
2 official document issued to the voter in connection with the  
3 resolution of a criminal case, indictment, sentence, or other  
4 matter, in accordance with state law.

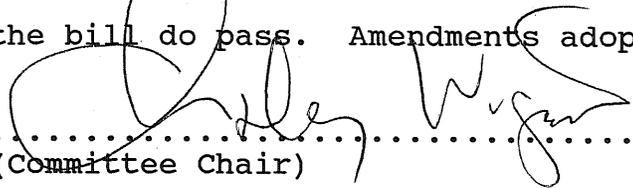
5 (e) "Paycheck" includes a check stub or electronic deposit  
6 receipt.

7 (f) "Utility bill" includes a bill for gas, electricity,  
8 telephone, wireless telephone, cable television, solid waste,  
9 water, or sewer services."

10 Delete the title and insert:

11 "A bill for an act relating to elections; facilitating  
12 voter registration by college students and others; amending  
13 Minnesota Statutes 2004, sections 135A.17, subdivision 2;  
14 201.061, subdivision 3, by adding a subdivision."

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

  
.....  
(Committee Chair)

March 21, 2005.....  
(Date of Committee recommendation)

17  
18  
19  
20  
21

**Senate Counsel, Research,  
and Fiscal Analysis**

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**Senate**  
State of Minnesota

**S.F. No. 1551 - Voting Rights**

**Author:** Senator John C. Hottinger

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

**Date:** March 21, 2005

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**S.F. No. 1551** includes a number of provisions to make it easier to register to vote and to vote.

**Section 1** extends from ten to 15 days the time for filing a voter registration application after it has been signed and dated by the voter and imposes the obligation to file by the deadline on everyone who handles the application from the time it is signed by the voter until it has been filed with the county auditor or Secretary of State.

**Section 2** adds to the section on election day registration a description of the many documents used to prove a voter's identity and place of reference now listed in the rules of the Secretary of State. It adds a wireless telephone bill to the list of documents that may be used to prove residency. It also permits vouching to be done by a person who is not registered to vote in the precinct but who is working in a residential facility in the precinct. It strikes language that limits the use of an Indian tribal identification card to Indians living on a reservation and requires the county auditor to keep a record of the number of election day registrations accomplished by means of an Indian tribal ID. The current law was declared unconstitutional in violation of the Equal Protection Clause by an order of federal district Judge James M. Rosenbaum last October in the case of *ACLU v. Kiffmeyer*, No. 04-CV-4653 (D. Minn. Oct. 29, 2004), because it does not also authorize the use of an Indian tribal ID by tribal members living off a reservation.

**Section 3** defines "residential facility" for purposes of **section 2** as meaning a variety of group residences licensed or regulated by the State. It also requires the operator of a residential facility to prepare a list of the names of its employees currently working there and its address. The operator must certify the list and provide it to the appropriate county auditor no less than 20 days before each election for use in election day registration.

S.F. No. 1551  
March 21, 2005  
Page 2

**Section 4** rewords the certification on a voter registration application that a person who has been convicted of a felony must swear to. It also requires the application to include the 15-day deadline for returning it after it has been signed and requires the text to be printed in black ink. It strikes the requirement added last year that the Secretary of State approve the form of every voter registration application.

**Section 5** allows any voter, not just a voter under protection of a court order, to demand that their name be withheld from the public list of registered voters.

**Section 6** requires the Secretary of State and county auditors to notify each month the felons whose civil rights have been restored that month that they may resume voting and requires the county auditor to provide them with a voter registration application.

**Section 7** requires each official on duty in a polling place to wear an identification badge that shows their role in the election process, but not their party affiliation.

**Section 8** prohibits an election judge from serving as a challenger of voters who appear and attempt to vote.

**Section 9** requires the Secretary of State to train polling place challengers, with the cost of the training borne by the political party appointing the challengers.

**Section 10** amends the Voter's Bill of Rights by changing the phrase about felons whose "civil rights have been restored" to felons who "have completed your probation or parole."

**Section 11** requires that a challenge at the polling place to a voter's eligibility to vote be stated in writing, under oath, and based on the challenger's personal knowledge.

**Section 12** permits an individual who is challenged because of a prior conviction of a felony to vote after leaving the polling place and returning.

PSW:ph

cc: Kelly Wolfe

**Senators Hottinger, Sams, Kiscaden, Dille and Frederickson introduced--  
S.F. No. 1551: Referred to the Committee on Elections.**

1                                   A bill for an act

2           relating to elections; extending the deadline for  
3           submitting voter registration applications; clarifying  
4           documents acceptable to prove residence; specifying  
5           form of voter registration application; authorizing  
6           registered voters to withhold their name from the  
7           public information list; requiring notice to  
8           individuals whose civil rights have been restored;  
9           regulating conduct and requiring training of polling  
10          place challengers; adding to the Voter's Bill of  
11          Rights; allowing ex-felons to leave a polling place  
12          and return; amending Minnesota Statutes 2004, sections  
13          201.061, subdivisions 1, 3, by adding a subdivision;  
14          201.071, subdivision 1; 201.091, subdivision 4;  
15          201.155; 204C.06, subdivision 2; 204C.07, subdivision  
16          4, by adding a subdivision; 204C.08, subdivision 1a;  
17          204C.12, subdivisions 2, 4.

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

19           Section 1. Minnesota Statutes 2004, section 201.061,  
20          subdivision 1, is amended to read:

21           Subdivision 1. [PRIOR TO ELECTION DAY.] At any time except  
22          during the 20 days immediately preceding any election, an  
23          eligible voter or any individual who will be an eligible voter  
24          at the time of the next election may register to vote in the  
25          precinct in which the voter maintains residence by completing a  
26          voter registration application as described in section 201.071,  
27          subdivision 1, and submitting it in person or by mail to the  
28          county auditor of that county or to the Secretary of State's  
29          Office. A registration that is received no later than 5:00 p.m.  
30          on the 21st day preceding any election shall be accepted. An  
31          improperly addressed or delivered registration application shall

1 be forwarded within two working days after receipt to the county  
 2 auditor of the county where the voter maintains residence. A  
 3 state or local agency or an individual that accepts from anyone  
 4 a completed voter registration applications-from application  
 5 signed and dated by a voter must submit the completed  
 6 applications application to the secretary of state or the  
 7 appropriate county auditor within ten 15 business days after the  
 8 applications-are application was dated by the voter.

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

13 Sec. 2. Minnesota Statutes 2004, section 201.061,  
 14 subdivision 3, is amended to read:

15 Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is  
 16 eligible to vote may register on election day by appearing in  
 17 person at the polling place for the precinct in which the  
 18 individual maintains residence, by completing a registration  
 19 application, making an oath in the form prescribed by the  
 20 secretary of state and providing proof of residence. An  
 21 individual may prove residence for purposes of registering by:

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

24 (2) presenting a current and valid photo identification  
 25 that shows the name and address of the voter;

26 (3) presenting a copy of a current utility bill, wireless  
 27 telephone bill, bank statement, government check, paycheck, or  
 28 other government document that shows the name and address of the  
 29 voter;

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

32 ~~(3)~~ (5) presenting one of the following:

33 (i) a current valid student identification card from a  
 34 postsecondary educational institution in Minnesota, if a list of  
 35 students from that institution has been prepared under section  
 36 135A.17 and certified to the county auditor in the manner

1 provided in rules of the secretary of state; or

2 (ii) a current student fee statement that contains the  
3 student's valid address in the precinct ~~together-with-a-picture~~  
4 ~~identification-card~~; or

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

7 ~~(4)~~ (6) having a voter who is registered to vote in the  
8 precinct, or who is an employee employed by and working in a  
9 residential facility in the precinct as provided in subdivision  
10 3a, sign an oath in the presence of the election judge vouching  
11 that the voter or employee personally knows that the individual  
12 is a resident of the precinct. A voter who has been vouched for  
13 on election day may not sign a proof of residence oath vouching  
14 for any other individual on that election day.

15 For tribal band members ~~living-on-an-Indian-reservation~~, an  
16 individual may prove residence for purposes of registering by  
17 presenting an identification card issued by the tribal  
18 government of a tribe recognized by the Bureau of Indian  
19 Affairs, United States Department of the Interior, that contains  
20 the name, street address, signature, and picture of the  
21 individual. ~~The-county-auditor-of-each-county-having-territory~~  
22 ~~within-the-reservation-shall-maintain-a-record-of-the-number-of~~  
23 ~~election-day-registrations-accepted-under-this-section-~~

24 A county, school district, or municipality may require that  
25 an election judge responsible for election day registration  
26 initial each completed registration application.

27 Sec. 3. Minnesota Statutes 2004, section 201.061, is  
28 amended by adding a subdivision to read:

29 Subd. 3a. [RESIDENTIAL FACILITY EMPLOYEE VOUCHERS.] (a) As  
30 used in subdivision 3, "residential facility" means transitional  
31 housing as defined in section 119A.43, subdivision 1; a  
32 supervised living facility licensed by the commissioner of  
33 health under section 144.50, subdivision 6; a nursing home as  
34 defined in section 144A.01, subdivision 5; a residence  
35 registered with the commissioner of health as a housing with  
36 services establishment as defined in section 144D.01,

1 subdivision 4; a veterans home operated by the board of  
2 directors of the Minnesota veterans homes under chapter 198; a  
3 residence licensed by the commissioner of human services to  
4 provide a residential program as defined in section 245A.02,  
5 subdivision 14; a residential facility for persons with a  
6 developmental disability licensed by the commissioner of human  
7 services under section 252.28; group residential housing as  
8 defined in section 256I.03, subdivision 3; a shelter for  
9 battered women as defined in section 611A.37, subdivision 4; or  
10 a supervised publicly or privately operated shelter or dwelling  
11 designed to provide temporary living accommodations for the  
12 homeless.

13 (b) The operator of a residential facility shall prepare a  
14 list of the names of its employees currently working in the  
15 residential facility and the address of the residential  
16 facility. The operator shall certify the list and provide it to  
17 the appropriate county auditor no less than 20 days before each  
18 election for use in election day registration.

19 Sec. 4. Minnesota Statutes 2004, section 201.071,  
20 subdivision 1, is amended to read:

21 Subdivision 1. [FORM.] A voter registration application  
22 must be of suitable size and weight for mailing and contain  
23 spaces for the following required information: voter's first  
24 name, middle name, and last name; voter's previous name, if any;  
25 voter's current address; voter's previous address, if any;  
26 voter's date of birth; voter's municipality and county of  
27 residence; voter's telephone number, if provided by the voter;  
28 date of registration; current and valid Minnesota driver's  
29 license number or Minnesota state identification number, or if  
30 the voter has no current and valid Minnesota driver's license or  
31 Minnesota state identification, the last four digits of the  
32 voter's Social Security number; and voter's signature. The  
33 registration application may include the voter's e-mail address,  
34 if provided by the voter, and the voter's interest in serving as  
35 an election judge, if indicated by the voter. The application  
36 must also contain the following certification of voter

1 eligibility:

2 "I certify that I:

3 (1) will be at least 18 years old on election day;

4 (2) am a citizen of the United States;

5 (3) will have resided in Minnesota for 20 days immediately  
6 preceding election day;

7 (4) maintain residence at the address given on the  
8 registration form;

9 (5) am not under court-ordered guardianship of the person  
10 where I have not retained the right to vote;

11 (6) have not been found by a court to be legally  
12 incompetent to vote;

13 (7) have not the right to vote because, if I have been  
14 convicted of a felony without-having-my-civil-rights-restored, I  
15 have completed my probation or parole; and

16 (8) have read and understand the following statement: that  
17 giving false information is a felony punishable by not more than  
18 five years imprisonment or a fine of not more than \$10,000, or  
19 both."

20 The certification must include boxes for the voter to  
21 respond to the following questions:

22 "(1) Are you a citizen of the United States?" and

23 "(2) Will you be 18 years old on or before election day?"

24 And the instruction:

25 "If you checked 'no' to either of these questions, do not  
26 complete this form."

27 The voter registration application must set forth the  
28 deadline under section 201.061, subdivision 1, for returning a  
29 voter registration application after it is dated by the voter.

30 Text on the voter registration application must be printed  
31 in black ink.

32 The form of the voter registration application and the  
33 certification of voter eligibility must be as provided in this  
34 subdivision ~~and-approved-by-the-secretary-of-state~~. Voter  
35 registration forms authorized by the National Voter Registration  
36 Act may also be accepted as valid.

1 An individual may use a voter registration application to  
2 apply to register to vote in Minnesota or to change information  
3 on an existing registration.

4 Sec. 5. Minnesota Statutes 2004, section 201.091,  
5 subdivision 4, is amended to read:

6 Subd. 4. [PUBLIC INFORMATION LISTS.] The county auditor  
7 shall make available for inspection a public information list  
8 which must contain the name, address, year of birth, and voting  
9 history of each registered voter in the county. The telephone  
10 number must be included on the list if provided by the voter.  
11 The public information list may also include information on  
12 voting districts. The county auditor may adopt reasonable rules  
13 governing access to the list. No individual inspecting the  
14 public information list shall tamper with or alter it in any  
15 manner. No individual who inspects the public information list  
16 or who acquires a list of registered voters prepared from the  
17 public information list may use any information contained in the  
18 list for purposes unrelated to elections, political activities,  
19 or law enforcement. The secretary of state may provide copies  
20 of the public information lists and other information from the  
21 statewide registration system for uses related to elections,  
22 political activities, or in response to a law enforcement  
23 inquiry from a public official concerning a failure to comply  
24 with any criminal statute or any state or local tax statute.

25 Before inspecting the public information list or obtaining  
26 a list of voters or other information from the list, the  
27 individual shall provide identification to the public official  
28 having custody of the public information list and shall state in  
29 writing that any information obtained from the list will not be  
30 used for purposes unrelated to elections, political activities,  
31 or law enforcement. Requests to examine or obtain information  
32 from the public information lists or the statewide registration  
33 system must be made and processed in the manner provided in the  
34 rules of the secretary of state.

35 Upon receipt of a written request ~~and a copy of the court~~  
36 order, the secretary of state and county auditor must withhold

1 from the public information list the name of any a registered  
2 voter ~~placed-under-court-ordered-protection~~.

3 Sec. 6. Minnesota Statutes 2004, section 201.155, is  
4 amended to read:

5 201.155 [REPORT ON FELONY CONVICTIONS.]

6 Pursuant to the Help America Vote Act of 2002, Public Law  
7 107-252, the state court administrator shall report monthly by  
8 electronic means to the secretary of state the name, address,  
9 date of birth, date of sentence, effective date of the sentence,  
10 and county in which the conviction occurred of each person who  
11 has been convicted of a felony. The state court administrator  
12 shall also report the name, address, and date of birth of each  
13 person previously convicted of a felony whose civil rights have  
14 been restored. Within two weeks after receiving the report from  
15 the state court administrator, the secretary of state shall  
16 determine if any of the persons in the report is registered to  
17 vote and shall prepare and send to each county auditor a list of  
18 those registrants for each in that county auditor. The county  
19 auditor shall change the status of those registrants in the  
20 appropriate manner in the statewide registration system. The  
21 secretary of state shall also prepare and send to the county  
22 auditor in their county of residence a list of persons in the  
23 report who are not registered to vote. Within two weeks after  
24 receiving the lists from the secretary of state, the county  
25 auditor shall mail to each person whose civil rights have been  
26 restored a notice to that effect. For persons not registered to  
27 vote, the notice must be accompanied by a voter registration  
28 application.

29 Sec. 7. Minnesota Statutes 2004, section 204C.06,  
30 subdivision 2, is amended to read:

31 Subd. 2. [INDIVIDUALS ALLOWED IN POLLING PLACE;  
32 IDENTIFICATION.] (a) Representatives of the secretary of state's  
33 office, the county auditor's office, and the municipal or school  
34 district clerk's office may be present at the polling place to  
35 observe election procedures. Except for these representatives,  
36 election judges, sergeants-at-arms, and challengers, an

1 individual may remain inside the polling place during voting  
2 hours only while voting or registering to vote, providing proof  
3 of residence for an individual who is registering to vote, or  
4 assisting a handicapped voter or a voter who is unable to read  
5 English. During voting hours no one except individuals  
6 receiving, marking, or depositing ballots shall approach within  
7 six feet of a voting booth, unless lawfully authorized to do so  
8 by an election judge.

9 (b) Teachers and elementary or secondary school students  
10 participating in an educational activity authorized by section  
11 204B.27, subdivision 7, may be present at the polling place  
12 during voting hours.

13 (c) Each official on duty in the polling place must wear an  
14 identification badge that shows their role in the election  
15 process. The badge must not show their party affiliation.

16 Sec. 8. Minnesota Statutes 2004, section 204C.07,  
17 subdivision 4, is amended to read:

18 Subd. 4. [RESTRICTIONS ON CONDUCT.] An election judge may  
19 not be appointed as a challenger. The election judges shall  
20 permit challengers appointed pursuant to this section to be  
21 present in the polling place during the hours of voting and to  
22 remain there until the votes are counted and the results  
23 declared. No challenger shall handle or inspect registration  
24 cards, files, or lists. Challengers shall not prepare in any  
25 manner any list of individuals who have or have not voted. They  
26 shall not attempt to influence voting in any manner. They shall  
27 not converse with a voter except to determine, in the presence  
28 of an election judge, whether the voter is eligible to vote in  
29 the precinct.

30 Sec. 9. Minnesota Statutes 2004, section 204C.07, is  
31 amended by adding a subdivision to read:

32 Subd. 5. [CHALLENGER TRAINING.] (a) The secretary of state  
33 shall adopt rules for training challengers as required by this  
34 subdivision.

35 (b) At least once every two years, the secretary of state  
36 shall provide training in accordance with the rules of the

1 secretary of state for all challengers who are appointed to  
2 serve at any election to be held in this state. The secretary  
3 of state shall also provide a procedure for emergency training  
4 of challengers appointed to fill vacancies. The secretary of  
5 state may delegate to a county or municipal election official  
6 the duty to provide training of challengers in that county,  
7 municipality, or school district.

8 (c) No individual may serve as a challenger who has not  
9 received at least two hours of training within the last two  
10 years as required by this subdivision.

11 (d) Each major political party must reimburse the secretary  
12 of state, county auditor, or municipal clerk for the cost of  
13 training challengers appointed by that major political party.

14 Sec. 10. Minnesota Statutes 2004, section 204C.08,  
15 subdivision 1a, is amended to read:

16 Subd. 1a. [VOTER'S BILL OF RIGHTS.] The county auditor  
17 shall prepare and provide to each polling place sufficient  
18 copies of a poster setting forth the Voter's Bill of Rights as  
19 set forth in this section. Before the hours of voting are  
20 scheduled to begin, the election judges shall post it in a  
21 conspicuous location or locations in the polling place. The  
22 Voter's Bill of Rights is as follows:

23 "VOTER'S BILL OF RIGHTS

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

26 (1) You have the right to be absent from work for the  
27 purpose of voting during the morning of election day.

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

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

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

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

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

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

6 (8) If you have been convicted of a felony but ~~your-civil~~  
7 ~~rights-have-been-restored~~ have completed your probation or  
8 parole, you have the right to vote.

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

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

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

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

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

21 Sec. 11. Minnesota Statutes 2004, section 204C.12,  
22 subdivision 2, is amended to read:

23 Subd. 2. [STATEMENT OF GROUNDS; OATH.] The challenger  
24 shall state the ground for the challenge, ~~and~~ in writing, under  
25 oath, and based on the challenger's personal knowledge. An  
26 election judge shall administer to the challenged individual the  
27 following oath:

28 "Do you solemnly swear that you will fully and truly answer  
29 all questions put to you concerning your eligibility to vote at  
30 this election?"

31 The election judge shall then ask the challenged individual  
32 sufficient questions to test that individual's residence and  
33 right to vote.

34 Sec. 12. Minnesota Statutes 2004, section 204C.12,  
35 subdivision 4, is amended to read:

36 Subd. 4. [REFUSAL TO ANSWER QUESTIONS OR SIGN A POLLING

1 PLACE ROSTER.] A challenged individual who refuses to answer  
2 questions or sign a polling place roster as required by this  
3 section must not be allowed to vote. A challenged individual  
4 who leaves the polling place and returns later willing to answer  
5 questions or sign a polling place roster must not be allowed to  
6 vote, except an individual challenged because of a prior  
7 conviction of a felony.

1 Senator ..... moves to amend S.F. No. 1551 as follows:

2 Page 1, after line 18, 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. Institutions that do  
12 not consider student addresses to be public information under  
13 applicable federal and state privacy laws shall make release  
14 forms available to all students authorizing the institution to  
15 provide the addresses to the county auditor. The list  
16 ~~shall include each student's current~~ be based on the most recent  
17 residence address the student has provided to the institution.  
18 If the student gives the institution, before the list is sent to  
19 the county auditor or auditors, a written request that the  
20 student's name and residence address be omitted from the list,  
21 the institution must honor the request. The list shall be  
22 certified and sent to the appropriate county auditor or auditors  
23 for use in election day registration as provided under section  
24 201.061, subdivision 3."

25 Pages 2 to 4, delete sections 2 and 3 and insert:

26 "Sec. 3. Minnesota Statutes 2004, section 201.061,  
27 subdivision 3, is amended to read:

28 Subd. 3. [ELECTION DAY REGISTRATION.] (a) An individual  
29 who is eligible to vote may register on election day by  
30 appearing in person at the polling place for the precinct in  
31 which the individual maintains residence, by completing a  
32 registration application, making an oath in the form prescribed  
33 by the secretary of state and providing proof of residence. An  
34 individual may prove residence for purposes of registering by:

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

1           (2) presenting a current and valid photo identification  
2 that shows the name and residential address of the voter;

3           (3) presenting a copy of a current utility bill, signed  
4 residential lease, bank statement, government check, paycheck,  
5 or other government document that shows the name and residential  
6 address of the voter;

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

9           ~~(3)~~ (5) presenting one of the following:

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

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

18           (iii) a copy of a current student registration card that  
19 contains the student's residential address in the precinct; or

20           (iv) a current student monthly rental statement that  
21 contains the student's residential address in the precinct; or

22           ~~(4)~~ (6) having a voter who is registered to vote in the  
23 precinct, or who is an employee employed by and working in a  
24 residential facility in the precinct, sign an oath in the  
25 presence of the election judge vouching that the voter or  
26 employee personally knows that the individual is a resident of  
27 the precinct. A voter who has been vouched for on election day  
28 may not sign a proof of residence oath vouching for any other  
29 individual on that election day.

30           (b) The operator of a residential facility shall prepare a  
31 list of the names of its employees currently working in the  
32 residential facility and the address of the residential  
33 facility. The operator shall certify the list and provide it to  
34 the appropriate county auditor no less than 20 days before each  
35 election for use in election day registration.

36           (c) For tribal band members living-on-an-Indian

1 reservation, an individual may prove residence for purposes of  
2 registering by presenting an identification card issued by the  
3 tribal government of a tribe recognized by the Bureau of Indian  
4 Affairs, United States Department of the Interior, that contains  
5 the name, ~~street~~ address, signature, and picture of the  
6 individual. ~~The county auditor of each county having territory~~  
7 ~~within the reservation shall maintain a record of the number of~~  
8 ~~election day registrations accepted under this section.~~

9 (d) A county, school district, or municipality may require  
10 that an election judge responsible for election day registration  
11 initial each completed registration application.

12 Sec. 4. Minnesota Statutes 2004, section 201.061, is  
13 amended by adding a subdivision to read:

14 Subd. 3a. [DEFINITIONS.] (a) The definitions in this  
15 subdivision apply to subdivision 3.

16 (b) "Bank statement" includes a bank statement, investment  
17 account statement, brokerage statement, pension fund statement,  
18 dividend check, or any other notice or letter from a financial  
19 institution relating to an account or investment held by the  
20 voter at the financial institution.

21 (c) "Government check" includes a Social Security  
22 Administration check statement or a check stub or electronic  
23 deposit receipt from a public assistance payment or tax refund  
24 or credit.

25 (d) "Other government document" includes military  
26 identification; a document issued by a governmental entity that  
27 qualifies for use as identification for purposes of acquiring a  
28 driver's license in this state; a Metro Mobility card; a  
29 property tax statement; a public housing lease or rent statement  
30 or agreement, or a rent statement or agreement provided under a  
31 subsidized housing program; a document or statement provided to  
32 a voter as evidence of income or eligibility for a tax deduction  
33 or tax credit; a periodic notice from a federal, state, or local  
34 agency for a public assistance program, such as the Minnesota  
35 family investment program, food stamps, general assistance,  
36 medical assistance, general assistance medical care, Minnesota

1 Care, unemployment benefits, or social security; an insurance  
2 card for a government administered or subsidized health  
3 insurance program; or a discharge certificate, pardon, or other  
4 official document issued to the voter in connection with the  
5 resolution of a criminal case, indictment, sentence, or other  
6 matter, in accordance with state law.

7 (e) "Paycheck" includes a check stub or electronic deposit  
8 receipt.

9 (f) "Residential facility" means transitional housing as  
10 defined in section 119A.43, subdivision 1; a supervised living  
11 facility licensed by the commissioner of health under section  
12 144.50, subdivision 6; a nursing home as defined in section  
13 144A.01, subdivision 5; a residence registered with the  
14 commissioner of health as a housing with services establishment  
15 as defined in section 144D.01, subdivision 4; a veterans home  
16 operated by the board of directors of the Minnesota Veterans  
17 Homes under chapter 198; a residence licensed by the  
18 commissioner of human services to provide a residential program  
19 as defined in section 245A.02, subdivision 14; a residential  
20 facility for persons with a developmental disability licensed by  
21 the commissioner of human services under section 252.28; group  
22 residential housing as defined in section 256I.03, subdivision  
23 3; a shelter for battered women as defined in section 611A.37,  
24 subdivision 4; or a supervised publicly or privately operated  
25 shelter or dwelling designed to provide temporary living  
26 accommodations for the homeless.

27 (g) "Utility bill" includes a bill for gas, electricity,  
28 telephone, wireless telephone, cable television, solid waste,  
29 water, or sewer services."

30 Page 6, line 35, strike "written request"

31 Page 6, line 36, before the comma, insert "statement signed  
32 by the voter that withholding the voter's name from the public  
33 information list is required for the safety of the voter or the  
34 voter's family"

35 Page 7, delete section 6 and insert:

36 "Sec. 7. Minnesota Statutes 2004, section 203B.16, is

1 amended by adding a subdivision to read:

2        Subd. 5. [DUTIES OF COUNTY AUDITOR.] Each county auditor  
3 shall mail absentee ballot applications to the study-abroad  
4 office of each college or university whose principal  
5 administrative offices are located within the county.

6        Sec. 8. Minnesota Statutes 2004, section 204B.27,  
7 subdivision 11, is amended to read:

8        Subd. 11. [TRANSLATION OF VOTING INSTRUCTIONS MATERIALS.]  
9 The secretary of state ~~may~~ shall develop voter registration  
10 applications, absentee ballot applications, ballots, absentee  
11 ballots, and voting instructions in languages other than  
12 English,--to-be-posted-and-made-available-in-polling-places  
13 during-elections. The state demographer shall determine and  
14 report to the secretary of state the languages that are so  
15 common in this state that there is a need for translated  
16 voting instructions materials. The secretary of state shall  
17 develop the materials for those languages recommended by the  
18 state demographer. The secretary of state shall publish the  
19 materials and provide paper copies on request of any voter at no  
20 charge to the voter. The voting instructions must be posted and  
21 made available in polling places during elections. The posted  
22 voting instructions must include a pictorial representation of a  
23 voter completing the voting process. In those precincts where  
24 the state demographer has determined it is likely that at least  
25 five percent of the eligible voters speak one of the languages  
26 other than English for which translated voting materials have  
27 been published by the secretary of state, the translated  
28 materials for that language must be posted or otherwise made  
29 available in the polling place."

30        Page 11, after line 7, insert:

31        "Sec. 14. Minnesota Statutes 2004, section 243.05,  
32 subdivision 3, is amended to read:

33        Subd. 3. [DUTY OF COMMISSIONER; FINAL DISCHARGE.] It is  
34 the duty of the commissioner of corrections to keep in  
35 communication, as far as possible, with all persons who are on  
36 parole and with their employers. The commissioner may grant a

1 person on parole a final discharge from any sentence when:

2 (a) the person on parole has complied with the conditions  
3 of parole for a period of time sufficient to satisfy the  
4 commissioner that the parolee is reliable and trustworthy;

5 (b) the commissioner is satisfied the person on parole will  
6 remain at liberty without violating the law; and

7 (c) final discharge is not incompatible with the welfare of  
8 society.

9 Upon the granting of a final discharge, the commissioner  
10 shall issue a certificate of final discharge to the person  
11 discharged and also cause a record of the acts of the inmate to  
12 be made. The record shall show the date of the inmate's  
13 confinement, the inmate's record while in prison, the date of  
14 parole, the inmate's record while on parole, reasons underlying  
15 the decision for final discharge, and other facts which the  
16 commissioner regards as appropriate. Nothing in this section or  
17 section 244.05 shall be construed as impairing the power of the  
18 board of pardons to grant a pardon or commutation in any case.

19 The commissioner shall inform the person finally discharged  
20 that their civil rights have been restored and give them a voter  
21 registration application and a letter to be sent with the voter  
22 registration application informing the county auditor that the  
23 ex-felon's civil rights have been restored.

24 Sec. 15. [244.30] [NOTICE OF RESTORATION OF CIVIL RIGHTS.]

25 Upon final discharge from probation, the court shall inform  
26 the person finally discharged that their civil rights have been  
27 restored and give them a voter registration application and a  
28 letter to be sent with the voter registration application  
29 informing the county auditor that the ex-felon's civil rights  
30 have been restored."

31 Renumber the sections in sequence and correct the internal  
32 references

33 Amend the title accordingly

1 Senator ..... moves to amend S.F. No. 1551 as follows:

2 Page 11, after line 7, insert:

3 "Sec. 13. [641.31] [VOTING ASSISTANCE TO PRISONERS.]

4 The county sheriff or jailer in each county shall determine  
5 the number of prisoners incarcerated in the county jail,  
6 workhouse, or other correctional facility under the control of  
7 the county who are eligible to vote and who desire to vote at a  
8 municipal, county, state, or federal election but will be unable  
9 to vote in the precinct where the prisoner maintains residence  
10 because of their incarceration. The county sheriff or jailer  
11 shall obtain from the county auditor the corresponding number of  
12 absentee ballot applications and provide them to the prisoners  
13 requesting them.

14 Sec. 14. [642.14] [VOTING ASSISTANCE TO PRISONERS.]

15 The chief of police or marshall in each city shall  
16 determine the number of prisoners incarcerated in the city  
17 lockup, jail, workhouse, or other correctional facility under  
18 the control of the city who are eligible to vote and who desire  
19 to vote at a municipal, county, state, or federal election but  
20 will be unable to vote in the precinct where the prisoner  
21 maintains residence because of their incarceration. The chief  
22 of police or marshall shall obtain from the county auditor the  
23 corresponding number of absentee ballot applications and provide  
24 them to the prisoners requesting them."

25 Amend the title accordingly

1 Senator ..... moves to amend S.F. No. 1551 as follows:

2 Page 7, after line 28, insert:

3 "Sec. 7. Minnesota Statutes 2004, section 204B.24, is  
4 amended to read:

5 204B.24 [ELECTION JUDGES; OATH.]

6 Each election judge shall sign the following oath before  
7 assuming the duties of the office:

8 "I ..... solemnly swear that I will perform the duties  
9 of election judge according to law and the best of my ability  
10 and will diligently endeavor to prevent fraud, deceit and abuse  
11 in conducting this election. I will perform my duties in a fair  
12 and impartial manner and not attempt to create an advantage for  
13 my party or for any candidate."

14 The oath shall be attached to the summary statement of the  
15 election returns of that precinct. If there is no individual  
16 present who is authorized to administer oaths, the election  
17 judges may administer the oath to each other."

18 Renumber the sections in sequence and correct the internal  
19 references

20 Amend the title accordingly

1 Senator ..... moves to amend S.F. No. 1551 as follows:

2 Page 1, after line 18, insert:

3 "Section 1. Minnesota Statutes 2004, section 201.014,  
4 subdivision 2, is amended to read:

5 Subd. 2. [NOT ELIGIBLE.] The following individuals are not  
6 eligible to vote. Any individual:

7 (a) Convicted of treason or any felony whose civil rights  
8 have not been restored;

9 (b) Under a guardianship ~~of-the-person~~ in which the court  
10 order ~~provides-that-the-ward-does-not-retain~~ revokes the ward's  
11 right to vote; or

12 (c) Found by a court of law to be legally incompetent."

13 Page 5, lines 9 and 10, strike "of the person where I have  
14 not retained the" and insert "in which the court order revokes  
15 my"

16 Page 7, after line 2, insert:

17 "Sec. 7. Minnesota Statutes 2004, section 201.15, is  
18 amended to read:

19 201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND  
20 COMMITMENTS.]

21 Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant  
22 to the Help America Vote Act of 2002, Public Law 107-252, the  
23 state court administrator shall report monthly by electronic  
24 means to the secretary of state the name, address, and date of  
25 birth of each individual 18 years of age or over, who during the  
26 month preceding the date of the report:

27 (a) was placed under a guardianship ~~of-the-person~~ in which  
28 the court order ~~provides-that-the-ward-does-not-retain~~ revokes  
29 the ward's right to vote; or

30 (b) was adjudged legally incompetent.

31 The court administrator shall also report the same  
32 information for each individual transferred to the jurisdiction  
33 of the court who meets a condition specified in clause (a) or  
34 (b). The secretary of state shall determine if any of the  
35 persons in the report is registered to vote and shall prepare a  
36 list of those registrants for the county auditor. The county

1 auditor shall change the status on the record in the statewide  
2 registration system of any individual named in the report to  
3 indicate that the individual is not eligible to reregister or  
4 vote.

5 Subd. 2. [~~RESTORATION-TO-CAPACITY~~ GUARDIANSHIP TERMINATION  
6 OR MODIFICATION.] Pursuant to the Help America Vote Act of 2002,  
7 Public Law 107-252, the state court administrator shall report  
8 monthly by electronic means to the secretary of state the name,  
9 address, and date of birth of each individual ~~transferred-from~~  
10 whose guardianship to-conservatorship-or-who-is-restored-to  
11 capacity-by-the-court was modified to restore the ward's right  
12 to vote or whose guardianship was terminated by order of the  
13 court under section 524.5-317 after being ineligible to vote for  
14 any of the reasons specified in subdivision 1. The secretary of  
15 state shall determine if any of the persons in the report is  
16 registered to vote and shall prepare a list of those registrants  
17 for the county auditor. The county auditor shall change the  
18 status on the voter's record in the statewide registration  
19 system to "active.""

20 Page 7, after line 28, insert:

21 "Sec. 9. Minnesota Statutes 2004, section 204B.10,  
22 subdivision 6, is amended to read:

23 Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified  
24 copy of a final judgment or order of a court of competent  
25 jurisdiction that a person who has filed an affidavit of  
26 candidacy or who has been nominated by petition:

27 (1) has been convicted of treason or a felony and the  
28 person's civil rights have not been restored;

29 (2) is under guardianship ~~of-the-person~~ in which the court  
30 order revokes the ward's right to vote; or

31 (3) has been found by a court of law to be legally  
32 incompetent;

33 the filing officer shall notify the person by certified mail at  
34 the address shown on the affidavit or petition, and shall not  
35 certify the person's name to be placed on the ballot. The  
36 actions of a filing officer under this subdivision are subject

1 to judicial review under section 204B.44."

2 Page 10, line 9, before "You" insert "If you are under a  
3 guardianship, you have the right to vote, unless the court order  
4 revokes your right to vote.

5 (10)"

6 Page 10, line 11, strike "(10)" and insert "(11)"

7 Page 10, line 14, strike "(11)" and insert "(12)"

8 Page 10, line 17, strike "(12)" and insert "(13)"

9 Page 10, line 19, strike "(13)" and insert "(14)"

10 Page 10, after line 20, insert:

11 "Sec. 14. Minnesota Statutes 2004, section 204C.10, is  
12 amended to read:

13 204C.10 [PERMANENT REGISTRATION; VERIFICATION OF  
14 REGISTRATION.]

15 (a) An individual seeking to vote shall sign a polling  
16 place roster which states that the individual is at least 18  
17 years of age, a citizen of the United States, has resided in  
18 Minnesota for 20 days immediately preceding the election,  
19 maintains residence at the address shown, is not under a  
20 guardianship in which the ~~individual-has-not-retained~~ court  
21 order revokes the individual's right to vote, has not been found  
22 by a court of law to be legally incompetent to vote or convicted  
23 of a felony without having civil rights restored, is registered  
24 and has not already voted in the election. The roster must also  
25 state: "I understand that deliberately providing false  
26 information is a felony punishable by not more than five years  
27 imprisonment and a fine of not more than \$10,000, or both."

28 (b) A judge may, before the applicant signs the roster,  
29 confirm the applicant's name, address, and date of birth.

30 (c) After the applicant signs the roster, the judge shall  
31 give the applicant a voter's receipt. The voter shall deliver  
32 the voter's receipt to the judge in charge of ballots as proof  
33 of the voter's right to vote, and thereupon the judge shall hand  
34 to the voter the ballot. The voters' receipts must be  
35 maintained during the time for notice of filing an election  
36 contest."

1 Page 11, after line 7, insert:

2 "Sec. 17. Minnesota Statutes 2004, section 524.5-310, is  
3 amended to read:

4 524.5-310 [FINDINGS; ORDER OF APPOINTMENT.]

5 (a) The court may appoint a limited or unlimited guardian  
6 for a respondent only if it finds by clear and convincing  
7 evidence that:

8 (1) the respondent is an incapacitated person; and

9 (2) the respondent's identified needs cannot be met by less  
10 restrictive means, including use of appropriate technological  
11 assistance.

12 (b) Alternatively, the court, with appropriate findings,  
13 may treat the petition as one for a protective order under  
14 section 524.5-401, enter any other appropriate order, or dismiss  
15 the proceeding.

16 (c) The court shall grant to a guardian only those powers  
17 necessitated by the ward's limitations and demonstrated needs  
18 and, whenever feasible, make appointive and other orders that  
19 will encourage the development of the ward's maximum  
20 self-reliance and independence. Any power not specifically  
21 granted to the guardian, following a written finding by the  
22 court of a demonstrated need for that power, is retained by the  
23 ward.

24 (d) Within 14 days after an appointment, a guardian shall  
25 send or deliver to the ward, and counsel if represented at the  
26 hearing, a copy of the order of appointment accompanied by a  
27 notice which advises the ward of the right to appeal the  
28 guardianship appointment in the time and manner provided by the  
29 Rules of Appellate Procedure.

30 (e) Each year, within 30 days after the anniversary date of  
31 an appointment, a guardian shall send or deliver to the ward a  
32 notice of the right to request termination or modification of  
33 the guardianship and notice of the status of the ward's right to  
34 vote."

35 Renumber the sections in sequence and correct the internal  
36 references

1 Amend the title accordingly

# COMMITTEE REPORT - WITH AMENDMENTS

**Committee on Elections**

**S.F. No. 1551**

Resolution

Re-referred (from another committee)

**Amendments:**

**A-6 amendment(attached and amended on pg. 2)**

**A-7 amendment(attached and amended on pg. 1)**

**A-4 amendment(attached)**

**A-5 amendment(attached)**

**Page 9, line 8, after "challenger" insert ",who is not a registered voter in this state,"**

**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

State and Local Government Operations .

**No recommendation:** And when so amended the bill be

(re-referred to the Committee on . OR

(reported to the Senate).

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

3 S.F. No. 1551: A bill for an act relating to elections;  
4 extending the deadline for submitting voter registration  
5 applications; clarifying documents acceptable to prove  
6 residence; specifying form of voter registration application;  
7 authorizing registered voters to withhold their name from the  
8 public information list; requiring notice to individuals whose  
9 civil rights have been restored; regulating conduct and  
10 requiring training of polling place challengers; adding to the  
11 Voter's Bill of Rights; allowing ex-felons to leave a polling  
12 place and return; amending Minnesota Statutes 2004, sections  
13 201.061, subdivisions 1, 3, by adding a subdivision; 201.071,  
14 subdivision 1; 201.091, subdivision 4; 201.155; 204C.06,  
15 subdivision 2; 204C.07, subdivision 4, by adding a subdivision;  
16 204C.08, subdivision 1a; 204C.12, subdivisions 2, 4.

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

19 Page 1, after line 18, insert:

20 "Section 1. Minnesota Statutes 2004, section 135A.17,  
21 subdivision 2, is amended to read:

22 Subd. 2. [RESIDENTIAL HOUSING LIST.] All postsecondary  
23 institutions that enroll students accepting state or federal  
24 financial aid ~~may~~ shall prepare a current list of ~~students~~ the  
25 name and address of each student enrolled in the institution and  
26 residing in the institution's housing or in other housing within  
27 ten-miles-of the county, or a county contiguous to the county,  
28 where the institution's campus is located. Institutions that do  
29 not consider student addresses to be public information under  
30 applicable federal and state privacy laws shall make release  
31 forms available to all students authorizing the institution to  
32 provide the addresses to the county auditor. The list  
33 shall ~~include each student's current~~ be based on the most recent  
34 residence address the student has provided to the institution.  
35 If the student gives the institution, before the list is sent to  
36 the county auditor or auditors, a written request that the  
37 student's name and residence address be omitted from the list,  
38 the institution must honor the request. The list shall be  
39 certified and sent to the appropriate county auditor or auditors  
40 for use in election day registration as provided under section  
41 201.061, subdivision 3.

42 Sec. 2. Minnesota Statutes 2004, section 201.014,  
43 subdivision 2, is amended to read:

1 Subd. 2. [NOT ELIGIBLE.] The following individuals are not  
2 eligible to vote. Any individual:

3 (a) Convicted of treason or any felony whose civil rights  
4 have not been restored;

5 (b) Under a guardianship ~~of-the-person~~ in which the court  
6 order ~~provides-that-the-ward-does-not-retain~~ revokes the ward's  
7 right to vote; or

8 (c) Found by a court of law to be legally incompetent."

9 Pages 2 to 4, delete sections 2 and 3 and insert:

10 "Sec. 4. Minnesota Statutes 2004, section 201.061,  
11 subdivision 3, is amended to read:

12 Subd. 3. [ELECTION DAY REGISTRATION.] (a) An individual  
13 who is eligible to vote may register on election day by  
14 appearing in person at the polling place for the precinct in  
15 which the individual maintains residence, by completing a  
16 registration application, making an oath in the form prescribed  
17 by the secretary of state and providing proof of residence. An  
18 individual may prove residence for purposes of registering by:

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

21 (2) presenting a current and valid photo identification  
22 that shows the name and valid residential address of the voter;

23 (3) presenting a copy of a current utility bill, signed  
24 residential lease, bank statement, government check, paycheck,  
25 or other government document that shows the name and valid  
26 residential address of the voter;

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

29 ~~(3)~~ (5) presenting one of the following:

30 (i) a current valid student identification card from a  
31 postsecondary educational institution in Minnesota, if a list of  
32 students from that institution has been prepared under section  
33 135A.17 and certified to the county auditor in the manner  
34 provided in rules of the secretary of state; ~~or~~

35 (ii) a current student fee statement that contains the  
36 student's valid residential address in the precinct ~~together~~

1 ~~with-a-picture-identification-card;~~

2 (iii) a copy of a current student registration card that  
3 contains the student's valid residential address in the  
4 precinct; or

5 (iv) a current student monthly rental statement that  
6 contains the student's valid residential address in the  
7 precinct; or

8 ~~(4)~~ (6) having a voter who is registered to vote in the  
9 precinct, or who is an employee employed by and working in a  
10 residential facility in the precinct, sign an oath in the  
11 presence of the election judge vouching that the voter or  
12 employee personally knows that the individual is a resident of  
13 the precinct. A voter who has been vouched for on election day  
14 may not sign a proof of residence oath vouching for any other  
15 individual on that election day.

16 (b) The operator of a residential facility shall prepare a  
17 list of the names of its employees currently working in the  
18 residential facility and the address of the residential  
19 facility. The operator shall certify the list and provide it to  
20 the appropriate county auditor no less than 20 days before each  
21 election for use in election day registration.

22 (c) For tribal band members ~~living-on-an-Indian~~  
23 reservation, an individual may prove residence for purposes of  
24 registering by presenting an identification card issued by the  
25 tribal government of a tribe recognized by the Bureau of Indian  
26 Affairs, United States Department of the Interior, that contains  
27 the name, ~~street~~ address, signature, and picture of the  
28 individual. ~~The-county-auditor-of-each-county-having-territory~~  
29 ~~within-the-reservation-shall-maintain-a-record-of-the-number-of~~  
30 ~~election-day-registrations-accepted-under-this-section.~~

31 (d) A county, school district, or municipality may require  
32 that an election judge responsible for election day registration  
33 initial each completed registration application.

34 Sec. 5. Minnesota Statutes 2004, section 201.061, is  
35 amended by adding a subdivision to read:

36 Subd. 3a. [DEFINITIONS.] (a) The definitions in this

1 subdivision apply to subdivision 3.

2 (b) "Bank statement" includes a bank statement, investment  
3 account statement, brokerage statement, pension fund statement,  
4 dividend check, or any other notice or letter from a financial  
5 institution relating to an account or investment held by the  
6 voter at the financial institution.

7 (c) "Government check" includes a Social Security  
8 Administration check statement or a check stub or electronic  
9 deposit receipt from a public assistance payment or tax refund  
10 or credit.

11 (d) "Other government document" includes military  
12 identification; a document issued by a governmental entity that  
13 qualifies for use as identification for purposes of acquiring a  
14 driver's license in this state; a Metro Mobility card; a  
15 property tax statement; a public housing lease or rent statement  
16 or agreement, or a rent statement or agreement provided under a  
17 subsidized housing program; a document or statement provided to  
18 a voter as evidence of income or eligibility for a tax deduction  
19 or tax credit; a periodic notice from a federal, state, or local  
20 agency for a public assistance program, such as the Minnesota  
21 family investment program, food stamps, general assistance,  
22 medical assistance, general assistance medical care, Minnesota  
23 Care, unemployment benefits, or social security; an insurance  
24 card for a government administered or subsidized health  
25 insurance program; or a discharge certificate, pardon, or other  
26 official document issued to the voter in connection with the  
27 resolution of a criminal case, indictment, sentence, or other  
28 matter, in accordance with state law.

29 (e) "Paycheck" includes a check stub or electronic deposit  
30 receipt.

31 (f) "Residential facility" means transitional housing as  
32 defined in section 119A.43, subdivision 1; a supervised living  
33 facility licensed by the commissioner of health under section  
34 144.50, subdivision 6; a nursing home as defined in section  
35 144A.01, subdivision 5; a residence registered with the  
36 commissioner of health as a housing with services establishment

1 as defined in section 144D.01, subdivision 4; a veterans home  
2 operated by the board of directors of the Minnesota Veterans  
3 Homes under chapter 198; a residence licensed by the  
4 commissioner of human services to provide a residential program  
5 as defined in section 245A.02, subdivision 14; a residential  
6 facility for persons with a developmental disability licensed by  
7 the commissioner of human services under section 252.28; group  
8 residential housing as defined in section 256I.03, subdivision  
9 3; a shelter for battered women as defined in section 611A.37,  
10 subdivision 4; or a supervised publicly or privately operated  
11 shelter or dwelling designed to provide temporary living  
12 accommodations for the homeless.

13 (g) "Utility bill" includes a bill for gas, electricity,  
14 telephone, wireless telephone, cable television, solid waste,  
15 water, or sewer services."

16 Page 5, lines 9 and 10, strike "of the person where I have  
17 not retained the" and insert "in which the court order revokes  
18 my"

19 Page 6, line 35, strike "written request"

20 Page 6, line 36, before the comma, insert "statement signed  
21 by the voter that withholding the voter's name from the public  
22 information list is required for the safety of the voter or the  
23 voter's family"

24 Page 7, delete section 6 and insert:

25 "Sec. 8. Minnesota Statutes 2004, section 201.15, is  
26 amended to read:

27 201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND  
28 COMMITMENTS.]

29 Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant  
30 to the Help America Vote Act of 2002, Public Law 107-252, the  
31 state court administrator shall report monthly by electronic  
32 means to the secretary of state the name, address, and date of  
33 birth of each individual 18 years of age or over, who during the  
34 month preceding the date of the report:

35 (a) was placed under a guardianship ~~of the person~~ in which  
36 the court order ~~provides that the ward does not retain~~ revokes

1 the ward's right to vote; or

2 (b) was adjudged legally incompetent.

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

13 Subd. 2. [~~RESTORATION-TO-CAPACITY~~ GUARDIANSHIP TERMINATION  
14 OR MODIFICATION.] Pursuant to the Help America Vote Act of 2002,  
15 Public Law 107-252, the state court administrator shall report  
16 monthly by electronic means to the secretary of state the name,  
17 address, and date of birth of each individual ~~transferred from~~  
18 whose guardianship to conservatorship or who is restored to  
19 capacity by the court was modified to restore the ward's right  
20 to vote or whose guardianship was terminated by order of the  
21 court under section 524.5-317 after being ineligible to vote for  
22 any of the reasons specified in subdivision 1. The secretary of  
23 state shall determine if any of the persons in the report is  
24 registered to vote and shall prepare a list of those registrants  
25 for the county auditor. The county auditor shall change the  
26 status on the voter's record in the statewide registration  
27 system to "active."

28 Sec. 9. Minnesota Statutes 2004, section 203B.16, is  
29 amended by adding a subdivision to read:

30 Subd. 5. [DUTIES OF COUNTY AUDITOR.] Each county auditor  
31 shall mail absentee ballot applications to the study-abroad  
32 office of each college or university whose principal  
33 administrative offices are located within the county.

34 Sec. 10. Minnesota Statutes 2004, section 204B.10,  
35 subdivision 6, is amended to read:

36 Subd. 6. [INELIGIBLE VOTER.] Upon receipt of a certified

1 copy of a final judgment or order of a court of competent  
2 jurisdiction that a person who has filed an affidavit of  
3 candidacy or who has been nominated by petition:

4 (1) has been convicted of treason or a felony and the  
5 person's civil rights have not been restored;

6 (2) is under guardianship ~~of-the-person~~ in which the court  
7 order revokes the ward's right to vote; or

8 (3) has been found by a court of law to be legally  
9 incompetent;

10 the filing officer shall notify the person by certified mail at  
11 the address shown on the affidavit or petition, and shall not  
12 certify the person's name to be placed on the ballot. The  
13 actions of a filing officer under this subdivision are subject  
14 to judicial review under section 204B.44.

15 Sec. 11. Minnesota Statutes 2004, section 204B.24, is  
16 amended to read:

17 204B.24 [ELECTION JUDGES; OATH.]

18 Each election judge shall sign the following oath before  
19 assuming the duties of the office:

20 "I ..... solemnly swear that I will perform the duties  
21 of election judge according to law and the best of my ability  
22 and will diligently endeavor to prevent fraud, deceit and abuse  
23 in conducting this election. I will perform my duties in a fair  
24 and impartial manner and not attempt to create an advantage for  
25 my party or for any candidate."

26 The oath shall be attached to the summary statement of the  
27 election returns of that precinct. If there is no individual  
28 present who is authorized to administer oaths, the election  
29 judges may administer the oath to each other.

30 Sec. 12. Minnesota Statutes 2004, section 204B.27,  
31 subdivision 11, is amended to read:

32 Subd. 11. [TRANSLATION OF VOTING ~~INSTRUCTIONS~~ MATERIALS.]

33 The secretary of state ~~may~~ shall develop voter registration  
34 applications, absentee ballot applications, ballots, absentee  
35 ballots, and voting instructions in languages other than  
36 ~~English, to be posted and made available in polling places~~

1 ~~during elections~~. The state demographer shall determine and  
 2 report to the secretary of state the languages that are so  
 3 common in this state that there is a need for translated  
 4 voting instructions materials. The secretary of state shall  
 5 develop the materials for those languages recommended by the  
 6 state demographer. The secretary of state shall publish the  
 7 materials and provide paper copies on request of any voter at no  
 8 charge to the voter. The voting instructions must be posted and  
 9 made available in polling places during elections. The posted  
 10 voting instructions must include a pictorial representation of a  
 11 voter completing the voting process. In those precincts where  
 12 the state demographer has determined it is likely that at least  
 13 five percent of the eligible voters speak one of the languages  
 14 other than English for which translated voting materials have  
 15 been published by the secretary of state, the translated  
 16 materials for that language must be posted or otherwise made  
 17 available in the polling place."

18 Page 9, line 8, after "challenger" insert ", who is not a  
 19 registered voter in this state,"

20 Page 10, line 9, before "You" insert "If you are under a  
 21 guardianship, you have the right to vote, unless the court order  
 22 revokes your right to vote."

23 (10)"

24 Page 10, line 11, strike "(10)" and insert "(11)""

25 Page 10, line 14, strike "(11)" and insert "(12)""

26 Page 10, line 17, strike "(12)" and insert "(13)""

27 Page 10, line 19, strike "(13)" and insert "(14)""

28 Page 10, after line 20, insert:

29 "Sec. 17. Minnesota Statutes 2004, section 204C.10, is  
 30 amended to read:

31 204C.10 [PERMANENT REGISTRATION; VERIFICATION OF  
 32 REGISTRATION.]

33 (a) An individual seeking to vote shall sign a polling  
 34 place roster which states that the individual is at least 18  
 35 years of age, a citizen of the United States, has resided in  
 36 Minnesota for 20 days immediately preceding the election,

1 maintains residence at the address shown, is not under a  
2 guardianship in which the ~~individual-has-not-retained~~ court  
3 order revokes the individual's right to vote, has not been found  
4 by a court of law to be legally incompetent to vote or convicted  
5 of a felony without having civil rights restored, is registered  
6 and has not already voted in the election. The roster must also  
7 state: "I understand that deliberately providing false  
8 information is a felony punishable by not more than five years  
9 imprisonment and a fine of not more than \$10,000, or both."

10 (b) A judge may, before the applicant signs the roster,  
11 confirm the applicant's name, address, and date of birth.

12 (c) After the applicant signs the roster, the judge shall  
13 give the applicant a voter's receipt. The voter shall deliver  
14 the voter's receipt to the judge in charge of ballots as proof  
15 of the voter's right to vote, and thereupon the judge shall hand  
16 to the voter the ballot. The voters' receipts must be  
17 maintained during the time for notice of filing an election  
18 contest."

19 Page 11, after line 7, insert:

20 "Sec. 20. Minnesota Statutes 2004, section 243.05,  
21 subdivision 3, is amended to read:

22 Subd. 3. [DUTY OF COMMISSIONER; FINAL DISCHARGE.] It is  
23 the duty of the commissioner of corrections to keep in  
24 communication, as far as possible, with all persons who are on  
25 parole and with their employers. The commissioner may grant a  
26 person on parole a final discharge from any sentence when:

27 (a) the person on parole has complied with the conditions  
28 of parole for a period of time sufficient to satisfy the  
29 commissioner that the parolee is reliable and trustworthy;

30 (b) the commissioner is satisfied the person on parole will  
31 remain at liberty without violating the law; and

32 (c) final discharge is not incompatible with the welfare of  
33 society.

34 Upon the granting of a final discharge, the commissioner  
35 shall issue a certificate of final discharge to the person  
36 discharged and also cause a record of the acts of the inmate to

1 be made. The record shall show the date of the inmate's  
2 confinement, the inmate's record while in prison, the date of  
3 parole, the inmate's record while on parole, reasons underlying  
4 the decision for final discharge, and other facts which the  
5 commissioner regards as appropriate. Nothing in this section or  
6 section 244.05 shall be construed as impairing the power of the  
7 board of pardons to grant a pardon or commutation in any case.

8 The commissioner shall inform the person finally discharged  
9 that their civil rights have been restored and give them a voter  
10 registration application and a letter to be sent with the voter  
11 registration application informing the county auditor that the  
12 ex-felon's civil rights have been restored.

13 Sec. 21. [244.30] [NOTICE OF RESTORATION OF CIVIL RIGHTS.]

14 Upon final discharge from probation, the court shall inform  
15 the person finally discharged that their civil rights have been  
16 restored and give them a voter registration application and a  
17 letter to be sent with the voter registration application  
18 informing the county auditor that the ex-felon's civil rights  
19 have been restored.

20 Sec. 22. Minnesota Statutes 2004, section 524.5-310, is  
21 amended to read:

22 524.5-310 [FINDINGS; ORDER OF APPOINTMENT.]

23 (a) The court may appoint a limited or unlimited guardian  
24 for a respondent only if it finds by clear and convincing  
25 evidence that:

- 26 (1) the respondent is an incapacitated person; and
- 27 (2) the respondent's identified needs cannot be met by less  
28 restrictive means, including use of appropriate technological  
29 assistance.

30 (b) Alternatively, the court, with appropriate findings,  
31 may treat the petition as one for a protective order under  
32 section 524.5-401, enter any other appropriate order, or dismiss  
33 the proceeding.

34 (c) The court shall grant to a guardian only those powers  
35 necessitated by the ward's limitations and demonstrated needs  
36 and, whenever feasible, make appointive and other orders that

1 will encourage the development of the ward's maximum  
2 self-reliance and independence. Any power not specifically  
3 granted to the guardian, following a written finding by the  
4 court of a demonstrated need for that power, is retained by the  
5 ward.

6 (d) Within 14 days after an appointment, a guardian shall  
7 send or deliver to the ward, and counsel if represented at the  
8 hearing, a copy of the order of appointment accompanied by a  
9 notice which advises the ward of the right to appeal the  
10 guardianship appointment in the time and manner provided by the  
11 Rules of Appellate Procedure.

12 (e) Each year, within 30 days after the anniversary date of  
13 an appointment, a guardian shall send or deliver to the ward a  
14 notice of the right to request termination or modification of  
15 the guardianship and notice of the status of the ward's right to  
16 vote.

17 Sec. 23. [641.45] [VOTING ASSISTANCE TO PRISONERS.]

18 The county sheriff or jailer in each county in consultation  
19 with the county auditor shall determine the number of prisoners  
20 incarcerated in the county jail, workhouse, or other  
21 correctional facility under the control of the county who are  
22 eligible to vote and who desire to vote at a municipal, county,  
23 state, or federal election but will be unable to vote in the  
24 precinct where the prisoner maintains residence because of their  
25 incarceration. The county sheriff or jailer shall obtain from  
26 the appropriate county auditor the corresponding number of  
27 absentee ballot applications and provide them to the prisoners  
28 requesting them.

29 Sec. 24. [642.15] [VOTING ASSISTANCE TO PRISONERS.]

30 The chief of police or marshall in each city in  
31 consultation with the county auditor shall determine the number  
32 of prisoners incarcerated in the city lockup, jail, workhouse,  
33 or other correctional facility under the control of the city who  
34 are eligible to vote and who desire to vote at a municipal,  
35 county, state, or federal election but will be unable to vote in  
36 the precinct where the prisoner maintains residence because of

1 their incarceration. The chief of police or marshall shall  
2 obtain from the appropriate county auditor the corresponding  
3 number of absentee ballot applications and provide them to the  
4 prisoners requesting them."

5 Renumber the sections in sequence

6 Amend the title as follows:

7 Page 1, line 2, after the semicolon, insert "facilitating  
8 registering to vote and voting; facilitating voter registration  
9 by college students; clarifying voting rights of persons under  
10 guardianship;"

11 Page 1, line 7, delete everything after the semicolon

12 Page 1, delete line 8 and insert "requiring polling place  
13 officials to wear identification badges; requiring translation  
14 of voting materials;"

15 Page 1, line 12, after the semicolon, insert "requiring  
16 notice to ex-felons that their civil rights have been restored;  
17 providing voting assistance to prisoners;" and after "sections"  
18 insert "135A.17, subdivision 2; 201.014, subdivision 2;"

19 Page 1, line 14, after the second semicolon, insert  
20 "201.15;"

21 Page 1, line 15, delete "201.155" and insert "203B.16, by  
22 adding a subdivision; 204B.10, subdivision 6; 204B.24; 204B.27,  
23 subdivision 11"

24 Page 1, line 16, after the second semicolon, insert  
25 "204C.10;"

26 Page 1, line 17, before the period, insert "; 243.05,  
27 subdivision 3; 524.5-310; proposing coding for new law in  
28 Minnesota Statutes, chapters 244; 641; 642"

29 And when so amended the bill do pass and be re-referred to  
30 the Committee on Crime Prevention and Public Safety. Amendments  
31 adopted. Report adopted.

32  
33 .....  
34 (Committee Chair)  
35

36 March 21, 2005.....  
37 (Date of Committee recommendation)

**Testimony to the Senate Elections Committee  
Monday, March 21, 2005**

**Pamela Costain, Minnesota State Coordinator  
Election Protection 2004**

Senator Wiger, Members of the Committee:

Thank you very much for the opportunity to present testimony before you today. My name is Pamela Costain. I was the Minnesota Coordinator for the nonpartisan Election Protection 2004 during the most recent electoral cycle.

Twenty three organizations came together to coordinate Election Protection, including the League of Women Voters, the Disability Law Center, the American Civil Liberties Union and more. Our goal was to insure the integrity of the 2004 election in Minnesota and to protect the right to vote to all those who were eligible.

In order to accomplish this mission we conducted the following activities: 1) basic voting rights education with vulnerable constituencies; 2) legal training and advocacy on voting rights with lawyers, law students and ordinary citizens; 3) coordination of a 1-866-OUR VOTE helpline number to assist Minnesota voters with questions and concerns both before and on Election Day; and 4) Election Day poll watching and data gathering. Because we were a nonpartisan effort all of our monitoring was done outside the 100 foot mark at the polls. More than 300 people volunteered in the Election Protection program.

The 1-866-OUR-VOTE number responded to 733 calls. We answered 408 calls in the two weeks before November 2 and 325 calls on Election Day itself. We also had an all-day presence of three people at 26 precincts in the metropolitan area and phone contact with dozens of other precincts throughout the state. As a result of that work on Election Day, we collected 81

formal complaints from voters and forwarded 46 of the most serious to a national database that was registering problems in the election.

Most of the 408 calls that came in before Election Day were from individuals confused about the state's residency requirements, ID requirements generally, the use of tribal IDs specifically or changes in their polling place. Receiving so many calls on these issues helped us to surface some lack of clarity in the existing system. On Election Day itself the overwhelming number of complaints came from individuals who felt they had been unfairly challenged about their right to vote. This included several complaints from the metropolitan area, serious issues in Duluth and on the Red Lake Indian Reservation.

We are pleased to report that when our legal team identified a problem and contacted the appropriate *local* election official, they were treated respectfully and a quick resolution to the problem was pursued. In many cases the local election officials was grateful to have a nonpartisan presence as their eyes and ears at the polls, identifying problems early and bringing them to the attention of local officials.

Unfortunately we did uncover a pattern of over-zealous partisan challengers inside the polls on Election Day. They appeared to be challenging individual voter's right to vote based, not on any specific knowledge, but rather on the way a person looked or the fact that they were speaking a language other than English. We also encountered several instances of inappropriate challenges to people who were rightfully vouching for voters in their precinct.

Members of the committee: For more than thirty years Minnesota has been the envy of the nation with our high voter turn-out, same-day registration and an electoral process free of both voter intimidation and fraud. Unlike other states, Minnesota's tradition has been to expand voting rights, rather than limit them. As former Secretary of State Joan Growe reminded me as

we were doing this work, "Some states view voting as a privilege, but here in Minnesota we have had a different standard. Here we believe voting is a right, and that it is the responsibility of those who administer elections to encourage and help the largest number of people to exercise that right."

In 2004 we led the nation once again in voter turn-out and experienced only one or two isolated incidents of individual voter fraud which the authorities were able to identify and deal with. At the same time there were some troubling signs of a coordinated effort to prevent or discourage many people who were eligible to vote from voting. This undemocratic tendency was troubling to witness and we can only hope it will not continue. I trust that the committee will work to clarify any problems as we move toward the future.

Thank you for the opportunity to address you today.

**Senate Counsel, Research,  
and Fiscal Analysis**

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# Senate

State of Minnesota

## S.F. No. 1319 - Campaign Finance Board Housekeeping

**Author:** Senator Sharon Marko

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

**Date:** March 3, 2005

---

S.F. No. 1319, contains the more substantive 2005 legislative recommendations of the Campaign Finance and Public Disclosure Board. The noncontroversial recommendations of the Board are in S.F. No. 733, authored by Senator Wiger.

**Section 1** requires that a political party unit, political committee, or political fund that has raised or spent more than \$15,000 must file its reports electronically in a format specified by the Board.

**Section 2** limits the filing of preelection reports to candidates whose name is on the ballot, so that a candidate who is defeated in the primary need not file a preelection report before the general election.

**Section 3** changes the dollar thresholds for various candidates to report contributions they received in the 22 days before a primary or 17 days before a general election. The current threshold of \$2,000 for a statewide candidate is reduced to \$1,500 for a candidate for governor or Supreme Court justice, \$750 for a candidate for attorney general or appeals court judge, and \$400 for a candidate for secretary of state or state auditor. The threshold for contributions to a candidate for district judge or state legislator remains at \$400.

**Section 4** requires that a candidate who terminates a committee and within four years registers a new committee for the same office must assume any unpaid liabilities of the previous committee and continuously report the obligations until they are paid or forgiven.

**Section 5** shortens the time for a principal campaign committee to be declared inactive from six years to four after the candidate last ran for or served in elected office.

**Section 6** changes the definition of a first-time candidate to include a candidate who ran for a minor office in the same territory more than ten years before.

S.F. No. 1319  
March 3, 2005  
Page 2

**Section 7** prohibits payment of a public subsidy from the party account to a candidate who has not filed the preprimary report of receipts and expenditures. If the preprimary report is filed but does not show enough contributions to support an affidavit of contributions, the candidate must include when the affidavit is filed a list with the name and address of each individual who made any contribution toward the affidavit amount. The list of contributors is private data on individuals.

**Section 8** prohibits payment of money from the general account to a candidate who has not filed the preprimary report of receipts and expenditures.

**Section 9** requires that the affidavit of contributions be signed, notarized, and filed by the same date that the preprimary report of receipts and expenditures is due (15 days before the primary). It also lowers the amount of contributions needed to qualify for a public subsidy in a special election from \$1,500 to \$500 for a candidate for the House of Representatives and from \$3,000 to \$1,000 for a candidate for the Senate.

PSW:ph

cc: Kelly Wolfe ✓

Senators Marko, Kleis, Wiger, Higgins and Ourada introduced--  
S.F. No. 1319: Referred to the Committee on Elections.

1                                   A bill for an act

2           relating to campaign finance; changing certain  
3           reporting requirements; redefining inactivity;  
4           requiring assumption of certain liabilities; changing  
5           certain limits; changing public subsidy distribution  
6           requirements; amending Minnesota Statutes 2004,  
7           sections 10A.20, subdivisions 2, 5, by adding a  
8           subdivision; 10A.24, subdivision 2; 10A.242,  
9           subdivision 2; 10A.25, subdivision 2; 10A.31,  
10          subdivisions 6, 7; 10A.323.

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

12           Section 1. Minnesota Statutes 2004, section 10A.20, is  
13          amended by adding a subdivision to read:

14           Subd. 1b. [ELECTRONIC FILING.] A political party unit,  
15          political committee, or political fund that has raised or spent  
16          more than \$15,000 must file the periodical reports required by  
17          this section electronically. An electronically filed report  
18          generated by software other than that provided by the board must  
19          have its receipts and expenditure data in a format specified by  
20          the board.

21           Sec. 2. Minnesota Statutes 2004, section 10A.20,  
22          subdivision 2, is amended to read:

23           Subd. 2. [TIME FOR FILING.] (a) The reports must be filed  
24          with the board on or before January 31 of each year and  
25          additional reports must be filed as required and in accordance  
26          with paragraphs (b) and (c).

27           (b) In each year in which the name of the candidate is on  
28          the ballot, the report of the principal campaign committee must

1 be filed 15 days before a primary and ten days before a general  
2 election in which the candidate's name appears on the ballot,  
3 seven days before a special primary and a special election in  
4 which the candidate's name appears on the ballot, and ten days  
5 after a special election cycle.

6 (c) In each general election year, a political committee,  
7 political fund, or party unit must file reports 15 days before a  
8 primary and ten days before a general election.

9 Sec. 3. Minnesota Statutes 2004, section 10A.20,  
10 subdivision 5, is amended to read:

11 Subd. 5. [PREELECTION REPORTS.] ~~In-a-statewide-election~~  
12 Any loan, contribution, or contributions from any one source  
13 totaling ~~\$2,000-or-more~~ \$1,500 or more to a candidate for  
14 governor or supreme court justice, \$750 or more to a candidate  
15 for attorney general or appeals court judge, or \$400 or more for  
16 a candidate for secretary of state, state auditor, or-in-any  
17 ~~judicial~~ district judge, or legislative-election-totalling-more  
18 ~~than-\$400~~ state legislator, received between the last day  
19 covered in the last report before an election and the election  
20 must be reported to the board in one of the following ways:

- 21 (1) in person within 48 hours after its receipt;  
22 (2) by telegram or mailgram within 48 hours after its  
23 receipt; or  
24 (3) by certified mail sent within 48 hours after its  
25 receipt.

26 These loans and contributions must also be reported in the  
27 next required report.

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

31 Sec. 4. Minnesota Statutes 2004, section 10A.24,  
32 subdivision 2, is amended to read:

33 Subd. 2. [TERMINATION ALLOWED.] Notwithstanding  
34 subdivision 1, a committee, fund, or party unit that has debts  
35 incurred more than six years previously, has disposed of all its  
36 assets, and has met the requirements of section 10A.20,

1 subdivision 7, may notify any remaining creditors by certified  
2 mail and then file a termination report.

3 A candidate who terminates a committee and within four  
4 years registers a new committee for the same office must assume  
5 any unpaid liabilities of the previous committee and  
6 continuously report the obligations until they are paid or  
7 forgiven.

8 Sec. 5. Minnesota Statutes 2004, section 10A.242,  
9 subdivision 2, is amended to read:

10 Subd. 2. [INACTIVITY DEFINED.] (a) A principal campaign  
11 committee becomes inactive on the later of the following dates:

12 (1) when ~~six~~ four years have elapsed since the last  
13 election in which the person was a candidate for the office  
14 sought or held at the time the principal campaign committee  
15 registered with the board; or

16 (2) when ~~six~~ four years have elapsed since the last day on  
17 which the individual for whom it exists served in an elective  
18 office subject to this chapter.

19 (b) A political committee or fund becomes inactive when two  
20 years have elapsed since the end of a reporting period during  
21 which the political committee or fund made an expenditure or  
22 disbursement requiring disclosure under this chapter.

23 Sec. 6. Minnesota Statutes 2004, section 10A.25,  
24 subdivision 2, is amended to read:

25 Subd. 2. [AMOUNTS.] (a) In a year in which an election is  
26 held for an office sought by a candidate, the principal campaign  
27 committee of the candidate must not make campaign  
28 expenditures ~~nor~~ or permit approved expenditures to be made on  
29 behalf of the candidate that result in aggregate expenditures in  
30 excess of the following:

31 (1) for governor and lieutenant governor, running together,  
32 \$2,188,090;

33 (2) for attorney general, \$364,690;

34 (3) for secretary of state and state auditor, separately,  
35 \$182,350;

36 (4) for state senator, \$54,740; or

1 (5) for state representative, \$28,400.

2 (b) In addition to the amount in paragraph (a), clause (1),  
3 a candidate for endorsement for the office of lieutenant  
4 governor at the convention of a political party may make  
5 campaign expenditures and approved expenditures of five percent  
6 of that amount to seek endorsement.

7 (c) If a special election cycle occurs during a general  
8 election cycle, expenditures by or on behalf of a candidate in  
9 the special election do not count as expenditures by or on  
10 behalf of the candidate in the general election.

11 (d) The expenditure limits in this subdivision for an  
12 office are increased by ten percent for a candidate who is  
13 running for that office for the first time and who has not,  
14 during the previous ten years, run ~~previously~~ for any other  
15 office whose territory now includes a population that is more  
16 than one-third of the population in the territory of the new  
17 office.

18 Sec. 7. Minnesota Statutes 2004, section 10A.31,  
19 subdivision 6, is amended to read:

20 Subd. 6. [DISTRIBUTION OF PARTY ACCOUNTS.] As soon as the  
21 board has obtained from the secretary of state the results of  
22 the primary election, but no later than one week after  
23 certification by the State Canvassing Board of the results of  
24 the primary, the board must distribute the available money in  
25 each party account, as certified by the commissioner of revenue  
26 on September 1, to the candidates of that party who have signed  
27 a spending limit agreement under section 10A.322, filed the  
28 preprimary report of receipts and expenditures required by  
29 section 10A.20, and filed the affidavit of contributions  
30 required by section 10A.323, who were opposed in either the  
31 primary election or the general election, and whose names are to  
32 appear on the ballot in the general election, according to the  
33 allocations set forth in subdivisions 5 and 5a. The public  
34 subsidy from the party account may not be paid in an amount  
35 greater than the expenditure limit of the candidate or the  
36 expenditure limit that would have applied to the candidate if

1 the candidate had not been freed from expenditure limits under  
 2 section 10A.25, subdivision 10. ~~If a candidate files the~~  
 3 ~~affidavit required by section 10A.323 after September 1 of the~~  
 4 ~~general election year, the board must pay the candidate's~~  
 5 ~~allocation to the candidate at the next regular payment date for~~  
 6 ~~public subsidies for that election cycle that occurs at least 15~~  
 7 ~~days after the candidate files the affidavit.~~ the preprimary  
 8 report does not show enough contributions to support an  
 9 affidavit of contributions, the candidate must include, when the  
 10 affidavit is filed, a list with the name and address of each  
 11 individual who made any contribution toward the affidavit  
 12 amount. The list of contributors is private data on individuals  
 13 as that term is defined in section 13.02.

14 Sec. 8. Minnesota Statutes 2004, section 10A.31,  
 15 subdivision 7, is amended to read:

16 Subd. 7. [DISTRIBUTION OF GENERAL ACCOUNT.] (a) As soon as  
 17 the board has obtained the results of the primary election from  
 18 the secretary of state, but no later than one week after  
 19 certification of the primary results by the State Canvassing  
 20 Board, the board must distribute the available money in the  
 21 general account, as certified by the commissioner of revenue on  
 22 September 1 and according to allocations set forth in  
 23 subdivision 5, in equal amounts to all candidates of a major  
 24 political party whose names are to appear on the ballot in the  
 25 general election and who:

26 (1) have signed a spending limit agreement under section  
 27 10A.322;

28 (2) have filed the preprimary report of receipts and  
 29 expenditures required by section 10A.20;

30 (3) have filed the affidavit of contributions required by  
 31 section 10A.323; and

32 ~~(3)~~ (4) were opposed in either the primary election or the  
 33 general election.

34 (b) The public subsidy under this subdivision may not be  
 35 paid in an amount that would cause the sum of the public subsidy  
 36 paid from the party account plus the public subsidy paid from

1 the general account to exceed 50 percent of the expenditure  
2 limit for the candidate or 50 percent of the expenditure limit  
3 that would have applied to the candidate if the candidate had  
4 not been freed from expenditure limits under section 10A.25,  
5 subdivision 10. Money from the general account not paid to a  
6 candidate because of the 50 percent limit must be distributed  
7 equally among all other qualifying candidates for the same  
8 office until all have reached the 50 percent limit or the  
9 balance in the general account is exhausted.

10 (c) A candidate must expend or become obligated to expend  
11 at least an amount equal to 50 percent of the money distributed  
12 by the board under this subdivision no later than the end of the  
13 final reporting period preceding the general election.  
14 Otherwise, the candidate must repay to the board the difference  
15 between the amount the candidate spent or became obligated to  
16 spend by the deadline and the amount distributed to the  
17 candidate under this subdivision. The candidate must make the  
18 repayment no later than six months following the general  
19 election. The candidate must reimburse the board for all  
20 reasonable costs, including litigation costs, incurred in  
21 collecting any amount due.

22 If the board determines that a candidate has failed to  
23 repay money as required by this paragraph, the board may not  
24 distribute any additional money to the candidate until the  
25 entirety of the repayment has been made.

26 Sec. 9. Minnesota Statutes 2004, section 10A.323, is  
27 amended to read:

28 10A.323 [AFFIDAVIT OF CONTRIBUTIONS.]

29 In addition to the requirements of section 10A.322, to be  
30 eligible to receive a public subsidy under section 10A.31 a  
31 candidate or the candidate's treasurer must file an a signed and  
32 notarized affidavit with the board stating that during that  
33 calendar year the candidate has accumulated contributions from  
34 persons eligible to vote in this state in at least the amount  
35 indicated for the office sought, counting only the first \$50  
36 received from each contributor:

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

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

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

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

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

8 The affidavit must state the total amount of contributions  
9 that have been received from persons eligible to vote in this  
10 state, disregarding the portion of any contribution in excess of  
11 \$50.

12 The candidate or the candidate's treasurer must submit the  
13 affidavit required by this section to the board in writing by  
14 September-1-of the date the preprimary report of receipts and  
15 expenditures is required to be filed under section 10A.20,  
16 subdivision 2, in the general election year.

17 A candidate for a vacancy to be filled at a special  
18 election for which the filing period does not coincide with the  
19 filing period for the general election must submit the affidavit  
20 required by this section to the board within five days after  
21 filing the affidavit of candidacy. For purposes of this  
22 section, a candidate in a special election for the house of  
23 representatives must raise at least \$500 and a candidate in a  
24 special election for the senate must raise at least \$1,000.

1 Senator ..... moves to amend S.F. No. 1319 as follows:

2 Page 4, after line 17, insert:

3 "Sec. 7. Minnesota Statutes 2004, section 10A.27,  
4 subdivision 1, is amended to read:

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

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

13 (2) to a candidate for attorney general, \$1,000 in an  
14 election year for the office sought and ~~\$200~~ \$250 in other  
15 years;

16 (3) to a candidate for the office of secretary of state or  
17 state auditor, \$500 in an election year for the office sought  
18 and ~~\$100~~ \$200 in other years;

19 (4) to a candidate for state senator, \$500 in an election  
20 year for the office sought and ~~\$100~~ \$200 in other years; and

21 (5) to a candidate for state representative, \$500 in an  
22 election year for the office sought and ~~\$100~~ \$200 in the other  
23 year.

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

26 (1) delivery of contributions collected by a member of the  
27 candidate's principal campaign committee, such as a block worker  
28 or a volunteer who hosts a fund-raising event, to the  
29 committee's treasurer; and

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

32 (c) A political committee or political fund must not make a  
33 contribution a candidate is prohibited from accepting."

34 Renumber the sections in sequence and correct the internal  
35 references

36 Amend the title accordingly

# COMMITTEE REPORT - WITH AMENDMENTS

**Committee on** Elections

**S.F. No.** 1319

Resolution

Re-referred (from another committee)

**Amendments:**

**Page 1, line 16, delete "\$15,000" and insert "\$50,000"**

**Page 7, line 14, reinstate the stricthen language and delete the new language**

**Page 7, lines 15 and 16, delete the new language**

**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).

March 21, 2005 (date of committee recommendation)

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

3 S.F. No. 1319: A bill for an act relating to campaign  
4 finance; changing certain reporting requirements; redefining  
5 inactivity; requiring assumption of certain liabilities;  
6 changing certain limits; changing public subsidy distribution  
7 requirements; amending Minnesota Statutes 2004, sections 10A.20,  
8 subdivisions 2, 5, by adding a subdivision; 10A.24, subdivision  
9 2; 10A.242, subdivision 2; 10A.25, subdivision 2; 10A.31,  
10 subdivisions 6, 7; 10A.323.

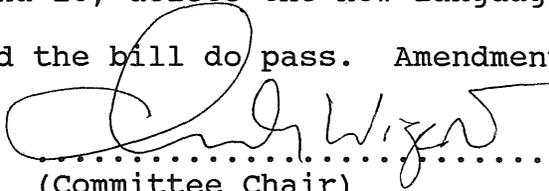
11 Reports the same back with the recommendation that the bill  
12 be amended as follows:

13 Page 1, line 16, delete "\$15,000" and insert "\$50,000"

14 Page 7, line 14, delete the new language and reinstate the  
15 stricken language

16 Page 7, lines 15 and 16, delete the new language

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

  
.....  
(Committee Chair)

March 21, 2005.....  
(Date of Committee recommendation)

19  
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21  
22  
23

**Senate Counsel, Research,  
and Fiscal Analysis**

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**Senate**  
**State of Minnesota**

**S.F. No. 1769 - Independent Expenditures**

**Author:** Senator Linda Scheid

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

**Date:** March 21, 2005

---

S.F. No. 1769 would allow candidates who have signed a spending limit agreement to be released from the agreement but remain eligible to receive a public subsidy when the total of independent expenditures made against them or in favor of their opponents exceeded \$1,000 during an election cycle.

**Section 1** states legislative findings that the current system of financing election campaigns undermines democracy in a number of ways and that a new law is needed to enable campaigns to be conducted without special interest money.

**Section 2** makes changes to the subdivision requiring notice of independent expenditures that was struck down by a federal court in 1994 in the case of *Day vs. Holahan*, 34 F.3d 1356 (8th Cir. 1994). It increases the threshold for reporting independent expenditures in statewide races from \$100 to \$500. It adds a requirement that, in addition to stating the amount of the expenditure, the notice must include an affidavit identifying the candidate in support of or opposition to whom the expenditure is made and affirming that the expenditure was independent and involved no cooperation or coordination with a candidate or political party.

**Section 3** releases a candidate from a spending limit agreement when the sum of independent expenditures made in opposition to the candidate plus those made in support of the candidate's major party opponents exceeds \$1,000 in an election cycle.

**Section 4** makes the bill effective the day following final enactment but postpones the requirement for notice of independent expenditures until August 1, 2005, so that political committees and political funds will have some time to prepare to give notice each time they make an independent expenditure.

PSW:ph

cc: Kelly Wolfe

Senators Scheid, Marty, Higgins, Wiger and Marko introduced--  
S.F. No. 1769: Referred to the Committee on Elections.

1 A bill for an act.

2 relating to elections; requiring notice of certain  
3 independent expenditures; releasing candidates  
4 attacked by certain independent expenditures from  
5 spending limit agreement; amending Minnesota Statutes  
6 2004, sections 10A.20, subdivision 6b; 10A.25, by  
7 adding a subdivision.

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

9 Section 1. [LEGISLATIVE FINDINGS; PURPOSE.]

10 Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature  
11 finds that while this state has a system of partial public  
12 financing of campaigns, our current system still encourages  
13 large amounts of private money to be used to finance campaigns.  
14 This private money undermines democracy in the following ways:

15 (a) It stifles the First Amendment, which was designed "to  
16 secure the widest possible dissemination of information from  
17 diverse and antagonistic sources," and "to assure the unfettered  
18 interchange of ideas for the bringing about of political and  
19 social changes desired by the people." Instead, heavy funding  
20 of certain candidates and interests discourages other candidates  
21 from running and prevents many perspectives from receiving any  
22 dissemination whatsoever. In addition, after a certain point,  
23 more spending does not create more speech but has the opposite  
24 impact, overwhelming the public and causing them to tune out  
25 speech from any candidate.

26 (b) It undermines the First Amendment right of voters to

1 hear speech from all candidates and all perspectives and  
2 undermines the core First Amendment value of open and robust  
3 debate in the political process.

4 (c) It inhibits communication with the electorate by  
5 candidates without access to large sums of campaign money.

6 (d) It burdens elected officials and candidates with  
7 endless hours of fundraising, thus decreasing the time available  
8 to carry out their public responsibilities.

9 (e) It discourages people from participating in the  
10 political process. A 1998 poll conducted by St. Cloud State  
11 University found that, because of their belief that contributors  
12 have more influence than noncontributors do, one-third of  
13 respondents are "less likely to vote or participate in politics."  
14 Over half of those who said that they did not vote in the 1996  
15 election said they were less likely to vote or participate  
16 because of this belief.

17 (f) It violates the rights of citizens to equal and  
18 meaningful participation in the democratic process.

19 (g) It creates a public perception of corruption and  
20 undermines public confidence in the democratic process and  
21 democratic institutions. This perception is held by almost nine  
22 out of ten Minnesotans. The 1998 St. Cloud State University  
23 poll showed that 88 percent of all Minnesotans believe elected  
24 officials are more responsive to contributors than to voters who  
25 do not contribute.

26 (h) It not only creates a perception of corruption, but  
27 actually encourages elected officials to take money from private  
28 interests that are directly affected by governmental actions.

29 (i) It diminishes the perceived, and perhaps the real,  
30 accountability of elected officials to their constituents by  
31 giving them incentives to be accountable to major campaign  
32 contributors instead.

33 (j) It undermines the integrity of the election process by  
34 making it difficult for qualified candidates without access to  
35 large contributors or personal fortunes to mount competitive  
36 campaigns and discourages them from running.

1 (k) It undermines the integrity of the election process by  
2 placing challengers at a disadvantage, because large campaign  
3 contributors tend to give their money to incumbents, thus  
4 causing elections to be less competitive.

5 (l) It costs taxpayers millions of dollars for the  
6 legislative and regulatory decisions made by elected officials  
7 on behalf of major campaign contributors.

8 The legislature finds each of these defects on its own has  
9 a corrosive impact on our democracy either by corrupting the  
10 political process or by creating the appearance of corruption.  
11 Accordingly, the state has a compelling interest in addressing  
12 them through this act.

13 Subd. 2. [PURPOSE.] This act is intended to restore the  
14 First Amendment rights of nonwealthy candidates by enabling them  
15 to disseminate their views without being drowned out by heavily  
16 funded independent expenditures that they cannot respond to for  
17 lack of money.

18 This act is designed to create benefits for participating  
19 candidates to compensate for the restrictions applied to them  
20 and to further the compelling state interest of encouraging  
21 participation in this system of financing campaigns without  
22 special interest money.

23 Sec. 2. Minnesota Statutes 2004, section 10A.20,  
24 subdivision 6b, is amended to read:

25 Subd. 6b. [INDEPENDENT EXPENDITURES; NOTICE.] (a) Within  
26 24 hours after an individual, political committee, or political  
27 fund, principal campaign committee, or party unit makes or  
28 becomes obligated by oral or written agreement to make an  
29 independent expenditure in excess of \$100 in a legislative  
30 district election or \$500 in a statewide election, other than an  
31 expenditure by an association targeted to inform solely its own  
32 dues-paying members of the association's position on a  
33 candidate, the individual, political committee, or political  
34 fund, principal campaign committee, or party unit must file with  
35 the board an-affidavit-notifying-the-board a notice of the  
36 intent to make the independent expenditure and serve provide a

1 copy of the affidavit-on notice to each candidate in the  
2 affected race and on to the treasurer of the candidate's  
3 principal campaign committee. The affidavit notice must contain  
4 the information with respect to the expenditure that is required  
5 to be reported under subdivision 3, paragraph (g); except that  
6 if an expenditure is reported before it is made, the notice must  
7 include a reasonable estimate of the anticipated amount. The  
8 notice must include an affidavit, under penalty of perjury,  
9 signed and sworn to by the individual or by the treasurer of the  
10 committee, fund, or party unit identifying the candidate in  
11 support of or opposition to whom the expenditure is made and  
12 affirming that the expenditure was independent and involved no  
13 cooperation or coordination with a candidate or a political  
14 party. Each new expenditure requires a new notice.

15 (b) An individual or association may file a complaint with  
16 the board that a required notice was not filed or that a notice  
17 filed under this subdivision is false. The board must determine  
18 the complaint promptly. If the board determines that a notice  
19 was false and the board has distributed a public subsidy to a  
20 candidate based on the false notice, the candidate must return  
21 the subsidy to the board.

22 (c) An individual or the treasurer of a political committee  
23 or, political fund, principal campaign committee, or party unit  
24 who fails to give notice as required by this subdivision, or who  
25 files a false affidavit-of notice, is guilty of a gross  
26 misdemeanor and is subject to a civil fine of up to four times  
27 the amount of the independent expenditure stated in the notice  
28 or of which notice was required, whichever is greater.

29 Sec. 3. Minnesota Statutes 2004, section 10A.25, is  
30 amended by adding a subdivision to read:

31 Subd. 14. [EFFECT OF INDEPENDENT EXPENDITURES.] When a  
32 candidate has agreed to be bound by the expenditure limits  
33 imposed by this section as a condition of receiving a public  
34 subsidy for the candidate's campaign, and the sum of independent  
35 expenditures made in opposition to the candidate plus  
36 independent expenditures made in support of the candidate's

1 major political party opponents, as reported to the board under  
2 section 10A.20, subdivisions 2, 6, and 6b, exceeds \$1,000 during  
3 an election cycle, the board shall notify the candidate that the  
4 candidate is released from the expenditure limits but remains  
5 eligible to receive a public subsidy.

6       Sec. 4. [EFFECTIVE DATE.]

7       This act is effective the day following final enactment.  
8 Section 2 applies to expenditures made on or after August 1,  
9 2005. Section 3 applies to the sum of independent expenditures  
10 made on or after its effective date.

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**Senate**  

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**State of Minnesota**

**S.F. No. 387 - Clean Campaign Council**

**Author:** Senator John Marty

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

**Date:** March 21, 2005

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**S.F. No. 387** establishes a voluntary clean campaign council, a clean campaign pledge, and a clean campaign advertising code. It clarifies the definitions of “campaign expenditure” and “independent expenditure.” Finally, it clarifies the requirements for disclaimers on campaign material.

**Section 1** creates a new definition of “campaign expenditure” designed to bring more political advertisements within the definition of an “independent expenditure.” The definition is similar to one in section 201 of Public Law 107-155, the Bipartisan Campaign Reform Act of 2002. In addition to the “magic words” that the U.S. Supreme Court has previously held to constitute “express advocacy,” the definition would add “words that in context can have no reasonable meaning other than to advocate the election or defeat of one or more clearly identified candidates” or similar content that, in context, is clearly expressing support for or opposition to a candidate.

**Section 2** amends the definition of “independent expenditure” to strike the sentence found unconstitutional in *Republican Party of Minnesota vs. Pauly*, 63 F. Supp. 2d 1008 (D. Minn. 1999) and to create a rebuttable presumption that various subtle methods of coordinating spending are not “independent.”

**Section 3** requires the name of a principal campaign committee to include the surname of the candidate and requires the name of a political party unit to include the full name of the political party.

**Section 4** delays termination of a committee or fund that has made independent expenditures until the end of the election cycle during which the expenditures were made.

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**Section 5** provides for the creation of a clean campaign council, a clean campaign advertising code, and a clean campaign pledge.

**Subdivision 1** describes the adverse impact of negative attacks on political campaigns.

**Subdivision 2** says that the purpose of the section is to foster the creation of a clean campaign council.

**Subdivision 3** directs the Campaign Finance and Public Disclosure Board to convene a task force to create a clean campaign council.

**Subdivision 4** sets forth some of the elements of a clean campaign code.

**Subdivision 5** provides for enforcement of the code by means of a clean campaign advertising logo to be placed on advertising approved by the council and statements to be made by the council identifying advertisements that violate the code.

**Subdivision 6** sets forth some of the elements of a clean campaign pledge.

**Section 6** requires that the committee name used in a disclaimer on campaign material be the full name as registered with the Campaign Finance and Public Disclosure Board.

PSW:ph

cc: Kelly Wolfe

Senator Marty introduced--

S.F. No. 387: Referred to the Committee on Elections.

1 A bill for an act

2 relating to elections; establishing a voluntary clean  
3 campaign council, a clean campaign pledge, and a clean  
4 campaign advertising code; clarifying definitions of  
5 campaign expenditures and independent expenditures;  
6 clarifying requirements for disclaimers on campaign  
7 material; amending Minnesota Statutes 2004, sections  
8 10A.01, subdivisions 9, 18; 10A.14, subdivision 2;  
9 10A.24, by adding a subdivision; 211B.04; proposing  
10 coding for new law in Minnesota Statutes, chapter 10A.

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

12 Section 1. Minnesota Statutes 2004, section 10A.01,  
13 subdivision 9, is amended to read:

14 Subd. 9. [CAMPAIGN EXPENDITURE.] (a) "Campaign  
15 expenditure" or "expenditure" means a purchase or payment of  
16 money or anything of value, or an advance of credit, made or  
17 incurred for the purpose of influencing the nomination or  
18 election of a candidate or for the purpose of promoting or  
19 defeating a ballot question.

20 (b) "Expenditure" includes a cost incurred to design,  
21 produce, or disseminate a communication if the communication  
22 contains words such as "vote for," "reelect," "(name of  
23 candidate) for (office)," "vote against," "defeat," or another  
24 phrase or campaign slogan that in context can have no reasonable  
25 meaning other than to advocate support for or opposition to the  
26 nomination or election of one or more clearly identified  
27 candidates.

28 (c) "Expenditure" is presumed to include a cost incurred to

1 design, produce, or disseminate a communication if the  
2 communication names or depicts one or more clearly identified  
3 candidates; is disseminated during the 45 days before a primary  
4 election, during the 60 days before a general election, or  
5 during a special election cycle until election day; and the cost  
6 exceeds the following amounts for a communication naming or  
7 depicting a candidate for the following offices:

8 (1) \$500 for a candidate for governor, lieutenant governor,  
9 attorney general, secretary of state, or state auditor; or

10 (2) \$100 for a candidate for state senator or  
11 representative.

12 An individual or association presumed under this paragraph  
13 to have made an expenditure may rebut the presumption by an  
14 affidavit signed by the spender and filed with the board stating  
15 that the cost was not incurred with intent to influence the  
16 nomination, election, or defeat of any candidate, supported by  
17 any additional evidence the spender chooses to submit. The  
18 board may consider any additional evidence it deems relevant and  
19 material and must determine by a preponderance of the evidence  
20 whether the cost was incurred with intent to influence the  
21 nomination, election, or defeat of a candidate.

22 (d) An expenditure is considered to be made in the year in  
23 which the candidate made the purchase of goods or services or  
24 incurred an obligation to pay for goods or services.

25 (e) An expenditure made for the purpose of defeating a  
26 candidate is considered made for the purpose of influencing the  
27 nomination or election of that candidate or any opponent of that  
28 candidate.

29 (f) Except as provided in clause (1), "expenditure"  
30 includes the dollar value of a donation in kind.

31 (g) "Expenditure" does not include:

32 (1) noncampaign disbursements as defined in subdivision 26;

33 (2) services provided without compensation by an individual  
34 volunteering personal time on behalf of a candidate, ballot  
35 question, political committee, political fund, principal  
36 campaign committee, or party unit; or

1 (3) the publishing or broadcasting of news items or  
2 editorial comments by the news media, if the news medium is not  
3 owned by or affiliated with any candidate or principal campaign  
4 committee; or

5 (4) a cost incurred by an association for a communication  
6 targeted to inform solely its own dues-paying members of the  
7 association's position on a candidate.

8 Sec. 2. Minnesota Statutes 2004, section 10A.01,  
9 subdivision 18, is amended to read:

10 Subd. 18. [INDEPENDENT EXPENDITURE.] (a) "Independent  
11 expenditure" means an expenditure ~~expressly-advocating-the~~  
12 ~~election-or-defeat-of-a-clearly-identified-candidate,-if-the~~  
13 expenditure that is made without the express or implied consent,  
14 authorization, or cooperation of, and not in concert with or at  
15 the request or suggestion of, any candidate or any candidate's  
16 principal campaign committee or agent. An independent  
17 expenditure is not a contribution to that candidate. An  
18 ~~expenditure-by-a-political-party-or-political-party-unit-in-a~~  
19 ~~race-where-the-political-party-has-a-candidate-on-the-ballot-is~~  
20 ~~not-an-independent-expenditure.~~

21 (b) An expenditure is presumed to be not independent if,  
22 for example:

23 (1) in the same election cycle in which the expenditure  
24 occurs, the spender or the spender's agent retains the  
25 professional services of an individual or entity that, in a  
26 nonministerial capacity, provides or has provided  
27 campaign-related service, including polling or other campaign  
28 research, media consulting or production, direct mail, or  
29 fund-raising, to a candidate supported by the spender for  
30 nomination or election to the same office as any candidate whose  
31 nomination or election the expenditure is intended to influence  
32 or to a political party working in coordination with the  
33 supported candidate;

34 (2) the expenditure pays for a communication that  
35 disseminates, in whole or in substantial part, a broadcast or  
36 written, graphic, or other form of campaign material designed,

1 produced, or distributed by the candidate or the candidate's  
2 principal campaign committee or their agents;

3 (3) the expenditure is based on information about the  
4 candidate's electoral campaign plans, projects, or needs that is  
5 provided by the candidate or the candidate's principal campaign  
6 committee or their agents directly or indirectly to the spender  
7 or the spender's agent, with an express or tacit understanding  
8 that the spender is considering making the expenditure;

9 (4) before the election, the spender or the spender's agent  
10 informs a candidate or the principal campaign committee or agent  
11 of a candidate for the same office as a candidate clearly  
12 identified in a communication paid for by the expenditure about  
13 the communication's contents; timing, location, mode, or  
14 frequency of dissemination; or intended audience; or

15 (5) in the same election cycle in which the expenditure  
16 occurs, the spender or the spender's agent is serving or has  
17 served in an executive, policy-making, fund-raising, or advisory  
18 position with the candidate's campaign or has participated in  
19 strategic or policy-making discussions with the candidate's  
20 campaign relating to the candidate's pursuit of nomination or  
21 election to office and the candidate is pursuing the same office  
22 as a candidate whose nomination or election the expenditure is  
23 intended to influence.

24 An individual or association presumed under this paragraph  
25 to have made an expenditure that was not independent may rebut  
26 the presumption by an affidavit signed by the spender and filed  
27 with the board stating that the expenditure was made without the  
28 express or implied consent, authorization, or cooperation of,  
29 and not in concert with or at the request or suggestion of, any  
30 candidate or any candidate's principal campaign committee or  
31 agent, supported by any additional evidence the spender chooses  
32 to submit. The board may consider any additional evidence it  
33 deems relevant and material and must determine by a  
34 preponderance of the evidence whether the expenditure was  
35 independent.

36 (c) An expenditure by anyone other than a principal

1 campaign committee that does not qualify as an independent  
2 expenditure under this subdivision is deemed to be an approved  
3 expenditure under subdivision 4.

4 Sec. 3. Minnesota Statutes 2004, section 10A.14,  
5 subdivision 2, is amended to read:

6 Subd. 2. [FORM.] The statement of organization must  
7 include:

8 (1) the name and address of the committee, fund, or party  
9 unit;

10 (2) the name and address of the chair of a political  
11 committee, principal campaign committee, or party unit;

12 (3) the name and address of any supporting association of a  
13 political fund;

14 (4) the name and address of the treasurer and any deputy  
15 treasurers;

16 (5) a listing of all depositories or safety deposit boxes  
17 used; and

18 (6) for the state committee of a political party only, a  
19 list of its party units.

20 For purposes of clause (1), the name of a principal campaign  
21 committee must include the surname of the candidate and the name  
22 of a political party unit must include the full name of the  
23 political party.

24 Sec. 4. Minnesota Statutes 2004, section 10A.24, is  
25 amended by adding a subdivision to read:

26 Subd. 3. [TERMINATION DELAYED.] A political committee,  
27 political fund, principal campaign committee, or party unit that  
28 has made independent expenditures during an election cycle may  
29 not terminate until the end of the election cycle.

30 Sec. 5. [10A.38] [CLEAN CAMPAIGN COUNCIL.]

31 Subdivision 1. [FINDINGS.] (a) The legislature finds that  
32 the political campaign process is being overwhelmed with  
33 intensive campaign advertising attacks by candidates, political  
34 parties, and outside interest groups, in which opponents are  
35 attacked with misleading or even false information. The  
36 democratic process needs an open, vigorous debate on issues and

1 between candidates, and criticism of candidates is necessary and  
2 desirable as part of that vigorous debate. However, much of the  
3 current negative advertising does not contribute to the  
4 democratic process. These negative attacks stifle the First  
5 Amendment, which was designed to secure "the widest possible  
6 dissemination of information from diverse and antagonistic  
7 sources," and "to assure unfettered interchange of ideas for the  
8 bringing about of political and social changes desired by the  
9 people." These negative attack ads undermine democracy and the  
10 First Amendment in the ways set out in this subdivision.

11 (b) Many of the attack ads provide intentionally misleading  
12 and even false information to voters. Flooding the public with  
13 distorted and inaccurate information from candidates and other  
14 political organizations does not foster a vigorous debate, but  
15 drowns out the ability of candidates, citizens, and other groups  
16 to present accurate information on issues, visions, and  
17 priorities.

18 (c) Many negative attacks are designed to prevent rebuttal,  
19 coming too late for even the best-organized campaigns to have a  
20 chance to respond. Others are designed to prevent rebuttal by  
21 carefully targeted telephone calls or mailings so the candidate  
22 being attacked is never even aware of the attack.

23 (d) Many negative attacks undermine public confidence in  
24 the democratic process and political candidates, leaving many  
25 citizens so disgusted that they do not bother to vote.

26 Developing a statutory means of blocking the unfair,  
27 negative attacks that are undermining the political process  
28 while strengthening the robust debate that is required in a  
29 democracy is difficult at best. However, a voluntary means of  
30 discouraging the unfair, negative attacks is desirable and  
31 necessary for a healthy democracy. Although a voluntary means  
32 would not contain legal sanctions for violators, it could be  
33 successful by creating social sanctions if the media and the  
34 public speak out against dirty ads and campaign tactics.

35 Subd. 2. [PURPOSE.] This section is designed to foster the  
36 formation of a nonpartisan, nonprofit council that would create

1 a voluntary code to discourage unfair, negative attacks while  
2 encouraging a robust debate on issues and candidates.

3 Subd. 3. [TASK FORCE.] The campaign finance and public  
4 disclosure board must convene a task force whose goal is to  
5 establish a clean campaign council modeled on the Minnesota news  
6 council. The task force may include representatives from the  
7 media, nonprofit political "watchdog" groups, former candidates,  
8 and members of the public. The council may request  
9 contributions from nonstate sources, such as foundations, the  
10 media, and individuals.

11 Subd. 4. [CLEAN CAMPAIGN ADVERTISING CODE.] (a) The  
12 council may establish a clean campaign advertising code designed  
13 to foster fair and clean campaigns by establishing voluntary  
14 restrictions on campaign communications to prevent smear  
15 tactics. In addition to any other provisions of the code  
16 developed by the council, the code may include the requirements  
17 set out in this subdivision.

18 (b) A campaign communication paid for or approved by the  
19 principal campaign committee of a candidate that is in the form  
20 of a paid advertisement, billboard, mass mailing, leaflet, or  
21 flyer that criticizes an opponent of a candidate must be limited  
22 to statements by the candidate, not by a supporter of or  
23 surrogate for the candidate.

24 (c) A campaign communication criticizing an opponent of a  
25 candidate may not contain a photo or audio or video recording of  
26 the opponent that has been distorted, retouched, or morphed in  
27 any way. A recording must be played in real time.

28 (d) A campaign communication that criticizes an opponent of  
29 a candidate may not be published in the last three weeks before  
30 the primary or general election in a legislative race or in the  
31 last ten days before the primary or general election in a  
32 statewide race, except to respond to criticism of the candidate  
33 by an opponent, or a new position taken by an opponent, during  
34 that time.

35 Subd. 5. [ENFORCEMENT OF CODE.] (a) A person may submit a  
36 campaign communication to the council to determine whether it

1 complies with the clean campaign advertising code. During the  
2 nine months preceding the general election, the determination  
3 should be made within 72 hours after the council receives the  
4 submission. During the last three weeks before the primary or  
5 general election, the determination should be made within 24  
6 hours after the council receives the submission. The council  
7 may delegate the determination to the staff of the council.

8 (b) If the communication is submitted before it is  
9 published, the council may grant the publisher permission to  
10 display with the communication a clean campaign advertising logo  
11 approved by the council. If the communication is submitted  
12 after it has been published and the council determines that it  
13 violates the code, the council should notify the person  
14 submitting it, the media, and all candidates in the race that it  
15 violates the code and the nature of the violation.

16 Subd. 6. [CLEAN CAMPAIGN PLEDGE.] (a) The council may  
17 create a clean campaign pledge. In addition to any other  
18 provisions of the pledge developed by the council, a candidate  
19 who signs the pledge agrees to:

20 (1) abide by the clean campaign advertising code;

21 (2) publicly repudiate and urge voters to ignore any  
22 campaign communication in support of the candidate, or in  
23 opposition to an opponent of the candidate, that violates the  
24 clean campaign advertising code or that would violate the code  
25 if made by the principal campaign committee of the candidate;

26 (3) not criticize an opponent in a campaign communication  
27 that is deceptive, misleading, or taken out of context;

28 (4) not disseminate any campaign communication that appeals  
29 to hatred of or discrimination against persons in classes  
30 protected by the Minnesota Human Rights Act;

31 (5) take full responsibility for campaign communications  
32 designed, produced, or disseminated by the candidate's principal  
33 campaign committee;

34 (6) not use push-polling or any other organized telephone  
35 calling that criticizes an opponent of the candidate;

36 (7) publicly repudiate and urge voters to ignore any

1 push-polling or any other organized telephone calling that  
2 criticizes an opponent of the candidate; and

3 (8) participate in at least two debates, if a candidate for  
4 legislative office, or at least eight debates, if a candidate  
5 for statewide office.

6 (b) The council may notify the media of the candidates who  
7 have signed the clean campaign pledge.

8 (c) The council may consider a complaint that a candidate  
9 has violated the clean campaign pledge and issue an opinion on  
10 the complaint.

11 Sec. 6. Minnesota Statutes 2004, section 211B.04, is  
12 amended to read:

13 211B.04 [CAMPAIGN LITERATURE MUST INCLUDE DISCLAIMER.]

14 (a) A person who participates in the preparation or  
15 dissemination of campaign material other than as provided in  
16 section 211B.05, subdivision 1, that does not prominently  
17 include the name and address of the person or committee causing  
18 the material to be prepared or disseminated in a disclaimer  
19 substantially in the form provided in paragraph (b) or (c) is  
20 guilty of a misdemeanor.

21 (b) Except in cases covered by paragraph (c), the required  
22 form of disclaimer is: "Prepared and paid for by the .....  
23 committee, .....(address)" for material prepared and paid  
24 for by a principal campaign committee, or "Prepared and paid for  
25 by the ..... committee, .....(address), in support of  
26 .....(insert name of candidate or ballot question)" for  
27 material prepared and paid for by a person or committee other  
28 than a principal campaign committee. The committee name given  
29 in the disclaimer for a committee that is registered with the  
30 Campaign Finance and Public Disclosure Board must be its full  
31 name as registered with the board.

32 (c) In the case of broadcast media, the required form of  
33 disclaimer is: "Paid for by the ..... committee."

34 (d) Campaign material that is not circulated on behalf of a  
35 particular candidate or ballot question must also include in the  
36 disclaimer either that it is "in opposition to .....(insert name

1 of candidate or ballot question.....)"; or that "this  
2 publication is not circulated on behalf of any candidate or  
3 ballot question."

4 (e) This section does not apply to objects stating only the  
5 candidate's name and the office sought, fund-raising tickets, or  
6 personal letters that are clearly being sent by the candidate.

7 (f) This section does not apply to an individual or  
8 association who acts independently of any candidate, candidate's  
9 committee, political committee, or political fund and spends  
10 only from the individual's or association's own resources a sum  
11 that is less than \$500 in the aggregate to produce or distribute  
12 campaign material that is distributed at least seven days before  
13 the election to which the campaign material relates.

14 (g) This section does not modify or repeal section 211B.06.

# Senate Elections Committee

Thank you for your participation!

Please sign in!

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Beth Fondell	Am-Hennepin Council	4301 Hwy 7 St. Louis Park, MN 55431	952-915- 3607	1551
Beth Fraser	MARA	1821 University Ave #5307 St. Paul MN 55104	651-641-4000	1551
Jeanne Olin	CF Board	190 COB	6-1721	1319
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David Schultz	Hammill v	ST PAUL MN	523 2858	1769

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